

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

2 June 2021

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey

Government House,

Brisbane,

2 June 20 21



Queensland

No. *12* of 20*21*

A BILL for

An Act to enable the performance of registry and other functions by a declared entity, to amend this Act, the Acts Interpretation Act 1954, the Building Units and Group Titles Act 1980, the City of Brisbane Regulation 2012, the Financial Accountability Act 2009, the Foreign Ownership of Land Register Act 1988, the Forestry Act 1959, the Land Act 1994, the Land Title Act 1994, the Local Government Regulation 2012, the Medicines and Poisons Act 2019, the National Injury Insurance Scheme (Queensland) Act 2016, the Police Service Administration Act 1990, the Property Law Act 1974, the Queensland Competition Authority Act 1997, the Queensland Industry Participation Policy Act 2011, the South Bank Corporation Act 1989, the Statutory Instruments Act 1992, the Water Act 2000 and the legislation mentioned in schedules 3, 4, 5 and 6 for particular purposes, and to repeal the Building Queensland Act 2015, the Foreign Ownership of Land Register Regulation 2013, the Land Title Regulation 2015, the Public Safety Business Agency Act 2014 and the Queensland Productivity Commission Act 2015



Queensland

Debt Reduction and Savings Bill 2021

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A Bill

for

An Act to enable the performance of registry and other functions by a declared entity, to amend this Act, the *Acts Interpretation Act 1954*, the *Building Units and Group Titles Act 1980*, the *City of Brisbane Regulation 2012*, the *Financial Accountability Act 2009*, the *Foreign Ownership of Land Register Act 1988*, the *Forestry Act 1959*, the *Land Act 1994*, the *Land Title Act 1994*, the *Local Government Regulation 2012*, the *Medicines and Poisons Act 2019*, the *National Injury Insurance Scheme (Queensland) Act 2016*, the *Police Service Administration Act 1990*, the *Property Law Act 1974*, the *Queensland Competition Authority Act 1997*, the *Queensland Industry Participation Policy Act 2011*, the *South Bank Corporation Act 1989*, the *Statutory Instruments Act 1992*, the *Water Act 2000* and the legislation mentioned in schedules 3, 4, 5 and 6 for particular purposes, and to repeal the *Building Queensland Act 2015*, the *Foreign Ownership of Land Register Regulation 2013*, the *Land Title Regulation 2015*, the *Public Safety Business Agency Act 2014* and the *Queensland Productivity Commission Act 2015*

The Parliament of Queensland enacts—

Chapter 1 Queensland Future Fund (Titles Registry)

Part 1 Preliminary

Division 1 Introduction

1 Short title

This Act may be cited as the *Debt Reduction and Savings Act 2021*.

2 Commencement

- (1) The following provisions commence on assent—
 - (a) chapter 1, parts 1 and 4;
 - (b) chapter 1, part 18, division 1, heading;
 - (c) sections 141 and 143;
 - (d) chapter 2, parts 2, 3, 5 and 6;
 - (e) chapter 3;
 - (f) schedules 2, 4 and 6.
- (2) Chapter 2, part 4 and schedule 5 commence on 1 July 2021.
- (3) Sections 144 to 147 commence on 1 July 2021, immediately after the commencement of chapter 2, part 4.
- (4) Chapter 2, part 1 commences on 1 January 2022.

- (5) The remaining provisions commence on a day to be fixed by proclamation.

3 Main purpose of this Act and how it is to be achieved

- (1) The main purpose of this Act is to support the State's contribution to the Queensland Future (Debt Retirement) Fund established under the *Queensland Future Fund Act 2020*.
- (2) The main purpose is to be primarily achieved by—
- (a) declaring an entity in which the State has a financial interest to be the entity to whom functions relating to the land registry or water allocations register may be delegated under an Act; and
 - (b) providing for the transfer of assets, liabilities, rights, responsibilities, obligations, operations and employees to the entity; and
 - (c) providing for the entity to collect and keep fees and other amounts relating to the land registry or water allocations register.
- (3) Other purposes of this Act are—
- (a) to ensure the entity mentioned in subsection (2)(a) properly performs the functions delegated to the entity under an Act; and
 - (b) to ensure the accuracy, availability, integrity and security of each register in the land registry and the water allocations register are not compromised by the delegation of functions to the entity mentioned in subsection (2)(a) under an Act.

Division 2 Interpretation

4 Definitions

- (1) The dictionary in schedule 2 defines particular words used in this Act.
- (2) A reference in schedule 2 to a part designated by a number is a reference to the part designated by that number of this chapter.

5 Meaning of *titles registry function*

A *titles registry function* is any of the following functions—

- (a) the functions of the registrar of titles under a titles registry Act that may be delegated to the operator under a titles registry Act;
- (b) the functions of the registrar of water allocations under the *Water Act 2000* that may be delegated to the operator under that Act.

6 References to functions

In this Act—

- (a) a reference to a function includes a power; and
- (b) a reference to performing a function includes exercising a power.

Part 2 Operator

7 Declaration of operator

Queensland Titles Registry Pty Ltd ACN 648 568 101 is declared to be the operator for this Act.

8 Functions

- (1) The operator has the following functions—
 - (a) to perform titles registry functions delegated to the operator, or other functions given to the operator, under a titles registry Act;
 - (b) to decide, collect and keep titles registry amounts;
 - (c) to act as the agent for the State or an official under an arrangement under section 46;
 - (d) to identify and pursue commercial arrangements that are not inconsistent with a function mentioned in paragraph (a), (b) or (c).
- (2) The operator may perform another function, or carry out an activity, only if the function or activity is not inconsistent with a function mentioned in subsection (1).

9 Operator's constitution

- (1) The operator's constitution under the Corporations Act must include the functions of the operator mentioned in section 8(1).
- (2) The operator must ensure its constitution under the Corporations Act is not inconsistent with a function of the operator mentioned in section 8(1).

10 Register of subdelegations by operator

- (1) The operator must keep a register of subdelegations by the operator of a titles registry function delegated to the operator under a titles registry Act.
- (2) The register of subdelegations must include the following information for each subdelegation—
 - (a) the name of the person, or the title of the office of the person, to whom the titles registry function is subdelegated;

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- (b) a description of the titles registry function subdelegated and any conditions to which the subdelegation is subject.
- (3) The operator may—
 - (a) include any other information in the register of subdelegations the operator considers appropriate; and
 - (b) keep the register in the form the operator considers appropriate.
- (4) The operator must make the register of subdelegations available for inspection on request by an official.

Part 3 Titles registry amounts

Division 1 Entitlement to collect and keep

11 Amounts operator may collect and keep

- (1) The operator is entitled to collect and keep the following amounts (each a *titles registry amount*)—
 - (a) titles registry fees;
 - (b) fees and charges applying under an agreement under—
 - (i) the *Land Act 1994*, section 285A; or
 - (ii) the *Land Title Act 1994*, section 198A.
- (2) A titles registry amount—
 - (a) does not form part of the consolidated fund; and
 - (b) is a debt owing to the operator.

Division 2 Titles registry fees

12 Titles registry fees

- (1) This section applies in relation to a titles registry function performed under a titles registry Act.
- (2) The matters for which a fee is payable under the titles registry Act in relation to the titles registry function are provided for under schedule 1.
- (3) The amount of a fee for a matter mentioned in schedule 1 for a financial year (the *relevant financial year*) is—
 - (a) for the financial year starting on 1 July 2021—the amount stated in schedule 1 for the matter; or
 - (b) for the financial year starting on 1 July 2022 or later—the amount decided under section 13 for the relevant financial year.
- (4) A fee for a matter mentioned in schedule 1 and applying under subsection (3) is a *titles registry fee*.
- (5) This section applies in relation to a titles registry Act whether or not the titles registry Act expressly provides for this Act to make provision in relation to fees payable for titles registry functions performed under the titles registry Act.
- (6) This section does not affect the operation of any provision of a titles registry Act that provides—
 - (a) that no titles registry fee, or a reduced titles registry fee, is payable by a stated entity, for a stated matter or in stated circumstances including, for example, by an exemption; or
 - (b) that the whole or a part of a titles registry fee may be waived for a stated entity, a stated matter or in stated circumstances.

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13 Deciding amount of titles registry fees

- (1) The operator must decide the amount of the fee for a matter mentioned in schedule 1 for a financial year, starting with the financial year starting on 1 July 2022.
- (2) The amount of a fee decided under subsection (1) for a matter for a financial year (the *relevant financial year*) must not be more than—
 - (a) for the relevant financial year starting on 1 July 2022—the amount of the fee for the matter stated in schedule 1, CPI indexed for the relevant financial year; or
 - (b) for a relevant financial year starting on 1 July 2023 or later—the amount of the fee for the matter for the previous financial year, CPI indexed for the relevant financial year.
- (3) In this section—

CPI means the all groups consumer price index for Brisbane published by the Australian Bureau of Statistics.

CPI indexed, for a financial year (the *relevant financial year*), means the addition of any amount that equates to any percentage increase in the CPI between the following quarters—

- (a) the March quarter for the financial year before the previous financial year to the relevant financial year;
- (b) the March quarter for the previous financial year to the relevant financial year.

14 Notice of amount of titles registry fees

- (1) The operator must, at least 30 business days before the start of each financial year, starting with the financial year starting on 1 July 2022—
 - (a) give each official written notice of the amount of each titles registry fee for the financial year; and

- (b) publish the amounts of each titles registry fee for the financial year on the operator's website.
- (2) The operator may publish the amounts of each titles registry fee in another way the operator considers appropriate.

Division 3 Revocation of delegations

15 Application of division

- (1) This division applies if—
 - (a) all delegations of titles registry functions by each official to the operator are revoked; and
 - (b) the Minister administering the *Land Title Act 1994* declares, by gazette notice, that all delegations of titles registry functions by each official to the operator have been revoked and this division applies.
- (2) The day on which the gazette notice mentioned in subsection (1) is published is the *revocation day*.

16 Particular provisions of this Act no longer apply

At the end of the revocation day, section 8(1)(b) and divisions 1 and 2 stop applying.

17 Effect of revocation on titles registry fees

- (1) The matters for which a fee is payable under a titles registry Act in relation to a titles registry function performed after the revocation day are the matters provided for under schedule 1.
- (2) The amount of a fee for a matter mentioned in schedule 1 for a financial year is—
 - (a) the amount prescribed by regulation; or

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- (b) if no amount is prescribed—the amount applying under section 12(3) for the matter at the start of the revocation day.
- (3) Fees payable in relation to a titles registry function performed after the revocation day are to be paid to the State.
- (4) This section applies in relation to a titles registry Act whether or not the titles registry Act expressly provides for this Act to make provision in relation to fees payable for titles registry functions performed under the titles registry Act.
- (5) This section does not affect the operation of any provision of a titles registry Act that provides—
 - (a) that no fee, or a reduced fee, is payable by a stated entity, for a stated matter or in stated circumstances including, for example, by an exemption; or
 - (b) that the whole or a part of a fee may be waived for a stated entity, a stated matter or in stated circumstances.

18 Effect of revocation on other amounts

- (1) This section applies in relation to fees and charges applying under an agreement under—
 - (a) the *Land Act 1994*, section 285A; or
 - (b) the *Land Title Act 1994*, section 198A.
- (2) After the revocation day, the fees and charges are to be paid to the State.

Part 4 Transfer of assets and liabilities and other matters

19 Minister may decide arrangements

- (1) The Minister may decide the arrangements that are to apply to the State and the operator to help achieve the main purpose of

this Act through the performance of the operator's functions mentioned in section 8(1).

- (2) For subsection (1), the Minister may decide—
- (a) the most appropriate way for the State to hold an interest in the operator, including, for example, by deciding whether shares in the operator are to be transferred to another entity with or without consideration; and
 - (b) the assets, liabilities, rights, responsibilities, obligations and operations of the State or an official that are to be transferred to the operator; and
 - (c) anything else necessary or incidental to facilitate the operation of the operator in a way that achieves the main purpose of this Act.

20 Transfer notice

- (1) For the purpose of an arrangement under section 19, the Minister may, by gazette notice (a *transfer notice*), do any of the following—
- (a) transfer shares in the operator to a stated entity;
 - (b) transfer an asset or liability of the State to the operator;
 - (c) make provision about the consideration for shares or an asset or liability transferred under paragraph (a) or (b);
 - (d) provide whether and, if so, the extent to which the operator is the successor in law of the State;
 - (e) make provision for a legal proceeding that is being, or may be, taken by or against the State or an official to be continued or taken by or against the operator;
 - (f) make provision for or about the issue, transfer or application of an instrument to the operator, including—
 - (i) whether the operator holds, or is a party to, an instrument; and

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- (ii) whether an instrument, or a benefit or right provided by an instrument, is taken to have been given to, by or in favour of the operator; and
 - (iii) whether a reference to an entity in an instrument is a reference to the operator; and
 - (iv) whether, under an instrument, an amount is or may become payable to or by the operator or other property is, or may be, transferred to or by the operator; and
 - (v) whether a right or entitlement under an instrument is held by the operator;
- (g) make provision about an incidental, consequential or supplemental matter the Minister considers necessary or convenient for the purposes of the arrangement.
- (2) A transfer notice may include conditions applying to something done or to be done under the notice.
- (3) If the Minister is satisfied it would be inappropriate for a particular matter to be stated in a transfer notice (for example, because of the size or nature of the matter), the Minister may provide for the matter by including a reference in the transfer notice to another document that is—
 - (a) signed by the Minister; and
 - (b) kept available, at a place stated in the transfer notice, for inspection by the persons to whom the matter relates.
- (4) The transfer of a liability of the State under a transfer notice discharges the State from the liability, except to the extent stated in the notice.
- (5) A transfer notice has effect despite any other law or instrument.
- (6) A transfer notice has effect on the day it is published in the gazette or a later day and time stated in the notice.
- (7) If a transfer notice makes provision for a matter under subsection (1)(f) in relation to an instrument, the responsible

entity for the instrument must take the action necessary to register or record the effect of the transfer notice, including—

- (a) updating a register or other record; and
- (b) amending, cancelling or issuing an instrument.

(8) In this section—

instrument includes—

- (a) an accreditation, allocation, approval, entitlement, exemption, licence, permit or other authority under an Act; and
- (b) an application, certificate, manual, notice, plan or other document made, issued or given under an Act; and
- (c) an agreement, including an oral agreement.

responsible entity, for an instrument, means the entity required or authorised by law to register or record matters in relation to the instrument.

21 Time within which Minister may act

The Minister may not perform a function under this part on or after 1 July 2022.

22 Effect on legal relationships

(1) Nothing done under this part—

- (a) makes a relevant entity liable for a civil wrong or contravention of a law, including for a breach of a contract, confidence or duty; or
- (b) makes a relevant entity in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; or
- (c) except as expressly provided under a transfer notice, is taken to fulfil a condition that—

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- (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
 - (iv) requires any money to be paid before its stated maturity; or
- (d) releases a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do something under this part, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
- (3) If, apart from this subsection, giving notice to a person would be necessary to do something under this part, the notice is taken to have been given.
- (4) In this section—
 - instrument* includes an agreement, including an oral agreement.
 - relevant entity* means—
 - (a) the State or an officer, employee or agent of the State; or
 - (b) the operator or an officer, employee or agent of the operator.

23 Non-liability for duty

No duty under the *Duties Act 2001* is payable in relation to anything done under a transfer notice.

Part 5 Transfer of employees

24 Definition for part

In this part—

eligible employee means a person—

- (a) who, immediately before the commencement, was a public service employee of the department (land titles); and
- (b) whose name is stated in a list of employees who are eligible employees for this part—
 - (i) signed by the chief executive of the department (land titles); and
 - (ii) available at the head office of the department (land titles) for inspection by employees stated in the list.

25 Transfer of eligible employees to operator

On the commencement—

- (a) an eligible employee becomes an employee of the operator; and
- (b) the eligible employee stops being employed as a public service employee; and
- (c) the records of the land registry, to the extent they relate to the employment of the eligible employee, become records of the operator.

26 Preserved employment conditions and rights

The transfer of an eligible employee does not—

- (a) materially affect the employee's benefits, entitlements or remuneration; or

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- (b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
- (c) interrupt the employee's continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
- (d) constitute a retrenchment, redundancy or termination of the employee's employment by the State; or
- (e) entitle the employee to a payment or other benefit because the employee is no longer employed by the State; or
- (f) require the State to make any payment in relation to the employee's accrued rights to recreation, sick, long service or other leave regardless of any arrangement between the State and the employee.

27 Right to return to public service

An eligible employee may, within 12 months after the commencement, elect to return to being a public service employee by giving written notice to the chief executive officer of the operator.

28 Conditions on return to public service

- (1) This section applies to an eligible employee who, under section 27, elects to return to being a public service employee.
- (2) On the eligible employee's return to the public service—
 - (a) the employee is taken not to have stopped being a public service employee when the employee was transferred under section 25; and
 - (b) the employee's service as a public service employee is taken to have continued while the employee was employed by the operator; and

- (c) the employee's terms of employment are the same terms of employment that applied to the employee before the employee's transfer under section 25, subject to any changes in relevant laws or industrial instruments applying to the employee's employment.
- (3) Subsection (2) does not allow the eligible employee to claim the benefit of a right or entitlement more than once in relation to the same period of service.

Part 6 Performance of titles registry functions

Division 1 Preliminary

29 Application of part

This part applies if an official has delegated a titles registry function of the official to the operator under a titles registry Act.

30 Use of official's title

- (1) For performing the titles registry function, the operator, or a person to whom the operator has subdelegated the titles registry function under the titles registry Act, may act under the title of the official.
- (2) Subsection (1) does not prevent the operator, or a person to whom the operator has subdelegated the titles registry function under the titles registry Act, from acting under the name of the operator.

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Division 2 Roles

31 Role of official

The official is to monitor and review the performance of the titles registry function by the operator in the way and to the extent the official considers appropriate.

32 Role of operator

The operator is responsible for ensuring that the titles registry function is properly performed by the person to whom the titles registry function has been subdelegated under the titles registry Act.

Division 3 Directions

33 Power to give directions

- (1) The official may give the operator a direction about the performance of the titles registry function.
- (2) The official may act under subsection (1) only if the official is satisfied it is necessary to give the direction—
 - (a) to ensure the proper performance of titles registry functions delegated to the operator; or
 - (b) to ensure the official is able to properly perform the official's titles registry functions; or
 - (c) to ensure the accuracy, availability, integrity or security of a titles register.
- (3) The direction must be in writing but may be given orally if the official considers immediate action needs to be taken for a matter mentioned in subsection (2).

- (4) If the direction is given orally, the official must confirm the direction by also giving the direction in writing as soon as practicable after giving the direction orally.
- (5) An arrangement entered into between the State and the operator may deal with the consequences of noncompliance with a direction given to the operator under this section.

Division 4 Administration

34 Appointment of administrator

- (1) The Minister administering the *Land Title Act 1994* may appoint an administrator to act in place of the operator for performing the operator's functions under section 8(1) for a period.
- (2) The Minister may act under subsection (1) only if the Minister is satisfied the appointment is necessary—
 - (a) to ensure the proper performance of titles registry functions delegated to the operator; or
 - (b) to ensure an official is able to properly perform titles registry functions not mentioned in paragraph (a); or
 - (c) to ensure the accuracy, availability, integrity or security of a titles register.
- (3) As soon as practicable after appointing the administrator, the Minister must publish, by gazette notice, the name of the administrator and the period for which the administrator is appointed.
- (4) The Minister must not delegate the Minister's function of appointing an administrator under this section.
- (5) The Minister may act under this section—
 - (a) whether or not a direction has been given under section 33; and

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- (b) whether or not a direction given under section 33 has been complied with.

35 Functions of administrator

- (1) This section applies if an administrator is appointed under section 34 to act in place of the operator for performing the operator's functions under section 8(1) (the *relevant functions*) for a period.
- (2) The administrator has all the responsibilities, obligations and functions of the operator to the extent they relate to performing the relevant functions during the period.
- (3) Despite section 30, the administrator must perform the relevant functions under the name of 'administrator of (name of operator)'.
- (4) This Act and each relevant titles registry Act apply in relation to the administrator as if the administrator were the operator.
- (5) For subsection (4), each delegation of a titles registry function under a titles registry Act applies to the administrator in place of the operator.
- (6) However, despite a titles registry Act, the administrator—
 - (a) may revoke a subdelegation of the titles registry function; and
 - (b) may, but is not required to, subdelegate the titles registry function to another appropriately qualified employee of the operator.

36 Operator to help administrator

If an administrator is appointed under section 34, the operator must give the administrator reasonable help to perform the administrator's functions under this division.

37 Costs of administration

- (1) If an administrator is appointed under section 34, the costs of the administrator performing the administrator's functions under this division are payable by the operator.
- (2) The costs mentioned in subsection (1) include—
 - (a) the administrator's remuneration at a rate decided by the Minister administering the *Land Title Act 1994*; and
 - (b) costs reasonably incurred by the administrator in performing the operator's functions under section 8(1).
- (3) The State may recover the costs mentioned in subsection (1) that are unpaid by the operator as a debt.

38 Amounts received for operator

Titles registry amounts and other amounts received by an administrator appointed under section 34, in relation to the performance of the operator's functions under section 8(1) during the period of the administration, are payable to the operator.

Division 5 Report about titles registry functions

39 Information to be included in annual report

- (1) The chief executive of the department (land titles) must ensure the department's annual report for a financial year includes information about the performance of titles registry functions by the operator in the financial year.
- (2) Without limiting subsection (1), the report must include information about any appointment of an administrator under section 34.
- (3) The operator must, if requested by the chief executive of the department (land titles), give information about the

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performance of titles registry functions by the operator in a financial year.

(4) In this section—

annual report means annual report under the *Financial Accountability Act 2009*.

Division 6 Limitation of review

40 Limitation of review

(1) This section applies to the following decisions—

- (a) a decision of an official to give a direction under section 33;
- (b) a decision of the Minister administering the *Land Title Act 1994* to appoint an administrator under section 34.

(2) The *Judicial Review Act 1991*, part 4 does not apply to the decision.

(3) Subject to subsection (4), the decision—

- (a) is final and conclusive; and
- (b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

(4) The *Judicial Review Act 1991*, part 5 applies to the decision to the extent it is affected by jurisdictional error.

(5) In this section—

decision includes a decision, or conduct, leading up to or forming part of the process of making a decision.

Part 7 Operation of other laws

41 Application of particular State Acts

- (1) To the extent the operator is performing a titles registry function, the operator is—
 - (a) a unit of public administration under the *Crime and Corruption Act 2001*, section 20; and
 - (b) a public authority under the *Information Privacy Act 2009*, section 21; and
 - (c) a public authority under the *Public Records Act 2002*, schedule 2; and
 - (d) a public authority under the *Right to Information Act 2009*, section 16.
- (2) Also, the operator is a public entity under the *Human Rights Act 2019*, section 9, to the extent the operator is performing—
 - (a) a titles registry function; or
 - (b) another function of a public nature under the *Human Rights Act 2019*, section 10.
- (3) The operator is an entity mentioned in subsection (1)(b), (c) and (d) only in relation to a document received, created or otherwise in the possession of the operator in performing the titles registry function.
- (4) For applying subsection (1)(b) and (d), a reference in the following provisions to the responsible Minister is a reference to the Minister administering the *Land Title Act 1994*—
 - (a) the *Information Privacy Act 2009*, section 126;
 - (b) the *Right to Information Act 2009*, section 113.
- (5) This section applies despite a provision of an Act mentioned in subsection (1) or (2).

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42 Corporations legislation displacement provision—Crime and Corruption Act 2001

- (1) This section applies in relation to the application of the *Crime and Corruption Act 2001* to the operator as a unit of public administration under that Act.
- (2) The *Crime and Corruption Act 2001*, sections 38, 39, 40(4) and 40A(5) are declared to be Corporations legislation displacement provisions for the Corporations Act, section 5G in relation to the Corporations Act, section 1317AAE.

Part 8 Miscellaneous

43 Exchange of information

- (1) The operator may ask an official for any information relevant to the operator performing a function mentioned in section 8(1)(a), (b) or (c).
- (2) An official may ask the operator for any information relevant to the operator performing a function of the official.
- (3) The official or operator is authorised to give the information requested under subsection (1) or (2).
- (4) Also, the official is authorised to give information to the operator in relation to achieving the main purpose of this Act as mentioned in section 3(2)(b).
- (5) To remove any doubt, it is declared that this section authorises the use and disclosure of personal information within the meaning of the *Information Privacy Act 2009*, section 12.

Note—

See the information privacy principles stated in the *Information Privacy Act 2009*, schedule 3, sections 10(1)(c) and 11(1)(d).

44 Operator's duty to disclose information

- (1) This section applies in relation to a matter relating to a titles registry function performed by the operator for an official if—
 - (a) the matter is the subject of a proceeding; or
 - (b) the operator believes, or ought reasonably to believe, the matter may become the subject of a proceeding.
- (2) However, this section does not apply in relation to a matter that is the subject of a proceeding to which the operator is a party.
- (3) The operator has a duty to disclose to the official all information about the matter in the possession or control of the operator.
- (4) The duty continues until—
 - (a) if the matter is or becomes the subject of a proceeding—the proceeding is finally decided or otherwise ends; or
 - (b) otherwise—the matter is no longer in effect or the operator reasonably believes it will otherwise no longer become the subject of a proceeding.

45 Protection from liability

- (1) A person employed by the operator is not civilly liable for an act done or omission made honestly and without negligence in performing a function of the operator mentioned in section 8(1)(a), (b) or (c).
- (2) An administrator appointed under section 34 is not civilly liable for an act done or omission made honestly and without negligence in performing a function of the administrator under part 6, division 4.
- (3) If subsection (1) or (2) prevents civil liability attaching to a person, the liability attaches instead to the State.

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- (4) The *Public Service Act 2008*, section 26C does not apply to an employee of the operator or an administrator appointed under section 34.

46 Agency arrangement

The State or an official may enter into an arrangement with the operator for the operator to act as the agent of the State or official including, for example, in relation to the following matters—

- (a) legal proceedings relating to a titles register;
- (b) functions of the official under the Electronic Conveyancing National Law (Queensland);
- (c) another matter relating to a titles register.

47 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may provide for a maximum penalty of 20 penalty units for a contravention of a regulation.

Part 9 Repeal and transitional provisions

Division 1 Repeal

48 Repeal

The following regulations are repealed—

- Foreign Ownership of Land Register Regulation 2013, SL No. 152
- Land Title Regulation 2015, SL No. 145.

Division 2 Transitional provisions

49 Application of s 11

Section 11 applies to a fee or charge that becomes payable under a titles registry Act or an agreement after the commencement even if—

- (a) the matter for which the fee or charge becomes payable happened before the commencement; and
- (b) for a fee or charge payable under an agreement mentioned in section 11(1)(b)—the agreement was entered into before the commencement.

50 Fees or charges payable before the commencement

- (1) This section applies in relation to a fee or charge that—
 - (a) became payable under a titles registry Act or an agreement mentioned in section 11(1)(b) before the commencement; and
 - (b) immediately before the commencement, had not been paid by the person required to pay it; and
 - (c) but for this section, would on the commencement be a titles registry amount under section 11.
- (2) The fee or charge continues to be payable to, and recoverable as a debt by, the State.

51 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision about—
 - (a) a matter that—
 - (i) relates to a titles registry function of an official that has been or is to be delegated to the operator under a titles registry Act; and

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- (ii) provides for the transition of a matter to allow or facilitate the performance of the titles registry function by the operator under the delegation; and
 - (iii) is not provided, or sufficiently provided, for by this Act or a titles registry Act; or
- (b) a matter that—
 - (i) allows or facilitates the doing of anything to achieve the transition from the operation of a former provision of a titles registry Act to the operation of a new provision of a titles registry Act; and
 - (ii) is not provided, or sufficiently provided, for by this Act or a titles registry Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the day this section commences.
- (5) In this section—

former provision, of a titles registry Act, means a provision of the Act as in force before the commencement.

new provision, of a titles registry Act, means a provision of the Act as in force on the commencement.

Part 10 Amendment of Building Units and Group Titles Act 1980

52 Act amended

This part amends the *Building Units and Group Titles Act 1980*.

Note—

See also the amendments in schedule 3.

53 Amendment of s 7 (Interpretation)

Section 7(1)—

insert—

approved form means a form approved under section 133B.

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

titles registry fee, for a matter mentioned in a provision of this Act, means the fee payable for the matter under section 133C.

titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

54 Insertion of new ss 133B and 133C

After section 133A—

insert—

133B Approved forms

- (1) The referee may approve forms for use under this Act for sections 41 and 117.
- (2) The registrar of titles may approve forms for use under this Act in relation to a titles registry function performed under this Act.
- (3) The chief executive may approve forms for use under this Act other than in circumstances mentioned in subsection (1) or (2).

133C Fees for titles registry functions

The fees provided under the *Queensland Future*

[s 55]

Fund (Titles Registry) Act 2021 are payable in relation to a titles registry function performed under this Act.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

55 Amendment of s 134 (Regulation-making power)

(1) Section 134(1)(d) and (e)—

omit.

(2) Section 134(1)(f) to (j)—

renumber as section 134(1)(d) to (h).

(3) Section 134(4)—

omit.

56 Insertion of new pt 7, div 4

Part 7—

insert—

Division 4

Transitional provision for Queensland Future Fund (Titles Registry) Act 2021

143 Approved forms

- (1) This section applies to a form approved under the *Building Units and Group Titles Regulation 2008*, section 4 as in force before the commencement if the form is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be—

- (a) if the form was approved for use for section 41 or 117—a form approved by the referee under section 133B(1); or
- (b) if the form was approved for use in relation to a titles registry function performed under this Act—a form approved by the registrar of titles under section 133B(2); or
- (c) otherwise—a form approved by the chief executive under section 133B(3).

Part 11 **Amendment of Foreign Ownership of Land Register Act 1988**

57 Act amended

This part amends the *Foreign Ownership of Land Register Act 1988*.

Note—

See also the amendments in schedule 3.

58 Replacement of s 15 (Delegation)

Section 15—

omit, insert—

15 Delegations by registrar

- (1) The registrar may delegate the registrar's powers under this Act to an appropriately qualified public service employee employed in the department.
- (2) Also, the registrar may delegate the registrar's functions under this Act to the titles registry operator.
- (3) If a function of the registrar is delegated to the

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titles registry operator, the titles registry operator must subdelegate the function to an appropriately qualified employee of the titles registry operator.

- (4) The titles registry operator may impose conditions on a subdelegation under subsection (3) that are not inconsistent with any conditions to which the delegation to the titles registry operator is subject.
- (5) In this section—
function includes power.

59 Amendment of s 44 (Protection from liability)

Section 44—

insert—

- (2) However, this section does not apply to an employee of the titles registry operator in relation to performing a titles registry function by the employee under the *Queensland Future Fund (Titles Registry) Act 2021*.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, section 45 in relation to protection from liability for employees of the titles registry operator.

60 Replacement of s 44A (Combination of forms)

Section 44A—

omit, insert—

44A Approved forms

The registrar may approve forms for use under this Act.

61 Insertion of new s 44C

After section 44B—

insert—

44C Fees for titles registry functions

The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this Act.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

62 Amendment of s 45 (Regulations)

(1) Section 45(1)(d)—

omit.

(2) Section 45(1)(e) and (f)—

renumber as section 45(1)(d) and (e).

(3) Section 45(2) and (3)—

omit.

63 Insertion of new pt 8

After section 52—

insert—

Part 8

**Transitional provision
for Queensland Future
Fund (Titles Registry)
Act 2021**

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53 Forms continue

- (1) This section applies to a form approved by the registrar under this Act as in force before the commencement if the form is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be a form approved by the registrar under section 44A.

64 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *prescribed form*—

omit.

- (2) Schedule 1—

insert—

approved form means a form approved under section 44A.

titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

titles registry operator means the operator under the *Queensland Future Fund (Titles Registry) Act 2021*.

- (3) Schedule 1, definition *registrar*, after ‘titles’—

insert—

under the *Land Title Act 1994*

Part 12

Amendment of Forestry Act 1959

65 Act amended

This part amends the *Forestry Act 1959*.

Note—

See also the amendments in schedule 3.

66 Amendment of s 61RM (Register of plantation licences)

Section 61RM, ‘chief executive (lands)’—

omit, insert—

registrar of titles

67 Replacement of pt 6E, div 11, sdiv 2, hdg (Caveats—chief executive (lands))

Part 6E, division 11, subdivision 2, heading—

omit, insert—

Subdivision 2 Caveats by registrar of titles

68 Amendment of s 61TL (Chief executive (lands) may prepare and register caveat)

(1) Section 61TL, heading, ‘Chief executive (lands)’—

omit, insert—

Registrar of titles

(2) Section 61TL(1), (2) and (4), ‘chief executive (lands)’—

omit, insert—

registrar of titles

(3) Section 61TL(3), ‘chief executive (lands) may’—

omit, insert—

registrar of titles may

(4) Section 61TL(3)(b), ‘chief executive (lands)’—

omit, insert—

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registrar

69 Amendment of s 61TS (Entitlement to search the register)

- (1) Section 61TS(1), ‘any fee prescribed under a regulation’—

omit, insert—

the relevant titles registry fee

- (2) Section 61TS(1)(b), (2) and (4), ‘chief executive (lands)’—

omit, insert—

registrar of titles

- (3) Section 61TS(3), from ‘registry during’—

omit, insert—

land registry under the *Land Act 1994* during office hours on a day the office is open for business.

- (4) Section 61TS(5), ‘chief executive (lands) may’—

omit, insert—

registrar of titles may

- (5) Section 61TS(5)(b) and (c), ‘chief executive (lands)’—

omit, insert—

registrar

- (6) Section 61TS(6), from ‘chief’ to ‘another’—

omit, insert—

registrar of titles may enter into an agreement with a

- (7) Section 61TS(7), ‘chief executive (lands) may’—

omit, insert—

registrar of titles may

- (8) Section 61TS(7), ‘chief executive (lands) is’—

omit, insert—

registrar is

- (9) Section 61TS(7)(b), ‘chief executive (lands)’—

omit, insert—

registrar

- (10) Section 61TS—

insert—

- (8) If the registrar of titles delegates the registrar’s functions of keeping the register to the titles registry operator, subsections (4), (6) and (7) apply as if each reference to the registrar were a reference to the operator.

- (9) In this section—

titles registry fee, for a matter mentioned in subsection (1)(a) or (b), means the fee payable for the matter under section 61TV.

70 Replacement of s 61TV (Protection from liability)

Section 61TV—

omit, insert—

61TV Fees for titles registry functions

- (1) The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this part.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

- (2) In this section—

titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

[s 71]

71 Replacement of s 96C (Delegation by chief executive (lands))

Section 96C—

omit, insert—

96C Delegation by registrar of titles

- (1) The registrar of titles may delegate the registrar's functions under this Act to—
 - (a) an appropriately qualified public service employee; or
 - (b) the titles registry operator.
- (2) If a function of the registrar of titles is delegated to the titles registry operator, the titles registry operator must subdelegate the function to an appropriately qualified employee of the titles registry operator.
- (3) The titles registry operator may impose conditions on a subdelegation under subsection (2) that are not inconsistent with any conditions to which the delegation to the titles registry operator is subject.
- (4) In this section—
function includes power.

72 Amendment of s 96E (Protection of State officials and the State from liability)

- (1) Section 96E(1)—

insert—

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, section 45 in relation to protection from liability for employees of the titles registry operator.

- (2) Section 96E(5), definition *State official*—

insert—

(ba) the registrar of titles; or

- (3) Section 96E(5), definition *State official*, paragraph (e), from ‘paragraph (a)’—

omit, insert—

any of paragraphs (a) to (e).

- (4) Section 96E(5), definition *State official*, paragraphs (ba) to (e)—

renumber as paragraphs (c) to (f).

73 Insertion of new pt 10, div 6

Part 10—

insert—

Division 6 Transitional provisions for Queensland Future Fund (Titles Registry) Act 2021

143 Definitions for division

In this division—

chief executive (lands) means the chief executive of the department in which the *Land Act 1994* is administered.

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

registry function means a function of the chief executive (lands) under this Act as in force before the commencement.

144 Existing register continues

The register of plantation licences kept by the chief executive (lands) under former section 61RM immediately before the commencement continues and must be kept by the registrar of titles under new section 61RM.

145 Engagements and agreements under former s 61TS

- (1) This section applies if—
 - (a) before the commencement, the chief executive (lands) had—
 - (i) engaged an entity under former section 61TS(4); or
 - (ii) entered into an agreement under former section 61TS(6); and
 - (b) on the commencement, the engagement or agreement—
 - (i) has not ended; and
 - (ii) has not been transferred to the titles registry operator under a transfer notice.
- (2) From the commencement, the engagement or agreement is taken to have been entered into by the registrar of titles under—
 - (a) for an engagement entered into under former section 61TS(4)—new section 61TS(4); and
 - (b) for an agreement entered into under former section 61TS(6)—new section 61TS(6).
- (3) In this section—

transfer notice see the *Queensland Future Fund*

(Titles Registry) Act 2021, section 20.

146 Approved forms continue as approved forms of registrar of titles

- (1) This section applies to a form approved by the chief executive (lands) under former section 61RU that is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be a form approved by the registrar of titles under new section 61RU.

147 Application of new s 96E

- (1) This section applies to an act or omission done before the commencement by—
 - (a) the chief executive (lands); or
 - (b) a person performing functions of the chief executive (lands) under a delegation.
- (2) From the commencement, new section 96E applies in relation to the act or omission as if the chief executive (lands) or person were a State official within the meaning of that section.

148 Other things done by or in relation to chief executive (lands)

- (1) This section applies to anything done by or in relation to the chief executive (lands) under this Act before the commencement in relation to a registry function if—
 - (a) were the thing done after the commencement, the thing would be done by or in relation to the registrar of titles; and

[s 73]

- (b) the thing is not otherwise dealt with by a provision of this division.
- (2) From the commencement, the thing done by or in relation to the chief executive (lands) is, if the context permits, taken to have been done by or in relation to the registrar of titles.
- (3) This Act applies in relation to the thing taken to have been done by or in relation to the registrar of titles with necessary changes.
- (4) Without limiting any other provision of this division, a regulation may—
 - (a) declare an act done or omission made under this Act before the commencement to be an act or omission to which this section applies; and
 - (b) provide for how the provisions of this Act apply in relation to a thing taken to have been done by or in relation to the registrar of titles under this section.

149 Declaration of particular matters for s 148

- (1) This section declares matters for section 148(2) and (3) but does not limit those provisions.
- (2) Subsection (3) applies if a thing done by the chief executive (lands) before the commencement is or includes a direction or requirement (however called) applying to or of a person.

Examples of directions or requirements—

- a direction about the form of a document for registration
 - a requirement under section 61TP to deposit a document for correction or cancellation
- (3) From the commencement, the person must comply with the direction or requirement in

relation to the registrar of titles.

- (4) For subsection (3), if failure to comply with the direction or requirement constitutes an offence, a proceeding for the offence may be started and the person may be convicted of and punished for the offence.
- (5) Subsection (6) applies if the doing of a thing in relation to the chief executive (lands) required or allowed the chief executive (lands) to take action in relation to the thing that was not taken before the commencement.
- (6) From the commencement, the registrar of titles is required or allowed to take the action in relation to the thing under this Act.

Examples of action that the registrar of titles may be required or allowed to take—

- give a notice of a caveat that was lodged under former part 6E, division 11 before the commencement
 - correct the register as ordered by a court before the commencement
 - deal with an application, notice or other document made, deposited or lodged before the commencement
- (7) For subsection (6), if this Act required that the chief executive (lands) have a particular opinion, belief or state of mind in order to take the action, then the registrar of titles must have the opinion, belief or state of mind to take the action.

150 References in documents

A reference in a document to the chief executive (lands) may, if the reference relates to a registry function and the context otherwise permits, be taken to be a reference to the registrar of titles.

[s 74]

74 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

titles registry operator means the operator under the *Queensland Future Fund (Titles Registry) Act 2021*.

Part 13 Amendment of Land Act 1994

75 Act amended

This part amends the *Land Act 1994*.

Note—

See also the amendments in schedule 3.

76 Amendment of s 275 (Registers comprising land registry)

(1) Section 275—

insert—

(ia) the register of plantation licences;

(2) Section 275(k)—

omit.

(3) Section 275(ia) and (j)—

renumber as section 275(j) and (k).

77 Amendment of s 276 (Registers to be kept by chief executive)

(1) Section 276, heading, ‘chief executive’—

omit, insert—

registrar of titles

- renumber* as section 276(j) and (k).

78 Amendment of s 281 (Other information may be kept)

- registrar for

[s 79]

- (6) Section 281(5), definition *relevant entity*, before paragraph (a)—
insert—
 - (aa) the registrar of titles; or
- (7) Section 281(5), definition *relevant entity*, paragraphs (aa) to (c)—
renumber as paragraphs (a) to (d).

79 Amendment of s 284 (Entitlement to search a register)

- (1) Section 284(1), ‘fee prescribed under a regulation’—
omit, insert—
 - relevant titles registry fee
- (2) Section 284(1)(b), (2), (4) and (5), ‘chief executive’—
omit, insert—
 - registrar of titles
- (3) Section 284(3), ‘land registry is’—
omit, insert—
 - office is
- (4) Section 284(6), from ‘chief’ to ‘another’—
omit, insert—
 - registrar of titles may enter into an agreement with a
- (5) Section 284(7), ‘chief executive may’—
omit, insert—
 - registrar of titles may
- (6) Section 284(7), ‘chief executive is’—
omit, insert—
 - registrar is

- (7) Section 284(7)(b), ‘chief executive’—

omit, insert—

registrar

- (8) Section 284—

insert—

- (8) If the registrar of titles delegates the registrar’s functions of keeping the land registry to the titles registry operator, subsections (4), (6) and (7) apply as if each reference to the registrar were a reference to the operator.

80 Amendment of s 285A (Supply of statistical data)

- (1) Section 285A(1), (2) and (6), ‘chief executive’—

omit, insert—

registrar of titles

- (2) Section 285A(4)(a) and (b), ‘chief executive to’—

omit, insert—

registrar of titles to

- (3) Section 285A(4)(a), ‘chief executive is’—

omit, insert—

registrar is

- (4) Section 285A—

insert—

- (7A) If the registrar of titles delegates the registrar’s function of keeping the land registry to the titles registry operator, this section applies as if each reference to the registrar were a reference to the operator.

- (5) Section 285A(8), definitions *land particulars* and *personal information*, ‘chief executive’—

[s 81]

omit, insert—

registrar of titles

(6) Section 285A(7A) and (8)—

renumber as section 285A(8) and (9).

81 Amendment of s 286A (Land practice manual)

(1) Section 286A(1), ‘The chief executive’—

omit, insert—

The registrar of titles

(2) Section 286A(1) and (5), ‘chief executive considers’—

omit, insert—

registrar considers

(3) Section 286A(1), ‘land registry staff and’—

omit, insert—

persons performing functions in relation to the
land registry and other

(4) Section 286A(2)(a) and (b)—

omit, insert—

(a) directions given by the registrar of titles
under—

(i) section 287(1)(b); or

(ii) the *Forestry Act 1959*, section
61RW(1)(b); or

(iii) the *Land Title Act 1994*, section
10(1)(b); and

(5) Section 286A(2)(c)—

renumber as section 286A(2)(b).

(6) Section 286A(4), ‘chief executive’s’—

omit, insert—

registrar of titles’

(7) Section 286A(5) and (6), ‘chief executive must’—

omit, insert—

registrar of titles must

82 Amendment of s 294BA (Single area for lots to which building management statement applies)

Section 294BA(3), ‘chief executive’—

omit, insert—

registrar of titles

83 Insertion of new s 306A

After section 306—

insert—

306A Forfeiture of fee on rejecting document

- (1) If a document (the *rejected document*) is rejected by the registrar of titles under section 306(1), the titles registry fee paid for lodging the document is forfeited.
- (2) Subsection (3) applies if—
 - (a) the rejected document changes the lessee of a lease, the licensee of a licence or the holder of an interest in a lease or licence, for more than 1 lease or licence; and
 - (b) the titles registry fee paid for lodging the rejected document included an amount for each additional lease or licence; and
 - (c) the rejected document is relodged within 1 year after being rejected.

[s 84]

- (3) The titles registry fee payable for relodging the document is the titles registry fee that would be payable if the document related to only 1 lease or licence.

84 Insertion of new s 316A

After section 316—

insert—

316A Titles registry fees not payable for particular documents

No titles registry fee is payable for the lodgement and registration of a document that relates to—

- (a) the acquisition by the State of an interest in land; or
- (b) the release or surrender by the State of an interest in land, other than a fee simple interest.

85 Amendment of s 339T (Effect of arbitrator's decision and limitation of review)

- (1) Section 339T(3), 'to (5)'—

omit, insert—

and (5)

- (2) Section 339T(5)—

omit.

- (3) Section 339T(4A)—

renumber as section 339T(5).

86 Replacement of ch 6, pt 4, div 11A, sdiv 2, hdg (Chief executive's caveat)

Chapter 6, part 4, division 11A, subdivision 2, heading—
omit, insert—

Subdivision 2 Caveats by registrar of titles

87 Amendment of s 389L (Chief executive may prepare and register caveat)

- (1) Section 389L, heading, 'Chief executive'—
omit, insert—

Registrar of titles

- (2) Section 389L(1), (2) and (4), 'chief executive'—
omit, insert—

registrar of titles

- (3) Section 389L(3), 'chief executive may'—
omit, insert—

registrar of titles may

- (4) Section 389L(3)(b), 'chief executive'—
omit, insert—

registrar

88 Amendment of s 393 (Delegation by chief executive)

- (1) Section 393(1), 'an officer or employee of'—
omit, insert—

an appropriately qualified public service
employee employed in

- (2) Section 393(2), from 'an officer'—

[s 89]

omit, insert—

an appropriately qualified public service employee.

(3) Section 393(5) and (6)—

omit.

89 Insertion of new s 393AA

After section 393—

insert—

393AA Delegation by registrar of titles

- (1) The registrar of titles may delegate the registrar's functions under this Act to—
 - (a) an appropriately qualified public service employee employed in the department and under the control of the registrar; or
 - (b) the titles registry operator.
- (2) If a function of the registrar of titles is delegated to the titles registry operator, the titles registry operator must subdelegate the function to an appropriately qualified employee of the titles registry operator.
- (3) The titles registry operator may impose conditions on a subdelegation under subsection (2) that are not inconsistent with any conditions to which the delegation to the titles registry operator is subject.
- (4) If the registrar of titles delegates the registrar's function of keeping the land registry to the titles registry operator, a reference in an Act to an office of the land registry is, if the context permits, taken to be a reference to an office of the titles registry operator—

- (a) where documents may be lodged; and
 - (b) that is published on the operator's website.
- (5) In this section—
function includes power.

90 Amendment of s 438 (What are debts owing to the State)

Section 438—

insert—

- (2) This section does not apply to—
- (a) titles registry fees; and
 - (b) fees and charges applying under an agreement under section 285A.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, section 11.

91 Replacement of s 444 (Chief executive may approve forms)

Section 444—

omit, insert—

444 Approved forms

- (1) The chief executive may approve forms for use under this Act other than in relation to the land registry.
- (2) The registrar of titles may approve forms for use under this Act in relation to the land registry.

92 Insertion of new s 445

After section 444—

insert—

445 Fees for titles registry functions

- (1) The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this Act.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

- (2) In this section—

titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

93 Amendment of s 448 (Regulation-making power)

- (1) Section 448(2)(a)—

omit.

- (2) Section 448(2)(b) and (c), after ‘fees’—

insert—

, other than titles registry fees,

- (3) Section 448(2)(d), ‘or other document’—

omit, insert—

approved by the chief executive or a non-registry document

- (4) Section 448(2)(e), after ‘approved’—

insert—

by the chief executive

- (5) Section 448(2)(f), before ‘documents’—

insert—

non-registry

- (6) Section 448(2)(g), ‘or document’—

omit, insert—

approved by the chief executive or a non-registry document

(7) Section 448(2)(b) to (k)—

renumber as section 448(2)(a) to (j).

(8) Section 448(3), ‘Without limiting subsection (2)(a), a’—

omit, insert—

A

(9) Section 448(4) and (5), ‘subsection (2)(h)’—

omit, insert—

subsection (2)(g)

(10) Section 448(7)—

insert—

non-registry document means a document that is prepared other than for depositing or lodging in the land registry.

94 Insertion of new ch 9, pt 6

Chapter 9—

insert—

Part 6

Transitional provisions for Queensland Future Fund (Titles Registry) Act 2021

541 Definitions for part

In this part—

former, for a provision of this Act, means the

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provision as in force from time to time before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

registry function means a function of the chief executive under this Act as in force before the commencement that immediately after the commencement is a function of the registrar of titles.

542 Existing registers continue

Each register kept by the chief executive under former section 276 immediately before the commencement continues and must be kept by the registrar of titles under new section 276.

543 Land practice manual continues

The manual of land practice kept by the chief executive under former section 286A immediately before the commencement continues and must be kept by the registrar of titles under new section 286A.

544 Engagements and agreements under former ss 284 or 285A

- (1) This section applies if—
 - (a) before the commencement, the chief executive had—
 - (i) engaged an entity under former section 284(4); or
 - (ii) entered into an agreement under former section 284(6) or 285A(1); and

- (b) on the commencement, the engagement or agreement—
 - (i) has not ended; and
 - (ii) has not been transferred to the titles registry operator under a transfer notice.
- (2) From the commencement, the engagement or agreement is taken to have been entered into by the registrar of titles under—
 - (a) for an engagement entered into under former section 284(4)—new section 284(4); or
 - (b) for an agreement entered into under former section 284(6)—new section 284(6); or
 - (c) for an agreement entered into under former section 285A(1)—new section 285A(1).
- (3) In this section—

transfer notice see the *Queensland Future Fund (Titles Registry) Act 2021*, section 20.

545 Approved forms continue as approved forms of registrar of titles

- (1) This section applies to a form approved by the chief executive under former section 444 that is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be—
 - (a) if the form was approved for use other than in relation to the land registry—a form approved by the chief executive under new section 444(1); or

[s 94]

- (b) if the form was approved for use in relation to the land registry—a form approved by the registrar of titles under new section 444(2).

546 Approval of form of document under Electronic Conveyancing National Law (Queensland)

- (1) This section applies to the approval of the form of a document by the chief executive under the Electronic Conveyancing National Law (Queensland), section 7 if the approval is in force immediately before the commencement.
- (2) From the commencement, the approval of the form of the document is taken to be an approval of the form of the document by the registrar of titles under the Electronic Conveyancing National Law (Queensland), section 7.

547 Other things done by or in relation to chief executive

- (1) This section applies to anything done by or in relation to the chief executive under this Act before the commencement in relation to a registry function if—
 - (a) were the thing done after the commencement, the thing would be done by or in relation to the registrar of titles; and
 - (b) the thing is not otherwise dealt with by a provision of this part.
- (2) From the commencement, the thing done by or in relation to the chief executive is, if the context permits, taken to have been done by or in relation to the registrar of titles.
- (3) This Act applies in relation to the thing taken to have been done by or in relation to the registrar of

titles with necessary changes.

- (4) Without limiting any other provision of this part, a regulation may—
 - (a) declare an act done or omission made under this Act before the commencement to be an act or omission to which this section applies; and
 - (b) provide for how the provisions of this Act apply in relation to a thing taken to have been done by or in relation to the registrar of titles under this section.

548 Declaration of particular matters for s 547

- (1) This section declares matters for section 547(2) and (3) but does not limit those provisions.
- (2) Subsection (3) applies if a thing done by the chief executive before the commencement is or includes a direction or requirement (however called) applying to or of a person.

Examples of directions or requirements—

- a direction about the form of a document for registration
 - a requirement that a document borrowed under section 307(1) be returned by a particular time
 - a requirement under section 309 to deposit a document for correction or cancellation
- (3) From the commencement, the person must comply with the direction or requirement in relation to the registrar of titles.
 - (4) For subsection (3), if failure to comply with the direction or requirement constitutes an offence, a proceeding for the offence may be started and the person may be convicted of and punished for the offence.

[s 95]

- (5) Subsection (6) applies if the doing of a thing in relation to the chief executive required or allowed the chief executive to take action in relation to the thing that was not taken before the commencement.
- (6) From the commencement, the registrar of titles is required or allowed to take the action in relation to the thing under this Act.

Examples of action that the registrar of titles may be required or allowed to take—

- give a notice of a caveat that was lodged under former section 389D before the commencement
 - deal with an application, notice or other document in relation to a registry function made, deposited or lodged before the commencement
- (7) For subsection (6), if this Act required that the chief executive have a particular opinion, belief or state of mind in order to take the action, then the registrar of titles must have the opinion, belief or state of mind to take the action.

549 Application of s 511 and references in documents

- (1) From the commencement of this section, section 511(f) no longer applies to references to the registrar of titles.
- (2) A reference in a document to the chief executive may, if the reference relates to a registry function and the context otherwise permits, be taken to be a reference to the registrar of titles.

95 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *approved form* and *registrar*—
omit.

(2) Schedule 6—

insert—

approved form means—

- (a) for an electronic conveyancing document—a form approved by the registrar of titles under the Electronic Conveyancing National Law (Queensland), section 7; or
- (b) otherwise—a form approved under section 444.

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

titles registry fee, for a matter mentioned in a provision of this Act, means the fee payable for the matter under section 445.

titles registry operator means the operator under the *Queensland Future Fund (Titles Registry) Act 2021*.

(3) Schedule 6, definition *appropriate form*, paragraph (c)—

omit, insert—

- (c) if the registrar of titles has given consent for an electronic form of the document under section 305A(1)—the electronic form; or
- (d) if the chief executive or registrar of titles has given consent for an electronic form of the document under the *Electronic Transactions (Queensland) Act 2001*—the electronic form.

(4) Schedule 6, definition *rent and instalment regulation*, ‘section 448(2)(h)’—

omit, insert—

section 448(2)(g)

[s 96]

Part 14 Amendment of Land Title Act 1994

96 Act amended

This part amends the *Land Title Act 1994*.

Note—

See also the amendments in schedule 3.

97 Insertion of new pt 2, div 1, sdiv 1, hdg

Part 2, division 1—

insert—

Subdivision 1 Registrar and land registry

98 Amendment of s 7 (Land registry)

- (1) Section 7(1), ‘chief executive’—

omit, insert—

registrar

- (2) Section 7(2)(b)—

omit, insert—

(b) the power of attorney register; and

(ba) the Foreign Ownership of Land Register;
and

- (3) Section 7(2)(ba) to (d)—

renumber as section 7(2)(c) to (e).

- (4) Section 7(3)—

omit, insert—

(3) In this section—

Foreign Ownership of Land Register means the register under the *Foreign Ownership of Land Register Act 1988*.

power of attorney register see section 133(1).

99 Replacement of s 9 (Delegation)

Section 9—

omit, insert—

Subdivision 2 Delegations

9 Delegation by registrar

- (1) The registrar may delegate the registrar's functions under this Act or another Act to—
 - (a) an appropriately qualified public service employee; or
 - (b) the titles registry operator.
- (2) If a function of the registrar is delegated to the titles registry operator, the titles registry operator must subdelegate the function to an appropriately qualified employee of the titles registry operator.
- (3) The titles registry operator may impose conditions on a subdelegation under subsection (2) that are not inconsistent with any conditions to which the delegation to the titles registry operator is subject.
- (4) If the registrar delegates the registrar's function of keeping the land registry to the titles registry operator, a reference in an Act to an office of the land registry is, if the context permits, taken to be a reference to an office of the titles registry operator—
 - (a) where documents may be lodged; and

[s 100]

(b) that is published on the operator's website.

(5) In this section—

function includes power.

9AA Use of registrar's title

(1) A public service employee delegated a function of the registrar under this Act or another Act may, when performing the function, act under the title 'registrar of titles'.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, section 30 in relation to the titles registry operator, or the operator's employees, using the registrar's title.

(2) In this section—

function includes power.

Subdivision 3 Practice manual

100 Amendment of s 9A (Land title practice manual)

(1) Section 9A(1), 'land registry staff and'—

omit, insert—

persons performing functions in relation to the land registry and other

(2) Section 9A(2)(a), (b) and (ba)—

omit, insert—

(a) directions given by the registrar under—

(i) section 10(1)(b); or

(ii) the *Forestry Act 1959*, section 61RW(1)(b); or

(iii) the *Land Act 1994*, section 287(1)(b);
and

- (3) Section 9A(2)(c)—
renumber as section 9A(2)(b).

101 Amendment of s 23 (Notice to witness)

Section 23(3), from ‘the witness’ to ‘are prescribed,’—
omit.

102 Amendment of s 35 (Entitlement to search register)

- (1) Section 35(1), ‘fee prescribed under a regulation’—
omit, insert—
relevant titles registry fee
- (2) Section 35(3), ‘land registry is’—
omit, insert—
office is
- (3) Section 35(4), ‘chief executive’—
omit, insert—
registrar
- (4) Section 35(6), ‘another department’—
omit, insert—
a department
- (5) Section 35—
insert—
- (8) If the registrar delegates the registrar’s functions of keeping the land registry to the titles registry operator, subsections (4), (6) and (7) apply as if each reference to the registrar were a reference to the operator.

[s 103]

103 Insertion of new s 157A

After section 157—

insert—

157A Forfeiture of fee on rejecting instrument

- (1) If an instrument (the *rejected instrument*) is rejected by the registrar under section 157(1), the titles registry fee paid for lodging the instrument is forfeited.
- (2) Subsection (3) applies if—
 - (a) the rejected instrument changes the ownership of more than 1 lot or an interest in more than 1 lot; and
 - (b) the titles registry fee paid for lodging the rejected instrument included an amount for each additional lot; and
 - (c) the instrument is relodged within 1 year of the instrument being rejected.
- (3) The titles registry fee payable for relodging the instrument is the titles registry fee that would be payable if the instrument related to only 1 lot.
- (4) Subsection (5) applies if—
 - (a) the titles registry fee paid for lodging the rejected instrument included an additional fee for—
 - (i) the transfer of a fee simple; or
 - (ii) the transfer of a lease under the *South Bank Corporation Act 1989*; and
 - (b) the instrument is relodged within 1 year of the instrument being rejected.
- (5) The additional fee is not payable for relodging the instrument.

104 Insertion of new s 167A

After section 167—

insert—

167A Titles registry fees not payable for particular instruments

No titles registry fee is payable for the lodgement and registration of an instrument that relates to—

- (a) the acquisition by the State of an interest in land; or
- (b) the release or surrender by the State of an interest in land, other than a fee simple interest.

105 Amendment of s 188 (Compensation for deprivation of lot or interest in lot)

Section 188(1)(g), from ‘misfeasance of’—

omit, insert—

misfeasance—

- (i) of or by the registrar or a public service employee of the department performing a function or carrying out a duty under this Act; or
- (ii) of or by the titles registry operator or an employee of the operator in relation to the performance of a titles registry function under the *Queensland Future Fund (Titles Registry) Act 2021*; or

106 Amendment of s 188A (Compensation for loss or damage)

Section 188A(1)(f), from ‘misfeasance of’—

omit, insert—

[s 107]

misfeasance—

- (i) of or by the registrar or a public service employee of the department performing a function or carrying out a duty under this Act; or
- (ii) of or by the titles registry operator or an employee of the operator in relation to the performance of a titles registry function under the *Queensland Future Fund (Titles Registry) Act 2021*; or

107 Amendment of s 193 (Protection from liability)

- (1) Section 193(1), ‘land registry staff’—

omit, insert—

public service employees of the department performing a function or carrying out a duty under this Act

- (2) Section 193(1)—

insert—

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, section 45 in relation to protection from liability for employees of the titles registry operator.

108 Replacement of s 194 (Chief executive may approve forms)

Section 194—

omit, insert—

194 Approved forms

The registrar may approve forms for use under this Act.

109 Amendment of s 196A (Publication of particular public notices on department's website)

- (1) Section 196A(1), 'an official'—

omit, insert—

the registrar

- (2) Section 196A(3)—

omit, insert—

- (3) The registrar must ensure the notice is published on each relevant website for a total of at least 10 business days.

- (3) Section 196A(5) and (6), 'official'—

omit, insert—

registrar

- (4) Section 196A(7), definition *official*—

omit.

- (5) Section 196A(7)—

insert—

relevant website means—

- (a) the department's website; and
- (b) for a public notice relating to a titles registry function that has been delegated to the titles registry operator under this Act—the operator's website.

110 Amendment of s 198A (Supply of statistical data)

- (1) Section 198A—

insert—

- (7A) If the registrar delegates the registrar's function of keeping the land registry to the titles registry

[s 111]

operator, this section applies as if each reference to the registrar were a reference to the operator.

- (2) Section 198A(7A) and (8)—
renumber as section 198A(8) and (9).

111 Insertion of new s 198B

After section 198A—
insert—

198B Fees for titles registry functions

The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this Act.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

112 Amendment of s 199 (Regulation-making power)

- (1) Section 199(2)—
omit.
- (2) Section 199(3), ‘Without limiting subsection (2)(a), a’—
omit, insert—
A
- (3) Section 199(3) to (5)—
renumber as section 199(2) to (4).

113 Insertion of new pt 12, div 9

Part 12—
insert—

Division 9 Transitional provisions for Queensland Future Fund (Titles Registry) Act 2021

220 Definitions for division

In this division—

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

221 Land registry continues

The land registry kept by the chief executive under former section 7 immediately before the commencement continues and must be kept by the registrar under new section 7.

222 Engagements and agreements under former s 35

- (1) This section applies if—
 - (a) before the commencement, the chief executive had engaged an entity under former section 35(4); and
 - (b) on the commencement, the engagement—
 - (i) has not ended; and
 - (ii) has not been transferred to the titles registry operator under a transfer notice.
- (2) The engagement is taken to have been entered into by the registrar under new section 35(4).

[s 114]

- (3) In this section—

transfer notice see the *Queensland Future Fund (Titles Registry) Act 2021*, section 20.

223 Approved forms continue as approved forms of registrar

- (1) This section applies to a form approved by the chief executive under former section 194 that is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be a form approved by the registrar under new section 194.

224 Public notices published by chief executive under former s 196A

- (1) This section applies if—
 - (a) before the commencement the chief executive had published a notice on the department's website under former section 196A; and
 - (b) immediately before the commencement, the notice had not been published for a total of at least 10 business days as required under former section 196A.
- (2) The registrar must ensure the notice is published on the department's website so that the total number of business days the notice is published, whether before or after the commencement and whether or not consecutive, is at least 10 business days.

114 Amendment of sch 2 (Dictionary)

- (1) Schedule 2—

insert—

titles registry fee, for a matter mentioned in a provision of this Act, means the fee payable for the matter under section 198B.

titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

titles registry operator means the operator under the *Queensland Future Fund (Titles Registry) Act 2021*.

- (2) Schedule 2, definition *appropriate form*, paragraph (c), ‘chief executive’—

omit, insert—

registrar

- (3) Schedule 2, definition *approved form*, paragraph (b), from ‘by the chief’—

omit, insert—

under section 194.

Part 15 Amendment of Property Law Act 1974

115 Act amended

This part amends the *Property Law Act 1974*.

Note—

See also the amendments in schedule 3.

116 Insertion of new s 350A

After section 350—

insert—

[s 117]

350A Fees for titles registry functions

- (1) The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this Act.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

- (2) In this section—

titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

117 Amendment of s 351 (Regulation-making power)

Section 351(2), after ‘about fees’—

insert—

, other than titles registry fees,

118 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

titles registry fee, for a matter mentioned in a provision of this Act, means the fee payable for the matter under section 350A.

Part 16 Amendment of South Bank Corporation Act 1989

119 Act amended

This part amends the *South Bank Corporation Act 1989*.

Note—

See also the amendments in schedule 3.

120 Amendment of s 3 (Definitions)

- (1) Section 3, definition *approved form*—
omit.
- (2) Section 3—
insert—

approved form means a form approved under section 114A.

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

121 Insertion of new ss 114A and 114B

After section 114—

insert—

114A Approved forms

- (1) The council may approve forms for use under this Act for part 7.
- (2) The registrar of titles may approve forms for use under this Act in relation to the land registry.
- (3) The corporation manager may approve forms for use under this Act other than in circumstances mentioned in subsection (1) or (2).
- (4) This section does not apply to a form for use under schedule 4.

Note—

See schedule 4, section 133A for forms for use under that schedule.

114B Fees for titles registry functions

- (1) The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this Act.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

- (2) This section does not apply in relation to a titles registry function performed under schedule 4.

Note—

See schedule 4, section 133B for fees payable in relation to a titles registry function performed under that schedule.

- (3) In this section—

titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

122 Insertion of new pt 11, div 10

Part 11—

insert—

Division 10 Transitional provisions for Queensland Future Fund (Titles Registry) Act 2021

142 Forms approved by the council

- (1) This section applies to a form approved by the council under section 80 as in force before the commencement if the form is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be a form approved by the council under section

114A(1).

143 Forms approved under the South Bank Corporation Regulation 2014

- (1) This section applies to a form approved under the *South Bank Corporation Regulation 2014*, section 28 as in force before the commencement if the form is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be—
 - (a) if the form was approved by the chief executive of the department in which the *Land Title Act 1994* is administered—a form approved by the registrar of titles under section 114A(2); or
 - (b) otherwise—a form approved by the corporation manager under section 114A(3).

144 Forms approved under the South Bank Corporation (Modified Building Units and Group Titles) Regulation 2014

- (1) This section applies to a form approved under the *South Bank Corporation (Modified Building Units and Group Titles) Regulation 2014*, schedule 1, section 3 as in force before the commencement if the form was in force immediately before the commencement.
- (2) From the commencement, the form is taken to be—
 - (a) if the form was approved by the corporation manager for schedule 4, section 41 or 117—a form approved by the referee under schedule 4, section 133A(1); or

[s 123]

- (b) if the form was approved by the chief executive of the department in which the *Land Title Act 1994* is administered—a form approved by the registrar of titles under schedule 4, section 133A(2); or
- (c) otherwise—a form approved by the corporation manager under schedule 4, section 133A(3).

123 Amendment of sch 4, s 7 (Interpretation)

Schedule 4, section 7(1)—

insert—

approved form means a form approved under section 133A.

(new)

corporation manager means the corporation manager appointed under the principal Act, section 13.

(new)

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

(new)

titles registry fee, for a matter mentioned in a provision of this Act, means the fee payable for the matter under section 133B.

(new)

124 Insertion of new sch 4, ss 133A and 133B

Schedule 4—

insert—

133A Approved forms

- (1) The referee may approve forms for use under this Act for sections 41 and 117.
- (2) The registrar of titles may approve forms for use under this Act in relation to the land registry.
- (3) The corporation manager may approve forms for use under this Act other than in circumstances mentioned in subsection (1) or (2).

(new)

133B Fees for titles registry functions

- (1) The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this Act.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

- (2) For subsection (1), the fee payable for the lodgement or registration of a dealing executed by a body corporate under section 21, 22 or 23 is the fee that would be payable under the *Queensland Future Fund (Titles Registry) Act 2021* if the dealing related to land in a single lot.
- (3) In this section—

titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

(new)

[s 125]

Part 17 Amendment of Water Act 2000

125 **Act amended**

This part amends the *Water Act 2000*.

Note—

See also the amendments in schedule 3.

126 **Amendment of s 151 (Correcting water allocation when recording the granting or amending)**

Section 151(2), ‘chief executive’—

omit, insert—

registrar

127 **Amendment of s 168 (Water allocations register)**

(1) Section 168(2)—

omit.

(2) Section 168(3), before ‘register’—

insert—

water allocations

(3) Section 168(3)—

renumber as section 168(2).

128 **Insertion of new ss 169A and 169B**

After section 169—

insert—

169A Delegations by registrar

(1) The registrar may delegate the registrar’s functions under this Act to—

- (a) an appropriately qualified public service employee; or
 - (b) the titles registry operator.
- (2) If a function of the registrar is delegated to the titles registry operator, the titles registry operator must subdelegate the function to an appropriately qualified employee of the titles registry operator.
- (3) The titles registry operator may impose conditions on a subdelegation under subsection (2) that are not inconsistent with any conditions to which the delegation to the titles registry operator is subject.
- (4) If the registrar delegates the registrar's function of keeping the water allocations register to the titles registry operator, a reference in an Act to an office of the registry is, if the context permits, taken to be a reference to an office of the titles registry operator—
 - (a) where documents may be lodged; and
 - (b) that is published on the operator's website.
- (5) In this section—
function includes power.

169B Use of registrar's title

- (1) A public service employee delegated a function of the registrar under this Act or another Act may, when performing the function, act under the title 'registrar of water allocations'.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, section 30 in relation to the titles registry operator, or the operator's employees, using the registrar's title.

- (2) In this section—

[s 129]

function includes power.

129 Amendment of s 172 (Effect on priority notices given under s 73(1)(c))

Section 172(3), after ‘Act’—

insert—

, including a titles registry fee,

130 Amendment of s 173 (Application of Land Title Act 1994 to water allocations register)

(1) Section 173(1)(e), ‘divisions 4, 4A, 4B’—

omit, insert—

divisions 4, 4AA, 4A, 4B, 4C

(2) Section 173(1)—

insert—

(ea) part 6A;

(3) Section 173(1)(ea) to (j)—

renumber as section 173(1)(f) to (k).

(4) Section 173(4)—

omit.

131 Amendment of s 175 (Searching water allocations register)

(1) Section 175, ‘fee prescribed by regulation’—

omit, insert—

relevant titles registry fee

(2) Section 175(a)(iv), before ‘register’—

insert—

water allocations

132 Amendment of s 1010 (Protecting officials from liability)

Section 1010(3)—

insert—

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, section 45 in relation to protection from liability for employees of the titles registry operator.

133 Replacement of s 1013 (Approved forms)

Section 1013—

omit, insert—

1013 Approved forms

- (1) The chief executive may approve forms for use under this Act other than in relation to the water allocations register.
- (2) The registrar may approve forms for use under this Act in relation to the water allocations register.

134 Amendment of s 1013B (Non-payment of fees or charges)

Section 1013B(1), after ‘chief executive’—

insert—

under a regulation made under this Act

135 Amendment of s 1013C (Fees—payment methods)

- (1) Section 1013C(1), after ‘this Act’—

insert—

, other than a titles registry fee

[s 136]

- (2) Section 1013C(2), after ‘the form’—
insert—
_____, other than a titles registry fee

136 Amendment of s 1013CA (Fees—evidence and timing of payment)

Section 1013CA—
insert—

- (4) This section does not apply in relation to a titles registry fee.

137 Insertion of new ss 1013CB to 1013CD

After section 1013CA—
insert—

1013CB Fees for titles registry functions

- (1) The fees provided under the *Queensland Future Fund (Titles Registry) Act 2021* are payable in relation to a titles registry function performed under this Act.

Note—

See the *Queensland Future Fund (Titles Registry) Act 2021*, part 3.

- (2) In this section—
titles registry function see the *Queensland Future Fund (Titles Registry) Act 2021*, section 5.

1013CC Forfeiture of fee on rejecting instrument

If an instrument is rejected by the registrar for failing to comply with a requisition, the titles registry fee paid for lodging the instrument is forfeited.

1013CD Fee not payable for particular matters

No fee is payable for the following—

- (a) the lodgement and registration of an instrument of transfer of a water allocation to, or acquisition or lease of a water allocation by, the State;
- (b) an application for, or an application for a dealing with, a water licence with a stated purpose of ‘CYPHA’.

138 Amendment of s 1014 (Regulation-making power)

Section 1014(2)(a), after ‘charges’—

insert—

(other than titles registry fees)

139 Insertion of new ch 9, pt 13

Chapter 9—

insert—

Part 13 Transitional provision for Queensland Future Fund (Titles Registry) Act 2021

1301 Approved forms continue

- (1) This section applies to a form approved by the chief executive under section 1013 as in force before the commencement if the form is in force immediately before the commencement.
- (2) From the commencement, the form is taken to be—

[s 140]

- (a) if the form was approved for use other than in relation to the water allocations register—a form approved by the chief executive under new section 1013(1); or
 - (b) if the form was approved for use in relation to the water allocations register—a form approved by the registrar under new section 1013(2).
- (3) In this section—
- new**, for a provision of this Act, means the provision as in force from the commencement.

140 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

titles registry fee, for a matter mentioned in a provision of this Act, means the fee payable for the matter under section 1013CB.

titles registry operator means the operator under the *Queensland Future Fund (Titles Registry) Act 2021*.

Part 18

Other amendments

Division 1

Amendment of this Act

141 Act amended

This division amends this Act.

142 Amendment of long title

Long title, from ‘, to amend this Act’—

omit.

143 Amendment of s 1 (Short title)

Section 1, ‘*Debt Reduction and Savings Act 2021*’—

omit, insert—

*Queensland Future Fund (Titles Registry) Act
2021*

144 Replacement of s 2 (Commencement)

Section 2—

omit, insert—

2 Commencement

(1) Part 19 commences on 1 January 2022.

(2) Any other provisions of this Act that are not in force on 1 July 2021 commence on a day to be fixed by proclamation.

145 Amendment of s 4 (Definitions)

Section 4(2)—

omit.

146 Relocation and renumbering of ch 2, pt 1 (Fee units)

Chapter 2, part 1—

relocate and renumber as chapter 1, part 19.

[s 147]

147 Omission of ch 1, hdg (Queensland Future Fund (Titles Registry))

Chapter 1, heading—
omit.

Division 2 Other amendments

148 Legislation amended

Schedule 3 amends the legislation it mentions.

Chapter 2 Other Debt Reduction and Savings Measures

Part 1 Fee units

Division 1 Amendment of Acts Interpretation Act 1954

149 Act amended

This division amends the *Acts Interpretation Act 1954*.

150 Insertion of new pt 12B

After part 12A—
insert—

Part 12B Fee units

48B Value of fee unit

- (1) A regulation may prescribe a monetary amount to be the value of a fee unit.
- (2) The amount prescribed may include a fraction of a cent.

Example—

The amount of \$1.015 may be prescribed.

- (3) Without limiting the *Statutory Instruments Act 1992*, section 25, a regulation may prescribe different amounts for different Acts.
- (4) The value of a fee unit for an Act is—
 - (a) the amount prescribed under this section; or
 - (b) if no amount is prescribed—\$1.

48C Working out amounts

- (1) An Act may express a fee or other matter as a number (whether whole or fractional) of fee units.
- (2) The Act may also provide for how an amount is to be rounded for the purpose of subsection (3).
- (3) The amount of the fee or other matter is the number of dollars obtained by—
 - (a) multiplying the value of a fee unit for the Act by the number of fee units; and
 - (b) rounding the result—
 - (i) if the Act provides for how the result is to be rounded—in that way; or
 - (ii) otherwise—to the nearest cent (rounding one-half upwards).

Example—

A regulation under section 48B prescribes \$1.015 to be the value of a fee unit for an Act. The Act provides for a licence fee of 120.44 fee units and does not provide for

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how amounts are to be rounded for the purpose of this subsection. The number of dollars obtained by multiplying \$1.015 by 120.44 is \$122.2466. So, after rounding, the amount of the licence fee is \$122.25.

151 Amendment of sch 1 (Meaning of commonly used words and expressions)

Schedule 1—

insert—

fee unit, for an Act, means a unit of the value prescribed under section 48B for the Act.

Division 2 Amendment of Statutory Instruments Act 1992

152 Act amended

This division amends the *Statutory Instruments Act 1992*.

153 Amendment of sch 1 (Provisions of Acts Interpretation Act 1954 that apply to statutory instruments)

Schedule 1, ‘part 12A’—

omit, insert—

parts 12A and 12B

Part 2 Repeal of Building Queensland Act 2015 and related amendments

Division 1 Amendment of Queensland Industry Participation Policy Act 2011

154 Act amended

This division amends the *Queensland Industry Participation Policy Act 2011*.

155 Replacement of pt 4, hdg (Savings provision)

Part 4, heading—

omit, insert—

Part 4 Transitional and savings provisions

Division 1 Savings provision for Act No. 5 of 2011

156 Insertion of new pt 4, div 2

Part 4—

insert—

Division 2 Transitional provisions for Queensland Future Fund (Titles Registry) Act 2021

17 Particular terms have meaning given under repealed Act

(1) In this division, a term defined under the repealed Act but not under this Act has the meaning it had under the repealed Act.

(2) In this section—

repealed Act means the repealed *Building Queensland Act 2015*.

18 Building Queensland and its board

(1) On the commencement—

(a) Building Queensland and its board are abolished; and

(b) each member of the board goes out of office.

(2) No compensation is payable to a person because of subsection (1)(b).

(3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before the commencement.

19 Chief executive officer goes out of office

(1) On the commencement, the person who, immediately before the commencement, held office as Building Queensland's chief executive officer goes out of office and the person's contract of employment ends.

(2) No compensation is payable to the person because of subsection (1), other than as expressly provided for under the person's contract of employment.

(3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had

accrued or was accruing before the commencement.

- (4) A benefit or entitlement mentioned in subsection (3) stops accruing and becomes payable on the commencement as if the person's contract of employment had been terminated on that day according to its terms and other than by the person.

20 State is successor in law of Building Queensland

- (1) The State is the successor in law of Building Queensland.
- (2) Subsection (1) is not limited by another provision of this division.

21 Assets and liabilities

On the commencement, the assets and liabilities of Building Queensland immediately before the commencement become assets and liabilities of the State held in the department.

22 Records and other documents

On the commencement, the records and other documents of Building Queensland immediately before the commencement become records and documents of the department.

23 Contracts, agreements, undertakings, other arrangements and instruments

- (1) This section applies to a contract, agreement, undertaking or other arrangement to which Building Queensland was a party, or an instrument that applied to Building Queensland,

immediately before the commencement.

- (2) The State is a party to the contract, agreement, undertaking or arrangement, or the instrument applies to the State, in place of Building Queensland.
- (3) Without limiting subsection (2)—
 - (a) any right, title, interest or liability of Building Queensland arising under or relating to the contract, agreement, undertaking, arrangement or instrument is a right, title, interest or liability of the State; and
 - (b) a current instrument, including a benefit or right provided by the contract, agreement, undertaking, arrangement or instrument, given to, by or in favour of Building Queensland before the commencement is taken to have been given to, by or in favour of the State; and
 - (c) an application relating to the contract, agreement, undertaking, arrangement or instrument made in the name of Building Queensland before the commencement is taken to have been made in the name of the State; and
 - (d) a current instrument under which an amount is, or may become, payable to or by Building Queensland is taken to be an instrument under which the amount is, or may become, payable to or by the State in the way the amount was, or might have become, payable to or by Building Queensland; and
 - (e) a current instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or

by Building Queensland is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the State in the way the property was, or might have become, liable to be transferred, conveyed or assigned to or by Building Queensland.

- (4) This section applies subject to section 27.

24 Registering authority to note transfer or other dealing

- (1) A registering authority must, on written application by the chief executive and without charge, register or record in the appropriate way a transfer of, or other dealing affecting, an asset, liability or instrument under this division.
- (2) The chief executive must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer or other dealing.
- (3) In this section—

registering authority means the registrar of titles or another entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments.

25 Proceedings not yet started

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against Building Queensland within a particular period.
- (2) The proceeding may be started by or against the State within the period.

26 Current proceedings

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which Building Queensland was a party.
- (2) On the commencement, the State becomes a party to the proceeding in place of Building Queensland.

27 Matters relating to employment

- (1) This section applies to each person who was an employee of Building Queensland immediately before the commencement, other than the chief executive officer.
- (2) On the commencement—
 - (a) the person becomes a public service employee of the department; and
 - (b) the person stops being an employee of Building Queensland; and
 - (c) Building Queensland's liability for recreation, sick or long service leave accrued but not taken by the person before the commencement is transferred to the State held in the department; and
 - (d) Building Queensland's records, to the extent they relate to the person's employment, become records of the State held in the department.
- (3) Without limiting subsection (2)(a), if the person is employed under a contract of employment, the person's contract of employment with Building Queensland is taken to be a contract of employment between the person and the chief executive and applies with any necessary changes

to give effect to the contract.

- (4) The change under subsection (2) has effect despite any contract, instrument or other law and does not—
- (a) reduce the person's total remuneration; or
 - (b) prejudice the person's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
 - (c) interrupt the person's continuity of service, except that the person is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
 - (d) constitute a termination of employment by Building Queensland, retrenchment or redundancy; or
 - (e) entitle the person to a payment or other benefit merely because the person is no longer employed by Building Queensland; or
 - (f) require a payment to be made in relation to the person's accrued rights to recreation, sick, long service or other leave irrespective of any arrangement between Building Queensland and the person; or
 - (g) terminate or otherwise end a contract.

28 Effect on legal relationships

- (1) Anything done under this division—
- (a) does not make the State liable for a civil wrong or a contravention of a law or for a breach of contract or confidence; and

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- (b) does not make the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and
 - (c) does not fulfil a condition that—
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument; or
 - (iv) requires a person to perform an obligation contained in an instrument; or
 - (v) requires any money to be paid before its stated maturity; and
 - (d) does not release a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this section, the advice, consent or approval of a person would be necessary to do something under this division, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
 - (3) If giving notice to a person would be necessary to do something under this division, the notice is taken to have been given.
 - (4) A reference in this section to the State includes a reference to an employee or agent of the State.

29 Division applies despite other laws and instruments

A thing may be done under this division despite any other law or instrument.

30 References to Building Queensland

In an Act or document, a reference to Building Queensland is, if the context permits, taken to be a reference to the State.

Division 2 Repeal

157 Repeal

The Building Queensland Act 2015, No. 22 is repealed.

Division 3 Amendment of other legislation

158 Legislation amended

Schedule 4 amends the legislation it mentions.

Part 3 Amendment of National Injury Insurance Scheme (Queensland) Act 2016

159 Act amended

This part amends the *National Injury Insurance Scheme (Queensland) Act 2016*.

[s 160]

160 Amendment of s 55 (Establishment)

Section 55—

insert—

- (2) The agency is governed by the chief executive officer.

161 Amendment of s 58 (Functions)

- (1) Section 58(1)—

insert—

- (ga) set investment objectives for the fund or part of the fund and establish investment strategies and policies to achieve the objectives; and

- (2) Section 58(1)(ga) and (h)—

renumber as section 58(1)(h) and (i).

- (3) Section 58—

insert—

- (3) The agency may appoint an entity to perform, or advise the agency about performing, the function under subsection (1)(h).
- (4) An entity appointed under subsection (3) must be—
 - (a) an entity nominated by the Treasurer; or
 - (b) if the Treasurer has not nominated an entity—the advisory board known as the State Investment Advisory Board established under the *Queensland Treasury Corporation Act 1988*, section 10.

162 Replacement of s 64 (Delegation)

Section 64—

omit, insert—

64 Delegation

The agency may delegate the agency's functions or powers under this Act to an appropriately qualified person who is—

- (a) the chief executive officer; or
- (b) an employee of the agency; or
- (c) a person who performs work for the agency under a contractual or other arrangement; or
- (d) an employee of an entity that performs work for the agency under a contractual or other arrangement.

163 Omission of ch 3, pt 2 (Board)

Chapter 3, part 2—

omit.

164 Amendment of s 81 (Appointment)

Section 81(2)—

omit, insert—

- (2) The chief executive officer is appointed by the Governor in Council.
- (3) The chief executive officer is appointed under this Act and not the *Public Service Act 2008*.
- (4) The Governor in Council may appoint a person who is a public service officer to hold the office of chief executive officer in conjunction with the person's public service office.

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165 Amendment of s 82 (Term of appointment)

(1) Section 82(1) to (3)—

omit, insert—

- (1) The chief executive officer holds office for the term, not longer than 5 years, stated in the instrument of the officer's appointment.
- (2) The chief executive officer may be reappointed under subsection (1) even if the total of the terms of the appointment and reappointment is more than 5 years.
- (3) The Governor in Council may end the chief executive officer's appointment for any reason or none.

(2) Section 82(4), 'contract of employment'—

omit, insert—

terms of the officer's appointment

(3) Section 82(5), 'board'—

omit, insert—

Minister

(4) Section 82(6)—

omit, insert—

(6) In this section—

required period means the period—

- (a) stated in the chief executive officer's instrument of appointment or contract of employment; or
- (b) otherwise agreed with the Minister.

166 Replacement of s 83 (Conditions of appointment)

Section 83—

omit, insert—

83 Conditions of appointment

- (1) The chief executive officer is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The chief executive officer holds office on the terms—
 - (a) provided for by this Act; or
 - (b) stated in the chief executive officer's contract of employment; or
 - (c) decided by the Governor in Council.
- (3) This section does not apply to a public service officer appointed as the chief executive officer.

167 Replacement of s 84 (Chief executive officer's responsibilities)

Section 84—

omit, insert—

84 Chief executive officer's functions

- (1) The functions of the chief executive officer are to—
 - (a) manage the agency; and
 - (b) ensure the agency's functions are performed in a proper, effective and efficient way; and
 - (c) develop strategies and policies about the performance of the agency's functions.
- (2) The chief executive officer's functions also include any other function given to the chief executive under this Act.

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168 Amendment of s 86 (Quarterly reports)

Section 86(1) and (2)(b), ‘board’—

omit, insert—

chief executive officer

169 Amendment of s 87 (Board to inform Treasurer of particular issues)

(1) Section 87, heading, ‘Board’—

omit, insert—

Chief executive officer

(2) Section 87(1) and (2), ‘board’—

omit, insert—

chief executive officer

(3) Section 87(1), ‘board’s’—

omit, insert—

chief executive officer’s

170 Amendment of s 88 (Reporting to department)

Section 88(2) and (3), ‘board’—

omit, insert—

chief executive officer

171 Amendment of s 91 (Draft strategic and operational plans)

Section 91(1), ‘board’—

omit, insert—

agency

172 Amendment of s 92 (Modifications of strategic or operational plan)

Section 92, ‘board’—

omit, insert—

agency

173 Amendment of s 136 (Direction to agency or board about functions and powers)

Section 136, ‘board’—

omit, insert—

chief executive officer

174 Amendment of s 139 (Approved forms)

Section 139, ‘board’—

omit, insert—

chief executive officer

175 Insertion of new ch 9, pt 1, hdg

Chapter 9—

insert—

Part 1

**Transitional provisions
for Act No. 34 of 2016**

176 Amendment of s 141 (Definition for chapter)

Section 141, ‘chapter’—

omit, insert—

part

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177 Insertion of new ch 9, pt 2

Chapter 9—

insert—

Part 2 Transitional provisions for Queensland Future Fund (Titles Registry) Act 2021

146 Dissolution of board

On the commencement—

- (a) the board of the agency is abolished; and
- (b) each member of the board goes out of office.

147 Existing chief executive officer

(1) On the commencement—

- (a) the person holding office as the chief executive officer immediately before the commencement goes out of office; and
- (b) the person's contract of employment mentioned in former section 82 ends.

(2) No compensation is payable to the person because of subsection (1), other than as expressly provided under the person's contract of employment.

(3) To remove any doubt, it is declared that this section does not limit or otherwise affect the person's right to a benefit or entitlement that had accrued or was accruing before the commencement.

(4) In this section—

former section 82 means section 82 as in force

from time to time before the commencement.

148 Insurance commissioner holds office as chief executive officer

- (1) This section applies until the Governor in Council appoints a chief executive officer under section 81.
- (2) The insurance commissioner—
 - (a) is the chief executive officer of the agency; and
 - (b) is taken to have been appointed under section 81.
- (3) In this section—

insurance commissioner means the insurance commissioner under the Insurance Act in the commissioner's official capacity, but not in the capacity of insurance commissioner or nominal defendant under that Act.

149 References to approved forms

A reference in this Act to an approved form includes a reference to a form approved by the board under section 139 as in force immediately before the commencement.

178 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *board*, *chairperson* and *deputy chairperson*—
omit.
- (2) Schedule 1, definition *approved form*, 'board'—
omit, insert—

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chief executive officer

Part 4 Repeal of Public Safety Business Agency Act 2014 and related amendments

Division 1 Amendment of Police Service Administration Act 1990

179 Act amended

This division amends the *Police Service Administration 1990*.

180 Amendment of s 1.4 (Definitions)

Section 1.4, definitions *PSBA*, *PSBA chief operating officer*, *PSBA employee*, *relevant PSBA employee* and *seconded officer*—

omit.

181 Amendment of s 4.10 (Delegation)

(1) Section 4.10(1)(c)—

omit.

(2) Section 4.10(1)(f)(i)—

omit.

(3) Section 4.10(1), paragraph (f)(ii) and (iii)—

renumber as paragraph (f)(i) and (ii).

(4) Section 4.10(1)(d) to (f)—

renumber as section 4.10(1)(c) to (e)

182 Omission of s 5.13C (Secondment etc. of officers to PSBA)

Section 5.13C—

omit.

183 Amendment of s 5A.2 (Definitions for pt 5A)

- (1) Section 5A.2, definition *relevant PSBA employee*—

omit.

- (2) Section 5A.2, definition *authorised person* ‘, staff member or relevant PSBA employee’—

omit, insert—

or staff member

- (3) Section 5A.2, definition *critical area*, ‘, staff member or relevant PSBA employee’—

omit, insert—

or staff member

184 Amendment of s 5A.3 (Persons to whom pt 5A applies)

- (1) Section 5A.3(1)(a), ‘, whether or not the officer is a seconded officer’—

omit.

- (2) Section 5A.3(1)(f)—

omit.

- (3) Section 5A.3(2), ‘and (f), if the critical area in which the functions are performed is a driver training facility, this part applies to the staff member or relevant PSBA employee only if the member or employee’—

omit, insert—

, if the critical area in which the functions are performed is a driver training facility, this part

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applies to the staff member only if the member

185 Amendment of s 5A.21A (Agreements about counselling and rehabilitation)

(1) Section 5A.21A(1)—

omit, insert—

- (1) Any member of the service, whether or not the member is a relevant person, may make a written request to the prescribed person for the provision of counselling or rehabilitation about the member's personal use of alcohol or a drug.

(2) Section 5A.21A(2), 'or employee'—

omit.

(3) Section 5A.21A(3), 'If the request is from a member of the service, the'—

omit, insert—

The

(4) Section 5A.21A(4)—

omit.

(5) Section 5A.21A(5), 'or the PSBA chief operating officer must not use information disclosed by a member or employee under this section for the purposes of disciplinary or other action against the member or employee'—

omit, insert—

must not use information disclosed by a member under this section for the purposes of disciplinary or other action against the member

(6) Section 5A.21A(6), 'or the PSBA chief operating officer'—

omit.

(7) Section 5A.21A(6), 'or PSBA chief operating officer'—

omit.

- (8) Section 5A.21A(6), ‘or employee’—

omit.

- (9) Section 5A.21A(8), definition *prescribed person*, ‘or relevant PSBA employee may make a request for the provision of counselling or rehabilitation about the member’s or employee’s’—

omit, insert—

may make a request for the provision of
counselling or rehabilitation about the member’s

- (10) Section 5A.21A(5) to (8)—

renumber as section 5.21A(4) to (7).

186 Amendment of s 5AA.3 (Meaning of *engaged by the service*)

- (1) Section 5AA.3(e)—

omit.

- (2) Section 5AA.3(f) to (h)—

renumber as section 5AA.3(e) to (g).

187 Amendment of s 5AA.5 (Person to be advised of duties of disclosure etc.)

- (1) Section 5AA.5(1), ‘a PSBA employee or’—

omit.

- (2) Section 5AA.5(2)—

omit, insert—

- (2) Subsections (3) and (4) apply if the chief executive officer (a ***relevant CEO***) of another entity becomes aware a person employed or engaged by the entity is an external service

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provider.

(3) Section 5AA.5(4)—

omit, insert—

(4) The information required to be given to the person under subsection (3) must be given as soon as practicable after the relevant CEO becomes aware the person is an external service provider.

188 Amendment of s 5AA.12 (Particular persons to be advised if person unsuitable)

Section 5AA.12(1), ‘a PSBA employee or’—

omit.

189 Amendment of s 5AA.13 (PSBA employee or external service provider to be advised if person unsuitable)

(1) Section 5AA.13, heading, ‘PSBA employee or external’—

omit, insert—

External

(2) Section 5AA.13(1), ‘a PSBA employee or’

omit.

190 Amendment of s 8.3 (Unfitness for duty on medical grounds)

Section 8.3(6A)—

omit.

191 Amendment of s 10.2 (Authorisation of disclosure)

Section 10.2(2), ‘5A.21A(5)’—

omit, insert—

5A.21A(4)

192 Amendment of s 10.9 (Service and production of documents)

(1) Section 10.9(1)—

omit, insert—

(1) Any document that an Act requires or authorises to be given to or served on the commissioner is taken to have been duly so given or served if it is given to the holder of an office nominated by the commissioner for this section.

(2) Section 10.9(2), ‘, or a PSBA employee whose duties include performing a function for the service,’—

omit.

193 Insertion of new pt 11, div 12

Part 11—

insert—

Division 12 Repeal and transitional provisions for the Queensland Future Fund (Titles Registry) Act 2021

Subdivision 1 Repeal

11.20 Repeal

The Public Safety Business Agency Act 2014, No. 17 is repealed.

Subdivision 2 Transitional provisions

11.21 Definitions for subdivision

In this subdivision—

PSBA means the Public Safety Business Agency in existence under the repealed Act immediately before the commencement.

repealed Act means the repealed *Public Safety Business Agency Act 2014* as in force immediately before the commencement.

11.22 Particular terms have meaning given under repealed Act

In this subdivision, a term defined under the repealed Act but not under this Act has the same meanings as it had under the repealed Act.

11.23 Matters relating to PSBA board

- (1) The PSBA is dissolved.
- (2) Each board member ceases to be a member of the board.
- (3) No compensation is payable to a person because of subsections (1) and (2).
- (4) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect a person's right to a benefit or entitlement that had accrued before the commencement.

11.24 Matters relating to chief operating officer

- (1) The appointment of the acting chief operating officer ends.

- (2) No compensation is payable to the acting chief operating officer because of subsection (1).
- (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect the acting chief operating officer's right to a benefit or entitlement that had accrued before the commencement.

11.25 Matters relating to PSBA staff

- (1) This section applies to—
 - (a) a person who, immediately before the commencement, is employed by the PSBA on a permanent full-time or permanent part-time basis; and
 - (b) a person who, immediately before the commencement, is seconded to the PSBA on a permanent full-time or permanent part-time basis.
- (2) On the commencement—
 - (a) for a person mentioned in subsection (1)(a)—the person ceases to be an employee of the PSBA and is employed by the notified department; and
 - (b) for a person mentioned in subsection (1)(b)—the secondment ends.
- (3) Nothing in subsection (2)—
 - (a) interrupts a person's continuity of service; or
 - (b) prejudices a person's existing or accruing right to long service leave; or
 - (c) constitutes a termination of employment by the PSBA, retrenchment or redundancy; or

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- (d) entitles a person to a payment or other benefit merely because the person is no longer employed by the PSBA; or
 - (e) limits or otherwise affect the person's right to a benefit or entitlement that had accrued before the commencement.
- (4) In this section—

notified department means the department that, before the commencement, the person was notified by the chief operating officer as the department in which the person would be employed in after the commencement.

11.26 State is successor in law of PSBA

- (1) The State is the successor in law of the PSBA.
- (2) Subsection (1) is not limited by another provision of this subdivision.

11.27 Assets and liabilities

The assets and liabilities of the PSBA immediately before the commencement become assets and liabilities of the State.

11.28 Records and documents

The PSBA's records and other documents held by the PSBA immediately before the commencement become records and other documents of the State.

11.29 Contracts, agreements, undertakings, other arrangements and instruments

- (1) This section applies to a contract, agreement, undertaking or other arrangement (a *current*

instrument) to which the PSBA was a party, or an instrument (also a *current instrument*) that applied to the PSBA, immediately before the commencement.

- (2) On the commencement, the State becomes a party to the current instrument and the instrument applies to the State, in place of the PSBA.
- (3) Without limiting subsection (2)—
 - (a) any right, title, interest or liability of the PSBA arising under or relating to a current instrument is a right, title, interest or liability of the State; and
 - (b) a current instrument, including a benefit or right provided by a current instrument, given to, by or in favour of the PSBA before the commencement is taken to have been given to, by or in favour of the State; and
 - (c) an application relating to a current instrument made in the name of the PSBA before the commencement is taken to have been made in the name of the State; and
 - (d) a current instrument under which an amount is, or may become, payable to or by the PSBA is taken to be an instrument under which the amount is, or may become, payable to or by the State in the way the amount was, or might have become, payable to or by the PSBA; and
 - (e) a current instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by the PSBA is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the State in the way the property was, or might have become, liable

to be transferred, conveyed or assigned to or by the PSBA.

11.30 Current proceedings

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which the PSBA was a party.
- (2) On the commencement, the State becomes a party to the proceeding in place of the PSBA.

11.31 Proceedings not yet started

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against the PSBA within a particular period.
- (2) The proceeding may be started by or against the State within the period.

11.32 Registering authority to note transfer or other dealing

- (1) A registering authority must, on written application by the commissioner or the fire commissioner and without charge, register or record in the appropriate way a transfer of, or other dealing affecting, an asset, liability or instrument under this subdivision.
- (2) The commissioner, or fire commissioner, must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer or other dealing.
- (3) In this section—

fire commissioner means the person appointed as

commissioner under the *Fire and Emergency Services Act 1990*, section 5.

registering authority means the registrar of titles or another entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments.

11.33 Effect on legal relationships

- (1) A thing done under this subdivision—
 - (a) does not make the State liable for a civil wrong or a contravention of a law or for a breach of a contract or confidence; and
 - (b) does not make the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and
 - (c) does not fulfil a condition that—
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument or requires a person to perform an obligation contained in an instrument; or
 - (iv) requires any money to be paid before its stated maturity.
- (2) If, apart from this subsection, the advice, consent or approval of a person would be necessary to do

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something under this subdivision, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.

- (3) If giving notice to a person would be necessary to do something under this subdivision, the notice is taken to have been given.
- (4) A reference in this section to the State includes an employee or agent of the State.

11.34 References to the PSBA

In an Act or document, a reference to the PSBA is, if the context permits, taken to be a reference to the State.

194 Amendment of sch (Relevant information)

Schedule, ‘PSBA employees, applicants to become PSBA employees,’

omit.

Division 2 Amendment of other legislation

195 Legislation amended

Schedule 5 amends the legislation it mentions.

Part 5 Repeal of Queensland Productivity Commission Act 2015 and related amendments

Division 1 Amendment of City of Brisbane Regulation 2012

196 Regulation amended

This division amends the *City of Brisbane Regulation 2012*.

Note—

See also the amendments in schedule 6.

197 Insertion of new s 38

After section 37—

insert—

38 Power to require certain information from council or corporatised business entity

- (1) When investigating a competitive neutrality complaint, the competition authority may give an information requirement notice to—
 - (a) the council; or
 - (b) if a corporatised business entity is conducting the business activity—the corporatised business entity.
- (2) An *information requirement notice* is a written notice that states the council or corporatised business entity is required to—
 - (a) give the competition authority stated information relevant to the complaint within a stated period; or

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- (b) produce a stated document relevant to the complaint to the competition authority at a stated time and place.
- (3) The council or corporatised business entity must comply with the notice unless—
 - (a) the stated information or document is subject to legal professional privilege, parliamentary privilege or public interest immunity; or
 - (b) giving the stated information or document to the competition authority is prohibited under an Act; or
 - (c) giving the stated information or document to the competition authority could reasonably be expected to prejudice the investigation of a contravention, or possible contravention, of a law.
- (4) The council or corporatised business entity is not liable for a breach of a contract, confidence or duty for giving the competition authority a copy of the stated information, or producing the stated document to the authority, in compliance with the notice.

198 Insertion of new s 43A

After section 43—

insert—

43A Confidentiality requests

- (1) This section applies if a person believes that the disclosure of information given, or to be given, to the competition authority under this division is likely to damage the person's commercial activities.
- (2) The person may give the competition authority a

written notice (a ***confidentiality request***) that—

- (a) states the person's belief; and
 - (b) asks the authority not to disclose the information to an external entity without the person's consent.
- (3) The competition authority may accept the person's confidentiality request if the authority is satisfied—
- (a) the person's belief is justified; and
 - (b) disclosure of the information would not be in the public interest.
- (4) If the competition authority accepts the person's confidentiality request, the authority must not—
- (a) include the information in a report about the investigation of a competitive neutrality complaint; or
 - (b) otherwise disclose the information to an external entity.
- (5) Subsection (4) does not apply if the information is included in a report, or otherwise disclosed to an external entity, in a way that could not reasonably be expected to identify the person.
- (6) In this section—

commercial activities means activities conducted on a commercial basis.

contractor, of the competition authority, means a person (other than a member or employee of the authority) who performs services for the authority—

- (a) under a contract between the person and the authority; or

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- (b) under an arrangement between the authority and another person.

external entity, in relation to information, means an entity other than—

- (a) the Minister; or
- (b) a member of the competition authority; or
- (c) a member of the competition authority's staff, or a contractor of the authority, who would ordinarily receive the information in administering, or performing a function under, this Act; or
- (d) the council.

information includes a document.

person includes a local government or business entity.

199 Insertion of new ch 10, pt 10

Chapter 10—

insert—

Part 10 Transitional provision for Queensland Future Fund (Titles Registry) Act 2021

304 Transfer of existing competitive neutrality complaints to competition authority

- (1) This section applies if, immediately before the commencement—
 - (a) a competitive neutrality complaint made to the QPC under this regulation had not been resolved or withdrawn; and

- (b) the QPC had not completed all actions in relation to the complaint that the QPC was required to take under chapter 3, part 2, division 6.
- (2) Chapter 3, part 2, division 6 applies in relation to the competitive neutrality complaint as if the complaint were made to the competition authority under section 33.
- (3) In this section—

QPC means the Queensland Productivity Commission under the repealed *Queensland Productivity Commission Act 2015*.

Division 2 Amendment of Queensland Competition Authority Act 1997

200 Act amended

This division amends the *Queensland Competition Authority Act 1997*.

201 Amendment of s 10 (Authority's functions)

- (1) Section 10—

insert—

- (c) to advise government agencies about complying with the principle of competitive neutrality; and
- (d) to receive, investigate and report on complaints about the alleged failures of government agencies to comply with the principle of competitive neutrality; and

- (2) Section 10(n), '(m)'—

omit, insert—

[s 202]

(v)

(3) Section 10(aa) to (n)—

renumber as section 10(b) to (w).

202 Amendment of s 12 (Directions by Minister about authority's functions)

(1) Section 12(3), after 'by the authority,'—

insert—

other than an investigation of a competitive neutrality complaint,

(2) Section 12(5)—

omit, insert—

(5) Despite subsection (2), a direction by the Minister under section 10(g) must state how the investigation is to be conducted and, for that purpose, may apply all or stated provisions of part 6 to the investigation.

203 Insertion of new pt 4

After part 3—

insert—

Part 4 Competitive neutrality

Division 1 Preliminary

38 Principle of competitive neutrality

(1) The *principle of competitive neutrality* is the principle that a government agency carrying on a significant business activity should not enjoy a competitive advantage over competitors or

potential competitors in a particular market solely because the agency's activities are not subject to 1 or more of the following—

- (a) full Commonwealth or State taxes or tax equivalent systems;
- (b) debt guarantee fees directed towards offsetting the competitive advantages of government guarantees;
- (c) procedural or regulatory requirements of the Commonwealth, the State or a local government on conditions equivalent to the conditions to which a competitor or potential competitor may be subject, including, for example, requirements about the protection of the environment and about planning and approval processes.

(2) In this section—

significant business activity see section 39(3).

39 Significant business activities

- (1) The Minister may, on the recommendation of the authority, decide that a business activity carried out by a government agency other than a government owned corporation is a significant business activity.
- (2) The Minister must give written notice of the decision to the government agency.
- (3) A *significant business activity* is a business activity that—
 - (a) the Minister decides is a significant business activity under subsection (1); or
 - (b) is carried out by a government owned corporation.

- (4) The authority must publish a list of all significant business activities on its website.

Division 2 Competitive neutrality complaints

40 Meaning of *competitive neutrality complaint*

A *competitive neutrality complaint* is a complaint about the alleged failure of a government agency to comply with the principle of competitive neutrality.

41 Making competitive neutrality complaint

- (1) A person may make a competitive neutrality complaint to the authority if the person is, or could be—
- (a) a person in competition with a government agency in a particular market; or
 - (b) a person adversely affected by a competitive advantage the person alleges is enjoyed by the government agency.
- (2) The complaint must—
- (a) be in writing; and
 - (b) contain details of the alleged failure of a government agency to comply with the principle of competitive neutrality; and
 - (c) include sufficient details to show—
 - (i) the person and the government agency are, or could be, in competition in a particular market; or

- (ii) how the person is, or could be, adversely affected by the competitive advantage the person alleges is enjoyed by the government agency; and
- (d) include sufficient details to show whether the person has made a genuine, but unsuccessful, attempt to resolve the subject matter of the complaint with the government agency.

42 Further information to support complaint

- (1) The authority may, by written notice, require a complainant to give the authority further stated information about the competitive neutrality complaint within the reasonable period stated in the notice.
- (2) The stated information must be information that the authority considers is necessary and reasonable to help the authority decide whether or not to investigate the complaint.

Division 3 Dealing with competitive neutrality complaints

43 Guideline for dealing with complaints

- (1) The Minister may approve a guideline that sets out the process for dealing with competitive neutrality complaints.
- (2) The authority must—
 - (a) publish the approved guideline on its website; and

- (b) subject to this part, comply with the approved guideline when dealing with a competitive neutrality complaint.

44 Requirement to investigate complaint

The authority must investigate a competitive neutrality complaint under division 4 unless the authority refuses to deal with, or to continue to deal with, the complaint under section 45.

45 Refusing complaint

- (1) The authority may refuse a competitive neutrality complaint if—
 - (a) the authority believes the complainant is not, and could not be, in competition in a particular market with the government agency the subject of the complaint; or
 - (b) the authority believes the complainant has not made a genuine attempt to resolve the complaint with the government agency the subject of the complaint; or
 - (c) the complainant failed, without reasonable excuse, to comply with a notice, given to the complainant under section 42, requiring the complainant to give stated information to the authority; or
 - (d) the authority believes the complaint is frivolous or vexatious.
- (2) Within 14 days after deciding to refuse the complaint, the authority must give the complainant a notice that states the decision and the reasons for the decision.
- (3) In this section—

refuse, in relation to a competitive neutrality complaint, means refuse to deal with, or continue to deal with, the complaint.

Division 4 Investigation of competitive neutrality complaints

46 Application of division

This division applies if the authority is required to investigate, under this division, a competitive neutrality complaint made against a government agency.

47 Notice of investigation

- (1) The authority must give written notice of the requirement for the investigation to—
 - (a) the government agency; and
 - (b) the responsible Minister for the government agency; and
 - (c) the complainant.
- (2) The notice must be given a reasonable period before the authority starts the investigation.
- (3) The authority may also give notice of the investigation to any other person the authority considers appropriate.

48 Power to require certain information from government agency

- (1) The authority may require the government agency, by written notice given to the agency,

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to—

- (a) give the authority stated information relevant to the complaint within a stated period; or
 - (b) produce a stated document relevant to the complaint to the authority at a stated time and place.
- (2) The government agency must comply with the notice unless—
- (a) the stated information or document is subject to legal professional privilege, parliamentary privilege or public interest immunity; or
 - (b) giving the stated information or document to the authority is prohibited under an Act; or
 - (c) giving the stated information or document to the authority could reasonably be expected to prejudice the investigation of a contravention, or possible contravention, of a law.
- (3) The government agency is not liable for a breach of a contract, confidence or duty for giving the authority a copy of the stated information, or producing the stated document to the authority, in compliance with the notice.

49 Requirement for report about investigation

- (1) After the authority completes the investigation, the authority must—
- (a) prepare a written report about the investigation and the results of the investigation; and
 - (b) give the report to the Minister.

- (2) The authority may recommend in the report that the report, or part of it, not be made available to the public until the end of a stated period.
- (3) The authority must include the reasons for the recommendation in the report.

50 Minister's response to report about investigation

As soon as practicable after receiving the report about the investigation from the authority, the Minister must give the authority a response to the report.

51 Publication of report about investigation

- (1) As soon as practicable after receiving the Minister's response to its report about the investigation, the authority must publish the report on its website.
- (2) However, if the Minister accepted a recommendation under section 49 to delay publication of the report, or part of it, the authority must not publish the report or part on its website until the end of the period stated in the recommendation.

Division 5 General

52 Confidentiality requests

- (1) This section applies if a person believes that the disclosure of information given, or to be given, to the authority under this part is likely to damage the person's commercial activities.
- (2) The person may give the authority a written notice

- (a *confidentiality request*) that—
- (a) states the person's belief; and
 - (b) asks the authority not to disclose the information to an external entity without the person's consent.
- (3) The authority may accept the person's confidentiality request if the authority is satisfied—
- (a) the person's belief is justified; and
 - (b) disclosure of the information would not be in the public interest.
- (4) If the authority accepts the person's confidentiality request, the authority must not—
- (a) include the information in a report about the investigation of a competitive neutrality complaint; or
 - (b) otherwise disclose the information to an external entity.
- (5) Subsection (4) does not apply if the information is included in a report, or otherwise disclosed to an external entity, in a way that could not reasonably be expected to identify the person.
- (6) In this section—
- commercial activities*** means activities conducted on a commercial basis.
- contractor***, of the authority, means a person (other than a member or employee of the authority) who performs services for the authority—
- (a) under a contract between the person and the authority; or

- (b) under an arrangement between the authority and another person.

external entity, in relation to information, means an entity other than—

- (a) the Minister; or
- (b) if the information relates to a government agency—the responsible Minister for the government agency; or
- (c) a member of the authority; or
- (d) a member of the authority’s staff, or a contractor of the authority, who would ordinarily receive the information in administering, or performing a function under, this Act; or
- (e) if the information relates to a local government—the local government.

information includes a document.

person includes a government agency.

204 Amendment of s 234 (Disclosure of Cabinet information)

Section 234(3), ‘section 10(e), (lb) or (lc)’—

omit, insert—

section 10(g)

205 Amendment of pt 12, hdg (Transitional and savings provisions for Motor Accident Insurance and Other Legislation Amendment Act 2010)

Part 12, heading, from ‘for Motor Accident’—

omit.

[s 206]

206 Insertion of new pt 12, div 1, hdg

Part 12, before section 248—

insert—

Division 1	Transitional and savings provisions for Motor Accident Insurance and Other Legislation Amendment Act 2010
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207 Amendment of s 248 (Definition for pt 12)

(1) Section 248, ‘pt 12’—

omit, insert—

division

(2) Section 248, ‘part’—

omit, insert—

division

208 Amendment of s 250 (Saving of declarations of particular services)

Section 250(1), note, ‘part’—

omit, insert—

division

209 Renumbering of pts 14–17

Parts 14 to 17—

renumber as part 12, divisions 2 to 5.

210 Insertion of new pt 12, div 6

Part 12—

insert—

**Division 6 Transitional provisions for
the Queensland Future
Fund (Titles Registry) Act
2021**

256 Definitions for division

- (1) In this division—
repealed Act means the repealed *Queensland Productivity Commission Act 2015*.
- (2) Words defined under the repealed Act and used in this division have the same meanings as they had under the repealed Act.

257 Existing competitive neutrality complaints and investigations

- (1) This section applies if, immediately before the commencement—
 - (a) a competitive neutrality complaint made to the commission under the repealed Act had not been resolved or withdrawn; and
 - (b) the commission had not completed all actions in relation to the complaint that the commission was required to take under the repealed Act, part 5.
- (2) This Act applies in relation to the competitive neutrality complaint as if the complaint were made to the authority under section 41.

258 Guideline for dealing with competitive neutrality complaints

The prescribed competitive neutrality policy is taken to be a guideline approved by the Minister under section 43.

Note—

See the repealed *Queensland Productivity Commission Act 2015*, section 36(2), definition *prescribed competitive neutrality policy*.

259 Queensland Productivity Commission and its board

On the commencement—

- (a) the Queensland Productivity Commission and its board are abolished; and
- (b) the principal commissioner goes out of office.

260 State is successor in law of commission

- (1) The State is the successor in law of the commission.
- (2) Subsection (1) is not limited by another provision of this division.

261 Assets and liabilities

On the commencement, the assets and liabilities of the commission immediately before the commencement become assets and liabilities of the State held in the department.

262 Contracts, agreements, undertakings, other arrangements and instruments

- (1) This section applies to a contract, agreement,

undertaking or other arrangement to which the commission was a party, or an instrument that applied to the commission, immediately before the commencement.

- (2) On the commencement, the State becomes a party to the contract, agreement, undertaking or arrangement, or the instrument starts to apply to the State, in place of the commission.
- (3) This section applies subject to section 265.

263 Proceedings not yet started

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against the commission within a particular period.
- (2) The proceeding may be started by or against the State, in place of the commission, within the period.

264 Current proceedings

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which the commission was a party.
- (2) The State becomes a party to the proceeding in place of the commission.

265 Matters relating to employment

- (1) This section applies to each person who was employed as a member of the commission's staff immediately before the commencement, other than a person employed as an executive manager or on a casual basis.
- (2) On the commencement—

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- (a) the person becomes an employee of the department; and
 - (b) the person stops being an employee of the commission; and
 - (c) the commission's liability for recreation, sick or long service leave accrued but not taken by the person before the commencement is transferred to the State held in the department; and
 - (d) the commission's records, to the extent they relate to the person's employment, become records of the State held in the department.
- (3) Without limiting subsection (2)(a)—
 - (a) the chief executive is taken to have employed the person as a fixed term temporary employee in the department under the *Public Service Act 2008*, section 148; and
 - (b) the person's contract of employment with the commission is taken to be a contract of employment between the person and the chief executive and applies with any necessary changes to give effect to the contract.
- (4) The change of the person's employer under subsection (2) does not—
 - (a) affect the person's total remuneration; or
 - (b) interrupt the person's continuity of service, except that the person is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or

- (c) prejudice the person's existing or accruing rights to superannuation, or recreation, sick, long service or other leave; or
- (d) constitute a termination of employment by the commission, retrenchment or redundancy; or
- (e) entitle the person to a payment or other benefit merely because the person is no longer employed by the commission; or
- (f) require any payment to be made in relation to the person's accrued rights to recreation, sick, long service or other leave irrespective of any arrangements between the commission and the person.

(5) In this section—

executive manager means a senior executive employee with responsibility for managing the commission, subject only to the direction of the board.

266 Act applies despite other laws and instruments

A thing may be done under this division despite any other law or instrument.

267 Effect on legal relationships

- (1) Anything done under this division—
 - (a) does not make the commission or the State liable for a civil wrong or a contravention of a law or for a breach of contract, confidence or duty; and
 - (b) does not make the commission or the State in breach of any instrument, including an

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instrument prohibiting, restricting or regulating the assignment, novation or transfer of a right or liability or the disclosure of information; and

- (c) does not fulfil a condition that—
 - (i) terminates, or allows a person to terminate, an instrument or obligation; or
 - (ii) modifies, or allows a person to modify, the operation or effect of an instrument or obligation; or
 - (iii) allows a person to avoid or enforce an obligation or liability contained in an instrument; or
 - (iv) requires a person to perform an obligation contained in an instrument; or
 - (v) requires any money to be paid before its stated maturity; and
 - (d) does not release a surety or other obligee, wholly or partly, from an obligation.
- (2) If, apart from this section, the advice, consent or approval of a person would be necessary to do something under this division, the advice is taken to have been obtained or the consent or approval is taken to have been given unconditionally.
 - (3) If giving notice to a person would be necessary to do something under this division, the notice is taken to have been given.
 - (4) A reference in this section to the State includes a reference to an employee or agent of the State.

268 References to the commission

In an Act or document, a reference to the commission is, if the context permits, taken to be a reference to the State.

211 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *government agency*—

omit.

- (2) Schedule 2—

insert—

competitive neutrality complaint see section 40.

complainant, for a competitive neutrality complaint, means the person who made the complaint to the authority.

government agency—

- (a) means—

- (i) a government company or part of a government company; or
- (ii) a State instrumentality, agency, authority or entity, or a division, branch or other part of a State instrumentality, agency, authority or entity; or
- (iii) a department or a division, branch or other part of a department; or
- (iv) a government owned corporation; and

- (b) includes—

- (i) for parts 3 and 5A—a local government entity; and
- (ii) for part 4—a subsidiary, within the meaning of the *Government Owned*

[s 212]

Corporations Act 1993, section 2, of a government owned corporation.

principle of competitive neutrality see section 38(1).

- (3) Schedule 2, definition *expiry day*—
omit.

Division 3 Amendment of Local Government Regulation 2012

212 Regulation amended

This division amends the *Local Government Regulation 2012*.

Note—

See also the amendments in schedule 6.

213 Insertion of new s 50

After section 49—

insert—

50 Power to require certain information from relevant local government or corporatised business entity

- (1) When investigating a competitive neutrality complaint, the competition authority may give an information requirement notice to—
- (a) the relevant local government; or
 - (b) if a corporatised business entity is conducting the business activity—the corporatised business entity.
- (2) An *information requirement notice* is a written notice that states the relevant local government or corporatised business entity is required to—

-
- (a) give the competition authority stated information relevant to the complaint within a stated period; or
 - (b) produce a stated document relevant to the complaint to the competition authority at a stated time and place.
- (3) The relevant local government or corporatised business entity must comply with the notice unless—
- (a) the stated information or document is subject to legal professional privilege, parliamentary privilege or public interest immunity; or
 - (b) giving the stated information or document to the competition authority is prohibited under an Act; or
 - (c) giving the stated information or document to the competition authority could reasonably be expected to prejudice the investigation of a contravention, or possible contravention, of a law.
- (4) The relevant local government or corporatised business entity is not liable for a breach of a contract, confidence or duty for giving the competition authority a copy of the stated information, or producing the stated document to the authority, in compliance with the notice.

214 Insertion of new s 55A

After section 55—

insert—

55A Confidentiality requests

- (1) This section applies if a person believes that the disclosure of information given, or to be given, to

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the competition authority under this division is likely to damage the person's commercial activities.

- (2) The person may give the competition authority a written notice (a ***confidentiality request***) that—
 - (a) states the person's belief; and
 - (b) asks the authority not to disclose the information to an external entity without the person's consent.
- (3) The competition authority may accept the person's confidentiality request if the authority is satisfied—
 - (a) the person's belief is justified; and
 - (b) disclosure of the information would not be in the public interest.
- (4) If the competition authority accepts the person's confidentiality request, the authority must not—
 - (a) include the information in a report about the investigation of a competitive neutrality complaint; or
 - (b) otherwise disclose the information to an external entity.
- (5) Subsection (4) does not apply if the information is included in a report, or otherwise disclosed to an external entity, in a way that could not reasonably be expected to identify the person.
- (6) In this section—

commercial activities means activities conducted on a commercial basis.

contractor, of the competition authority, means a person (other than a member or employee of the authority) who performs services for the authority—

- (a) under a contract between the person and the authority; or
- (b) under an arrangement between the authority and another person.

external entity, in relation to information, means an entity other than—

- (a) the Minister; or
- (b) a member of the competition authority; or
- (c) a member of the competition authority's staff, or a contractor of the authority, who would ordinarily receive the information in administering, or performing a function under, this Act; or
- (d) if the information relates to a local government—the local government.

information includes a document.

person includes a local government or business entity.

215 Insertion of new ch 21

After chapter 20—

insert—

Chapter 21 Transitional provision for Queensland Future Fund (Titles Registry) Act 2021

365 Transfer of existing competitive neutrality complaints to competition authority

- (1) This section applies if, immediately before the commencement—
 - (a) a competitive neutrality complaint made to the QPC under this regulation had not been resolved or withdrawn; and
 - (b) the QPC had not completed all actions in relation to the complaint that the QPC was required to take under chapter 3, part 2, division 7.
- (2) Chapter 3, part 2, division 7 applies in relation to the competitive neutrality complaint as if the complaint were made to the competition authority under section 45.
- (3) In this section—

QPC means the Queensland Productivity Commission under the repealed *Queensland Productivity Commission Act 2015*.

Division 4 Repeal

216 Repeal

The Queensland Productivity Commission Act 2015, No. 29 is repealed.

Division 5 Amendment of other legislation

217 Legislation amended

Schedule 6 amends the legislation it mentions.

Part 6 Amendment of Financial Accountability Act 2009

218 Act amended

This part amends the *Financial Accountability Act 2009*.

219 Insertion of new pt 5A

After section 88A—

insert—

Part 5A Requirement to publish particular information online

Division 1 Preliminary

88B Purpose of part

The purpose of this part is to reduce red tape and the cost to the State associated with publishing information under State laws by modernising requirements to publish information to require publication online instead of in print except in particular circumstances.

88C Application of part

- (1) This part applies to a print requirement to the extent the requirement applies to a Minister, accountable officer or statutory body.
- (2) For subsection (1), a print requirement is taken to apply to the accountable officer of a department if the requirement applies to—

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- (a) the department; or
 - (b) an entity that is part of the department under section 8(3); or
 - (c) another officer or employee of the department.
- (3) However, this part does not apply to a print requirement that—
 - (a) requires information to be published in the gazette; or
 - (b) is a provision of general application; or
 - (c) is imposed under a national scheme law.
- (4) Also, this part does not apply to the publication of information under a print requirement to the extent that the information is published in print for the purpose of being tabled in the Legislative Assembly in compliance with a State law.
- (5) In this section—

general application, for a requirement, means the provision applies to a Minister, accountable officer, department or statutory body (a ***State entity***) in particular circumstances in the same way the provision would apply to another person who is not a State entity if the other person was in the same circumstances.

Example—

A provision that applies to a land owner applies to a statutory body in relation to land owned by the statutory body in the same way the provision applies to another person who owns land.

national scheme law means a law of the State that—

- (a) is substantially uniform with, or substantially corresponds to, a law of the Commonwealth or another State; and

- (b) under the law or an agreement between the State and the Commonwealth or other State—
 - (i) can be amended only with the agreement of the Commonwealth or other State; or
 - (ii) is amended only when the law of the Commonwealth or other State is amended, including, for example, because the law applies the law of the Commonwealth or other State as the law of Queensland.

88D Meaning of *print requirement*

- (1) A provision of a State law is a *print requirement* if—
 - (a) the provision—
 - (i) requires information to be published; and
 - (ii) requires or allows the information to be published in print; or
 - (b) the provision requires that, if information is published under the provision, the publication must be in print.
- (2) For subsection (1)—
 - (a) it does not matter how a requirement to publish information is described; and
 - (b) without limiting paragraph (a)—
 - (i) a requirement to publish information in a newspaper is taken to be a requirement to publish the information in print; and

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- (ii) a requirement to advertise for something is taken to be a requirement to publish an advertisement for the thing.

88E Definitions for part

In this part—

department does not include—

- (a) the Office of the Governor; and
- (b) the Legislative Assembly and parliamentary service.

information includes an advertisement.

print means print in hard copy.

print requirement see section 88D.

statutory body—

- (a) includes a government owned corporation and a subsidiary of a government owned corporation; but
- (b) does not include—
 - (i) a statutory body established for the purpose of providing oversight for a profession, including registering persons engaged in a profession, that does not represent the State; and

Examples of statutory body for subparagraph (i)—

- the Queensland Law Society Incorporated under the *Legal Profession Act 2007*
- the Board of Professional Engineers of Queensland under the *Professional Engineers Act 2002*

- (ii) a statutory body—

- (A) that does not represent the State;
and
 - (B) in which a local government is
entitled to participate in the
management or profits; and
- (iii) a university.

Division 2 Requirement for online publication

88F Print requirement must be complied with by online publication

- (1) A Minister, accountable officer or statutory body must ensure that information that is the subject of a print requirement is not published in print other than as allowed under this section.
- (2) The information must be published—
 - (a) on the website of the relevant department or statutory body; or
 - (b) on a Queensland government website; or
 - (c) in the electronic version of a newspaper; or
 - (d) if the Minister, accountable officer or statutory body considers another website is appropriate, having regard to the nature of the information—on the other website.
- (3) For subsection (2), the information is published on a website if the information can be accessed using the website.

Example—

Information can be accessed using a website if the information can be accessed using a search function on the website.

[s 219]

- (4) However, the information may be published in print if an exemption mentioned in division 3 applies to the requirement.
- (5) The print requirement is taken to have been met if the publication of the information complies with this section.
- (6) This section applies despite the State law under which the print requirement is imposed.
- (7) In this section—
Queensland government website means an official Queensland government website with a URL that includes ‘qld.gov.au’, other than the website of a local government.

88G Effect of non-compliance

- (1) This section applies if a print requirement requires information to be published in a notice, instrument or other document.
- (2) Failure to comply with section 88F in relation to the publication of the information does not affect the validity of the notice, instrument or other document.

Division 3 Exemptions

88H Printed publication in regional newspaper

- (1) Information may be published in print in a regional newspaper to the extent that publication in the newspaper complies with a print requirement.
- (2) In this section—
major cities of Australia means—

- (a) the area classified under that name in the document titled ‘Australian Statistical Geography Standard, Volume 5—Remoteness Structure’, as published by the Australian Bureau of Statistics on its website and in force from time to time; or
- (b) if there is no document mentioned in paragraph (a) in force—an area, prescribed by regulation, that is classified on a corresponding basis under another document that measures the relative remoteness of areas of Australia published by the Australian Bureau of Statistics.

regional newspaper—

- (a) means a newspaper that circulates generally in an area of the State that does not include an area classified as major cities of Australia; but
- (b) does not include—
 - (i) a newspaper that circulates generally in the State; and
 - (ii) a national newspaper.

88I Public health and safety purpose

- (1) This section applies if a print requirement requires information to be published for a purpose that includes—
 - (a) informing the public about a serious risk to the life, health or safety of individuals or the public; or
 - (b) preventing or lessening a serious risk to the life, health or safety of individuals or the public, including, for example, by advertising—

[s 219]

- (i) a recall from use, or for repair, of a motor vehicle, device or other thing that places, or may place, at serious risk the life, health or safety of individuals or the public because it is defective; or
 - (ii) an amnesty for surrendering a firearm or obtaining the necessary authority to lawfully possess a firearm.
- (2) The information may be published in printed form to the extent necessary to achieve the purpose.
- (3) A purpose mentioned in subsection (1) need not be stated in the law under which the print requirement applies if the purpose can be inferred from the circumstances in which the print requirement applies.

88J Requirement for information to be displayed at or sent to particular place or address

Information may be published in print to the extent a print requirement requires a printed form of the information to be—

- (a) displayed at a particular place; or
- (b) sent to a person at the person's address or another place.

88K Publication for particular purposes

- (1) Information may be published in print to the extent the publication relates to—
 - (a) the administration of a court or tribunal, or a proceeding in a court or tribunal; or
 - (b) a rule or order of a court or tribunal; or

- (c) the administration of a person's estate by the public trustee; or
 - (d) a function of the public trustee in relation to unclaimed property; or
 - (e) a print requirement that, under a planning regulation, expressly applies to development for public housing.
- (2) In this section—
- development*** see the *Planning Act 2016*, schedule 2.
- planning regulation*** means a regulation under the *Planning Act 2016*.
- public housing*** means public housing under a planning regulation.
- public trustee*** see the *Public Trustee Act 1978*, section 6.

88L Regulation-making power

- (1) A regulation may provide for circumstances in which information the subject of a print requirement may be published in print.
- (2) The information may be published in print under the regulation.
- (3) This section and any regulation made under it expire 2 years after the commencement.

220 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *statutory body*—
omit.
- (2) Schedule 3—
insert—

[s 221]

information, for part 5A, see section 88E.

print, for part 5A, see section 88E.

print requirement, for part 5A, see section 88D.

statutory body—

(a) generally—see section 9; or

(b) for part 5A—see section 88E.

(3) Schedule 3, definition *department*—

insert—

(c) for part 5A—see section 88E.

Chapter 3 Amendment of Medicines and Poisons Act 2019

221 Act amended

This chapter amends the *Medicines and Poisons Act 2019*.

222 Amendment of s 18 (Meaning of *deals* with a regulated substance)

(1) Section 18—

insert—

(fa) if the substance is a prohibited substance—otherwise uses the substance;

(2) Section 18(h), ‘paragraphs (a) to (g)’—

omit, insert—

paragraphs (a) to (h)

(3) Section 18(fa) to (h)—

renumber as section 18(g) to (i).

223 Amendment of s 19 (Meaning of *pest management activity, fumigation activity and pest control activity*)

Section 19(2)(d), after ‘regulation’—

insert—

to be a fumigation activity

224 Amendment of s 20 (Meaning of *regulated activity*)

Section 20(b), after ‘activity’—

insert—

or asking or directing another person to carry out
a pest management activity

225 Amendment of s 21 (Meaning of *manufacture a regulated substance*)

Section 21(b), ‘person’—

omit, insert—

person, including for administration to an animal

226 Amendment of s 25 (Meaning of *supply-related terms*)

Section 25, heading, ‘supply-related terms’—

omit, insert—

particular terms for supply

227 Amendment of s 30 (How a person is authorised under this Act)

Section 30(1)(d), examples, first dot point, ‘an employee or representative of’—

omit, insert—

a person employed by

[s 228]

228 Amendment of s 31 (Meaning of *authorised way*)

Section 31(b), ‘the requirements’—

omit, insert—

any requirements

229 Replacement of s 41 (Restrictions for monitored medicines)

Section 41—

omit, insert—

41 Requirement to check database for particular dealings with monitored medicines

(1) This section applies to a relevant practitioner if—

- (a) the practitioner is authorised to prescribe a monitored medicine and proposes to prescribe the medicine for a person; or
- (b) the practitioner is authorised to dispense a monitored medicine and proposes to dispense the medicine for a person; or
- (c) the practitioner is authorised to give a treatment dose of a monitored medicine and proposes to give the treatment dose of the medicine to be taken by a person.

(2) Before the proposed dealing happens, the relevant practitioner must check the monitored medicines database to see whether information recorded in the database shows that the person has previously been prescribed, dispensed or given any monitored medicine.

Maximum penalty—20 penalty units.

(3) Subsection (2) does not apply to the relevant practitioner if—

- (a) the proposed dealing happens in circumstances prescribed by regulation to be exempt from the subsection; or
 - (b) the relevant practitioner has a reasonable excuse for not complying with the subsection.
- (4) In this section—
- relevant practitioner*** means a health practitioner prescribed by regulation to be a relevant practitioner for this section.

230 Replacement of s 42 (Offence to dispose of waste from S8 medicine)

Section 42—

omit, insert—

42 Offence to dispose of waste from diversion-risk medicines

- (1) A person must not dispose of waste from a diversion-risk medicine unless the person—
- (a) disposes of the waste in the authorised way; or
 - (b) has a reasonable excuse.

Maximum penalty—200 penalty units.

- (2) Subsection (1) does not apply to a person who—
- (a) discards the waste by placing it under the control of a person authorised to dispose of the waste under this Act; or
- Example for paragraph (a)—*
- a person who returns the waste to a pharmacist for disposal in a ‘return unwanted medicines’ bin
- (b) discards or destroys the waste under another law.

[s 231]

Example for paragraph (b)—

the holder of an environmental authority under the
Environmental Protection Act 1994 who destroys
the waste in accordance with the authority

231 Amendment of s 43 (Offence to apply poisons)

- (1) Section 43(2)(b)—
omit.
- (2) Section 43(2)(c)—
renumber as section 43(2)(b).

232 Amendment of s 44 (Offence to carry out pest management activities)

- (1) Section 44(2)(a), ‘on an unprocessed product located’—
omit.
- (2) Section 44(4), definition *unprocessed product*—
omit.

233 Amendment of s 47 (Offence to dispose of waste from hazardous poison, pesticide or fumigant)

- (1) Section 47, note—
omit.
- (2) Section 47—
insert—
 - (2) Subsection (1) does not apply to a person who—
 - (a) discards the waste by placing it under the control of a person authorised to dispose of the waste under this Act; or

Example for paragraph (a)—

a person who returns the waste from a hazardous
poison to a manufacturer of the poison for re-use

- (b) discards or destroys the waste under another law.

Example for paragraph (b)—

the holder of an environmental authority under the *Environmental Protection Act 1994* who destroys the waste in accordance with the authority

235 Amendment of s 51 (Agents and carers)

- (1) Section 51, heading, after ‘carers’—

insert—

supplying or administering medicines

- (2) Section 51(1)—

insert—

Note—

Under section 34(2) and (3), persons in similar circumstances are also excluded from offences for buying or possessing S4 or S8 medicines.

236 Amendment of s 54 (Authorisation of prescribed classes of persons)

Section 54(2)—

omit, insert—

- (2) Without limiting subsection (1), the regulated activity with the regulated substance for the class of persons may be prescribed by reference to—
- (a) the circumstances in which the regulated activity may be carried out by the class of persons; or
 - (b) the purposes for which the regulated activity may be carried out by the class of persons; or

[s 237]

- (c) the direction or supervision under which the regulated activity may be carried out by the class of persons; or
- (d) an extended practice authority that applies to the class of persons.

237 Replacement of s 60 (Authorisation for persons subject to work health and safety laws)

Section 60—

omit, insert—

60 Authorisation for persons subject to work health and safety laws

- (1) A person is taken to deal with an S7 poison in the authorised way if the dealing is carried out—
 - (a) at, or in connection with, a place that is subject to a work health and safety law; and
 - (b) in the course of performing the person's duties at, or in connection with, the place; and
 - (c) in compliance with the work health and safety law.
- (2) However, subsection (1) does not apply if—
 - (a) the dealing is the manufacture or supply of an S7 poison; or
 - (b) the S7 poison is an excluded S7 poison; or
 - (c) the dealing is carried out at, or in connection with, an excluded place.
- (3) In this section—

excluded place means—

 - (a) any part of a place that is a person's residence or that is accessible by the general public; or

- (b) another place prescribed by regulation to be an excluded place for this section.

excluded S7 poison means an S7 poison prescribed by regulation to be an excluded S7 poison for this section.

resource authority see the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 10.

work health and safety law means—

- (a) the *Work Health and Safety Act 2011*; or
- (b) a provision of an Act relating to safely carrying out activities under a resource authority.

238 Amendment of s 62 (Authorisation under substance authority)

Section 62(b), examples, first dot point, ‘an employee or representative of’—

omit, insert—

a person employed by

239 Amendment of s 70 (Conditions)

Section 70(1)(a), ‘apply to’—

omit, insert—

apply in relation to

240 Amendment of s 91 (Requirements may be prescribed)

- (1) Section 91(2)(b), ‘an extended practice authority or’—

omit, insert—

a

- (2) Section 91(3)—

[s 242]

omit, insert—

- (3) A requirement prescribed under subsection (1) is subject to—
 - (a) for an approved person—sections 55 and 56; or
 - (b) for a person to whom an emergency order applies—the emergency order; or
 - (c) for a person to whom a substance authority applies—any conditions of the authority.

242 Amendment of s 219 (Definitions for part)

Section 219, definition *administrator*, paragraph (b)—

omit, insert—

- (b) a person who is, or was, employed by the chief executive for performing a function, or exercising a power, of the chief executive under this Act; or
- (c) a person who is, or was, employed in the department in which this Act is, or was, administered for performing a function, or exercising a power, of the chief executive under this Act.

243 Amendment of s 221 (Disclosure of information to entities performing relevant functions)

- (1) Section 221(1)(h), ‘a’—

omit, insert—

another

- (2) Section 221—

insert—

- (2A) This section is subject to section 227.

Note—

Section 227 provides for the disclosure of information in the monitored medicines database.

- (3) Section 221(2A) and (3)—
renumber as section 221(3) and (4).

244 Amendment of s 226 (Giving information)

- (1) Section 226(1), ‘information mentioned in section 225’—
omit, insert—

relevant information for the provider

- (2) Section 226(2)—
insert—

relevant information, for an information provider, means the information prescribed by regulation to be relevant information for the provider for this section.

245 Amendment of s 232 (Making extended practice authorities)

- (1) Section 232(4)—
omit, insert—

- (4) An extended practice authority must be approved by regulation and takes effect—
- (a) on the day it is approved; or
 - (b) if a later day is stated in the authority—on the later day.

- (2) Section 232—
insert—

[s 246]

Note—

Under section 54(2)(d), a regulated activity with a regulated substance may be prescribed for a class of persons by reference to an extended practice authority.

246 Amendment of s 233 (Making departmental standards)

- (1) Section 233(1), from ‘about’—

omit, insert—

in relation to matters regulated under this Act.

- (2) Section 233(2)—

insert—

- (f) matters for which another provision of this Act requires compliance with a departmental standard.

- (3) Section 233(4)—

omit, insert—

- (4) A departmental standard must be approved by regulation and takes effect—

- (a) on the day it is approved; or
(b) if a later day is stated in the standard—on the later day.

247 Replacement of s 238 (Delegation by chief executive)

Section 238—

omit, insert—

238 Delegation by chief executive

- (1) The chief executive may delegate the chief executive’s functions—
- (a) under chapter 7, part 3, division 1 to an appropriately qualified person; or

- (b) under another provision of this Act, other than section 127, to an appropriately qualified person who is a health service employee or public service employee.

Notes—

- 1 Chapter 7, part 3, division 1 provides for the monitored medicines database.
 - 2 Section 127 allows the chief executive to make a public statement about particular matters.
- (2) To remove any doubt, it is declared that the chief executive must not delegate the chief executive's functions under section 127.
 - (3) In this section—
functions includes powers.

248 Amendment of s 240 (Regulation-making power)

- (1) Section 240(2)(aa)—

omit, insert—

- (aa) buying and possessing S2 and S3 medicines;
- (ab) disposing of waste from medicines in relation to which section 42 does not apply;
- (ac) dealing with S5 and S6 poisons;

- (2) Section 240(2)(g), after 'fees'—

insert—

, or refunds of fees,

- (3) Section 240(2)(aa) to (g)—

renumber as section 240(2)(a) to (j).

250 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *corresponding law*, *health practitioner* and *pest*—

[s 250]

omit.

(2) Schedule 1—

insert—

corresponding law means—

- (a) the Commonwealth Therapeutic Goods Laws, and the applied therapeutic goods provisions, under the Therapeutic Goods Act 2019; or
- (b) a law of another jurisdiction that provides for, or provided for, the same or similar matters as this Act.

health practitioner means—

- (a) a health practitioner registered under the Health Practitioner Regulation National Law; or
- (b) another practitioner who provides a service for maintaining, improving, restoring or managing people's health or wellbeing; or
- (c) an individual training to be a practitioner mentioned in paragraph (a) or (b).

pest—

- 1 *Pest* means an arthropod, bird, mollusc or rodent that injuriously affects, or may injuriously affect, a place, person or animal by—
 - (a) transmitting disease, a toxin or another pest in the place or to the person or animal; or
 - (b) causing physical damage to the place or a thing in the place; or
 - (c) causing distress to, or an adverse physiological or social effect in, the person or animal.

- 2 *Pest* includes another biological entity prescribed by regulation to be a pest.
- 3 *Pest* does not include a biological entity prescribed by regulation not to be a pest.

Schedule 1 Titles registry fees

sections 12 and 17

Part 1 Fees relating to land registry under Land Act 1994

Division 1 Interpretation

1 Interpretation

(1) In this part—

- (a) a reference to the Act is a reference to the *Land Act 1994*; and
- (b) a word that is used in the *Land Act 1994* has the same meaning as it has in that Act.

(2) Also, in this part—

administrative advice means an advice that is an administrative advice under the manual of land practice kept under section 286A of the Act.

conveyancing transaction see the Electronic Conveyancing National Law (Queensland), section 3.

ELN see the Electronic Conveyancing National Law (Queensland), section 3.

licence means—

- (a) a licence under the Act; or
- (b) a plantation licence.

lodgement support service bundle 1, for a conveyancing transaction, means—

- (a) the particulars recorded in the appropriate register that are necessary to do any of the following in relation to the transaction—

- (i) complete each document that may be lodged for the transaction;
- (ii) identify anything in the register that is changed, lodged, noted, recorded or registered; and
- (b) confirmation, for each completed document, as to whether the document may be lodged electronically.

lodgement support service bundle 2, for a conveyancing transaction, means—

- (a) the particulars recorded in the appropriate register that are necessary to complete each document that may be lodged for the transaction; and
- (b) confirmation, for each completed document, as to whether the document may be lodged electronically.

permit to occupy means a permit to occupy unallocated State land, a reserve or a road issued under section 177 of the Act.

road licence means a licence over a road issued under section 103 of the Act.

Division 2 Fees payable

Matter for which fee payable	Amount \$
1 Lodging—	
(a) a document that changes the lessee of a lease, the licensee of a licence or the holder of an interest in a lease or licence—	
(i) to record the death of an individual who is a joint tenant—	
(A) for 1 lease or licence	37.00
(B) for each additional lease or licence	nil

Matter for which fee payable	Amount \$
(ii) other than in the circumstances mentioned in subparagraph (i)—	
(A) for 1 lease or licence	197.00
(B) for each additional lease or licence	37.00
(b) a request to record a change of name of an individual, or to correct the name of an individual, who is a lessee of a lease, a licensee of a licence or a holder of an interest in a lease or licence—	
(i) for 1 lease or licence	37.00
(ii) for each additional lease or licence	nil
(c) a surrender of a lease, trustee lease, road licence, occupation licence or permit to occupy	nil
(d) a standard terms document under section 318 of the Act	nil
(e) a plan of survey—	
(i) for the plan	394.00
(ii) for each lot or interest surveyed or defined	29.00
(f) a request—	
(i) to cancel registration of a writ of execution under section 388 of the Act	nil
(ii) to register a discharge or satisfaction of a writ of execution under section 389 of the Act	197.00
(g) a request—	
(i) to cancel registration of an enforcement warrant under section 61SX of the <i>Forestry Act 1959</i>	nil
(ii) to register a discharge or satisfaction of an enforcement warrant under section 61SY of the <i>Forestry Act 1959</i>	197.00

Matter for which fee payable	Amount \$
(h) another document	197.00
2 Examination of a sketch plan that is part of a lodged document	37.00
3 Search for—	
(a) the current details of a lease, licence, permit or reserve—	
(i) if the information is generated for an entity mentioned in section 284(4) of the Act or section 61TS(4) of the <i>Forestry Act 1959</i>	16.75
(ii) otherwise	20.45
(b) the historical details of a lease or licence—	
(i) if the information is generated for an entity mentioned in section 284(4) of the Act or section 61TS(4) of the <i>Forestry Act 1959</i>	26.25
(ii) otherwise	30.10
4 Obtaining an image of—	
(a) a lease, licence or permit to occupy—	
(i) if the image is generated for an entity mentioned in section 284(4) of the Act or section 61TS(4) of the <i>Forestry Act 1959</i>	16.75
(ii) otherwise	20.45
(b) another document	39.85
5 Obtaining a copy of particulars mentioned in section 284(1)(b) of the Act or section 61TS(1)(b) of the <i>Forestry Act 1959</i>	37.15
6 Requisition of a document lodged or deposited under section 305(1) of the Act or section 61TQ(1) of the <i>Forestry Act 1959</i>	37.00

Schedule 1

	Matter for which fee payable	Amount \$
7	Search of a statement of registered dealing or administrative advice against a lease or licence	3.35
8	Investigative search of a register (not including providing a copy of a document)—	
	(a) if no computer programming is required—for each hour or part of an hour	128.10
	(b) if computer programming is required—	
	(i) for each hour or part of an hour not involving computer programming time	128.10
	(ii) for each hour or part of an hour involving computer programming time (excluding any part of an hour for which a fee under subparagraph (i) applies)	357.85
9	Depositing an administrative advice or a request to remove an administrative advice, other than by the State	29.00
10	Preparation and giving of a notice of the lodgement of a caveat under the Act or the <i>Forestry Act 1959</i>	37.00
11	Provision of lodgement support service bundle 1 to an ELN in relation to a conveyancing transaction	16.75
12	Provision of lodgement support service bundle 2 to an ELN in relation to a conveyancing transaction	13.25

Part 2 Fees relating to land registry under Land Title Act 1994

Division 1 Preliminary

2 Application of part

- (1) This part provides for fees payable under a titles registry Act in relation to titles registry functions relating to the land registry under the *Land Title Act 1994*.
- (2) Generally, the fees are payable for matters mentioned in division 2.
- (3) However, if division 3 provides for a matter in relation to a titles registry function performed under a titles registry Act that is also provided for under division 2—
 - (a) the reference to the matter in division 2 does not apply in relation to the performance of the function; and
 - (b) the fee payable in relation to the performance of the function is for the matter provided for under division 3.

Division 2 General fees

Subdivision 1 Interpretation

3 Interpretation

- (1) In this division—
 - (a) a reference to the Act is a reference to the *Land Title Act 1994*; and
 - (b) a word that is used in the *Land Title Act 1994* has the same meaning as it has in that Act.
- (2) Also, in this part—

administrative advice means an advice that is an administrative advice under the manual of land title practice kept under section 9A of the Act.

conveyancing transaction see the Electronic Conveyancing National Law (Queensland), section 3.

ELN see the Electronic Conveyancing National Law (Queensland), section 3.

lodgement support service bundle 1, for a conveyancing transaction, means—

- (a) the particulars recorded in the freehold land register that are necessary to do any of the following in relation to the transaction—
 - (i) complete each instrument that may be lodged for the transaction;
 - (ii) identify anything in the register that is changed, lodged, noted, recorded or registered; and
- (b) confirmation, for each completed instrument, as to whether the instrument may be lodged electronically.

lodgement support service bundle 2, for a conveyancing transaction, means—

- (a) the particulars recorded in the freehold land register that are necessary to complete each instrument that may be lodged for the transaction; and
- (b) confirmation, for each completed instrument, as to whether the instrument may be lodged electronically.

Subdivision 2 Fees payable

Matter for which fee payable	Amount \$
1 Creation of an indefeasible title or, on request, a separate indefeasible title (other than a deed of grant)—for each indefeasible title created under section 37 or 57 of the Act	75.00

Matter for which fee payable	Amount \$
2 Lodging—	
(a) an instrument that changes the ownership of a lot or an interest in a lot—	
(i) to record the death of an individual who is a joint tenant—	
(A) for 1 lot	37.00
(B) for each additional lot	nil
(ii) other than in the circumstances mentioned in subparagraph (i)—	
(A) for 1 lot	197.00
(B) for each additional lot	37.00
(b) a request to record a change of name of an individual, or to correct the name of an individual, who is the owner of a lot or an interest in a lot—	
(i) for 1 lot	37.00
(ii) for each additional lot	nil
(c) a plan of survey or an explanatory format plan—	
(i) for the plan	394.00
(ii) for each lot or interest surveyed or defined	29.00
(d) for establishing a community titles scheme—a request to record the first community management statement for the scheme	197.00
(e) for an established community titles scheme—a request to record a new community management statement for the scheme	96.00
(f) an application—	
(i) to reserve a name as the identifying name to be shown in the community management statement for a proposed community titles scheme (a <i>name reservation</i>) under section 115F of the Act	96.00
(ii) to extend a name reservation under section 115G of the Act	96.00

Matter for which fee payable	Amount \$
(iii) to withdraw a name reservation under section 115G(3)(a) of the Act	nil
(g) a request to record a change of the address for service of a body corporate recorded on an indefeasible title for common property	37.00
(h) a request—	
(i) to cancel registration of a writ of execution under section 118 of the Act	nil
(ii) to register a discharge or satisfaction of a writ of execution under section 119 of the Act	197.00
(i) a request to note the lapsing of a caveat under section 126(5) of the Act	nil
(j) a standard terms document under section 169(1) of the Act	nil
(k) a request to remove from an indefeasible title a lease or easement that has expired or a profit a prendre that has expired or otherwise ended	nil
(l) any other instrument	197.00
3 Additional fee for lodging a transfer if the consideration is more than \$180,000—	
(a) for a transfer of a fee simple—for each \$10,000 or part of \$10,000 more than \$180,000	37.00
(b) for a transfer of a lease under the <i>South Bank Corporation Act 1989</i> —for each \$10,000 or part of \$10,000 more than \$180,000	37.00
4 Examination of a sketch plan that is part of a lodged document	37.00
5 Obtaining a certified copy of a document mentioned in section 35(1)(b) of the Act	37.15
6 Obtaining an image of—	
(a) a certificate of title—	
(i) if the image is generated for an entity mentioned in section 35(4) of the Act	16.75

Matter for which fee payable	Amount \$
(ii) otherwise	20.45
(b) a plan of survey—	
(i) if the image is generated for an entity mentioned in section 35(4) of the Act	18.20
(ii) otherwise	21.90
(c) any other instrument or document, including a community management statement	39.85
7 Search for—	
(a) an indefeasible title—	
(i) if the information is generated for an entity mentioned in section 35(4) of the Act	16.75
(ii) otherwise	20.45
(b) the historical details of a title—	
(i) if the information is generated for an entity mentioned in section 35(4) of the Act	26.25
(ii) otherwise	30.10
8 Preparation and giving of written notice of lodgement of a caveat under the Act	37.00
9 Depositing—	
(a) a priority notice under section 139(1) of the Act	37.00
(b) a request to extend or withdraw a priority notice under section 141(1) or 143(1) of the Act	37.00
10 Depositing an administrative advice, or a request to remove an administrative advice, other than by the State	29.00
11 Requisition of an instrument or other document lodged or deposited under section 156(1) of the Act	37.00
12 Search of a statement of registered dealing, community titles scheme or administrative advice against an indefeasible title	3.35
13 Investigative search of a register (not including providing a copy of a document)—	

Schedule 1

Matter for which fee payable	Amount \$
(a) if no computer programming is required—for each hour or part of an hour	128.10
(b) if computer programming is required—	
(i) for each hour or part of an hour not involving computer programming time	128.10
(ii) for each hour or part of an hour involving computer programming time (excluding any part of an hour for which a fee under subparagraph (i) applies)	357.85
14 Provision of lodgement support service bundle 1 to an ELN in relation to a conveyancing transaction	16.75
15 Provision of lodgement support service bundle 2 to an ELN in relation to a conveyancing transaction	13.25

Division 3 Additional or alternative fees**Subdivision 1 Interpretation****4 Interpretation**

In this division—

- (a) a reference to the Act is a reference to the Act for which the fees are stated; and
- (b) a word that is used in the Act for which the fees are stated has the same meaning as it has in that Act.

Subdivision 2 Fees for Building Units and Group Titles Act 1980

Matter for which fee payable	Amount \$
1 Lodging in the land registry—	
(a) a plan or a plan of amalgamation mentioned in section 11 of the Act—	
(i) lodgement fee	394.00
(ii) additional fee for each lot in the plan	29.00
(b) a notice of conversion under section 12 of the Act	133.00
(c) a request to register an order, made under section 25(7A)(c) of the Act, directing an amendment of a building units plan	133.00
(d) a notification of a proposed extinguishment of a plan under section 26(1)(a) of the Act	133.00
(e) a notification of an amendment of, addition to or repeal of by-laws under section 30(3) of the Act	133.00
(f) a copy of a referee's order or the tribunal's order under section 112(1)(a) of the Act	133.00
(g) another document under the Act	37.00
2 Furnish of copies of a registered plan or amendment of a registered plan under section 14 of the Act	29.00
3 Application to—	
(a) reserve a name under section 120(1) of the Act	96.00
(b) extend the period for which a name is reserved under section 120(3) of the Act	96.00

Subdivision 3 Fees for Foreign Ownership of Land Register Act 1988

Matter for which fee payable	Amount \$
1 Obtaining a title search statement of the details of interests in land held by a person recorded in the register	20.45
2 Preparation and extraction of statistical data from computerised information recorded in the register—	
(a) if no computer programming is required—for each hour or part of an hour	128.10
(b) if computer programming is required—	
(i) for each hour or part of an hour not involving computer programming time	128.10
(ii) for each hour or part of an hour involving computer programming time (excluding any part of an hour for which a fee under subparagraph (i) applies)	357.85

Subdivision 4 Fees for Property Law Act 1974

Matter for which fee payable	Amount \$
1 Lodging in the land registry any of the following under part 18, division 3 of the Act—	
(a) an agreement in writing, deed, conveyance or other instrument, other than a lease for less than 3 years, affecting an estate in land	
(b) a will or devise affecting an estate in land	
(c) another instrument, record or document	76.00

Matter for which fee payable	Amount \$
2 Obtaining a copy of a document registered in the land registry under part 18, division 3 of the Act that is—	
(a) an uncertified copy	37.00
(b) a certified copy	75.00

Subdivision 5 Fees for South Bank Corporation Act 1989—general

Matter for which fee payable	Amount \$
1 Lodging in the land registry—	
(a) a plan for the subdivision or amalgamation of land under section 41(4) of the Act	51.00
(b) a stratum plan	121.00
(c) a boundary adjustment plan	121.00
(d) a stratum plan of subdivision	121.00
(e) the schedule mentioned in section 42(7) of the Act	79.00
(f) a stratum plan of amalgamation	121.00
(g) a plan mentioned in section 48(2) of the Act	51.00
(h) an instrument mentioned in section 48(2)(b) of the Act	79.00
(i) a management statement	79.00
(j) an amendment of a management statement	79.00
(k) a request to terminate a management statement	79.00
2 Additional fee for lodging, in the land registry, a plan mentioned in item 1(a), (b) or (c) that contains more than 9 lots—for each additional lot	15.85

Matter for which fee payable	Amount \$
3 Additional fee for lodging, in the land registry, an instrument mentioned in section 48(2)(b) of the Act that contains more than 9 easements—for each additional easement	15.85

Subdivision 6 Fees for South Bank Corporation Act 1989—modified Building Units and Group Titles Act

Matter for which fee payable	Amount \$
1 Lodging in the land registry—	
(a) a leasehold building units plan, a leasehold plan of amalgamation or a leasehold plan of resubdivision under the modified Building Units and Group Titles Act—	
(i) lodgement fee	126.00
(ii) additional fee if the plan contains more than 9 lots—for each additional lot	15.85
(b) a notice of conversion under section 12 of the modified Building Units and Group Titles Act	79.00
(c) a request under section 26B of the modified Building Units and Group Titles Act	79.00
(d) a notification of an amendment of, addition to or repeal of by-laws under section 30(3) of the modified Building Units and Group Titles Act	79.00
(e) a copy of a referee's order or the tribunal's order under section 112(1)(a) of the modified Building Units and Group Titles Act	133.00

Matter for which fee payable	Amount \$
(f) a document required to be lodged in the registry under the modified Building Units and Group Titles Act, other than a document mentioned in paragraphs (a) to (e)	15.85
2 Furnish of copies of a registered leasehold building units plan or amendment of a registered leasehold building units plan under section 14 of the modified Building Units and Group Titles Act	29.00
3 Application to—	
(a) reserve a name under section 120(1) of the modified Building Units and Group Titles Act	96.00
(b) extend the period for which a name is reserved under section 120(3) of the modified Building Units and Group Titles Act	96.00

Part 3 Fees relating to water allocations register

Division 1 Preliminary

5 Interpretation

(1) In this part—

- (a) a reference to the Act is a reference to the *Water Act 2000*; and
- (b) a word that is used in the *Water Act 2000* has the same meaning as it has in that Act.

(2) Also, in this part—

administrative advice means an advice that is an administrative advice under the manual of land title practice kept under the *Land Title Act 1994*, section 9A.

deposit means lodge with the registrar other than for registration.

priority notice see the *Land Title Act 1994*, section 139(1).

standard terms document see the *Land Title Act 1994*, section 168.

Division 2 Fees payable

	Matter for which fee payable	Amount \$
1	Creation of, on request, a title or separate title for a water allocation, other than under section 146 or 147 of the Act—for each title created	75.00
2	Lodging—	
	(a) an instrument that changes ownership of a water allocation or an interest in a water allocation—	
	(i) to record the death of an individual—	
	(A) for 1 water allocation	37.00
	(B) for each additional water allocation	nil
	(ii) with an instrument changing ownership of a lot or an interest in a lot, other than in the circumstances mentioned in subparagraph (i)—for each water allocation	37.00
	(iii) otherwise—	
	(A) for 1 water allocation	197.00
	(B) for each additional water allocation	37.00
	(b) a certificate of a dealing with a water allocation	197.00

Matter for which fee payable	Amount \$
(c) a request to record a change of name of an individual, or to correct the name of an individual, who holds a water allocation or an interest in a water allocation—	
(i) for 1 water allocation	37.00
(ii) for each additional water allocation	nil
(d) a request—	
(i) to cancel the registration of a writ of execution for a water allocation	nil
(ii) to register a discharge or satisfaction of a writ of execution for a water allocation	197.00
(e) a request to note the lapsing of a caveat claiming an interest in a water allocation	nil
(f) a standard terms document for a water allocation	nil
(g) a request to remove from the title for a water allocation a lease that has expired or otherwise ended	nil
(h) any other instrument relating to a water allocation	197.00
3 Depositing—	
(a) a priority notice for a water allocation	37.00
(b) a request to extend or withdraw a priority notice for a water allocation	37.00
4 Depositing an administrative advice, or a request to remove an administrative advice, other than by the State	29.00
5 Preparation and giving of a notice of the lodgement of a caveat under the Act	37.00
6 Search for—	
(a) a current title for a water allocation—	

	Matter for which fee payable	Amount \$
	(i) if the information is generated for an entity who provides a service of conducting searches on behalf of other persons	16.75
	(ii) otherwise	20.45
	(b) the historical details of a title for a water allocation—	
	(i) if the information is generated for an entity who provides a service of conducting searches on behalf of other persons	26.25
	(ii) otherwise	30.10
7	Obtaining an image of an instrument relating to a water allocation lodged with the registrar	39.85
8	Search of a statement of a registered dealing or an administrative advice against a title for a water allocation	3.35
9	Investigative search of the water allocations register (not including providing a copy of a document)—	
	(a) if no computer programming is required—for each hour or part of an hour	128.10
	(b) if computer programming is required—	
	(i) for each hour or part of an hour not involving computer programming time	128.10
	(ii) for each hour or part of an hour involving computer programming time (excluding any part of an hour for which a fee under subparagraph (i) applies)	357.85
10	Obtaining a certified copy of a water allocation or a registered instrument relating to a water allocation	37.15
11	Requisition of an instrument or document relating to a water allocation lodged with the registrar	37.00

Schedule 2 Dictionary

section 4

department (land titles) means the department in which the *Land Title Act 1994* is administered.

eligible employee, for part 5, see section 24.

fee includes tax.

land registry means the land registry under the *Land Act 1994* or the *Land Title Act 1994*.

official means—

- (a) the registrar of titles; or
- (b) the registrar of water allocations.

operator means the entity declared to be the operator for this Act under section 7.

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

registrar of water allocations means the registrar of water allocations under the *Water Act 2000*.

revocation day, for part 3, division 3, see section 15(2).

titles register means—

- (a) a register included in the land registry; or
- (b) the water allocations register.

titles registry Act means an Act that—

- (a) authorises or requires something to be deposited, lodged, noted, recorded or registered in the land registry or the water allocations register; or
- (b) confers a function on an official.

Examples—

- the *Building Units and Group Titles Act 1980*
- the Electronic Conveyancing National Law (Queensland)

Schedule 2

- the *Foreign Ownership of Land Register Act 1988*
- the *Land Act 1994*
- the *Land Title Act 1994*
- the *Water Act 2000*

titles registry amount see section 11.

titles registry fee see section 12(4).

titles registry function see section 5.

transfer notice see section 20(1).

water allocations register means the water allocations register under the *Water Act 2000*.

Schedule 3 Legislation amended

section 148

Aboriginal Land Act 1991

1 Particular references to registrar of titles—

Each of the following provisions is amended by omitting ‘of titles’—

- section 52(4)
- section 79(2)
- section 118(3) and (4)
- section 132(1)(b)
- section 146(2)(b)
- section 172(1)
- section 287(4)
- section 300(3) and (4).

2 Schedule 1, definitions *registrar* and *registrar of titles*—

omit.

3 Schedule 1—

insert—

registrar means the registrar of titles under the Land Title Act.

Building Units and Group Titles Act 1980

1 Section 9(2)—

insert—

(ha) be in the approved form;

2 Section 9(2)(i), ‘be in such form and’—

omit, insert—

and be

3 Section 9(2)(ha) and (i)—

renumber as section 9(2)(i) and (j).

4 Section 9(16), from ‘prescribed fees’ to ‘pursuant to’—

omit, insert—

relevant titles registry fees (including the fee mentioned in

5 Sections 14, 112(1)(b) and 120(3), ‘prescribed fee’—

omit, insert—

relevant titles registry fee

6 Sections 25A and 26(1)(a), ‘form prescribed’—

omit, insert—

approved form

7 Sections 30(3) and (7D), 34(2), 41(3) and 117, ‘prescribed form’—

omit, insert—

approved form

8 Section 120(1), from ‘prescribed manner’ to ‘prescribed fee’—

omit, insert—

approved form and in the way prescribed by regulation, accompanied by the relevant titles registry fee

Building Units and Group Titles Regulation 2008

1 Section 3, definitions *approved form* and *registrar*—

omit.

2 Part 2, heading—

omit, insert—

Part 2 Registration requirements

3 Section 4—

omit.

4 Sections 5(1)(b) and 6(2), after ‘registrar’—

insert—

of titles

5 Section 6, heading, after ‘registrar’—

insert—

of titles

6 Section 6(1)—

omit, insert—

- (1) The registrar of titles must make appropriate notification of the registration of a plan of amalgamation, plan of resubdivision or notice of conversion on the original plan for the plan of amalgamation, plan of resubdivision or notice of conversion (the ***original plan***).

7 Section 15(1)—

omit.

8 Section 15(2) and (3)—

renumber as section 15(1) and (2).

9 Schedule 3, part 1—

omit.

Criminal Proceeds Confiscation Act 2002

1 Section 88, ‘registrar’—

omit, insert—

registrar of titles

2 Section 89O, ‘registrar’—

omit, insert—

registrar of titles

3 Schedule 6, definition *registrar*—

omit.

4 Schedule 6—

insert—

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

Electronic Conveyancing National Law (Queensland) Act 2013

1 Section 6, definition *Registrar*, paragraph (a), from ‘the Law’—

omit, insert—

the Law—

- (i) for the purposes of a function under the *Land Act 1994*—the registrar of titles under the *Land Title Act 1994*; or
- (ii) for the purposes of the *Water Act 2000*, chapter 2, part 3, division 4, subdivision 4—the registrar under that Act; or

2 Section 6, definition *titles register*, paragraph (b), ‘section 148’

omit, insert—

section 168

Fire and Emergency Services Act 1990

1 Section 104RL(3), from ‘given to’—

omit, insert—

given to the registrar of titles.

2 Section 104RL(5)—

omit, insert—

(5) In this section—

property transfer information form means a form approved by the registrar of titles that gives smoke alarm information and information about a change of ownership required under other Acts.

3 Schedule 6—

insert—

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

Foreign Ownership of Land Register Act 1988

1 Section 11(3), ‘A prescribed form’—

omit, insert—

An approved form

2 Sections 11(4)(d) and (6) and 22(1)(a), ‘a prescribed form’—

omit, insert—

an approved form

3 Sections 11(4)(d) and (6), 18A(2), 19, 20 and 21(2)(c) and (3), ‘the prescribed form’—

omit, insert—

the approved form

4 Sections 13 and 25(6), ‘prescribed form’—

omit, insert—

approved form

5 Section 14, ‘prescribed fee’—

omit, insert—

relevant titles registry fee

6 Section 14—

insert—

(2) In this section—

titles registry fee, for a matter mentioned in subsection (1)(a), (b) or (c), means the fee payable for the matter under section 44C.

Forestry Act 1959

1 Particular references to chief executive (lands)—

Each of the following provisions is amended by omitting the first occurrence of ‘chief executive (lands)’ and inserting ‘registrar of titles’ and omitting any other occurrence of ‘chief executive (lands)’ and inserting ‘registrar’—

- section 32AA(2) and (3)(b)
- section 61ST(2), (3) and (4)
- section 61JB(2)
- section 61SV(1)

Schedule 3

- section 61RA(5), other than the note, and (6)
- section 61RB(5), other than the note
- section 61RN(1) and (2)
- section 61RP
- section 61RQ
- section 61RR(1) and (2)
- section 61RS(1), (2), (3) and (4)
- section 61RU(2)
- section 61RV(3)
- section 61RW(1)(b) and (2)
- section 61RX, other than the heading
- section 61RY(1)
- section 61SA(2)
- section 61SB
- section 61SD(2)
- section 61SJ(5)
- section 61SK(5)
- section 61SL(1)
- section 61SW(b)(ii)
- section 61SX
- section 61SY
- section 61T(2)(b)
- section 61TB(2)(c) and (3)
- section 61TC(2), note
- section 61TD
- section 61TE(1), (4) and (5)(b)
- section 61TG(1)(d), (3), (4)(b) and (7)
- section 61TI(1), (2), (3) and (4)
- section 61TJ(3)
- section 61TK(2) and (3)
- section 61TO(1), (2), (3), (4) and (5)
- section 61TP
- section 61TQ(1), (2), (4) and (5)
- section 61TR(1) and (2)
- schedule 3, definition *register of plantation licences*

2 Section 61O(1)(b), from ‘application’—

omit, insert—

application—the registrar of titles.

3 Section 61PA(2)(b), from ‘or chief executive’—

omit, insert—

and the review decision is to substitute a new

decision—the registrar.

4 Sections 61RA(5), note and 61RB(5), note—

omit, insert—

Note—

See section 61RO(5) for when a sketch plan may also need to be lodged.

5 Section 61RS, heading, ‘Chief executive (lands)’—

omit, insert—

Registrar of titles

6 Sections 61RU(1) and 61RW(1)(a), ‘with’—

omit, insert—

in

7 Section 61RX, heading, ‘chief executive (lands)’—

omit, insert—

registrar of titles

8 Section 61SJ(3), ‘section 9A(2)(ba)’—

omit, insert—

section 9A

9 Section 61SK(3), ‘section 9A(2)(c)’—

omit, insert—

section 9A

10 Section 61TP, heading, ‘Chief executive’—

omit, insert—

Registrar of titles

11 Schedule 3, definition *approved form*, ‘by the chief executive (lands)’—

omit.

12 Schedule 3, definitions *chief executive (lands)* and *registry*—

omit.

Forest Wind Farm Development Act 2020

1 Particular references to chief executive (lands)—

Each of the following provisions is amended by omitting the first occurrence of ‘chief executive (lands)’ and inserting ‘registrar of titles’ and omitting any other occurrence of ‘chief executive (lands)’ and inserting ‘registrar’—

- section 7(2), (3) and (4)
- section 25(1)
- section 26
- section 27(1) and (2)
- section 48(1) and (3)
- section 49(1) and (2).

2 Schedule 2, definition *chief executive (lands)*—

omit.

3 Schedule 2—

insert—

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

Guardianship and Administration Act 2000

1 Section 21(3), from ‘fee’ to ‘titles’—

omit, insert—

titles registry fee for giving the advice

2 Section 27(4), ‘fee payable to the registrar of titles’—

omit, insert—

titles registry fee for giving the advice

3 Section 31(7), ‘fee payable to the registrar of titles for’—

omit, insert—

titles registry fee for giving or withdrawing the

4 Schedule 4—

insert—

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

titles registry fee, for a matter mentioned in a provision of this Act, means the fee payable for the matter under the *Land Title Act 1994*, section 198B.

Integrated Resort Development Act 1987

1 Section 182(2)(d)—

omit.

2 Section 182(2)(e) and (f)—

renumber as section 182(2)(d) and (e).

Justice Legislation (COVID-19 Emergency Response—Proceedings and Other Matters) Regulation 2020

1 Section 21(2), after ‘land registry’—

insert—

under the *Land Title Act 1994*

Land Act 1994

1 Particular references to chief executive—

Each of the following provisions is amended by omitting the first occurrence of ‘chief executive’ and inserting ‘registrar of titles’ and omitting any other occurrence of ‘chief executive’ or ‘chief executive’s’ and inserting ‘registrar’ or ‘registrar’s’—

- | | |
|--------------------------------------|----------------------------|
| • section 41(2) | • section 321(1) and (3) |
| • section 57(10)(a) and (b) and (11) | • section 322AB(1) and (3) |
| • section 103(3) | • section 322A(4) |

-
- | | |
|------------------------------------|----------------------------|
| • section 164B(2) | • section 328(4) and (5) |
| • section 277(1) and (2) | • section 335(2) and (3) |
| • section 278 | • section 339(1) |
| • section 279A(1) and (2) | • section 342(1) |
| • section 280 | • section 360(2) |
| • section 280A(2) | • section 360A(4) |
| • section 280AA | • section 360B(2) |
| • section 282(1) and (2) | • section 363(2) |
| • section 284A(2) | • section 368(2)(a) |
| • section 286(1) | • section 369(7) |
| • section 286B(1) | • section 373AB(3) and (4) |
| • section 287(1)(b), (2) and (3) | • section 373L(a) |
| • section 287A(2) | • section 373O(1) and (3) |
| • section 288A(5) | • section 373U |
| • section 288B(5) | • section 373Y(1) and (3) |
| • section 289(1)(b) and (4)(c) | • section 373ZE(1) |
| • section 290D(1) | • section 373ZH(1) and (3) |
| • section 290K | • section 373ZI(2) and (3) |
| • section 290N(1) | • section 374(1)(b) |
| • section 290R | • section 375(1)(b)(i) |
| • section 291(1), (3) and (4) | • section 375A(4) |
| • section 291A(1) and (2)(c) | • section 377(1) and (2) |
| • section 292 | • section 379(1) and (2) |
| • section 294(1), (2), (3) and (4) | • section 380(4) |
| • section 294B(6) | • section 381 |
| • section 294E(1) and (2) | • section 382 |
| • section 294H | • section 386 |
| • section 295(1) and (2) | • section 387(b)(ii) |
-

Schedule 3

- section 298(2)
- section 299A(2)
- section 304(1), (2) and (3)
- section 305(1), (2), (4), (5), (6) and (7)
- section 305A(1) and (2)(c)
- section 306(1) and (3)
- section 307(1) and (2)
- section 308(1), (2), (3), (4) and (5)
- section 309
- section 310(3)
- section 311(4)
- section 313(1) and (2)
- section 314(1), (2) and (3)
- section 315(1), (2), (3), (4) and (5)
- section 388
- section 389
- section 389A(2)(b)
- section 389B(2)(b)
- section 389C(2)(c) and (3)
- section 389D(1)(a)
- section 389E
- section 389F(1) and (4)(b)
- section 389I(2), (3), (4) and (5)
- section 389J(3)
- section 389K(2) and (3)
- section 390B(2)(c)
- schedule 6, definition *dedication notice*, paragraph (a)

2 Section 177(9), from ‘keep’—

omit, insert—

, as soon as practicable, give the registrar of titles notice that the permit has been issued.

3 Section 177—

insert—

(9A) On receiving the notice, the registrar of titles must keep a record of the issue of the permit in the appropriate register.

4 Section 177(9A) and (10)—

renumber as section 177(10) and (11).

5 Particular references to registrar—

Each of the following provisions is amended by inserting ‘of titles’ after ‘registrar’—

- section 240S(6), definition *forfeiture notice*
- section 373D(3)
- section 431Q(3) and (7)(b)
- schedule 6, definition *adjustment notice*
- schedule 6, definition *cancellation notice*
- schedule 6, definition *dedication notice*, paragraph (b)
- schedule 6, definition *revocation notice*
- schedule 6, definition *surrender notice*
- schedule 6, definition *trustee of trust land notice*.

6 Section 282, heading, ‘Chief executive’s procedures’—

omit, insert—

Procedures**7 Chapter 6, part 1, division 4, heading, ‘chief executive’—**

omit, insert—

registrar of titles**8 Sections 291, 294 and 309, heading, ‘Chief executive’—**

omit, insert—

Registrar of titles**9 Sections 291(2) and 315(6), ‘chief executive’s’—**

omit, insert—

registrar of titles’

10 Section 315(1), ‘office of the’—

omit.

11 Section 321—

insert—

- (5) If the chief executive cancels a standard terms document under this section, the chief executive must give the registrar of titles notice of the withdrawal or cancellation.

12 Section 322AA—

insert—

- (6) If the chief executive revokes the exemption under subsection (5)(c), the chief executive must give the registrar of titles notice of the revocation.

13 Section 373ZG(2)—

omit, insert—

- (2) If an indigenous cultural interest ends under subsection (1), the chief executive must give notice of the ending of the interest to the registrar of titles.
- (2A) As soon as practicable after receiving notice under subsection (2), the registrar of titles must remove the indigenous cultural interest from the appropriate register.

14 Section 373ZG(2A) and (3)—

renumber as section 373ZG(3) and (4).

15 Section 389I(1), ‘chief executive’s’—

omit.

16 Section 391A(1), from ‘or chief executive to’—

omit, insert—

, chief executive or registrar of titles to give approval for a matter or thing, the approval may be given subject to the conditions the Minister, chief executive or registrar considers appropriate.

17 Section 392(1) and (4A), ‘an officer or employee of’—

omit, insert—

an appropriately qualified public service employee employed in

18 Section 392(2)(c)—

omit, insert—

(c) an appropriately qualified public service employee.

19 Section 392(2A), ‘an officer of the public service of’—

omit, insert—

an appropriately qualified public service employee employed in

20 Section 420A—

insert—

(1A) However, this part does not apply in relation to applications made to the registrar of titles.

21 Section 420A(1A) and (2)—

renumber as section 420A(2) and (3).

22 Section 431B(1), ‘executive or’—

omit, insert—

executive, the registrar of titles or an

23 Section 431O, definition *registrar*—

omit.

24 Section 511(f)—

insert—

Note—

See section 549 in relation to the application of this paragraph.

25 Schedule 1B, section 1, ‘section 448(2)(h)’—

omit, insert—

section 448(2)(g)

26 Schedule 6, definition *appropriate register*, paragraph (c), from ‘—the register’—

omit, insert—

—

- (i) generally—the register of State forests and timber reserves; and
- (ii) in relation to a plantation licence or a dealing with a plantation licence—the register mentioned in paragraph (a) and the register of plantation licences; or

27 Schedule 6—

insert—

plantation licence means a plantation licence

under the *Forestry Act 1959*.

register of plantation licences means the register of plantation licences under the *Forestry Act 1959*.

Land Regulation 2020

1 Section 87(1), after ‘fees’—

insert—

, other than titles registry fees,

2 Section 87(2) to (5)—

omit.

3 Schedule 6, authorising provision, ‘section 87(1)’—

omit, insert—

section 87

4 Schedule 6, table, items 3 to 5, 7 to 10 and 14 to 20—

omit.

5 Schedule 9, definitions *administrative advice*, *ELN*, *lodgement support service bundle 1* and *lodgement support service bundle 2*—

omit.

(2) In this section—

titles registry fee, for a matter mentioned in subsection (1), means the fee payable for the matter under the *Land Title Act 1994*, section 198B.

Mixed Use Development Act 1993

1 Section 218(2)(d)—

omit.

2 Section 218(2)(e) and (f)—

renumber as section 218(2)(d) and (e).

Nature Conservation Act 1992

1 Particular references to chief executive (lands)—

Each of the following provisions is amended by omitting ‘chief executive (lands)’ and inserting ‘registrar of titles’—

- section 33A(2) and (3)(b)
- section 37A
- section 42AD(3)
- section 42AE(3)
- section 42AEA(3)
- section 42AN(3)
- section 42AO(3)
- section 42AOA(3)

- section 42AQ(2) and (3)(b)
- section 70EA(1) and (2)(b).

2 Section 39H(1)(b), from ‘application—’—

omit, insert—

application—the registrar of titles.

3 Section 39J(2)(b), from ‘or chief executive (lands)’—

omit, insert—

and the Minister substitutes a new decision—the registrar of titles.

4 Section 43F(3), from ‘registration with—’—

omit, insert—

registration with the registrar of titles.

5 Particular references to registrar—

Each of the following provisions is amended by omitting ‘registrar’ and inserting ‘registrar of titles’—

- section 134, other than subsection (8), definition *registrar*
- section 173J(1) and (2)
- section 173L(2)(b), (3) and (4)
- section 173M(3).

6 Section 134(8), definition *registrar*—

omit.

7 Section 173J(3), ‘registrar must’—

omit, insert—

registrar of titles must

8 Particular references to registrar's—

Each of the following provisions is amended by omitting 'registrar's' and inserting 'registrar of titles'—

- section 173K
- section 173L(1)(b) and (5)
- section 173M(1)(a).

9 Section 174C(1), 'or the chief executive (lands)'—

omit.

10 Section 174C(2)—

omit, insert—

- (2) No titles registry fee under the *Land Title Act 1994* is payable by the chief executive in relation to the instrument, information or notice.

11 Sections 187(2), 188(3) and 194(2)—

insert—

Note—

See section 215 in relation to the application of this section.

12 Part 12—

insert—

Division 7

**Transitional provision for
Queensland Future Fund
(Titles Registry) Act 2021**

215 Application of ss 187, 188 and 194

Sections 187, 188 and 194 apply as if a reference in the provisions to the chief executive (lands) were a reference to the registrar of titles.

13 Schedule, definitions *chief executive (lands)* and *registrar*—

omit.

Planning Act 2016

1 Section 34(2), from ‘following person’—

omit, insert—

registrar of titles.

2 Section 34(3) and (4), ‘recorder’—

omit, insert—

registrar of titles

3 Section 176(11)—

omit, insert—

(11) A notice given to the registrar of titles under this section must—

- (a) be in the form approved by the registrar under the Land Title Act; and
- (b) be accompanied by the titles registry fee under the Land Title Act for the notice.

4 Section 180(14)—*omit, insert—*

- (14) A notice given to the registrar of titles under this section must—
 - (a) be in the form approved by the registrar under the Land Title Act; and
 - (b) be accompanied by the titles registry fee under the Land Title Act for the notice.

5 Section 269(8)—*omit, insert—*

- (8) A notice given to the registrar of titles under this section must—
 - (a) be in the form approved by the registrar under the Land Title Act; and
 - (b) be accompanied by the titles registry fee under the Land Title Act for the notice.

6 Section 271(4)—*omit, insert—*

- (4) A notice given to the registrar of titles under this section must—
 - (a) be in the form approved by the registrar under the Land Title Act; and
 - (b) be accompanied by the titles registry fee under the Land Title Act for the notice.

Property Law Act 1974

1 Section 61(2)(c) and (3A), after ‘land registry’—

insert—

under the *Land Title Act 1994*

2 Section 248, ‘proper fees’—

omit, insert—

relevant titles registry fees

Property Law Regulation 2013

1 Section 2—

omit.

2 Schedule 1—

omit.

Recreation Areas Management Act 2006

1 Section 10(1), from ‘agreement to’—

omit, insert—

agreement to the registrar of titles.

2 Section 10(2), ‘person to whom the notice is given’—

omit, insert—

registrar of titles

3 Section 13(1), from ‘cancellation to—’—

omit, insert—

cancellation to the registrar of titles.

4 Section 13(2), ‘person to whom the notice is given’—

omit, insert—

registrar of titles

Retirement Villages Act 1999

1 Section 126, from ‘registration or other fees’—

omit, insert—

titles registry fees under the *Land Title Act 1994* for the giving of the notice or instrument.

2 Schedule—

insert—

registrar of titles means the registrar of titles under the *Land Title Act 1994*.

River Improvement Trust Act 1940

1 Schedule 1, definition *registrar of titles*—

omit, insert—

registrar of titles means the registrar of titles

under the *Land Title Act 1994*.

Salvation Army (Queensland) Property Trust Act 1930

1 Section 17, ‘and the chief executive of the department in which the *Land Act 1994* is administered’—

omit, insert—

under the *Land Title Act 1994*

2 Section 17, ‘of titles and that chief executive’—

omit.

3 Section 22, ‘registrar of titles shall’—

omit, insert—

registrar of titles under the *Land Title Act 1994*
must

4 Section 22, after ‘proprietors of’—

insert—

, and register any other interest the trustees have
in,

5 Section 22, ‘that purpose’—

omit, insert—

those purposes

6 Section 22, ‘as shall to the registrar of titles’—

omit, insert—

that, to the registrar,

7 Section 23, heading, ‘executives’—

omit, insert—

executive’s

8 Section 23, from ‘The chief executives’ to ‘shall respectively’—

omit, insert—

The chief executive of the department in which the *Mineral Resources Act 1989* is administered must

9 Section 23, from ‘may respectively’ to ‘to them appear’—

omit, insert—

may make any entry, cancellation and correction in the registers as appears

Sanctuary Cove Resort Act 1985

1 Section 111(1)(d)—

omit.

2 Section 111(1)(e) and (f)—

renumber as section 111(1)(d) and (e).

3 Schedule 9—

insert—

registrar of titles means the registrar of titles

under the *Land Title Act 1994*.

South Bank Corporation Act 1989

1 Section 23, after ‘or charge’—

insert—

, including a titles registry fee,

2 Section 23—

insert—

(2) In this section—

titles registry fee, for a matter mentioned in subsection (1), means the fee payable for the matter under section 114B or schedule 4, section 133B.

3 Section 41(13), from ‘endorse’—

omit, insert—

give the approval in the way required by the registrar of titles.

4 Section 48(1), definition *instrument*, from ‘form’—

omit, insert—

approved form.

5 Section 49, definition *approved form*—

omit.

-
- 6 Section 80—**
omit.
- 7 Section 116(2)(d) and (e) and (4)—**
omit.
- 8 Section 116(2)(f) to (j)—**
renumber as section 116(2)(d) to (h).
- 9 Schedule 4, section 9(16), from ‘prescribed fees’ to ‘prescribed under’—**
omit, insert—
relevant titles registry fees (including the fee mentioned in
- 10 Schedule 4, sections 14(1), 112(1)(b) and 120(3), ‘prescribed fee’—**
omit, insert—
relevant titles registry fee
- 11 Schedule 4, section 14(2), not including the reference to ‘(amended)’—**
omit.
- 12 Schedule 4, section 17A(1), definition *instrument*, from ‘form’—**
omit, insert—
approved form.
- 13 Schedule 4, section 17A—**
insert—
-

- (9) An instrument or memorandum of variation must be executed as required under the *Land Title Act 1994*, section 161.

(new)

- 14 Schedule 4, sections 26B(1) and (2), 30(3) and (7D), 34(2), 41(3) and 117(1), ‘prescribed form’—**

omit, insert—

approved form

- 15 Schedule 4, sections 34(2), 41(3) and 117(1), at the end—**

insert—

(amended)

- 16 Schedule 4, sections 112(1A) and 120(1A) and (3A)—**

omit.

- 17 Schedule 4, section 120(1), from ‘prescribed manner’ to ‘prescribed fee’—**

omit, insert—

approved form and in the way prescribed by regulation, accompanied by the relevant titles registry fee

South Bank Corporation (Modified Building Units and Group Titles) Regulation 2014

- 1 Schedule 1, notes to schedule 1, note 3, paragraph (b), from ‘the note’—**

omit, insert—

the following note appears—

- (i) if the provision was omitted when the applied regulation was first applied under the Act—the note ‘(not applied)’;
- (ii) if the provision was omitted at a later time—the note ‘(omitted)’;

2 Schedule 1, section 1A, definitions *approved form* and *corporation manager*—

omit.

3 Schedule 1, section 1A—

insert—

approved form means a form approved under section 133A of the modified Act.

4 Schedule 1, sections 3, 10A, 12A and 14A—

omit.

5 Schedule 1, sections 8(1)(a) and (2)(a), 12B, 13, 16A, 19A, 27, 28(1), 32, 33, 34 and 39(1), ‘for the purpose’—

omit.

6 Schedule 1, section 12C(1)—

omit.

7 Schedule 1, section 15—

omit, insert—

15 Notification of change of by-laws

(omitted)

Schedule 3

8 Schedule 1, section 16—

omit, insert—

16 Notice of change of address

(omitted)

9 Schedule 1, section 22—

omit, insert—

22 Fees payable to registrar of titles

(omitted)

10 Schedule 1, section 29—

omit, insert—

29 Application for exemption

(omitted)

11 Schedule 1, section 35—

omit, insert—

35 Form of inquiry

(omitted)

12 Schedule 1, section 37—

omit, insert—

37 Application for reservation of name

(omitted)

South Bank Corporation Regulation 2014

1 Section 3(1)(a), ‘for the subject plan’—

omit.

2 Particular references to registrar—

Each of the following provisions is amended by inserting ‘of titles’ after ‘registrar’—

- section 3(3), definition *plan direction*
- section 8
- section 9
- section 10
- section 14(2)
- section 17(1)(e)(ii) and (f)
- section 20
- section 23
- section 24(1).

3 Sections 8 and 20, heading, after ‘Registrar’—

insert—

of titles

4 Section 17(1)(a), ‘for the instrument’—

omit.

5 Section 21—

omit.

Schedule 3

6 Part 4—

omit.

7 Schedule 1—

omit.

8 Schedule 2, definitions *approved form* and *registrar*—

omit.

Stock Route Management Act 2002

1 Section 165(2) to (6), ‘land registrar’—

omit, insert—

registrar of titles

2 Section 165(8)—

omit, insert—

(8) In this section—

registrar of titles means the registrar of titles under the Land Title Act.

Sugar Industry Act 1999

1 Schedule, definition *registrar*, from ‘means’—

omit, insert—

means the registrar of titles under the *Land Title Act 1994*.

Survey and Mapping Infrastructure Act 2003

1 Particular references to chief executive (land)—

Each of the following provisions is amended by omitting ‘the chief executive (land) or’—

- section 6(3)(g)(ii)
- section 62, definition *compiled plan of survey*, paragraph (b)
- section 79(3)(b)
- section 85(3)(b) and (4)(b)
- section 94(b)
- section 112(3)(b) and (4)(b)
- section 121(b).

2 Section 17(4), definition *relevant person*, paragraphs (a) and (b)—

omit, insert—

- (a) for a plan of survey registered, lodged for registration, or deposited under the *Land Act 1994* or the *Land Title Act 1994*—the registrar of titles; or

3 Section 17(4), definition *relevant person*, paragraph (c), ‘or (b)’—

omit.

4 Section 17(4), definition *relevant person*, paragraph (c)—

renumber as paragraph (b).

5 Section 28(2), ‘the *Land Title Act 1994*’—

omit, insert—

an Act

6 Section 28(2)(a)—

omit, insert—

- (a) for a plan of survey lodged or deposited under the *Land Title Act 1994*—the registrar can not correct the survey error under section 15 of that Act; and

7 Sections 69(1) and 98(1), from ‘The chief executive (land)’ to ‘where’—

omit, insert—

The registrar of titles may keep records in a way that a search of the appropriate register kept by the registrar will show any case where

8 Sections 69(2) and 98(2), ‘the chief executive (land),’—

omit.

9 Schedule, definition *chief executive (land)*—

omit.

Torres Strait Islander Land Act 1991

1 Particular references to registrar of titles—

Each of the following provisions is amended by omitting ‘of titles’—

- section 47(4)
- section 97(1)(b)
- section 111(2)(b)

- section 191(4).

2 **Schedule 1, definitions *registrar* and *registrar of titles*—**
omit.

3 **Schedule 1—**
insert—

registrar means the registrar of titles under the Land Title Act.

Water Act 2000

1 **Particular references to the register**

Each of the following provisions is amended by inserting ‘water allocations’ before ‘register’—

- section 147(7)
- section 150(4)
- section 161(2)
- section 169(1)
- section 170(9)
- section 171(1)(b)
- schedule 4, definition *holder*, paragraph (b).

2 **Section 727(5), ‘the register’—**
omit, insert—

the appropriate register

3 Schedule 4—

insert—

lodge means lodge with the registrar for registration or recording on the water allocations register.

Water Regulation 2016

1 Sections 75 and 76—

omit.

2 Section 130(1), after ‘fees’—

insert—

, other than titles registry fees,

3 Section 130(2) to (4)—

omit.

4 Schedule 12, table, items 3 to 20—

omit.

**Schedule 4 Amendment of other legislation
relating to repeal of Building
Queensland Act 2015**

section 158

Cross River Rail Delivery Authority Regulation 2019

- 1 Section 2, definition *Building Queensland*, after ‘under the’—**

insert—

repealed

Industrial Relations Regulation 2018

- 1 Schedule 5, part 3, entry for Building Queensland—**

omit.

Public Service Act 2008

- 1 Schedule 1, entry for Building Queensland—**

omit.

Schedule 5 Amendment of other legislation relating to repeal of Public Safety Business Agency Act 2014

section 195

Part 1 Acts amended

Drugs Misuse Act 1986

1 Section 125(3) and (4)—

omit, insert—

- (3) It is lawful for a person who, as a staff member within the meaning of the *Police Service Administration Act 1990*, section 1.4, is performing the duties of a property officer in the police service, to possess a dangerous drug while actually performing the duties.
- (4) It is lawful for a person who, as a drug control officer within the meaning of the *Police Powers and Responsibilities Act 2000*, section 726, is performing the functions of a drug control officer in the police service, to possess a dangerous drug while actually performing the functions.

Evidence Act 1977

1 Section 134A(4B)—

omit

Police Powers and Responsibilities Act 2000

1 Section 687A—

omit.

2 Section 726A

omit.

3 Section 734(5)—

omit, insert—

- (5) The commissioner must ensure the police service complies with the conditions included in the commissioner direction.

4 Section 735(3)

omit, insert—

- (3) The commissioner must ensure the police service complies with the agency arrangement.

5 Section 736(2)

omit, insert—

- (2) Also, an audit of each drug vault must be conducted at least once every 3 months by a police officer not otherwise directly associated

with the keeping or use of dangerous drugs for training purposes.

6 Section 736(4)(a)

omit, insert—

- (a) the performance of the audit must be supervised by a police officer of at least the rank of inspector who is not otherwise directly associated with the keeping or use of dangerous drugs for training purposes;

7 Section 737(1A)

omit.

8 Schedule 6, definitions, *property point*, *PSBA*, *PSBA chief operating officer* and *PSBA employee*—

omit.

9 Schedule 6—

insert—

property point means a place lawfully used by the police service as a place for the storage of relevant things.

Public Service Act 2008

1 Schedule 1, entry for Public Safety Business Agency

omit.

Part 2 Regulations amended

Disaster Management Regulation 2014

1 Section 3(2)(c)—

omit.

Police Service Administration Regulation 2016

1 Section 47(3)(b), ‘(having regard to the structure of the service or the PSBA)’—

omit.

2 Section 49, ‘or a PSBA employee’—

omit.

3 Section 56(2)(a) and (b), ‘the relevant person is a member of the service and’—

omit.

4 Section 56(2)(c)—

omit.

5 Section 61(2)—

omit, insert—

- (2) Before providing the specimen the relevant person must, unless the relevant person has a

reasonable excuse, advise the commissioner in the approved form of the information mentioned in subsection (3).

6 Section 65, heading, ‘or PSBA chief operating officer’—
omit.

7 Section 65(2), ‘If the relevant person is a member of the service, the’
omit, insert—
The

8 Section 65(3)—
omit.

9 Section 65(4) and (5), ‘subsections (2) and (3)’—
omit, insert—
subsection (2)

10 Section 65(4) and (5)—
renumber as section 65(3) and (4).

11 Section 66(1)—
omit, insert—

(1) For section 5A.21A(7) of the Act, definition *prescribed person*, a member of the service may make a request for the provision of counselling or rehabilitation about the member’s use of alcohol or a drug to—

(a) the ADT coordinator; or

- (b) a member of the service approved by the commissioner for this part.

12 Section 66(2), '5A.21A(7)'—

omit, insert—

5A.21A(6)

13 Section 66(2)(c)—

omit.

14 Section 66(2)(f)(iii), 'or the relevant PSBA employee stops being a public service employee'—

omit.

15 Section 66(2)(d) to (f)—

renumber as section 66(2)(c) to (e).

16 Section 66(3), 'or employee'—

omit.

17 Section 67(m)—

omit.

18 Section 67(n) to (u)

renumber as section 67(m) to (t).

Weapons Regulation 2016

1 Schedule 3, section 5—

omit.

**Schedule 6 Amendment of other legislation
relating to repeal of
Queensland Productivity
Commission Act 2015**

section 217

City of Brisbane Regulation 2012

- 1 Sections 33, 35(1)–(3), 36(1)–(3), 37, 39, 40, 41, 42 and 43,
‘QPC’—**

omit, insert—

competition authority

- 2 Sections 34, 35 and 36, headings, ‘QPC’—**

omit, insert—

Competition authority

- 3 Section 34, ‘The QPC’—**

omit, insert—

The competition authority

- 4 Sections 37(3)(a) and (e), 40(1), 43 and 44(2)(c)(iii),
‘QPC’s’—**

omit, insert—

competition authority’s

5 Section 40, heading, ‘QPC’s’—

omit, insert—

Competition authority’s

6 Section 182(1)(j), ‘section 40(5)’—

omit, insert—

section 40(3)

7 Schedule 4, definition *QPC*—

omit.

8 Schedule 4—

insert—

competition authority means the Queensland Competition Authority established under the *Queensland Competition Authority Act 1997*.

Industrial Relations Regulation 2018

1 Schedule 5, part 3, entry for Queensland Productivity Commission—

omit.

2 Schedule 5, part 3, items 2 to 9—

renumber as items 1 to 6.

Local Government Regulation 2012

1 Sections 45, 47(1)–(3), 48(1)–(3), 49, 51, 52, 54 and 55, ‘QPC’—

omit, insert—

competition authority

2 Sections 46, 47 and 48, headings, ‘QPC’—

omit, insert—

Competition authority

3 Section 46, ‘The QPC’—

omit, insert—

The competition authority

4 Sections 49(3)(a) and (e), 52(1), 55 and 56(2)(c)(iii), ‘QPC’s’—

omit, insert—

competition authority’s

5 Section 52, heading, ‘QPC’s’—

omit, insert—

Competition authority’s

6 Section 190(1)(j), ‘QCA’s’—

omit, insert—

competition authority’s

7 Schedule 8, definition *QPC*—

omit.

8 Schedule 8—

insert—

competition authority means the Queensland Competition Authority established under the *Queensland Competition Authority Act 1997*.

Payroll Tax Act 1971

1 Section 14(9), definition *commercialised business unit*, ‘*Queensland Productivity Commission Act 2015*, section 33(1)’—

omit, insert—

Queensland Competition Authority Act 1997, section 39(4)

Superannuation (State Public Sector) Notice 2010

1 Section 3—

insert—

QPC transfer day means the day the *Queensland Competition Authority Act 1997*, section 265 commenced.

Queensland Productivity Commission means the Queensland Productivity Commission under the repealed *Queensland Productivity Commission Act 2015*.

2 **Schedule 2, entry for Queensland Productivity Commission—**

omit.

3 **Schedule 2—**

insert—

Queensland Treasury	A non-casual employee who, immediately before the QPC transfer day, was employed by the Queensland Productivity Commission under a contract of employment mentioned in the <i>Queensland Competition Authority Act 1997</i> , section 265(3)(b)—	
	(a) until the end of the term of the employee's contract of employment, ignoring any extension or renewal; and	SDBC CAC BAC
	(b) from the end of the term mentioned in paragraph (a)	SDBC CAC

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