



Queensland

# **Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Bill 2009**





Queensland

# Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Bill 2009

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**2009**

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**A Bill**

for

**An Act to make consequential and other amendments of various Acts that relate to the jurisdiction of the Queensland Civil and Administrative Tribunal**

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[s 1]

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**The Parliament of Queensland enacts—** 1

## **Chapter 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009*. 4  
5  
6

**Clause 2 Commencement** 7

This Act, other than the following provisions, commences on a day to be fixed by proclamation— 8  
9  
(a) chapter 5, part 74; 10  
(b) chapter 9, parts 11 and 12; 11  
(c) chapter 9, part 25. 12

## **Chapter 2 Department of Communities** 13

### **Part 1 Amendment of Adoption of Children Act 1964** 14 15

**Clause 3 Act amended** 16

This part amends the *Adoption of Children Act 1964*. 17

---

<b>Clause 4</b>	<b>Amendment of s 6 (Definitions)</b>	1
	Section 6, definition <i>tribunal</i> —	2
	<i>omit, insert</i> —	3
	‘ <i>tribunal</i> means QCAT.’.	4
<b>Clause 5</b>	<b>Amendment of s 13AA (Application for adoption of a special needs child or a child who is a relative)</b>	5
	Section 13AA(7)—	6
	<i>omit, insert</i> —	7
	‘(7) The notice mentioned in subsection (6) must comply with the QCAT Act, section 157(2).’.	8
		9
		10
<b>Clause 6</b>	<b>Amendment of s 13AC (Inclusion of person’s name in expression of interest register)</b>	11
	Section 13AC(4)—	12
	<i>omit, insert</i> —	13
	‘(4) The notice mentioned in subsection (3) must comply with the QCAT Act, section 157(2).’.	14
		15
		16
<b>Clause 7</b>	<b>Amendment of s 13D (What happens after favourable assessment)</b>	17
	Section 13D(1)(b), ‘under the <i>Children Services Tribunal Act 2000</i> , section 38(1)(b),’—	18
	<i>omit, insert</i> —	19
	‘under the QCAT Act, section 23(2)(b),’.	20
		21
		22
<b>Clause 8</b>	<b>Amendment of s 13E (Ineligibility after person’s name entered in assessment register)</b>	23
	Section 13E(4)—	24
	<i>omit, insert</i> —	25
		26

[s 9]

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‘(4) The notice mentioned in subsection (3) must comply with the QCAT Act, section 157(2).’ 1  
2

**Clause 9 Amendment of s 14D (Reviews by tribunal about adoption lists, expression of interest register, assessment register and assessments)** 3  
4  
5

Section 14D(2), ‘apply to’— 6  
*omit, insert*— 7  
‘apply, as provided under the QCAT Act, to’. 8

**Clause 10 Amendment of s 33 (Making of interim orders)** 9

(1) Section 33(1), ‘or the tribunal’— 10  
*omit.* 11  
(2) Section 33(1), ‘or tribunal’— 12  
*omit.* 13

**Clause 11 Insertion of new pt 3A** 14  
After section 35— 15  
*insert*— 16

**‘Part 3A Tribunal proceedings** 17

**‘Division 1 Preliminary** 18

**‘36 Application of pt 3A** 19

‘This part applies to a proceeding before the tribunal that relates to the adoption of children. 20  
21

---

<b>‘36A</b>	<b>Definitions for pt 3A</b>	1
	‘In this part—	2
	<i>president</i> means the president under the QCAT Act.	3
	<i>registrar</i> means the principal registrar under the QCAT Act.	4
	<i>review application</i> means an application made, as provided under the QCAT Act, for review of a reviewable decision by the tribunal.	5 6 7
	<i>separate representative</i> see section 36H(2).	8
	<i>support person</i> means a person allowed by the tribunal under the QCAT Act, section 91 to attend a hearing for the purpose of supporting a party or witness.	9 10 11
<b>‘36B</b>	<b>Object of pt 3A</b>	12
	‘The object of this part is to provide for the tribunal—	13
	(a) to make decisions, in a review about the eligibility or suitability of a prospective adoptive parent, that promote the welfare and interests of children who may be adopted by them; and	14 15 16 17
	(b) to conduct proceedings in a way that uses adversarial and inquisitorial procedures, as appropriate, to arrive at the best possible decision in the circumstances; and	18 19 20
	(c) to foster an atmosphere of review that enhances the delivery of adoption services to children.	21 22
<b>‘36C</b>	<b>Principles for tribunal in matters relating to this Act</b>	23
	‘When exercising its jurisdiction, functions or powers in relation to this Act, the tribunal must have regard to the principle mentioned in section 10.	24 25 26

[s 11]

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<b>‘Division 2</b>	<b>Notice of proceedings</b>	1
<b>‘36D</b>	<b>Government entity may nominate decision-maker</b>	2
	‘The department may give the registrar a notice nominating an officer or employee of the department, or the holder for the time being of an office in the department, as the decision-maker for an assessment or decision to be reviewed by the tribunal.	3 4 5 6 7
<b>‘Division 3</b>	<b>Tribunal proceedings</b>	8
<b>‘36E</b>	<b>Constitution of tribunal</b>	9
	‘(1) The tribunal must be constituted by 3 members with at least 1 legally qualified member.	10 11
	‘(2) However, if the tribunal is constituted for a compulsory conference, the tribunal may be constituted by only 2 members, with at least 1 legally qualified member.	12 13 14
	‘(3) If a child to which a proceeding before the tribunal relates is Aboriginal or Torres Strait Islander, the tribunal hearing the proceeding must include, if practicable, a member who is Aboriginal or Torres Strait Islander.	15 16 17 18
	‘(4) The president may choose a member to constitute the tribunal for a proceeding before the tribunal only if the president considers the member—	19 20 21
	(a) is committed to the principle mentioned in section 10; and	22 23
	(b) has extensive professional knowledge and experience of children; and	24 25
	(c) has demonstrated a knowledge of and has experience in 1 or more of the fields of administrative review, child care, child protection, child welfare, community	26 27 28

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services, education, health, indigenous affairs, law, psychology or social work.	1 2
‘(5) A member is ineligible to be a constituting member for a review of a reviewable decision if the member—	3 4
(a) has been refused a certificate of approval, or a renewal of a certificate of approval, as an approved carer; or	5 6
(b) has had a certificate of approval as an approved carer cancelled.	7 8
‘(6) In this section—	9
<i>legally qualified member</i> has the meaning given by the QCAT Act.	10 11
<i>member</i> has the meaning given by the QCAT Act.	12
<b>‘36F Hearing must usually be held in private</b>	13
‘(1) A hearing of a proceeding before the tribunal to which this part applies must be held in private.	14 15
‘(2) However, the following are entitled to be present at the proceeding—	16 17
(a) each party to the proceeding;	18
(b) if, under an Act, a party is entitled to be represented by someone else at the proceeding, the party’s representative;	19 20 21
(c) a separate representative representing a child in the proceeding;	22 23
(d) a witness while giving evidence;	24
(e) a support person for a witness, while the witness is giving evidence;	25 26
(f) a person allowed to be present by the tribunal.	27
‘(3) This section is subject to section 36M(3) and the QCAT Act, section 220.	28 29

[s 11]

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<i>Editor's note—</i>	1
QCAT Act, section 220 (Tribunal may exclude person)	2
<b>‘Division 4 Children in tribunal proceedings</b>	<b>3</b>
<b>‘36G Requirements about ensuring proper understanding of tribunal proceedings</b>	<b>4</b>
	5
‘In addition to the QCAT Act, section 29 the tribunal must take all reasonable steps to ensure each child taking part in a proceeding before the tribunal understands the tribunal’s procedures.	6 7 8 9
<b>‘36H Separate representation of children</b>	<b>10</b>
‘(1) This section applies if a proceeding before the tribunal is about the suitability of a person to be an adoptive parent of a particular child.	11 12 13
‘(2) The tribunal must consider whether it would be in the child’s best interests for the child to be separately represented before the tribunal by a lawyer (a <i>separate representative</i> ).	14 15 16
‘(3) If the tribunal considers it would be in the child’s best interests for the child to be separately represented before the tribunal by a lawyer, the tribunal must order that the child be represented by a separate representative.	17 18 19 20
‘(4) A separate representative may represent more than 1 child in the same proceeding before the tribunal.	21 22
‘(5) A separate representative must—	23
(a) act in the child’s best interests having regard to any expressed views or wishes of the child; and	24 25
(b) as far as possible, present the child’s views and wishes to the tribunal.	26 27
‘(6) For the QCAT Act, a separate representative has the same rights and obligations as a party to the review.	28 29

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<b>‘36I Children must not be compelled to give evidence</b>	1
‘(1) A child must not be compelled to give evidence in a proceeding before the tribunal.	2 3
‘(2) Without limiting subsection (1), the tribunal may not require a child to do either of the following under the QCAT Act, section 97(1)—	4 5 6
(a) attend a hearing of a proceeding to give evidence;	7
(b) produce a stated document or other thing to the tribunal.	8
‘(3) Before a child gives evidence in a proceeding before the tribunal, the tribunal must satisfy itself that the child is willing to give the evidence.	9 10 11
<b>‘36J Child’s right to express views to tribunal</b>	12
‘(1) This section applies if a proceeding before the tribunal is about the suitability of a person to be an adoptive parent of a particular child.	13 14 15
‘(2) Whether or not the child appears as a witness before the tribunal, the child has the right to express his or her views to the tribunal about matters relevant to the review.	16 17 18
<b>‘36K Children giving evidence or expressing views to tribunal</b>	19 20
‘(1) This section applies if a child is giving evidence or expressing the child’s views to the tribunal.	21 22
‘(2) Only the following persons may be present while the child gives evidence or expresses the child’s views—	23 24
(a) the constituting members;	25
(b) the lawyer, if any, representing the child;	26
(c) the separate representative, if any, for the child;	27
(d) the child’s support person if the child has a support person and agrees to that person’s presence.	28 29

[s 11]

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‘(3) Despite subsection (2), the child may elect to give evidence or express the child’s views in the presence of the parties and their representatives if the child—	1 2 3
(a) is 12 years or more; and	4
(b) is represented by a lawyer or a separate representative.	5
<b>‘36L Questioning of children</b>	6
‘(1) A child giving evidence or expressing the child’s views in a proceeding before the tribunal must not be cross-examined.	7 8
‘(2) Also, only the following persons may ask questions of a child giving evidence or expressing the child’s views in a proceeding—	9 10 11
(a) the constituting members;	12
(b) the lawyer, if any, representing the child;	13
(c) the separate representative, if any, for the child.	14
<b>‘Division 5 Confidentiality</b>	15
<b>‘36M Confidentiality order</b>	16
‘(1) The tribunal may, by order (a <i>confidentiality order</i> ), prohibit or restrict the disclosure to a party to a proceeding before the tribunal all or some of the evidence given before the tribunal, or of the whole or part of the contents of a document given to, or received in evidence by, the tribunal for the review.	17 18 19 20 21
‘(2) Subsection (3) applies for the purpose of the tribunal—	22
(a) deciding whether to make a confidentiality order; or	23
(b) giving effect to a confidentiality order.	24
‘(3) The tribunal may—	25
(a) exclude a party, and any representative of the party, from part of the proceeding before the tribunal; or	26 27

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(b)	deal with a document in a way that ensures it is not disclosed to a party.	1 2
‘(4)	The tribunal may make a confidentiality order only if it is satisfied that if it does not do so—	3 4
(a)	a child is likely to be harmed; or	5
(b)	the safety of another person is likely to be endangered; or	6 7
(c)	there would be undue interference with the privacy of a child or another person.	8 9
‘(5)	The tribunal may act under subsection (1) on its own initiative or on application by a party to the proceeding before the tribunal.	10 11 12
‘(6)	A confidentiality order does not act to prohibit or limit the disclosure of material to a separate representative in a proceeding before the tribunal.	13 14 15
<b>‘36N</b>	<b>Limited access to tribunal’s register of proceedings</b>	16
‘(1)	This section applies to the register of proceedings kept by the principal registrar under the QCAT Act, section 229(1).	17 18
‘(2)	Despite the QCAT Act, section 229(2) the principal registrar must ensure that part of the register which relates to proceedings before the tribunal to which this part applies is not available for inspection by the public.	19 20 21 22
‘(3)	The QCAT Act, section 229(4) does not apply to that part of the register which relates to proceedings before the tribunal to which this part applies.	23 24 25
<b>‘36O</b>	<b>Limited access to tribunal’s record of proceedings</b>	26
‘(1)	This section applies to a record kept under the QCAT Act, section 230 for a proceeding before the tribunal to which this part applies.	27 28 29

[s 11]

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

**‘36P Certain information not to be published**

- ‘(1) A person must not publish—
- (a) information given in evidence or otherwise in a proceeding before the tribunal; or
  - (b) information that is likely to identify a person who—
    - (i) appears as a witness before the tribunal in a proceeding; or
    - (ii) is a party to the proceeding; or
    - (iii) is mentioned, or otherwise involved, in the proceeding.
- Maximum penalty—
- (a) for a corporation—1000 penalty units; or
  - (b) for an individual—100 penalty units or 2 years imprisonment.
- ‘(2) Subsection (1)(a) does not apply to—
- (a) a person if the tribunal or the president of the tribunal consents to the publication of the information by the person; or
  - (b) the tribunal publishing its final decision in a proceeding, with or without the reasons for the decision.
- ‘(3) The tribunal or the president may only consent to the publication as mentioned in subsection (2) if the tribunal or the president is satisfied the publication of the information—
- (a) is in the public interest; and
  - (b) does not conflict with the best interests of the child.

- 
- ‘(4) In this section— 1  
*information* includes— 2  
(a) a matter contained in a document filed with, or received 3  
by, the tribunal; and 4  
(b) the tribunal’s decision or reasons for a decision. 5  
*publish*, for information, means to publish it to the public by 6  
way of the internet, newspaper, radio, television or other form 7  
of communication.’. 8

- Clause 12 Amendment of s 58 (Hearings to be in camera) 9**  
(1) Section 58, ‘or the tribunal’— 10  
*omit.* 11  
(2) Section 58, ‘or tribunal’— 12  
*omit.* 13

**Part 2 Amendment of Child Protection Act 1999 14**  
15

- Clause 13 Act amended 16**  
This part amends the *Child Protection Act 1999*. 17

- Clause 14 Amendment of s 78 (Chief executive’s powers) 18**  
(1) Section 78(2)— 19  
*omit, insert—* 20  
(2) The notice mentioned in subsection (1) must comply with the 21  
QCAT Act, section 157(2).’ 22

[s 15]

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- (2) Section 78(4)— 1  
*omit, insert—* 2
- ‘(4) The tribunal may not stay the operation of the decision under 3  
the QCAT Act, section 22(3).’ 4

- Clause 15 Amendment of s 86 (Chief executive to notify parents of 5  
placing child in care—child protection order) 6**
- (1) Section 86(2)(c) and (d)— 7  
*omit, insert—* 8
- ‘(c) the child or child’s parent may apply to the tribunal to 9  
have the decision reviewed; 10
- (d) how, and the time within which, the child or child’s 11  
parent may apply to have the decision reviewed; 12
- (e) any right the child or child’s parent has to have the 13  
operation of the decisions stayed.’ 14
- (2) Section 86(5)(c) and (d)— 15  
*omit, insert—* 16
- ‘(c) the child or child’s parent may apply to the tribunal to 17  
have the decision reviewed; 18
- (d) how, and the time within which, the child or child’s 19  
parent may apply to have the decision reviewed; 20
- (e) any right the child or child’s parent has to have the 21  
operation of the decisions stayed.’ 22

- Clause 16 Amendment of s 87 (Chief executive to provide contact 23  
between child and child’s parents) 24**
- Section 87(4)— 25  
*omit, insert—* 26
- ‘(4) The notice mentioned in subsection (3) must comply with the 27  
QCAT Act, section 157(2).’ 28

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<b>Clause 17</b>	<b>Amendment of s 90 (Notice of removal from care)</b>	1
(1)	Section 90(3)(b)(ii) and (iii)—	2
	<i>omit, insert—</i>	3
	‘(ii) how, and the time within which, the carer may apply to have the decision reviewed; and	4
	(iii) any right the carer has to have the operation of the decisions stayed.’.	5
(2)	Section 90(4)(c) and (d)—	6
	<i>omit, insert—</i>	7
	‘(c) how, and the time within which, the child may apply to have the decision reviewed; and	8
	(d) any right the child has to have the operation of the decisions stayed.’.	9
<b>Clause 18</b>	<b>Insertion of new ch 2A</b>	10
	After section 99—	11
	<i>insert—</i>	12
	<b>‘Chapter 2A Tribunal proceedings</b>	13
	<b>‘Part 1 Preliminary</b>	14
	<b>‘99A Application of ch 2A</b>	15
	‘This chapter applies to a proceeding before the tribunal that relates to this Act.	16
	<b>‘99B Definitions for ch 2A</b>	17
	‘In this chapter—	18
	<i>president</i> means the president under the QCAT Act.	19

[s 18]

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<i>registrar</i> means the principal registrar under the QCAT Act.	1
<i>reviewable decision</i> includes a reviewable decision under the <i>Commission for Children and Young People and Child Guardian Act 2000</i> , section 140A.	2 3 4
<i>review application</i> means an application made, as provided under the QCAT Act, for review of a reviewable decision by the tribunal.	5 6 7
<i>separate representative</i> see section 99Q(3).	8
<i>support person</i> means a person allowed by the tribunal under the QCAT Act, section 91 to attend a hearing for the purpose of supporting a party or witness.	9 10 11
<b>‘99C Object of ch 2A</b>	12
‘The object of this chapter is to provide for the tribunal—	13
(a) to make decisions in a review that promote the welfare and best interests of the child about whom the reviewable decision was made; and	14 15 16
(b) to conduct proceedings in a way that uses adversarial and inquisitorial procedures, as appropriate, to arrive at the best possible decision in the circumstances; and	17 18 19
(c) to foster an atmosphere of review that enhances the delivery of services to children.	20 21
<b>‘99D Principles for tribunal in matters relating to this Act</b>	22 23
‘In exercising its jurisdiction, functions or powers in relation to this Act, the tribunal must have regard to the principles mentioned in section 5.	24 25 26

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<b>‘Part 2</b>	<b>Tribunal proceedings</b>	1
<b>‘99E</b>	<b>Registrar to give notice of review application</b>	2
‘(1)	The registrar must give notice of a review application to the decision-maker.	3 4
‘(2)	Within 7 days after receiving the notice, the decision-maker must give the registrar notice of the names and addresses of all persons, apart from the applicant—	5 6 7
	(a) who are entitled to apply for a review of the reviewable decision concerned; and	8 9
	(b) of whom the decision-maker is aware.	10
‘(3)	The tribunal may shorten the period for giving the decision-maker’s notice to the registrar.	11 12
‘(4)	The tribunal may act under subsection (3) only if satisfied that not to do so will result in a child’s interests being adversely affected or another party to the review suffering hardship.	13 14 15
‘(5)	For subsection (2), a person’s entitlement to apply for a review is taken to be unaffected by the ending of the period of 28 days mentioned in the QCAT Act, section 33(3).	16 17 18
‘(6)	Immediately on receipt of the decision-maker’s notice, the registrar must give an information notice to each person named in the decision-maker’s notice.	19 20 21
‘(7)	The information notice must state—	22
	(a) details of the review application; and	23
	(b) that the person may elect to become a party to the review and the period within which the notice of election must be filed under section 99ZB; and	24 25 26
	(c) how the person may elect to become a party to the review.	27 28

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<b>‘99F</b>	<b>Review applications by commissioner</b>	1
‘(1)	This section applies if the applicant for a review application is the commissioner.	2 3
‘(2)	The review application must be made within 28 days after the commissioner gives notice under the <i>Commission for Children and Young People and Child Guardian Act 2000</i> , section 140B(4) to the chief executive about the reviewable decision.	4 5 6 7 8
‘(3)	In this section—  <i>commissioner</i> means the Commissioner for Children and Young People and Child Guardian established under the <i>Commission for Children and Young People and Child Guardian Act 2000</i> .	9 10 11 12 13
<b>‘99G</b>	<b>Government entity may nominate decision-maker</b>	14
	‘The department may give the registrar a notice nominating an officer or employee of the department, or the holder for the time being of an office in the department, as the decision-maker for a review.	15 16 17 18
<b>‘99H</b>	<b>Constitution of tribunal</b>	19
‘(1)	The tribunal must be constituted by 3 members with at least 1 legally qualified member.	20 21
‘(2)	However, if the tribunal is constituted for a compulsory conference, the tribunal may be constituted by only 2 members, with at least 1 legally qualified member.	22 23 24
‘(3)	If a child to which a proceeding before the tribunal relates is Aboriginal or Torres Strait Islander, the tribunal hearing the proceeding must include, if practicable, a member who is Aboriginal or Torres Strait Islander.	25 26 27 28
‘(4)	The president may choose a member to constitute the tribunal for a proceeding to which this part applies only if the president considers the member—	29 30 31

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(a)	is committed to the principles mentioned in section 5; and	1 2
(b)	has extensive professional knowledge and experience of children; and	3 4
(c)	has demonstrated a knowledge of and has experience in 1 or more of the fields of administrative review, child care, child protection, child welfare, community services, education, health, indigenous affairs, law, psychology or social work.	5 6 7 8 9
‘(5)	A member is ineligible to be a constituting member for a review of a reviewable decision if the member—	10 11
(a)	has been refused a certificate of approval, or a renewal of a certificate of approval, as an approved carer; or	12 13
(b)	has had a certificate of approval as an approved carer cancelled.	14 15
‘(6)	In this section—	16
	<i>legally qualified member</i> has the meaning given by the QCAT Act.	17 18
	<i>member</i> has the meaning given by the QCAT Act.	19
‘99I	<b>Power of tribunal to stay operation of decision limited in particular circumstances</b>	20 21
‘(1)	This section applies if the tribunal is constituted by less than 3 members for a compulsory conference.	22 23
‘(2)	The tribunal may, under the QCAT Act, section 22(3), only make an order staying the operation of a reviewable decision if the relevant decision-maker for the reviewable decision does not oppose the staying of the decision’s operation.	24 25 26 27

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<b>‘99J</b>	<b>Proceedings relating to this Act must usually be held in private</b>	1 2
‘(1)	A hearing of a proceeding before the tribunal to which this part applies must be held in private.	3 4
‘(2)	However, the following are entitled to be present at the proceeding—	5 6
	(a) each party to the proceeding;	7
	(b) if, under an Act, a party is entitled to be represented by someone else at the proceeding, the party’s representative;	8 9 10
	(c) a separate representative representing a child in the proceeding;	11 12
	(d) a witness while giving evidence;	13
	(e) a support person for a witness, while the witness is giving evidence;	14 15
	(f) a person allowed to be present by the tribunal.	16
‘(3)	This section is subject to the QCAT Act, section 220.	17
	<i>Editor’s note—</i>	18
	QCAT Act, section 220 (Tribunal may exclude person)	19
<b>‘99K</b>	<b>When proceeding may be held in public</b>	20
	‘Despite section 99J, the tribunal may allow a proceeding before the tribunal to be held in public if information identifying, or likely to lead to the identification of, a particular child will not be given in the proceeding.	21 22 23 24
<b>‘99L</b>	<b>Adjournments</b>	25
‘(1)	In considering whether to adjourn a proceeding before the tribunal involving a child, the tribunal must take into account any impact that adjourning the proceeding will have on the child.	26 27 28 29

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‘(2) When it adjourns a proceeding, the tribunal must—	1
(a) give reasons for the adjournment; and	2
(b) state any matters it requires a party to the proceeding to address during the adjournment; and	3 4
(c) give directions and make orders it considers necessary or desirable.	5 6
<b>‘99M When matter before court</b>	7
‘(1) Subsection (2) applies if—	8
(a) a review application is before the tribunal; and	9
(b) some or all the matters to which the reviewable decision relates are also before a court.	10 11
‘(2) The president must suspend the tribunal’s review if the president considers—	12 13
(a) the court’s decision about the matters would effectively decide the same issues to be decided by the tribunal; and	14 15
(b) the matters will be dealt with quickly by the court.	16
‘(3) If the president acts under subsection (2), the court decides the matters and the decision effectively decides the issues before the tribunal, the president must dismiss the review application.	17 18 19
‘(4) Subsection (5) applies if—	20
(a) the president has suspended the tribunal’s review; and	21
(b) the matters have not been decided by the court.	22
‘(5) The president may cancel the suspension and the tribunal may continue to deal with the review application.	23 24
‘(6) The president may act under subsection (2), (3) or (5) on the president’s own initiative or on application by a party to the review.	25 26 27

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<b>‘99N Compulsory conferences</b>	1
‘(1) This section applies to a compulsory conference under the QCAT Act to which the parties to a proceeding before the tribunal have been directed to attend by the tribunal or principal registrar.	2 3 4 5
‘(2) In addition to anything the person presiding over the conference may do under the QCAT Act, the person may do 1 or more of the following—	6 7 8
(a) identify information to be given to the tribunal by the parties;	9 10
(b) give the parties information about the tribunal’s practice and procedures;	11 12
(c) refer the parties to alternative dispute resolution.	13
‘(3) Also, the person presiding over the conference may meet with a party separately—	14 15
(a) if the person considers doing so may avoid the escalation of conflict between the parties; or	16 17
(b) if the party is a child and the person considers doing so is in the child’s best interests having regard to the child’s views and wishes.	18 19 20

<b>‘Part 3</b>	<b>Children in tribunal proceedings</b>	21 22
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<b>‘99O Requirements about ensuring proper understanding of tribunal proceedings</b>	23 24
‘(1) In addition to the QCAT Act, section 29 the tribunal must take all reasonable steps to ensure each child taking part in a proceeding before the tribunal, who is not a party to the proceedings, understands the tribunal’s procedures.	25 26 27 28

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‘(2) Also, a child entitled to start, or participate in, a proceeding before the tribunal—	1 2
(a) should be given the information and help necessary for the child to do so; and	3 4
(b) should have access to appropriate representation.	5
<b>‘99P Review applications on behalf of children</b>	6
‘(1) A person may file a review application on behalf of a child only with the president’s permission.	7 8
‘(2) The president may give permission only if the president considers—	9 10
(a) the person is not, on the person’s own behalf, entitled to apply for the decision to be reviewed by the tribunal; and	11 12 13
(b) it is in the child’s best interests that the application be made; and	14 15
(c) it would be inappropriate for, or unreasonable to require, the child to make the application himself or herself.	16 17
‘(3) An applicant may withdraw a review application filed on behalf of a child only with the permission of the president or the tribunal.	18 19 20
‘(4) The president or tribunal may give permission under subsection (3) only if the president or tribunal considers that, having regard to the child’s views or wishes, if any, it is in the child’s best interests that the application be withdrawn.	21 22 23 24
<b>‘99Q Separate representation of children</b>	25
‘(1) This section applies if a reviewable decision is about a child and the decision is the subject of a review application.	26 27
‘(2) Also, this section applies whether or not the child—	28
(a) is a party to a proceeding before the tribunal; or	29

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- (b) is represented by a lawyer or someone else under the QCAT Act, section 43. 1  
2
- ‘(3) The tribunal must consider whether it would be in the child’s best interests for the child to be separately represented under this section before the tribunal by a lawyer (a *separate representative*). 3  
4  
5  
6
- ‘(4) If the tribunal considers it would be in the child’s best interests for the child to be separately represented under this section before the tribunal by a lawyer, the tribunal must order that the child be represented by a separate representative. 7  
8  
9  
10
- ‘(5) A separate representative may represent more than 1 child in the same proceeding before the tribunal. 11  
12
- ‘(6) A separate representative must— 13
- (a) act in the child’s best interests having regard to any expressed views or wishes of the child; and 14  
15
- (b) as far as possible, present the child’s views and wishes to the tribunal. 16  
17
- ‘(7) For the QCAT Act, a separate representative has the same rights and obligations as a party to the review. 18  
19
- ‘99R Separate representative must not be called to give evidence** 20  
21
- ‘A separate representative must not, in any proceeding before the tribunal, be called to give evidence, and if called must not give evidence, about a communication between the representative and the child for whom the representative was appointed. 22  
23  
24  
25  
26
- ‘99S Representation of children** 27
- ‘(1) This section applies if a party to a proceeding before the tribunal is a child who is represented by a separate representative under section 99Q. 28  
29  
30

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- ‘(2) In the proceeding, the party may also be represented by a lawyer or someone else under the QCAT Act, section 43. 1  
2
- ‘99T Children must not be compelled to give evidence 3**
- ‘(1) A child must not be compelled to give evidence in a proceeding before the tribunal. 4  
5
- ‘(2) Without limiting subsection (1), the tribunal may not require a child to do either of the following under the QCAT Act, section 97(1)— 6  
7  
8
- (a) attend a hearing of a proceeding to give evidence; 9
- (b) produce a stated document or other thing to the tribunal. 10
- ‘(3) Before a child gives evidence in a proceeding, the tribunal must satisfy itself that the child is willing to give the evidence. 11  
12
- ‘99U Child’s right to express views to tribunal 13**
- ‘(1) This section applies if a reviewable decision is about a child and the decision is being reviewed by the tribunal. 14  
15
- ‘(2) Whether or not the child is a party to the review or appears as a witness before the tribunal, the child has the right to express his or her views to the tribunal about matters relevant to the review. 16  
17  
18  
19
- ‘99V Children giving evidence or expressing views to tribunal 20  
21**
- ‘(1) This section applies if a child is giving evidence or expressing the child’s views to the tribunal. 22  
23
- ‘(2) Only the following persons may be present while the child gives evidence or expresses the child’s views— 24  
25
- (a) the constituting members; 26
- (b) the lawyer, if any, representing the child; 27
- (c) the separate representative, if any, for the child; 28

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- (d) the child's support person if the child has a support person and agrees to that person's presence. 1  
2
- '(3) Despite subsection (2), the child may elect to give evidence or express the child's views in the presence of the parties and their representatives if the child— 3  
4  
5
- (a) is 12 years or more; and 6
- (b) is represented by a lawyer or a separate representative. 7
- '99W Questioning of children 8**
- '(1) A child giving evidence or expressing the child's views in a proceeding before the tribunal must not be cross-examined. 9  
10
- '(2) Also, only the following persons may ask questions of a child giving evidence or expressing the child's views in a proceeding— 11  
12  
13
- (a) the constituting members; 14
- (b) the lawyer, if any, representing the child; 15
- (c) the separate representative, if any, for the child. 16
- '99X Provisions applying if party to review is a child who is a parent of the child about whom the reviewable decision was made 17  
18  
19**
- '(1) This section applies if— 20
- (a) a party to a proceeding before the tribunal to have a reviewable decisions reviewed is— 21  
22
- (i) a child; and 23
- (ii) a parent of the child about whom the reviewable decision was made; and 24  
25
- (b) in the proceeding the parent elects to give evidence. 26
- '(2) Sections 99V and 99W do not apply to the parent. 27
- '(3) Before the parent gives evidence, the tribunal must tell the parent that— 28  
29

- 
- (a) he or she may be cross-examined by the tribunal or a party to the proceeding; and 1  
2
  - (b) he or she may, at any time while the cross-examination is continuing, refuse to be further cross-examined; and 3  
4
  - (c) if he or she acts under paragraph (b), this may affect the weight given by the tribunal to his or her evidence. 5  
6

## **‘Part 4                      Medical examinations                      7**

### **‘99Y    President or tribunal may authorise medical examination of child                      8 9**

- ‘(1) For a review, the president or the tribunal may, by order, authorise a medical examination of a child and require a report of the examination to be filed with the registrar. 10  
11  
12
- ‘(2) The order must state the particular issues the report must address. 13  
14
- ‘(3) The president or tribunal must not make the order unless the president or tribunal is satisfied— 15  
16
  - (a) the medical information, if any, available to the tribunal about the child is insufficient to allow the tribunal to decide the review; and 17  
18  
19
  - (b) the child’s interests will be best served by making the order. 20  
21
- ‘(4) In deciding whether the child’s interests will be best served by making the order, the president or tribunal must consider the child’s views and wishes, if any, and the effect the medical examination may have on the child having regard to the number and frequency of any previous medical examinations the child has undergone. 22  
23  
24  
25  
26  
27

[s 18]

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<b>‘99Z Carrying out medical examinations</b>	1
‘(1) This section applies if an order under section 99Y authorises a child’s medical examination.	2 3
‘(2) A doctor may medically examine the child.	4
‘(3) Subsection (2) applies even though the child’s parents or guardian has not consented to the examination.	5 6
‘(4) However, subsection (2) is subject to the rights the child has in relation to the examination.	7 8
‘(5) For deciding any liability in relation to the carrying out of the examination, the doctor is taken to have the consent of the child’s parents or guardian to the examination.	9 10 11

## **‘Part 5 Parties** 12

<b>‘99ZA Parties to review</b>	13
‘The parties to a review are—	14
(a) the applicant for the review; and	15
(b) the decision-maker; and	16
(c) a person who elects to become a party under section 99ZB; and	17 18
(d) a person joined as a party under section 99ZC.	19

<b>‘99ZB Certain persons may elect to become parties</b>	20
‘(1) This section applies to a person who is given an information notice under section 99E(6).	21 22
‘(2) The person may elect to become a party to the review to which the notice relates by filing a notice of election with the registrar.	23 24 25

- 
- ‘(3) The notice of election must be filed with the registrar within 7 days after the person receives the information notice. 1  
2
- ‘(4) The tribunal may shorten the period for filing the notice of election. 3  
4
- ‘(5) The tribunal may act under subsection (4) only if satisfied that not to do so will result in a child’s interests being adversely affected or another party to the review suffering hardship. 5  
6  
7

**‘99ZC Joinder of person as party to review 8**

- ‘(1) The tribunal may join a person as a party to a review if it is satisfied the person is genuinely concerned in the subject matter of the review. 9  
10  
11
- ‘(2) However, if the review concerns a child, the tribunal may not join a person as a party unless it is satisfied that to do so would be in the child’s best interests. 12  
13  
14
- ‘(3) The tribunal may join a person as a party to the review on its own initiative or on application by the person. 15  
16
- ‘(4) The tribunal may join a person as a party to the review at any time before the review application is finally decided by the tribunal. 17  
18  
19

**‘Part 6 Confidentiality 20**

**‘99ZD Confidentiality order 21**

- ‘(1) The tribunal may, by order (a *confidentiality order*), prohibit or restrict the disclosure to a party to a proceeding before the tribunal of all or some of the evidence given before the tribunal, or of the whole or part of the contents of a document given to, or received in evidence by, the tribunal for the review. 22  
23  
24  
25  
26  
27
- ‘(2) Subsection (3) applies for the purpose of the tribunal— 28

[s 18]

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- |              |  |                      |
|--------------|--|----------------------|
| (a)          | deciding whether to make a confidentiality order; or   | 1                    |
| (b)          | giving effect to a confidentiality order.  | 2                    |
| ‘(3)         | The tribunal may—  | 3                    |
| (a)          | exclude a party, and any representative of the party, from<br>part of the proceeding before the tribunal; or   | 4<br>5               |
| (b)          | deal with a document in a way that ensures it is not<br>disclosed to a party.  | 6<br>7               |
| ‘(4)         | The tribunal may make a confidentiality order only if it is<br>satisfied that if it does not do so—  | 8<br>9               |
| (a)          | a child is likely to be harmed; or   | 10                   |
| (b)          | the safety of another person is likely to be endangered;<br>or   | 11<br>12             |
| (c)          | there would be undue interference with the privacy of a<br>child or another person.  | 13<br>14             |
| ‘(5)         | The tribunal may act under subsection (1) on its own initiative<br>or on application by a party to the proceeding before the<br>tribunal.  | 15<br>16<br>17       |
| ‘(6)         | A confidentiality order does not act to prohibit or limit the<br>disclosure of material to a separate representative in a<br>proceeding before the tribunal.   | 18<br>19<br>20       |
| <b>‘99ZE</b> | <b>Limited access to tribunal’s register of proceedings</b>  | 21                   |
| ‘(1)         | This section applies to the register of proceedings kept by the<br>principal registrar under the QCAT Act, section 229(1).   | 22<br>23             |
| ‘(2)         | Despite the QCAT Act, section 229(2) the principal registrar<br>must ensure that part of the register which relates to<br>proceedings before the tribunal to which this part applies is<br>not available for inspection by the public. | 24<br>25<br>26<br>27 |
| ‘(3)         | The QCAT Act, section 229(4) does not apply to that part of<br>the register which relates to proceedings before the tribunal to<br>which this part applies.  | 28<br>29<br>30       |

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<b>‘99ZF Limited access to tribunal’s record of proceedings</b>	1
‘(1) This section applies to a record kept under the QCAT Act, section 230 for a proceeding before the tribunal to which this part applies.	2 3 4
‘(2) Despite the QCAT Act, section 230(3) a person who is not a party to the proceeding may not inspect, or obtain a copy of, the record or a part of the record.	5 6 7
<b>‘99ZG Certain information not to be published</b>	8
‘(1) A person must not publish—	9
(a) information given in evidence or otherwise in a proceeding before the tribunal; or	10 11
(b) information that is likely to identify a person who—	12
(i) appears as a witness before the tribunal in a proceeding; or	13 14
(ii) is a party to the proceeding; or	15
(iii) is mentioned, or otherwise involved, in the proceeding.	16 17
Maximum penalty—	18
(a) for a corporation—1000 penalty units; or	19
(b) for an individual—100 penalty units or 2 years imprisonment.	20 21
‘(2) Subsection (1)(a) does not apply to—	22
(a) a person if the tribunal or the president of the tribunal consents to the publication of the information by the person; or	23 24 25
(b) the tribunal publishing its final decision in a proceeding, with or without the reasons for the decision.	26 27
‘(3) The tribunal or the president may only consent to the publication as mentioned in subsection (2) if the tribunal or the president is satisfied the publication of the information—	28 29 30

[s 18]

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(a)	is in the public interest; and	1
(b)	does not conflict with the best interests of the child.	2
‘(4)	In this section—	3
	<i>information</i> includes—	4
(a)	a matter contained in a document filed with, or received by, the tribunal; and	5 6
(b)	the tribunal’s decision or reasons for a decision.	7
	<i>publish</i> , for information, means to publish it to the public by way of the internet, newspaper, radio, television or other form of communication.	8 9 10
<b>‘Part 7</b>	<b>Ensuring tribunal decisions and recommendations are given effect</b>	11 12 13
<b>‘99ZH Application of pt 7</b>		14
‘(1)	This part applies to each decision of the tribunal on a review application other than a decision to confirm the reviewable decision.	15 16 17
‘(2)	This part also applies to recommendations made by the tribunal, after reviewing a reviewable decision, to the chief executive about policies, practices and procedures of the entity relevant to the making of reviewable decisions.	18 19 20 21
<b>‘99ZI Requests to chief executive</b>		22
‘The president may ask the chief executive to notify the president, within a reasonable stated time—		23 24
(a)	of the steps taken to give effect to the tribunal’s decision; or	25 26

- 
- (b) of the steps taken to give effect to the tribunal’s recommendations and, if no steps have been taken, the reasons for this. 1  
2  
3

**‘99ZJ What happens if decision not given effect etc. 4**

- ‘(1) This section applies if the president, after considering the response of the chief executive given under section 99ZI, is of the opinion that— 5  
6  
7
- (a) the tribunal’s decision has not been given effect; or 8
- (b) no steps have been taken to give effect to the tribunal’s recommendations or the steps taken are inadequate or inappropriate. 9  
10  
11
- ‘(2) The president may report on the matter to the Minister responsible for the department. 12  
13
- ‘(3) The president must attach the following to the report— 14
- (a) if the report is about the tribunal’s decision—copies of the decision and response; 15  
16
- (b) if the report is about the tribunal’s recommendations—copies of the recommendations and response.’. 17  
18  
19

**Clause 19 Amendment of s 129 (Refusal of application) 20**

Section 129(2)(c)(i) and (ii)— 21

*omit, insert— 22*

- ‘(i) state the applicant may apply to the tribunal to have the decision reviewed; and 23  
24
- (ii) state how, and the time within which, the applicant may apply to have the decision reviewed; and 25  
26
- (iii) state any right the applicant has to have the operation of the decisions stayed.’. 27  
28

[s 20]

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<b>Clause 20</b>	<b>Amendment of s 136 (Refusal of application)</b>	1
	Section 136(2)(c)(i) and (ii)—	2
	<i>omit, insert—</i>	3
	‘(i) state the applicant may apply to the tribunal to have the decision reviewed; and	4
		5
	(ii) state how, and the time within which, the applicant may apply to have the decision reviewed; and	6
		7
	(iii) state any right the applicant has to have the operation of the decisions stayed.’	8
		9
<b>Clause 21</b>	<b>Amendment of s 137 (Amendment of authority on application of holder)</b>	10
		11
	Section 137(7)(c) and (d)—	12
	<i>omit, insert—</i>	13
	‘(c) state the applicant may apply to the tribunal to have the decision reviewed; and	14
		15
	(d) state how, and the time within which, the applicant may apply to have the decision reviewed; and	16
		17
	(e) state any right the applicant has to have the operation of the decisions stayed.’	18
		19
<b>Clause 22</b>	<b>Amendment of s 138 (Amendment of authority by the chief executive)</b>	20
		21
	Section 138(6)(c) and (d)—	22
	<i>omit, insert—</i>	23
	‘(c) state the holder may apply to the tribunal to have the decision reviewed; and	24
		25
	(d) state how, and the time within which, the holder may apply to have the decision reviewed; and	26
		27
	(e) state any right the holder has to have the operation of the decisions stayed.’	28
		29

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<b>Clause 23</b>	<b>Amendment of s 140 (Procedure for suspension or cancellation)</b>	1 2
	Section 140(5)(b) and (c)—	3
	<i>omit, insert—</i>	4
	‘(b) the holder may apply to the tribunal to have the decision reviewed; and	5 6
	(c) how, and the time within which, the holder may apply to have the decision reviewed; and	7 8
	(d) any right the holder has to have the operation of the decisions stayed.’.	9 10
<b>Clause 24</b>	<b>Amendment of s 140AI (Notice of cancellation)</b>	11
	Section 140AI(2)(c)(i) and (ii)—	12
	<i>omit, insert—</i>	13
	‘(i) the person may apply to the tribunal to have the decision reviewed; and	14 15
	(ii) how, and the time within which, the person may apply to have the decision reviewed; and	16 17
	(iii) any right the person has to have the operation of the decisions stayed.’.	18 19
<b>Clause 25</b>	<b>Amendment of s 247 (Reviews of reviewable decisions)</b>	20
	(1) Section 247, after ‘apply’—	21
	<i>insert—</i>	22
	‘, as provided under the QCAT Act.’.	23
	(2) Section 247, editor’s note—	24
	<i>omit, insert—</i>	25
	‘ <i>Note—</i>	26
	Aggrieved persons and reviewable decisions are in schedule 2.’.	27

[s 26]

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<b>Clause 26</b>	<b>Amendment of sch 3 (Dictionary)</b>	1
	(1) Schedule 3, definition <i>reviewable decision</i> —	2
	<i>omit, insert</i> —	3
	‘ <i>reviewable decision</i> means—	4
	(a) for chapter 2A—see section 99B; or	5
	(b) otherwise—a decision stated in schedule 2.’.	6
	(2) Schedule 3, definition <i>tribunal</i> —	7
	<i>omit. insert</i> —	8
	‘ <i>tribunal</i> means QCAT.’.	9

<b>Part 3</b>	<b>Amendment of Child Protection (International Measures) Act 2003</b>	10 11 12
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<b>Clause 27</b>	<b>Act amended</b>	13
	This part amends the <i>Child Protection (International Measures) Act 2003</i> .	14 15

<b>Clause 28</b>	<b>Amendment of sch 4 (Dictionary)</b>	16
	(1) Schedule 4, definitions <i>Children Services Tribunal</i> and <i>Guardianship and Administration Tribunal</i> —	17 18
	<i>omit.</i>	19
	(2) Schedule 4, definition <i>Queensland court</i> , paragraphs (e) and (f)—	20 21
	<i>omit, insert</i> —	22
	‘(e) QCAT.’.	23

- (3) Schedule 4, definition *registrar*, paragraphs (e) and (f)— 1  
*omit, insert—* 2  
'(e) if the Queensland court is QCAT—the principal 3  
registrar of QCAT.' 4

**Part 4** **Amendment of Commission for** 5  
**Children and Young People and** 6  
**Child Guardian Act 2000** 7

**Clause 29** **Act amended** 8  
This part amends the *Commission for Children and Young* 9  
*People and Child Guardian Act 2000*. 10

**Clause 30** **Amendment of s 40 (Grounds for not dealing with** 11  
**complaint)** 12  
(1) Section 40(1)(b)(iii)— 13  
*omit, insert—* 14  
'(iii) is before QCAT or has already been decided by 15  
QCAT or the former tribunal; or'. 16  
(2) Section 40(4)— 17  
*insert—* 18  
'*former tribunal* means the Children Services Tribunal 19  
established under the repealed *Children Services Tribunal Act* 20  
*2000*, section 8.' 21

<b>Clause 31</b>	<b>Amendment of s 89ZG (Government entity may enter into arrangement with commissioner)</b>	1 2
	Section 89ZG(4)(a), ‘the Children Services Tribunal’—	3
	<i>omit, insert—</i>	4
	‘QCAT’.	5
<b>Clause 32</b>	<b>Amendment of s 102B (Actions of commissioner after making decision on application)</b>	6 7
	Section 102B(2)(b) to (d)—	8
	<i>omit, insert—</i>	9
	‘(b) if the reasons do not include investigative information, a statement that the relevant person may apply, as provided under the QCAT Act, to QCAT for a review of only a decision of the commissioner about whether there is an exceptional case as mentioned in section 102(4) or (7);	10 11 12 13 14 15
	(c) if the reasons include investigative information, a statement that the relevant person—	16 17
	(i) may appeal as mentioned in section 121C(2) to a Magistrates Court about only the investigative information; or	18 19 20
	(ii) may decide not to appeal under section 121C(2) but apply, as provided under the QCAT Act, to QCAT for a review of only a decision of the commissioner about whether there is an exceptional case as mentioned in section 102(4) or (7);	21 22 23 24 25 26
	(d) the period within which the person must apply to QCAT for the review, or appeal to a Magistrates Court;	27 28
	(e) how the person may apply for the review to QCAT, or appeal to a Magistrates Court.’	29 30

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<b>Clause 33</b>	<b>Amendment of s 121 (Person may apply for review of decision)</b>	1 2
	(1) Section 121(1), ‘the Children Services Tribunal’—	3
	<i>omit, insert—</i>	4
	‘QCAT’.	5
	(2) Section 121(1)—	6
	<i>insert—</i>	7
	‘Note—	8
	See sections 128E and 128F for particular provisions about applications for review made on behalf of a child.’.	9 10
	(3) Section 121(2)—	11
	<i>omit, insert—</i>	12
	‘(2) If a person applies under subsection (1) to have a decision reviewed, QCAT may not—	13 14
	(a) stay the operation of the decision; or	15
	(b) grant an injunction in the proceeding for the review.’.	16
<b>Clause 34</b>	<b>Amendment of s 121AA (Effect of applicant under s 121 becoming a disqualified person)</b>	17 18
	Section 121AA(2)(b) and (3), ‘the Children Services Tribunal’—	19 20
	<i>omit, insert—</i>	21
	‘QCAT’.	22
<b>Clause 35</b>	<b>Amendment of s 121C (Decision by police commissioner that information is investigative information)</b>	23 24
	Section 121C(5), ‘The Children Services Tribunal’—	25
	<i>omit, insert—</i>	26
	‘QCAT’.	27

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<b>Clause 36</b>	<b>Amendment of s 121E (Consequence of decision on appeal)</b>	1 2
	Section 121E(2), from ‘state’—	3
	<i>omit, insert—</i>	4
	‘state—	5
	(a) that within 28 days after the date the person is given the notice, the person may apply, as provided under the QCAT Act, to QCAT for a review of the commissioner’s decision to issue the negative notice; and	6 7 8 9
	(b) how the person may apply for the review.’.	10
<b>Clause 37</b>	<b>Insertion of new pts 6A and 6B</b>	11
	After part 6—	12
	<i>insert—</i>	13
<b>‘Part 6A</b>	<b>QCAT proceedings about child-related employment review</b>	14 15 16
<b>‘128A</b>	<b>Definitions for pt 6A</b>	17
	‘In this part—	18
	<i>child-related employment decision</i> means a decision mentioned in section 121(1)(a) or (b).	19 20
	<i>constituting members</i> means the member or members of QCAT constituting it for the proceeding concerned.	21 22
	<i>QCAT child-related employment review</i> means a review by QCAT of a child-related employment decision.	23 24
	<i>QCAT president</i> means the president of QCAT.	25

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<b>‘128B Application of pt 6A</b>	1
‘This part applies for a child-related employment review.	2
<i>Note—</i>	3
The QCAT Act also applies for the review.	4
<b>‘128C Principle for reviewing child-related employment decision</b>	5
‘A child-related employment decision is to be reviewed under the principle that the welfare and best interests of a child are paramount.	6 7 8 9
<b>‘128D Proceeding must always be held in private</b>	10
‘(1) A hearing of a proceeding for a QCAT child-related employment review must be held in private.	11 12
‘(2) However, the following are entitled to be present at the proceeding—	13 14
(a) each party to the proceeding;	15
(b) if, under an Act, a party is entitled to be represented by someone else at the proceeding, the party’s representative;	16 17 18
(c) a witness while giving evidence;	19
(d) a person allowed to be present to support a party;	20
(e) a person allowed to be present to support a witness, while the witness is giving evidence;	21 22
(f) a person allowed to be present by QCAT.	23
‘(3) This section is subject to the QCAT Act, section 220.	24
<i>Editor’s note—</i>	25
QCAT Act, section 220 (Tribunal may exclude person)	26

<b>‘128E Applications on behalf of children</b>	1
‘(1) An application for a child-related employment review may be made on behalf of a child only with the permission of the QCAT president.	2 3 4
‘(2) The QCAT president may give permission only if the president considers—	5 6
(a) the person is not, on the person’s own behalf, entitled to apply for the child-related employment review; and	7 8
(b) it is in the child’s best interests that the application be made; and	9 10
(c) it would be inappropriate for, or unreasonable to require, the child to make the application himself or herself.	11 12
<b>‘128F Withdrawal of application for review</b>	13
‘(1) An applicant may withdraw an application made on behalf of a child under section 128E only with leave of the QCAT president or QCAT.	14 15 16
‘(2) The QCAT president or QCAT may give leave under subsection (1) only if the president or QCAT considers that, having regard to the child’s views or wishes, if any, it is in the child’s best interests that the application be withdrawn.	17 18 19 20
<b>‘128G Children must not be compelled to give evidence</b>	21
‘(1) A child must not be compelled to give evidence in a proceeding for a QCAT child-related employment review.	22 23
‘(2) Without limiting subsection (1), QCAT may not require a child to do the either of the following under the QCAT Act, section 97(1)—	24 25 26
(a) attend a hearing of a proceeding to give evidence;	27
(b) produce a stated document or other thing to QCAT.	28
‘(3) Before a child gives evidence in a proceeding, QCAT must satisfy itself that the child is willing to give the evidence.	29 30

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<b>‘128H Children giving evidence</b>	1
‘(1) This section applies if, in a proceeding for a QCAT child-related employment review—	2 3
(a) a child is giving evidence; and	4
(b) section 128J does not apply.	5
‘(2) Only the following persons may be present while the child gives evidence—	6 7
(a) the constituting members;	8
(b) the child’s support person if the child has a support person and agrees to that person’s presence.	9 10
<b>‘128I Questioning of children</b>	11
‘(1) This section applies if, in a proceeding for a QCAT child-related employment review—	12 13
(a) a child is giving evidence; and	14
(b) section 128J does not apply.	15
‘(2) The child must not be cross-examined.	16
‘(3) Also, only the constituting members may ask questions of the child.	17 18
<b>‘128J Provisions for QCAT child-related employment reviews</b>	19 20
‘(1) This section applies if—	21
(a) a child applies to QCAT for review of a child-related employment decision or a person makes the application on the child’s behalf; and	22 23 24
(b) in a proceeding for the review, the child elects to give evidence.	25 26
‘(2) Before the child gives evidence, QCAT must tell the child that—	27 28

(a)	he or she may be cross-examined by QCAT or a party to the proceeding; and	1 2
(b)	he or she may, at any time while the cross-examination is continuing, refuse to be further cross-examined; and	3 4
(c)	if he or she acts under paragraph (b), the application is taken to have been withdrawn and the review stops.	5 6
‘(3)	If the child acts under subsection (2)(b), the application is taken to have been withdrawn and the review stops.	7 8
<b>‘Part 6B</b>	<b>QCAT to give statistical information to commissioner</b>	9 10
<b>‘128K</b>	<b>QCAT’s principal registrar to give statistical information to commissioner</b>	11 12
‘(1)	QCAT’s principal registrar must, from time to time, give the commissioner statistical information about all of the following—	13 14 15
(a)	the number and types of prescribed reviewable decisions for which applications were made to QCAT for review;	16 17
(b)	QCAT’s decisions on the applications;	18
(c)	recommendations mentioned in the <i>Child Protection Act 1999</i> , section 99ZH(2).	19 20
‘(2)	The information must not identify the parties (other than the decision-maker) to, or other persons taking part in, a review.	21 22
‘(3)	In this section—	23
	<i>prescribed reviewable decision</i> means any of the following decisions—	24 25
(a)	a child-related employment decision;	26

- 
- (b) a decision or assessment mentioned in the *Adoption of Children Act 1964*, section 13AA, 13AC, 13E or 14D; 1  
2
- (c) a decision mentioned in the *Child Care Act 2002*, section 163; 3  
4
- (d) a decision that is a reviewable decision under the *Child Protection Act 1999*. 5  
6
- review* means a review by QCAT.’. 7

- Clause 38 Amendment of s 140B (Commissioner may apply for review of reviewable decisions)** 8  
9
- Section 140B(2) to (4), ‘the Children Services Tribunal’— 10
- omit, insert—* 11
- ‘QCAT’. 12

- Clause 39 Amendment of sch 4 (Dictionary)** 13
- (1) Schedule 4, definition *Children Services Tribunal—* 14
- omit.* 15
- (2) Schedule 4— 16
- insert—* 17
- ‘*child-related employment decision* see section 128A. 18
- constituting members*, for part 6A, see section 128A. 19
- QCAT child-related employment review*, for part 6A, see section 128A. 20  
21
- QCAT president*, for part 6A, see section 128A.’. 22

[s 40]

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<b>Part 5</b>	<b>Amendment of Community Services Act 2007</b>	1 2
<b>Clause 40</b>	<b>Act amended</b>	3
	This part amends the <i>Community Services Act 2007</i> .	4
<b>Clause 41</b>	<b>Amendment of pt 9, hdg (Reviews and appeals)</b>	5
	Part 9, heading, ‘and appeals’—	6
	<i>omit.</i>	7
<b>Clause 42</b>	<b>Amendment of s 93 (Chief executive must give notice after making reviewable decision)</b>	8 9
	Section 93(1)(e), from ‘appeal’—	10
	<i>omit, insert—</i>	11
	‘apply to the tribunal for a further review of the decision.’.	12
<b>Clause 43</b>	<b>Amendment of pt 9, div 2, hdg (Review of decision)</b>	13
	Part 9, division 2, heading, after ‘decision’—	14
	<i>insert—</i>	15
	‘by chief executive’.	16
<b>Clause 44</b>	<b>Amendment of s 95 (Stay of operation of original decision)</b>	17 18
	(1) Section 95(4), ‘appeal to’—	19
	<i>omit, insert—</i>	20
	‘review by’.	21

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	(2) Section 95(6), ‘appeal against’—	1
	<i>omit, insert</i> —	2
	‘apply to the tribunal for a review of’.	3
<b>Clause 45</b>	<b>Amendment of s 96 (Review decision)</b>	4
	Section 96(4), from ‘a notice’—	5
	<i>omit, insert</i> —	6
	‘a QCAT information notice about the decision.’.	7
<b>Clause 46</b>	<b>Replacement of pt 9, div 3, hdg (Appeal against review decision)</b>	8
	Part 9, division 3, heading—	9
	<i>omit, insert</i> —	10
	<b>‘Division 3                      Review of review decision by tribunal’.</b>	11
		12
		13
<b>Clause 47</b>	<b>Replacement of s 97 (Appeal against review decision)</b>	14
	Section 97—	15
	<i>omit, insert</i> —	16
<b>‘97</b>	<b>Review of review decision</b>	17
	‘(1) Subsection (2) applies to an interested person for a review decision, whether or not the interested person has received a QCAT information notice for the review decision.	18
		19
		20
	‘(2) An interested person for a review decision may apply, as provided under the QCAT Act, to the tribunal for a review of the review decision.	21
		22
		23
	‘(3) If the interested person has received a QCAT information notice about the review decision, the application to the tribunal for a review of the decision must be accompanied by a copy of the QCAT information notice.’.	24
		25
		26
		27

[s 48]

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<b>Clause 48</b>	<b>Omission of s 98 (Appeal is by way of rehearing)</b>	1
	Section 98—	2
	<i>omit.</i>	3
<b>Clause 49</b>	<b>Amendment of sch 4 (Dictionary)</b>	4
	(1) Schedule 4, definitions <i>appeal</i> and <i>tribunal</i> —	5
	<i>omit.</i>	6
	(2) Schedule 4—	7
	<i>insert</i> —	8
	‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).	9
	<i>tribunal</i> means QCAT.’.	10
		11
<b>Part 6</b>	<b>Amendment of Disability Services Act 2006</b>	12
		13
<b>Clause 50</b>	<b>Act amended</b>	14
	This part amends the <i>Disability Services Act 2006</i> .	15
<b>Clause 51</b>	<b>Amendment of s 87 (Actions of chief executive after making decision on application)</b>	16
	Section 87(2)(b) to (d)—	17
	<i>omit, insert</i> —	18
	‘(b) if the reasons do not include investigative information, a statement that the engaged person may apply, as provided under the QCAT Act, to the tribunal for a review of only a decision of the chief executive about	19
		20
		21
		22
		23

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	whether there is an exceptional case as mentioned in section 85(4) or (7);	1 2
	(c) if the reasons include investigative information, a statement that the engaged person—	3 4
	(i) may appeal under section 111(2) to a Magistrates Court about only the investigative information; or	5 6
	(ii) may decide not to appeal under section 111(2) but apply, as provided under the QCAT Act, to the tribunal for a review of only a decision of the chief executive about whether there is an exceptional case as mentioned in section 85(4) or (7);	7 8 9 10 11
	(d) the period within which the engaged person must apply for the appeal or review;	12 13
	(e) how the person may apply for the appeal or review.’.	14
<b>Clause 52</b>	<b>Amendment of s 102 (Cancellation if conviction for excluding offence and imprisonment or disqualification order)</b>	15 16 17
	(1) Section 102(3)(a) and (5), ‘appeal’— <i>omit, insert—</i> ‘review’.	18 19 20
	(2) Section 102(6)— <i>omit.</i>	21 22
<b>Clause 53</b>	<b>Amendment of s 108 (Person may apply for review of decision)</b>	23 24
	(1) Section 108(1), after ‘apply’— <i>insert—</i> ‘, as provided under the QCAT Act.’.	25 26 27

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[s 54]

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- (2) Section 108(4), ‘no appeal, or review,’— 1  
*omit, insert*— 2  
‘no appeal or review’. 3

- Clause 54 Amendment of s 113 (Consequence of decision on appeal)** 4  
5  
Section 113(2)— 6  
*omit, insert*— 7  
‘(2) If the court confirms the decision appealed against— 8  
(a) the person who appealed the decision may apply, within 9  
28 days after receiving the notice under section 112(4) 10  
and as otherwise provided under the QCAT Act, to the 11  
tribunal for a review of only the decision of the chief 12  
executive about whether there is an exceptional case as 13  
mentioned in section 85(4) or (7); and 14  
(b) the notice under section 112(4) must comply with the 15  
QCAT Act, section 157(2).’ 16

- Clause 55 Amendment of s 123D (Explanation of operation of pt 10A)** 17  
18  
Section 123D(2)(a)(ii), ‘guardianship’— 19  
*omit.* 20

- Clause 56 Amendment of s 123E (Definitions for pt 10A)** 21  
(1) Section 123E, definition *guardianship tribunal*— 22  
*omit.* 23  
(2) Section 123E, definition *containment or seclusion approval*, 24  
‘guardianship’— 25  
*omit.* 26

---

<b>Clause 57</b>	<b>Amendment of s 123X (Requirements for chief executive's decision about whether change should be made)</b>	1
		2
		3
	Section 123X(4), 'guardianship'—	4
	<i>omit.</i>	5
<b>Clause 58</b>	<b>Amendment of s 123Y (Action of chief executive after deciding whether change should be made)</b>	6
		7
	(1) Section 123Y(3)(a), 'guardianship'—	8
	<i>omit.</i>	9
	(2) Section 123Y(5)(a), note, 'guardianship'—	10
	<i>omit.</i>	11
	(3) Section 123Y(6), definition <i>GAA application</i> , 'guardianship'—	12
	<i>omit.</i>	13
		14
<b>Clause 59</b>	<b>Amendment of s 123ZE (Application of sdiv 2)</b>	15
	Section 123ZE(b), note, paragraph (b), 'guardianship'—	16
	<i>omit.</i>	17
<b>Clause 60</b>	<b>Amendment of s 123ZK (Short term approval for use of restrictive practices other than containment or seclusion)</b>	18
		19
	Section 123ZK(8), from 'apply'—	20
	<i>omit, insert—</i>	21
	'apply, as provided under the QCAT Act, to the tribunal for a review of the decision.'	22
		23

[s 61]

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<b>Clause 61</b>	<b>Amendment of s 123ZL (Period for which short term approval has effect)</b>	1 2
	Section 123ZL(3), ‘guardianship’—	3
	<i>omit.</i>	4
<b>Clause 62</b>	<b>Amendment of s 123ZN (Chief executive’s decision about approving short term plan)</b>	5 6
	Section 123ZN(5), from ‘plan’—	7
	<i>omit, insert—</i>	8
	‘plan, the relevant service provider may apply, as provided under the QCAT Act, to the tribunal for a review of the decision not to approve the plan.’	9 10 11
<b>Clause 63</b>	<b>Amendment of s 123ZZ (Application for review)</b>	12
	Section 123ZZ, heading, after ‘review’—	13
	<i>insert—</i>	14
	‘by chief executive’.	15
<b>Clause 64</b>	<b>Amendment of pt 14, hdg (Reviews and appeals)</b>	16
	Part 14, heading, ‘and appeals’—	17
	<i>omit.</i>	18
<b>Clause 65</b>	<b>Amendment of s 208 (Chief executive must give notice after making reviewable decision)</b>	19 20
	Section 208(1)(d), from ‘appeal’—	21
	<i>omit, insert—</i>	22
	‘apply, as provided under the QCAT Act, to the tribunal for a further review of the decision.’	23 24

---

<b>Clause 66</b>	<b>Amendment of pt 14, div 2, hdg (Review of decision)</b>	1
	Part 14, division 2, heading, ‘of decision’—	2
	<i>omit, insert—</i>	3
	‘by chief executive’.	4
<b>Clause 67</b>	<b>Amendment of s 210 (Stay of operation of original decision)</b>	5
	(1) Section 210(5), ‘appeal to’—	6
	<i>omit, insert—</i>	7
	‘review by’.	8
	(2) Section 210(7), from ‘to enable’—	9
	<i>omit, insert—</i>	10
	‘for the review of the review decision.’.	11
	(3) Section 210(8), after ‘stayed’—	12
	<i>insert—</i>	13
	‘by the chief executive or the tribunal’.	14
<b>Clause 68</b>	<b>Amendment of s 211 (Review decision)</b>	15
	Section 211(4), from ‘a notice stating’—	16
	<i>omit, insert—</i>	17
	‘a notice complying with the QCAT Act, section 157(2) for the decision.’.	18
<b>Clause 69</b>	<b>Replacement of pt 14, div 3, hdg (Appeal against decision)</b>	19
	Part 14, division 3, heading—	20
	<i>omit, insert—</i>	21
	<b>‘Division 3                      Review by tribunal’.</b>	22
		23
		24
		25

[s 70]

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<b>Clause 70</b>	<b>Replacement of s 212 (Appeal against review decision)</b>	1
	Section 212—	2
	<i>omit, insert—</i>	3
<b>'212</b>	<b>Review of review decision</b>	4
	'(1) Subsection (2) applies to an interested person for a review decision, whether or not the interested person has received a review decision notice for the review decision.	5 6 7
	'(2) The interested person for the review decision may apply, as provided under the QCAT Act, to the tribunal for a review of the review decision.	8 9 10
	'(3) If the interested person has received a review decision notice for the review decision, the application filed in the tribunal to start the review must be accompanied by a copy of the review decision notice.	11 12 13 14
	'(4) In this section— <i>review decision notice</i> means a notice complying with the QCAT Act, section 157(2).'	15 16 17
<b>Clause 71</b>	<b>Omission of s 213 (Appeal is by way of rehearing)</b>	18
	Section 213—	19
	<i>omit.</i>	20
<b>Clause 72</b>	<b>Amendment of s 248 (Circumstances in which subdivision stops applying)</b>	21 22
	Section 248(2)(a), 'guardianship'—	23
	<i>omit.</i>	24
<b>Clause 73</b>	<b>Amendment of sch 7 (Dictionary)</b>	25
	(1) Schedule 7, definitions <i>appeal, guardianship tribunal</i> and <i>tribunal—</i>	26 27
	<i>omit.</i>	28

- 
- (2) Schedule 7— 1  
*insert*— 2  
*'tribunal'* means QCAT'. 3

**Part 7** **Amendment of Domestic and Family Violence Protection Act 1989** 4  
5  
6

- Clause 74** **Act amended** 7  
This part amends the *Domestic and Family Violence Protection Act 1989*. 8  
9

- Clause 75** **Amendment of s 38 (Conferral of jurisdiction)** 10  
(1) Section 38(4), 'a small claims tribunal'— 11  
*omit, insert*— 12  
'QCAT'. 13  
(2) Section 38(4)(a) and (5), 'the *Small Claims Tribunals Act 1973*'— 14  
15  
*omit, insert*— 16  
'the QCAT Act'. 17

- Clause 76** **Amendment of s 62A (Procedural provisions for tenancy application)** 18  
19  
(1) Section 62A(1), (2), (5) and (6), 'a small claims tribunal'— 20  
*omit, insert*— 21  
'QCAT'. 22

[s 77]

---

- (2) Section 62A(3), ‘despite the *Small Claims Tribunals Act 1973*, section 17’— 1  
2  
*omit.* 3
- (3) Section 62A(4), ‘the *Small Claims Tribunals Act 1973*’— 4  
*omit, insert—* 5  
‘the QCAT Act’. 6
- (4) Section 62A— 7  
*insert—* 8
- ‘(4A) However, a Magistrates Court hearing a tenancy application 9  
under this section must not be open to the public.’. 10

**Clause 77 Amendment of schedule (Dictionary)** 11

- (1) Schedule, definition *small claims tribunal*— 12  
*omit.* 13
- (2) Schedule, definition *tenancy application*, ‘a small claims 14  
tribunal’— 15  
*omit, insert—* 16  
‘QCAT’. 17

**Part 8 Amendment of Guide, Hearing and Assistance Dogs Act 2009** 18  
19

**Clause 78 Act amended** 20

This part amends the *Guide, Hearing and Assistance Dogs Act 2009*. 21  
22

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<b>Clause 79</b>	<b>Amendment of pt 7, hdg (Reviews and appeals)</b>	1
	Part 7, heading, ‘and appeals’—	2
	<i>omit.</i>	3
<b>Clause 80</b>	<b>Amendment of s 67 (Definitions for pt 7)</b>	4
	Section 67, definition <i>reviewed decision notice</i> —	5
	<i>omit.</i>	6
<b>Clause 81</b>	<b>Replacement of pt 7, div 3, hdg (Review of decision)</b>	7
	Part 7, division 3, heading—	8
	<i>omit, insert</i> —	9
	<b>‘Division 3            Review by chief executive’.</b>	10
<b>Clause 82</b>	<b>Amendment of s 70 (Stay of operation of original decision)</b>	11
	(1) Section 70(5), ‘appeal to’—	12
	<i>omit, insert</i> —	13
	‘review by’.	14
	(2) Section 70(7), from ‘to enable’—	15
	<i>omit, insert</i> —	16
	‘for the review of the reviewed decision.’.	17
		18
<b>Clause 83</b>	<b>Amendment of s 71 (Review decision)</b>	19
	(1) Section 71, heading, ‘Review’—	20
	<i>omit, insert</i> —	21
	‘ <b>Reviewed</b> ’.	22
	(2) Section 71(4), from ‘person a notice’—	23
	<i>omit, insert</i> —	24

[s 84]

---

‘person a notice complying with the QCAT Act, section 157(2) for the decision.’. 1  
2

**Clause 84 Replacement of pt 7, div 4, hdg (Appeal against reviewed decision)** 3  
4

Part 7, division 4, heading— 5

*omit, insert—* 6

**‘Division 4 Review by tribunal’.** 7

**Clause 85 Replacement of ss 72 and 73** 8

Sections 72 and 73— 9

*omit, insert—* 10

**‘72 Review of reviewed decision** 11

‘(1) Subsection (2) applies to an interested person for a reviewed decision, whether or not the interested person has received a reviewed decision notice for the decision. 12  
13  
14

‘(2) The interested person for the reviewed decision may apply, as provided under the QCAT Act, to the tribunal for a review of the reviewed decision. 15  
16  
17

‘(3) If the interested person has received a reviewed decision notice for the reviewed decision, the application filed in the tribunal to start the review must be accompanied by a copy of the reviewed decision notice. 18  
19  
20  
21

‘(4) In this section— 22

*reviewed decision notice* means a notice complying with the QCAT Act, section 157(2).’ 23  
24

**Clause 86 Amendment of sch 4 (Dictionary)** 25

(1) Schedule 4, definitions *reviewed decision notice* and *tribunal—* 26  
27

*omit.* 28

- 
- (2) Schedule 4— 1  
*insert*— 2  
*‘tribunal* means QCAT.’. 3

**Part 9** **Amendment of Residential Tenancies and Rooming Accommodation Act 2008** 4  
5  
6

- Clause 87 Act amended** 7  
This part amends the *Residential Tenancies and Rooming Accommodation Act 2008*. 8  
9
- Clause 88 Amendment of s 361 (Review of abandonment order)** 10  
Section 361(4)— 11  
*omit, insert*— 12  
(4) The tribunal— 13  
(a) must exercise its original jurisdiction for the review; and 14  
(b) may make an order under this section if it is satisfied the applicant did not abandon the premises or only abandoned the premises on a day after the day stated.’. 15  
16  
17
- Clause 89 Amendment of s 414 (Application of pt 2)** 18  
Section 414— 19  
*insert*— 20  
(d) another person entitled to apply to the tribunal under this Act.’. 21  
22

[s 90]

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<b>Clause 90</b>	<b>Insertion of new s 414A</b>	1
	Chapter 6, part 2, division 2—	2
	<i>insert—</i>	3
	<b>‘414A Applications to the tribunal</b>	4
	‘An application to the tribunal under this Act must be made in the way provided under the QCAT Act.’.	5 6
<b>Clause 91</b>	<b>Insertion of new 433A</b>	7
	Chapter 6, part 2, division 3—	8
	<i>insert—</i>	9
	<b>‘433A Particular applications to be heard in private</b>	10
	‘(1) A proceeding before the tribunal about an application made to the tribunal must be held in private if—	11 12
	(a) the application is made under section 245 or 321; or	13
	(b) the application is made under section 312 and the applicant is the domestic associate of the other cotenant or another cotenant; or	14 15 16
	(c) the application is made under section 323 and the applicant is the domestic associate of the tenant.	17 18
	‘(2) In this section—	19
	<i>‘domestic associate</i> means a person in any of the following relationships—	20 21
	(a) a spousal relationship;	22
	(b) an intimate personal relationship;	23
	(c) a family relationship;	24
	(d) an informal care relationship.	25
	‘(3) A term used in subsection (2)(a) to (d) has the same meaning as in the <i>Domestic and Family Violence Protection Act 1989</i> and a reference in that Act to a court deciding whether a	26 27 28

---

relationship exists includes a reference to the tribunal 1  
deciding that issue for this section.’. 2

**Clause 92 Amendment of s 504 (Other evidentiary aids) 3**

Section 504(2)— 4

*omit.* 5

**Clause 93 Amendment of s 516 (Applications for more than 6  
prescribed amount) 7**

Section 516(1)(b), from ‘*Small*’— 8

*omit, insert*— 9

‘QCAT Act.’. 10

**Clause 94 Amendment of sch 2 (Dictionary) 11**

(1) Schedule 2, definitions *registrar, registry* and *tribunal*— 12

*omit.* 13

(2) Schedule 2— 14

*insert*— 15

‘*registrar* means the principal registrar under the QCAT Act. 16

*registry* means the registry under the QCAT Act. 17

*tribunal* means QCAT.’. 18

[s 95]

---

<b>Chapter 3</b>	<b>Department of Community Safety</b>	1 2
<b>Part 1</b>	<b>Amendment of Building Fire Safety Regulation 2008</b>	3 4
<b>Clause 95</b>	<b>Regulation amended</b>	5
	This part amends the <i>Building Fire Safety Regulation 2008</i> .	6
<b>Clause 96</b>	<b>Omission of s 73 (Fee for an objection—Fire Service Act, s 104SB)</b>	7 8
	Section 73—	9
	<i>omit</i> .	10
<b>Part 2</b>	<b>Amendment of Corrective Services Act 2006</b>	11 12
<b>Clause 97</b>	<b>Act amended</b>	13
	This part amends the <i>Corrective Services Act 2006</i> .	14
<b>Clause 98</b>	<b>Amendment of s 319A (Definitions)</b>	15
	Section 319A, definition <i>tribunal</i> —	16
	<i>omit, insert</i> —	17
	<i>‘tribunal</i> means QCAT.’.	18

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<b>Part 3</b>	<b>Amendment of Disaster Management Act 2003</b>	1
		2
<b>Clause 99</b>	<b>Act amended</b>	3
	This part amends the <i>Disaster Management Act 2003</i> .	4
<b>Clause 100</b>	<b>Amendment of s 124 (Notice about decision)</b>	5
	(1) Section 124(b)(ii)—	6
	<i>omit, insert—</i>	7
	‘(ii) if the amount is less than the amount claimed—the matters mentioned in the QCAT Act, section 157(2)(c) to (e);’.	8
		9
		10
	(2) Section 124(c)—	11
	<i>omit, insert—</i>	12
	‘(c) if the chief executive decides not to pay compensation—the matters mentioned in the QCAT Act, section 157(2)(c) to (e).’.	13
		14
		15
<b>Clause 101</b>	<b>Replacement of pt 11, div 1, sdiv 3 (Appeals)</b>	16
	Part 11, division 1, subdivision 3—	17
	<i>omit, insert—</i>	18
	<b>‘Subdivision 3 Review of decision</b>	19
	<b>‘125 Review of a decision to pay compensation</b>	20
	‘An applicant for the payment of compensation under this division who is dissatisfied with the chief executive’s decision to refuse to pay compensation or about the amount of compensation may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	21
		22
		23
		24
		25

[s 102]

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<b>Part 4</b>	<b>Amendment of Fire and Rescue Service Act 1990</b>	1 2
<b>Clause 102</b>	<b>Act amended</b>	3
	This part amends the <i>Fire and Rescue Service Act 1990</i> .	4
<b>Clause 103</b>	<b>Amendment of s 69 (Requisition by commissioner to reduce fire risk)</b>	5 6
	Section 69(5)—	7
	<i>omit, insert—</i>	8
	‘(5) A notice under subsection (2)(a) must comply with the QCAT Act, section 157(2).’	9 10
<b>Clause 104</b>	<b>Amendment of s 104G (Notice by commissioner about occupier’s or owner’s obligations)</b>	11 12
	Section 104G(1) and (2)—	13
	<i>omit, insert—</i>	14
	‘(1) The commissioner may give the occupier or owner of a building written notice requiring the occupier or owner to remedy any matter in respect of which the commissioner is of the opinion that the occupier or owner has failed to comply with this division or with regulations made under this part.	15 16 17 18 19
	‘(1A) The notice under subsection (1) must state the following—	20
	(a) that the commissioner has decided the occupier or owner has failed to comply with this division or with regulations made under this part;	21 22 23
	(b) the action to be taken by the occupier or owner to remedy the failure mentioned in paragraph (a);	24 25
	(c) the period within which the failure must be remedied;	26
	(d) the reasons for the decision mentioned in paragraph (a);	27

- 
- (e) that the occupier may apply to QCAT for a review of the  
occupancy notice; 1  
2
- (f) how, and the period within which, the occupier may  
apply to QCAT for the review; 3  
4
- (g) any right the occupier has to have the operation of the  
occupancy notice stayed under the QCAT Act. 5  
6
- ‘(2) Also, to the extent that it specifies that an alteration is to be  
made to the structure of a building, notice under subsection  
(1) is not valid unless the commissioner first consults the local  
government in whose area the building is situated.’. 7  
8  
9  
10

**Clause 105 Amendment of s 104I (Certificate of compliance)** 11

- (1) Section 104I(8A)— 12  
*omit, insert—* 13
- ‘(8A) The notice under subsection (8) must state the following— 14
- (a) the grounds of the refusal; 15
- (b) any steps required to be taken by the applicant before  
any further application will be granted; 16  
17
- (c) that the applicant may apply to QCAT for a review of  
the refusal; 18  
19
- (d) how, and the period within which, the applicant may  
apply to QCAT for the review.’. 20  
21
- (2) Section 104I(10), ‘division 4’— 22  
*omit, insert—* 23  
‘part 9B’. 24

**Clause 106 Amendment of s 104KF (Commissioner may give  
occupancy notice to occupier)** 25  
26

- Section 104KF(f) and (g)— 27  
*omit, insert—* 28

[s 107]

---

- ‘(f) that the occupier may apply to QCAT for a review of the occupancy notice; 1  
2
- (g) how, and the period within which, the occupier may apply to QCAT for the review; 3  
4
- (h) any right the occupier has to have the operation of the occupancy notice stayed under the QCAT Act.’. 5  
6

<b>Clause 107</b>	<b>Amendment of s 104KI (Re-assessment of risk of overcrowding)</b>	7 8
	Section 104KI(4)(c) and (d)—	9
	<i>omit, insert—</i>	10
	‘(c) that the occupier may apply to QCAT for a review of the occupancy notice;	11 12
	(d) how, and the period within which, the occupier may apply to QCAT for the review.’.	13 14

<b>Clause 108</b>	<b>Amendment of pt 9B, hdg (Objections to notices)</b>	15
	Part 9B, heading, ‘Objections to’—	16
	<i>omit, insert—</i>	17
	‘ <b>Review of</b> ’.	18

<b>Clause 109</b>	<b>Omission of s 104SA (Application of pt 9B to notices under s 69)</b>	19 20
	Section 104SA—	21
	<i>omit.</i>	22

<b>Clause 110</b>	<b>Amendment of s 104SB (Persons aggrieved by notice may object)</b>	23 24
	(1) Section 104SB, heading, ‘object’—	25
	<i>omit, insert—</i>	26

---

**‘apply for review’.**

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

*omit, insert—*

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

(3) Section 104SB(2)—

*omit.*

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

Section 104SC—

*omit.*

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

Section 104SD—

*omit.*

**Clause 113 Omission of s 104SE (Determination of objection)**

Section 104SE—

*omit.*

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

Section 104SF—

*omit, insert—*

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

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

[s 115]

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- ‘(2) The person is not liable to a penalty under this Act— 1
- (a) in the case of a notice given under section 104G or an 2  
occupancy notice—for any failure on the person’s part 3  
to comply with the notice on and before the date on 4  
which the person is given notice of the determination of 5  
the review by QCAT; and 6
- (b) in the case of a notice given under section 104I(8)—for 7  
any use of a building, being a building use to which the 8  
notice relates, on and from the date the person is given 9  
the notice to and including the date the person is given 10  
notice of the determination of the review by QCAT.’. 11

**Clause 115 Omission of s 104SG (Stay of operation of s 69 notice)** 12  
Section 104SG— 13  
*omit.* 14

**Clause 116 Omission of s 104SH (Appeal from panel of referees)** 15  
Section 104SH— 16  
*omit.* 17

**Clause 117 Amendment of s 154 (Regulation-making power)** 18  
(1) Section 154(2)(d)— 19  
*omit.* 20  
(2) Section 154(2)(e) and (f)— 21  
*renumber* as section 154(2)(d) and (e). 22

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<b>Chapter 4</b>	<b>Department of Education and Training</b>	1 2
<b>Part 1</b>	<b>Amendment of Child Care Act 2002</b>	3 4
<b>Clause 118</b>	<b>Act amended</b> This part amends the <i>Child Care Act 2002</i> .	5 6
<b>Clause 119</b>	<b>Amendment of s 107A (Chief executive to give notice to the Commissioner for Children and Young People and Child Guardian)</b> Section 107A(2)(b), ‘the tribunal’— <i>omit, insert—</i> ‘QCAT relating to the decision’.	7 8 9 10 11 12
<b>Clause 120</b>	<b>Amendment of s 131 (Forfeiture of seized things)</b> Section 131(5)(a) and (b)— <i>omit, insert—</i> ‘(a) a review by QCAT under this Act; or (b) an appeal, relevant to the thing, of which the chief executive is aware.’.	13 14 15 16 17 18
<b>Clause 121</b>	<b>Amendment of pt 9, div 1, hdg (Reviewable decisions)</b> Part 9, division 1, heading— <i>omit, insert—</i>	19 20 21
<b>‘Division 1</b>	<b>Review of decisions by QCAT’.</b>	22

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[s 122]

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<b>Clause 122</b>	<b>Amendment of s 163 (Reviewable decisions)</b>	1
	Section 163(1) and (2), ‘to the Children Services Tribunal’—	2
	<i>omit, insert—</i>	3
	‘, as provided under the QCAT Act, to QCAT’.	4
<b>Clause 123</b>	<b>Amendment of s 164 (Chief executive must give notice after making reviewable decision)</b>	5
	Section 164(1)—	6
	<i>omit, insert—</i>	7
	‘(1) Immediately after making a decision mentioned in section 163, the chief executive must give the person a notice for the decision complying with the QCAT Act, section 157(2).’	8
		9
		10
		11
<b>Clause 124</b>	<b>Insertion of new s 164A</b>	12
	Part 9, division 1—	13
	<i>insert—</i>	14
	<b>‘164A Constitution of QCAT</b>	15
	‘(1) For a review under this Act, QCAT must be constituted, to the extent practicable, with at least 1 member with specialist knowledge and expertise relevant to the matter the subject of the review.	16
		17
		18
		19
	‘(2) However, for subsection (1), QCAT must not be constituted by a member who—	20
		21
	(a) is, or was when the decision being reviewed was made, an employee or officer of the department; or	22
		23
	(b) has been refused a licence under this Act or the repealed Act; or	24
		25
	(c) has had a licence under this Act or the repealed Act revoked.’.	26
		27

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<b>Part 2</b>	<b>Amendment of Education (General Provisions) Act 2006</b>	1 2
<b>Clause 125</b>	<b>Act amended</b>	3
	This part amends the <i>Education (General Provisions) Act 2006</i> .	4 5
<b>Clause 126</b>	<b>Amendment of s 36 (Use of criminal history information)</b>	6
	Section 36, ‘part 4’—	7
	<i>omit, insert—</i>	8
	‘part 3’.	9
<b>Clause 127</b>	<b>Amendment of s 37 (Confidentiality of information about criminal history)</b>	10 11
	Section 37(3)(a)(iii), ‘part 4’—	12
	<i>omit, insert—</i>	13
	‘part 3’.	14
<b>Clause 128</b>	<b>Amendment of s 69 (Dealing with submissions against principal’s decision)</b>	15 16
	Section 69(2)(b)—	17
	<i>omit, insert—</i>	18
	‘(b) within 7 days after advising the student of the supervisor’s decision, give to the student a notice complying with the QCAT Act, section 157(2).’.	19 20 21
<b>Clause 129</b>	<b>Amendment of s 72 (Chief executive must consider and decide application for further semesters)</b>	22 23
	Section 72(3)(b)(ii)—	24
	<i>omit, insert—</i>	25

[s 130]

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	‘(ii) if the student has previously been granted 2 further semesters under this part—give the student a notice complying with the QCAT Act, section 157(2).’.	1 2 3 4
<b>Clause 130</b>	<b>Amendment of s 139 (Regulation may provide for membership)</b>	5 6
	Section 139(4), ‘appeal to a Magistrates Court’— <i>omit, insert—</i>	7 8
	‘apply, as provided under the QCAT Act, to QCAT for a review of the decision to refuse membership’.	9 10
<b>Clause 131</b>	<b>Amendment of s 154 (Dealing with submissions against removal)</b>	11 12
	Section 154(3), from ‘give’— <i>omit, insert—</i>	13 14
	‘give a notice complying with the QCAT Act, section 157(2).’.	15
<b>Clause 132</b>	<b>Amendment of s 197 (Cancellation)</b>	16
(1)	Section 197(5)(b)(i) and (ii)— <i>omit, insert—</i>	17 18
	‘(i) the last day to apply under chapter 15, part 2 for a review of the decision; or	19 20
	(ii) if a review of the decision is applied for—the day the review is decided.’.	21 22
(2)	Section 197(6), definition <i>appeal</i> — <i>omit.</i>	23 24

---

<b>Clause 133</b>	<b>Amendment of s 200 (Child’s exclusion or suspension)</b>	1
	Section 200(3), ‘part 4’—	2
	<i>omit, insert</i> —	3
	‘part 3’.	4
<b>Clause 134</b>	<b>Amendment of s 226 (Return of cancelled certificate of registration to chief executive)</b>	5
	(1) Section 226(3)(b)(i) and (ii)—	6
	<i>omit, insert</i> —	7
	(i) the last day to apply under chapter 15, part 2 for a review of the decision; or	8
	(ii) if a review of the decision is applied for—the day the review is decided.’.	9
	(2) Section 226(4), definition <i>appeal</i> —	10
	<i>omit</i> .	11
		12
<b>Clause 135</b>	<b>Amendment of s 237 (Suspension or exclusion)</b>	13
	Section 237(2), ‘part 4’—	14
	<i>omit, insert</i> —	15
	‘part 3’.	16
<b>Clause 136</b>	<b>Omission of ch 12, pt 1 (Preliminary)</b>	17
	Chapter 12, part 1—	18
	<i>omit</i> .	19
<b>Clause 137</b>	<b>Renumbering of ch 12, pts 2, 3 and 4</b>	20
	Chapter 12, parts 2, 3 and 4—	21
	<i>renumber</i> as chapter 12, parts 1, 2 and 3.	22
		23
		24

[s 138]

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<b>Clause 138</b>	<b>Amendment of s 302 (Exclusion of student by chief executive)</b>	1 2
	Section 302(4)—	3
	<i>omit, insert—</i>	4
	‘(4) If the chief executive is reasonably satisfied a ground exists to exclude the student from all State schools, the chief executive must give the student a notice—	5 6 7
	(a) stating that the student is excluded from all State schools for a stated period of not more than 1 year or permanently; and	8 9 10
	(b) complying with the QCAT Act, section 157(2).’.	11
<b>Clause 139</b>	<b>Amendment of s 309 (Exclusion)</b>	12
	Section 309(6)—	13
	<i>omit, insert—</i>	14
	‘(6) If the decision relates to all State schools, the chief executive must give the prospective student a notice—	15 16
	(a) stating that the prospective student is excluded from all State schools for a stated period of not more than 1 year or permanently; and	17 18 19
	(b) complying with the QCAT Act, section 157(2).’.	20
<b>Clause 140</b>	<b>Renumbering of ch 12, pts 5 and 6</b>	21
	Chapter 12, parts 5 and 6—	22
	<i>renumber</i> as chapter 12, parts 4 and 5.	23
<b>Clause 141</b>	<b>Amendment of s 340 (Prohibition from entering premises)</b>	24
	(1) Section 340(3)(e) and (f)—	25
	<i>omit.</i>	26

---

	(2) After section 340(3)—	1
	<i>insert—</i>	2
	‘(3A) The direction must state the matters mentioned in the QCAT Act, section 157(2)(a) to (e) as if a reference in the section to decision were a reference to the direction.’	3 4 5
<b>Clause 142</b>	<b>Amendment of s 341 (Prohibition from entering premises)</b>	6
	(1) Section 341(1), ‘a court’—	7
	<i>omit, insert—</i>	8
	‘QCAT’.	9
	(2) Section 341(3), from ‘The court’ to ‘the court’—	10
	<i>omit, insert—</i>	11
	‘QCAT may make the order if QCAT’.	12
<b>Clause 143</b>	<b>Omission of s 342 (Appeal to District Court)</b>	13
	Section 342—	14
	<i>omit.</i>	15
<b>Clause 144</b>	<b>Renumbering of ch 12, pt 7 (Directions and orders about conduct or movement at, or entry to, premises of non-State schools)</b>	16 17 18
	Chapter 12, part 7—	19
	<i>renumber</i> as chapter 12, part 6.	20
<b>Clause 145</b>	<b>Amendment of s 349 (Prohibition from entering premises)</b>	21
	(1) Section 349(3)(e) and (f)—	22
	<i>omit.</i>	23

[s 146]

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- (2) After section 349(3)— 1  
*insert*— 2  
'(3A) The direction must state the matters mentioned in the QCAT 3  
Act, section 157(2)(a) to (e) as if a reference in the section to 4  
decision were a reference to the direction.' 5

- Clause 146 Amendment of s 350 (Prohibition from entering premises)** 6  
(1) Section 350(1), 'a court'— 7  
*omit, insert*— 8  
'QCAT'. 9  
(2) Section 350(3), from 'The court' to 'the court'— 10  
*omit, insert*— 11  
'QCAT may make the order if QCAT'. 12

- Clause 147 Omission of s 351 (Appeal to District Court)** 13  
Section 351— 14  
*omit.* 15

- Clause 148 Renumbering of ch 12, pt 8 (Prohibition from entering 16  
premises of all State instructional institutions and 17  
non-State schools for up to 1 year) 18**  
Chapter 12, part 8— 19  
*renumber* as chapter 12, part 7. 20

- Clause 149 Amendment of s 352 (Prohibition from entering premises 21  
of all State instructional institutions and non-State 22  
schools) 23**  
(1) Section 352(1), 'a court'— 24  
*omit, insert*— 25  
'QCAT'. 26

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	(2) Section 352(3), from ‘The court’ to ‘the court’—	1
	<i>omit, insert</i> —	2
	‘QCAT may make the order if QCAT’.	3
<b>Clause 150</b>	<b>Amendment of s 353 (Prohibition from entering premises of all State instructional institutions)</b>	4
	(1) Section 353(1), ‘a court’—	6
	<i>omit, insert</i> —	7
	‘QCAT’.	8
	(2) Section 353(3), from ‘The court’ to ‘the court’—	9
	<i>omit, insert</i> —	10
	‘QCAT may make the order if QCAT’.	11
<b>Clause 151</b>	<b>Omission of s 354 (Appeal to District Court)</b>	12
	Section 354—	13
	<i>omit.</i>	14
<b>Clause 152</b>	<b>Replacement of ch 12, pt 9, hdg (Provisions relating to parts 6 to 8)</b>	15
	Chapter 12, part 9, heading—	17
	<i>omit, insert</i> —	18
	<b>‘Part 8 Provisions relating to parts 5 to 7’.</b>	19
		20
<b>Clause 153</b>	<b>Replacement of s 355 (Non-application of pts 6 and 7 to particular persons)</b>	21
	Section 355—	22
	<i>omit, insert</i> —	23
		24

[s 154]

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<b>'355</b>	<b>Non-application of pts 5 and 6 to particular persons</b>	1
	'Parts 5 and 6 do not apply to a person in relation to the	2
	exercise by the person of the person's powers under an Act at	3
	the premises of a State instructional institution or non-State	4
	school.'	5
<b>Clause 154</b>	<b>Amendment of s 357 (Noncompliance with court order)</b>	6
	(1) Section 357, heading, 'court'—	7
	<i>omit, insert—</i>	8
	'QCAT'.	9
	(2) Section 357(1), 'a court'—	10
	<i>omit, insert—</i>	11
	'QCAT'.	12
	(3) Section 357(2), 'a court'—	13
	<i>omit, insert—</i>	14
	'QCAT'.	15
<b>Clause 155</b>	<b>Amendment of s 362 (Noncompliance with dress code)</b>	16
	Section 362(3), 'Part 4'—	17
	<i>omit, insert—</i>	18
	'Part 3'.	19
<b>Clause 156</b>	<b>Renumbering of ch 12, pts 10 and 11</b>	20
	Chapter 12, parts 10 and 11—	21
	<i>renumber</i> as chapter 12, parts 9 and 10.	22

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<b>Clause 157</b>	<b>Replacement of ch 15, hdg and ch 15, pt 1, hdg</b>	1
	Chapter 15, heading and chapter 15, part 1, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Chapter 15 Internal and external reviews</b>	4
	<b>reviews</b>	5
	<b>‘Part 1 Internal reviews of decisions by chief executive’.</b>	6
		7
<b>Clause 158</b>	<b>Amendment of s 392 (Review decision)</b>	8
	Section 392(5)—	9
	<i>omit, insert—</i>	10
	‘(5) If the review decision is not the decision sought by the applicant, the notice must comply with the QCAT Act, section 157(2).’.	11
		12
		13
<b>Clause 159</b>	<b>Replacement of ch 15, pt 2, hdg (Appeal against review decisions)</b>	14
	Chapter 15, part 2, heading—	15
	<i>omit, insert—</i>	16
	<b>‘Part 2 External reviews by QCAT’.</b>	17
		18
<b>Clause 160</b>	<b>Replacement of s 394 (Appeal to Magistrates Court)</b>	19
	Section 394—	20
	<i>omit, insert—</i>	21
	<b>‘394 External review by QCAT</b>	22
	‘The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.	23
		24

[s 161]

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<b>Clause 161</b>	<b>Omission of s 395 (Conduct of appeal)</b>	1
	Section 395—	2
	<i>omit.</i>	3
<b>Clause 162</b>	<b>Amendment of ch 15, pt 3, hdg (Appeals against directions under section 340 or 349)</b>	4
	Chapter 15, part 3, heading, ‘Appeals against’—	5
	<i>omit, insert—</i>	6
	‘ <b>External reviews of</b> ’.	7
<b>Clause 163</b>	<b>Omission of s 396 (Definition for pt 3)</b>	9
	Section 396—	10
	<i>omit.</i>	11
<b>Clause 164</b>	<b>Replacement of s 397 (Who may appeal)</b>	12
	Section 397—	13
	<i>omit, insert—</i>	14
<b>‘397</b>	<b>Who may apply for external review of direction given</b>	15
	‘A person who is given a direction under section 340 or 349 (the <i>original direction</i> ) may apply to QCAT for a review of the original direction.’.	16
		17
		18
<b>Clause 165</b>	<b>Replacement of s 398 (Starting an appeal)</b>	19
	Section 398—	20
	<i>omit, insert—</i>	21
<b>‘398</b>	<b>Starting an external review</b>	22
	‘The application under section 397 must be made as provided under the QCAT Act.’.	23
		24

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<b>Clause 166</b>	<b>Omission of ss 399 and 400</b>	1
	Sections 399 and 400—	2
	<i>omit.</i>	3
<b>Clause 167</b>	<b>Amendment of ch 15, pt 4, hdg (Appeal against decision under section 69, 72, 154, 302(4) or 309(6))</b>	4
	Chapter 15, part 4, heading, ‘Appeal against’—	5
	<i>omit, insert—</i>	6
	‘ <b>External review of</b> ’.	7
<b>Clause 168</b>	<b>Amendment of s 401 (Definitions for pt 4)</b>	9
	(1) Section 401, heading, ‘Definitions’—	10
	<i>omit, insert—</i>	11
	‘ <b>Definition</b> ’.	12
	(2) Section 401, definition <i>court</i> —	13
	<i>omit.</i>	14
<b>Clause 169</b>	<b>Amendment of s 402 (Appeal)</b>	15
	(1) Section 402, heading, ‘Appeal’—	16
	<i>omit, insert—</i>	17
	‘ <b>Review</b> ’.	18
	(2) Section 402(1), from ‘appeal’ to ‘against’—	19
	<i>omit, insert—</i>	20
	‘apply, as provided under the QCAT Act, to QCAT for a review of’.	21
	(3) Section 402(2) to (6)—	22
	<i>omit.</i>	23
		24

[s 170]

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<b>Clause 170</b>	<b>Amendment of s 453 (Behaviour plans)</b>	1
	Section 453(1), ‘part 2’—	2
	<i>omit, insert</i> —	3
	‘part 1’.	4
<b>Clause 171</b>	<b>Amendment of sch 4 (Dictionary)</b>	5
(1)	Schedule 4, definition <i>accepted representations</i> , paragraphs (d) and (e), ‘part 4’—	6 7
	<i>omit, insert</i> —	8
	‘part 3’.	9
(2)	Schedule 4, definition <i>appropriately qualified</i> , ‘part 4’—	10
	<i>omit, insert</i> —	11
	‘part 3’.	12
(3)	Schedule 4, definition <i>approved behaviour plan</i> , ‘part 2’—	13
	<i>omit, insert</i> —	14
	‘part 1’.	15
(4)	Schedule 4, definition <i>behaviour improvement condition</i> , ‘part 4’—	16 17
	<i>omit, insert</i> —	18
	‘part 3’.	19
(5)	Schedule 4, definition <i>behaviour management program</i> , ‘part 4’—	20 21
	<i>omit, insert</i> —	22
	‘part 3’.	23
(6)	Schedule 4, definition <i>challenging behaviour</i> , ‘part 4’—	24
	<i>omit, insert</i> —	25
	‘part 3’.	26

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- |      |  |    |
|------|--|----|
| (7)  | Schedule 4, definition <i>court</i> —                                  | 1  |
|      | <i>omit.</i>   | 2  |
| (8)  | Schedule 4, definition <i>employee</i> , paragraph (a), ‘part 6’—      | 3  |
|      | <i>omit, insert—</i>   | 4  |
|      | ‘part 5’.  | 5  |
| (9)  | Schedule 4, definition <i>employee</i> , paragraph (b), ‘part 7’—      | 6  |
|      | <i>omit, insert—</i>   | 7  |
|      | ‘part 6’.  | 8  |
| (10) | Schedule 4, definition <i>employee</i> , paragraph (c), ‘part 11’—     | 9  |
|      | <i>omit, insert—</i>   | 10 |
|      | ‘part 10’.   | 11 |
| (11) | Schedule 4, definition <i>exempt person</i> , paragraph (a), ‘part 6’— | 12 |
|      | <i>omit, insert—</i>   | 13 |
|      | ‘part 5’.  | 14 |
| (12) | Schedule 4, definition <i>exempt person</i> , paragraph (b), ‘part 7’— | 15 |
|      | <i>omit, insert—</i>   | 16 |
|      | ‘part 6’.  | 17 |
| (13) | Schedule 4, definition <i>parent</i> , paragraph (b), ‘part 4’—        | 18 |
|      | <i>omit, insert—</i>   | 19 |
|      | ‘part 3’.  | 20 |
| (14) | Schedule 4, definition <i>review body</i> , ‘part 7’—                  | 21 |
|      | <i>omit, insert—</i>   | 22 |
|      | ‘part 6’.  | 23 |
|      |  | 24 |
|      |  | 25 |

[s 172]

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(15)	Schedule 4, definition <i>show cause notice</i> , paragraphs (d) and (e), ‘part 4’—	1 2
	<i>omit, insert—</i>	3
	‘part 3’.	4
(16)	Schedule 4, definition <i>show cause period</i> , paragraphs (d) and (e), ‘part 4’—	5 6
	<i>omit, insert—</i>	7
	‘part 3’.	8
(17)	Schedule 4, definition <i>student</i> , paragraph (b), ‘part 4’—	9
	<i>omit, insert—</i>	10
	‘part 3’.	11

<b>Part 3</b>	<b>Amendment of Education (Overseas Students) Act 1996</b>	12 13
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<b>Clause 172</b>	<b>Act amended</b>	14
	This part amends the <i>Education (Overseas Students) Act 1996</i> .	15 16
<b>Clause 173</b>	<b>Amendment of s 11 (Procedure for suspension or cancellation)</b>	17 18
	Section 11(5)—	19
	<i>omit, insert—</i>	20
	‘(5) If the chief executive decides to suspend or cancel the registration, the notice must comply with the QCAT Act, section 157(2).’.	21 22 23

---

<b>Clause 174</b>	<b>Replacement of pt 3, hdg (Appeals)</b>	1
	Part 3, heading—	2
	<i>omit, insert</i> —	3
	<b>‘Part 3                      Review of decisions’.</b>	4
<b>Clause 175</b>	<b>Amendment of s 19 (Appeals to court)</b>	5
	(1) Section 19, heading—	6
	<i>omit, insert</i> —	7
	<b>‘Review by QCAT’.</b>	8
	(2) Section 19, from ‘appeal’ to ‘Court’—	9
	<i>omit, insert</i> —	10
	‘apply, as provided under the QCAT Act, to QCAT for a review of the decision’.	11 12
<b>Clause 176</b>	<b>Omission of ss 20–25</b>	13
	Sections 20 to 25—	14
	<i>omit.</i>	15
	<b>Part 4                      Amendment of Education (Queensland College of Teachers) Act 2005</b>	16 17 18
<b>Clause 177</b>	<b>Act amended</b>	19
	This part amends the <i>Education (Queensland College of Teachers) Act 2005</i> .	20 21

[s 178]

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<b>Clause 178</b>	<b>Amendment of s 44 (Amending or replacing certificate of registration or certificate of permission to teach)</b>	1 2
	Section 44(4)(b), from ‘or 164’ to ‘Committee’—	3
	<i>omit, insert—</i>	4
	‘stating QCAT’.	5
<b>Clause 179</b>	<b>Amendment of s 50 (Requirement to give notice of suspension)</b>	6 7
	(1) Section 50(2)(b), after ‘decision’—	8
	<i>insert—</i>	9
	‘and the evidence or other material on which the decision was based’.	10 11
	(2) Section 50(2)(c), ‘the Teachers Disciplinary Committee’—	12
	<i>omit, insert—</i>	13
	‘QCAT’.	14
	(3) Section 50(3)(b), after ‘decision’—	15
	<i>insert—</i>	16
	‘and the evidence or other material on which the decision was based’.	17 18
	(4) Section 50(3)(c), ‘the Teachers Disciplinary Committee’—	19
	<i>omit, insert—</i>	20
	‘QCAT’.	21
	(5) Section 50(4)(b), ‘the Teachers Disciplinary Committee’—	22
	<i>omit, insert—</i>	23
	‘QCAT’.	24
	(6) Section 50—	25
	<i>insert—</i>	26
	‘(5) The college must refer the continuation of the suspension of an approved teacher to QCAT for review under section 53.’.	27 28

---

<b>Clause 180</b>	<b>Amendment of s 52 (When suspension ends)</b>	1
	Section 52(a), ‘the Teachers Disciplinary Committee’—	2
	<i>omit, insert—</i>	3
	‘QCAT’.	4
<b>Clause 181</b>	<b>Replacement of s 53 (Requirement to review continuation of suspension under s 48)</b>	5
	Section 53—	6
	<i>omit, insert—</i>	7
<b>‘53</b>	<b>Requirement to decide whether to continue suspension under s 48</b>	9
		10
	‘(1) QCAT must decide whether to continue the suspension of an approved teacher under section 48.	11
		12
	‘(2) The matter is to be decided in QCAT’s original jurisdiction.	13
	‘(3) The purpose of the decision is for QCAT to decide whether it is an exceptional case in which the best interests of children would not be harmed if the suspension were ended.’.	14
		15
		16
<b>Clause 182</b>	<b>Amendment of s 54 (Committee to give notice inviting submissions to approved teacher)</b>	17
		18
	(1) Section 54, heading, ‘Committee’—	19
	<i>omit, insert—</i>	20
	‘QCAT’.	21
	(2) Section 54(1), ‘The Teachers Disciplinary Committee’—	22
	<i>omit, insert—</i>	23
	‘QCAT’.	24
	(3) Section 54(3), ‘the committee’—	25
	<i>omit, insert—</i>	26
	‘QCAT’.	27

[s 183]

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<b>Clause 183</b>	<b>Amendment of s 55 (Committee’s decision about continuation of suspension)</b>	1 2
(1)	Section 55, heading, ‘Committee’s’— <i>omit, insert—</i> ‘QCAT’s’.	3 4 5
(2)	Section 55(1), ‘the Teachers Disciplinary Committee’— <i>omit, insert—</i> ‘QCAT’.	6 7 8
(3)	Section 55(2), ‘the committee’— <i>omit, insert—</i> ‘QCAT’.	9 10 11
(4)	Section 55(3), ‘The committee’s’— <i>omit, insert—</i> ‘QCAT’s’.	12 13 14
(5)	Section 55(3)(a), ‘the committee’— <i>omit, insert—</i> ‘QCAT’.	15 16 17
(6)	Section 55(4), ‘the committee’— <i>omit, insert—</i> ‘QCAT’.	18 19 20
(7)	Section 55(5)— <i>omit, insert—</i>	21 22
‘(5)’	QCAT must, as soon as practicable, give notice of its decision to the approved teacher and the college.’.	23 24
(8)	Section 55(6)(a), ‘the committee’s’— <i>omit, insert—</i> ‘QCAT’s’.	25 26 27

---

	(9) Section 55(6)(b)—	1
	<i>omit, insert—</i>	2
	‘(b) if the decision is that it is not an exceptional case—that the teacher may apply, within 28 days after the notice is given and as otherwise provided under the QCAT Act, to QCAT for a review of QCAT’s decision.’	3 4 5 6
<b>Clause 184</b>	<b>Amendment of s 56 (Cancellation if conviction for disqualifying offence and imprisonment or disqualification order imposed)</b>	7 8 9
	(1) Section 56(4)(a), after ‘this Act’—	10
	<i>insert—</i>	11
	‘or the QCAT Act’.	12
	(2) Section 56(6), after ‘this Act’—	13
	<i>insert—</i>	14
	‘or the QCAT Act’.	15
<b>Clause 185</b>	<b>Amendment of s 64 (Requirement to return certificate of registration or permission to teach etc. on suspension or cancellation)</b>	16 17 18
	Section 64(1), ‘the Teachers Disciplinary Committee’—	19
	<i>omit, insert—</i>	20
	‘QCAT’.	21
<b>Clause 186</b>	<b>Amendment of s 67 (Effect of suspension on registration or permission to teach)</b>	22 23
	(1) Section 67(1), ‘the Teachers Disciplinary Committee’—	24
	<i>omit, insert—</i>	25
	‘QCAT’.	26

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[s 187]

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- (2) Section 67(4)(a), ‘the Teachers Disciplinary Committee’— 1  
*omit, insert*— 2  
‘QCAT’. 3

**Clause 187 Amendment of s 82 (Only approved teachers may be employed as teachers)** 4  
5

- Section 82(2), ‘the Teachers Disciplinary Committee’— 6  
*omit, insert*— 7  
‘QCAT’. 8

**Clause 188 Amendment of s 97 (Requirement for college to start disciplinary proceedings)** 9  
10

- (1) Section 97(1), ‘disciplinary committee’— 11  
*omit, insert*— 12  
‘disciplinary body’. 13
- (2) Section 97(2)— 14  
*omit, insert*— 15
- ‘(2) The disciplinary body to which the matter must be referred 16  
is— 17
- (a) for a show cause matter or general matter—QCAT; or 18  
(b) for a PP&C matter—the PP&C committee.’. 19
- (3) Section 97(3), ‘the Teachers Disciplinary Committee’— 20  
*omit, insert*— 21  
‘QCAT’. 22
- (4) Section 97— 23  
*insert*— 24
- ‘(4) If a matter is referred to QCAT— 25

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

<b>Clause 189</b>	<b>Amendment of ch 5, pt 2, hdg (Show cause matters dealt with by Teachers Disciplinary Committee)</b>	7 8
	Chapter 5, part 2, heading, ‘Teachers Disciplinary Committee’—	9 10
	<i>omit, insert—</i>	11
	‘QCAT’.	12
<b>Clause 190</b>	<b>Replacement of s 100 (Application of pt 2)</b>	13
	Section 100—	14
	<i>omit, insert—</i>	15
<b>‘100</b>	<b>Application of pt 2</b>	16
	‘This part applies to a show cause matter referred to QCAT by—	17 18
	(a) the college; or	19
	(b) the PP&C committee under chapter 6, part 1.’	20
<b>Clause 191</b>	<b>Amendment of s 101 (Teachers Disciplinary Committee to give show cause notice)</b>	21 22
	(1) Section 101, heading, ‘Teachers Disciplinary Committee’—	23
	<i>omit, insert—</i>	24
	‘QCAT’.	25

[s 192]

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- |     |  |   |
|-----|--|---|
| (2) | Section 101(1), ‘The Teachers Disciplinary Committee’— | 1 |
|     | <i>omit, insert—</i>                                   | 2 |
|     | ‘QCAT’.  | 3 |
| (3) | Section 101(1)(a), ‘the committee’—                    | 4 |
|     | <i>omit, insert—</i>                                   | 5 |
|     | ‘QCAT’.  | 6 |

- |                   |  |    |
|-------------------|--|----|
| <b>Clause 192</b> | <b>Amendment of s 102 (Disciplinary action by Teachers Disciplinary Committee—approved teachers)</b> | 7  |
|                   |  | 8  |
| (1)               | Section 102, heading, ‘Teachers Disciplinary Committee’—   | 9  |
|                   | <i>omit, insert—</i>   | 10 |
|                   | ‘QCAT’.  | 11 |
| (2)               | Section 102(2), ‘the Teachers Disciplinary Committee’—   | 12 |
|                   | <i>omit, insert—</i>   | 13 |
|                   | ‘QCAT’.  | 14 |
| (3)               | Section 102(2)(b), ‘the committee’—  | 15 |
|                   | <i>omit, insert—</i>   | 16 |
|                   | ‘QCAT’.  | 17 |
| (4)               | Section 102(3), from ‘The committee’ to ‘the committee’—   | 18 |
|                   | <i>omit, insert—</i>   | 19 |
|                   | ‘QCAT must decide to cancel the teacher’s registration or permission to teach, unless QCAT’.         | 20 |
|                   |  | 21 |
| (5)               | Section 102(4), ‘the committee’—   | 22 |
|                   | <i>omit, insert—</i>   | 23 |
|                   | ‘QCAT’.  | 24 |
| (6)               | Section 102(5), from ‘If the committee’ to ‘following’—  | 25 |
|                   | <i>omit, insert—</i>   | 26 |

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

- (7) Section 102(5)(e)—  
*omit, insert—*  
 ‘(e) make an order requiring the teacher to pay to the college, by way of costs, an amount QCAT considers appropriate having regard to—  
 (i) any expenses incurred by the college in investigating the matter; and  
 (ii) the expenses incurred by the college in the proceedings before QCAT;’.
- (8) Section 102(5)(f) and (i), ‘the committee’—  
*omit, insert—*  
 ‘QCAT’.

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

- (1) Section 103, heading, ‘Teachers Disciplinary Committee’—  
*omit, insert—*  
 ‘QCAT’.
- (2) Section 103(2), ‘the Teachers Disciplinary Committee’—  
*omit, insert—*  
 ‘QCAT’.

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

- (1) Section 104, heading, ‘committee’s’—  
*omit, insert—*  
 ‘QCAT’s’.

[s 195]

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- (2) Section 104(1) to (4)— 1  
*omit, insert—* 2
- ‘(1) If QCAT makes a decision under section 102 or 103 and the 3  
disciplinary action originated from a complaint, the college 4  
must give to the complainant notice of the decision of QCAT 5  
and the reasons for the decision. 6
- ‘(2) If QCAT decides to cancel the teacher’s registration or 7  
permission to teach, the college must also give to the 8  
employing authority for, and the principal of, each school at 9  
which the teacher is employed notice of the decision of 10  
QCAT.’. 11
- (3) Section 104(5), ‘The committee’s’— 12  
*omit, insert—* 13  
‘QCAT’s’. 14
- (4) Section 104(6), ‘the committee’s’— 15  
*omit, insert—* 16  
‘QCAT’s’. 17
- (5) Section 104(5) and (6)— 18  
*renumber* as section 104(3) and (4). 19

**Clause 195 Amendment of ch 5, pt 3, hdg (General matters and PP&C 20  
matters dealt with by Teachers Disciplinary Committee) 21**  
Chapter 5, part 3, heading, ‘Teachers Disciplinary 22  
Committee’— 23  
*omit, insert—* 24  
‘QCAT’. 25

**Clause 196 Replacement of s 105 (Application of pt 3) 26**  
Section 105— 27  
*omit, insert—* 28

---

<b>‘105</b>	<b>Application of pt 3</b>	1
	‘This part applies in relation to—	2
	(a) a general matter referred to QCAT by the college under section 97; or	3 4
	(b) a PP&C matter referred to QCAT by the PP&C Committee under chapter 6, part 1.’.	5 6
<b>Clause 197</b>	<b>Amendment of s 106 (Teachers Disciplinary Committee may authorise investigation)</b>	7 8
	(1) Section 106, heading, ‘Teachers Disciplinary Committee’—	9
	<i>omit, insert—</i>	10
	‘QCAT’.	11
	(2) Section 106(1), ‘The Teachers Disciplinary Committee’—	12
	<i>omit, insert—</i>	13
	‘QCAT’.	14
	(3) Section 106(2), ‘the Teachers Disciplinary Committee’—	15
	<i>omit, insert—</i>	16
	‘QCAT’.	17
	(4) Section 106(2)(a), ‘the committee’—	18
	<i>omit, insert—</i>	19
	‘QCAT’.	20
<b>Clause 198</b>	<b>Amendment of s 107 (Application of ch 6, pt 2, div 2)</b>	21
	Section 107, ‘the Teachers Disciplinary Committee’—	22
	<i>omit, insert—</i>	23
	‘QCAT’.	24

[s 199]

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<b>Clause 199</b>	<b>Amendment of s 112 (Reporting of offences)</b>	1
	(1) Section 112(1), ‘Teachers Disciplinary Committee’—	2
	<i>omit, insert—</i>	3
	‘QCAT’.	4
	(2) Section 112(2), ‘or committee may’—	5
	<i>omit, insert—</i>	6
	‘or the President of QCAT may’.	7
	(3) Section 112(2)(b), ‘committee’—	8
	<i>omit, insert—</i>	9
	‘QCAT’.	10
<b>Clause 200</b>	<b>Amendment of ch 6, hdg (Disciplinary committees)</b>	11
	Chapter 6, heading, ‘committees’—	12
	<i>omit, insert—</i>	13
	‘ <b>bodies</b> ’.	14
<b>Clause 201</b>	<b>Amendment of s 115 (Functions of PP&amp;C committee)</b>	15
	Section 115(1)(b), ‘the Teachers Disciplinary Committee’—	16
	<i>omit, insert—</i>	17
	‘QCAT’.	18
<b>Clause 202</b>	<b>Amendment of s 123 (Disciplinary action by PP&amp;C committee)</b>	19
	(1) Section 123(2)(b)—	20
	<i>omit, insert—</i>	21
	‘(b) refer the matter to QCAT if the committee believes	22
	disciplinary action mentioned in section 160(2)(d) to (h)	23
	or (j) should be taken against the teacher;’.	24
		25

---

	(2) After section 123(4)—	1
	<i>insert—</i>	2
	‘(4A) If the committee decides to refer the disciplinary matter to QCAT—	3
		4
	(a) the college must inform QCAT about the grounds for the disciplinary matter and the facts and circumstances forming the basis for the grounds; and	5
		6
		7
	(b) QCAT must conduct a hearing and make decisions about the disciplinary matter referred to QCAT having regard to the information provided by the college.’	8
		9
		10
<b>Clause 203</b>	<b>Replacement of ch 6, pt 2, hdg (Teachers Disciplinary Committee)</b>	11
		12
	Chapter 6, part 2, heading—	13
	<i>omit, insert—</i>	14
	<b>‘Part 2 Disciplinary proceedings of QCAT’.</b>	15
		16
<b>Clause 204</b>	<b>Replacement of ch 6, pt 2, div 1 (Establishment, membership and functions)</b>	17
		18
	Chapter 6, part 2, division 1—	19
	<i>omit, insert—</i>	20
	<b>‘Division 1 Constitution of QCAT for disciplinary proceedings</b>	21
		22
	<b>‘124 Constitution of QCAT for disciplinary proceedings</b>	23
	‘For disciplinary proceedings under this Act, QCAT must be constituted by —	24
		25
	(a) a legally qualified member who is familiar with school environments; and	26
		27

[s 205]

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- (b) 2 other members, of whom— 1
  - (i) 1 must be a registered teacher; and 2
  - (ii) 1 must be a person who is not a registered teacher. 3

**'125 Presiding member of QCAT** 4

'For a disciplinary proceeding under this Act, the legally 5  
qualified member mentioned in section 124 is the presiding 6  
member of QCAT.' 7

**Clause 205 Amendment of ch 6, pt 2, div 2, hdg (Disciplinary 8  
proceedings conducted by Teachers Disciplinary 9  
Committee)** 10

Chapter 6, part 2, division 2, heading, 'Teachers Disciplinary 11  
Committee'— 12  
*omit, insert*— 13  
'QCAT'. 14

**Clause 206 Amendment of s 130 (Application of div 2)** 15

- (1) Section 130, 'the Teachers Disciplinary Committee'— 16
  - omit, insert*— 17
  - 'QCAT'. 18
- (2) Section 130(b)— 19
  - omit, insert*— 20
  - '(b) a PP&C matter referred to QCAT by the PP&C 21  
committee under section 123(2)(b).'

**Clause 207 Omission of s 131 (Parties to disciplinary proceedings)** 23

Section 131— 24  
*omit.* 25

---

<b>Clause 208</b>	<b>Amendment of ch 6, pt 2, div 2, sdiv 2, hdg (Proceedings of Teachers Disciplinary Committee)</b>	1 2
	Chapter 6, part 2, division 2, subdivision 2, heading, ‘Teachers Disciplinary Committee’—	3 4
	<i>omit, insert—</i>	5
	‘QCAT’.	6
<b>Clause 209</b>	<b>Omission of s 132 (Time and place of hearing)</b>	7
	Section 132—	8
	<i>omit.</i>	9
<b>Clause 210</b>	<b>Amendment of s 133 (Notice of intention to conduct hearing)</b>	10 11
	(1) Section 133(1)—	12
	<i>omit, insert—</i>	13
	‘(1) QCAT must give notice of its intention to conduct a proceeding or hearing to—	14 15
	(a) each party; and	16
	(b) any other person the tribunal directs to be given notice.’.	17
	(2) Section 133(2)—	18
	<i>omit, insert—</i>	19
	‘(2) If the matter originated from a complaint, the college must give the complainant a notice that complies with subsection (3).’.	20 21 22
	(3) Section 133(3)(a), after ‘teacher’—	23
	<i>insert—</i>	24
	‘given to QCAT under section 97 or 123’.	25

[s 211]

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- |     |   |   |
|-----|---|---|
| (4) | Section 133(3)(b), after ‘ground’—            | 1 |
|     | <i>insert</i> —                               | 2 |
|     | ‘given to QCAT under section 97 or 123’.      | 3 |
| (5) | Section 133(3)(d)—                            | 4 |
|     | <i>omit</i> .                                 | 5 |
| (6) | Section 133(3)(e) and (f)—                    | 6 |
|     | <i>renumber</i> as section 133(3)(d) and (e). | 7 |

- |                   |                                   |    |
|-------------------|-----------------------------------|----|
| <b>Clause 211</b> | <b>Omission of ss 134 and 135</b> | 8  |
|                   | Sections 134 and 135—             | 9  |
|                   | <i>omit</i> .                     | 10 |

- |                   |   |    |
|-------------------|---|----|
| <b>Clause 212</b> | <b>Amendment of s 136 (Committee may require health assessment)</b> | 11 |
|                   |   | 12 |
| (1)               | Section 136, heading, ‘Committee’—                                  | 13 |
|                   | <i>omit, insert</i> —   | 14 |
|                   | <b>‘QCAT’.</b>  | 15 |
| (2)               | Section 136(1), ‘the committee’—                                    | 16 |
|                   | <i>omit, insert</i> —   | 17 |
|                   | <b>‘QCAT’.</b>  | 18 |
| (3)               | Section 136(2), ‘The committee’—                                    | 19 |
|                   | <i>omit, insert</i> —   | 20 |
|                   | <b>‘QCAT’.</b>  | 21 |
| (4)               | Section 136(3), ‘The committee’—                                    | 22 |
|                   | <i>omit, insert</i> —   | 23 |
|                   | <b>‘QCAT’.</b>  | 24 |

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	(5) Section 136(3), ‘the committee’—	1
	<i>omit, insert</i> —	2
	‘QCAT’.	3
	(6) Section 136(4)(b), ‘the committee’—	4
	<i>omit, insert</i> —	5
	‘QCAT’.	6
<b>Clause 213</b>	<b>Omission of s 137 (Hearing open to the public)</b>	7
	Section 137—	8
	<i>omit.</i>	9
<b>Clause 214</b>	<b>Amendment of s 138 (Attendance and appearance at hearing)</b>	10
	(1) Section 138(1)—	11
	<i>omit.</i>	12
	(2) Section 138(2), ‘the committee’—	13
	<i>omit, insert</i> —	14
	‘QCAT’.	15
	(3) Section 138(4)—	16
	<i>omit.</i>	17
	(4) Section 138(2) and (3)—	18
	<i>renumber</i> as section 138(1) and (2).	19
		20
<b>Clause 215</b>	<b>Omission of ss 139–146</b>	21
	Sections 139 to 146—	22
	<i>omit.</i>	23

[s 216]

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<b>Clause 216</b>	<b>Amendment of s 147 (Receiving or adopting findings etc. in other proceedings)</b>	1
	Section 147, ‘the committee’—	2
	<i>omit, insert</i> —	3
	‘QCAT’.	4
<b>Clause 217</b>	<b>Omission of ss 148–151</b>	5
	Sections 148 to 151—	6
	<i>omit.</i>	7
<b>Clause 218</b>	<b>Amendment of s 152 (Interim orders)</b>	8
	(1) Section 152(1)—	9
	<i>omit, insert</i> —	10
	‘(1) This section applies if QCAT reasonably believes it is necessary to make an interim order exercising a power conferred on QCAT under section 160 or 161.’.	11
	(2) Section 152(2), ‘The committee’—	12
	<i>omit, insert</i> —	13
	‘QCAT’.	14
	(3) Section 152(3), ‘the committee’—	15
	<i>omit, insert</i> —	16
	‘QCAT’.	17
	(4) Section 152(4)(c), ‘the committee’—	18
	<i>omit, insert</i> —	19
	‘QCAT’.	20
	(5) Section 152(5)—	21
	<i>omit, insert</i> —	22
		23
		24
		25

	‘(5) The college must give effect to an interim order made by QCAT.	1 2
	‘(6) In this section— <i>interim order</i> means an interim order under the QCAT Act, section 58.’.	3 4 5
<b>Clause 219</b>	<b>Omission of s 153 (Committee to make record of proceedings)</b> Section 153— <i>omit.</i>	6 7 8 9
<b>Clause 220</b>	<b>Omission of ch 6, pt 2, div 2, sdiv 3 (Offences about disciplinary proceedings dealt with by Teachers Disciplinary Committee)</b> Chapter 6, part 2, division 2, subdivision 3— <i>omit.</i>	10 11 12 13 14
<b>Clause 221</b>	<b>Amendment of ch 6, pt 2, div 2, sdiv 4 (Decision on completion of disciplinary proceedings)</b> Chapter 6, part 2, division 2, subdivision 4— <i>renumber</i> as chapter 6, part 2, division 2, subdivision 3.	15 16 17 18
<b>Clause 222</b>	<b>Amendment of s 158 (Decision about whether ground for disciplinary action is established)</b> (1) Section 158(1), ‘the committee’— <i>omit, insert</i> — ‘QCAT’. (2) Section 158(2), ‘the committee’— <i>omit, insert</i> — ‘QCAT’.	19 20 21 22 23 24 25 26

[s 223]

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- (3) Section 158(3), ‘the committee’— 1  
*omit, insert*— 2  
‘QCAT’. 3
- (4) Section 158— 4  
*insert*— 5
- ‘(4) In this section— 6  
*disciplinary committee* includes the former Teachers 7  
Disciplinary Committee. 8  
*former Teachers Disciplinary Committee* means the Teachers 9  
Disciplinary Committee established under this Act before its 10  
abolition by the QCAT Act.’. 11

**Clause 223 Amendment of s 159 (Ending of suspension if ground for disciplinary action not established)** 12  
13

- (1) Section 159(1)(a), ‘the committee’— 14  
*omit, insert*— 15  
‘QCAT’. 16
- (2) Section 159(2), ‘The Committee’— 17  
*omit, insert*— 18  
‘QCAT’. 19

**Clause 224 Amendment of s 160 (Decision about disciplinary action against approved teacher)** 20  
21

- (1) Section 160(2), from ‘If the’ to ‘committee may’— 22  
*omit, insert*— 23  
‘If QCAT decides a ground for disciplinary action against the 24  
relevant teacher has been established, QCAT may’. 25
- (2) Section 160(2)(f)— 26  
*omit, insert*— 27

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

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

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

[s 226]

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<b>Clause 226</b>	<b>Omission of s 162 (Committee may make an order prohibiting publication of particular information)</b>	1 2
	Section 162—	3
	<i>omit.</i>	4
<b>Clause 227</b>	<b>Amendment of ch 6, pt 2, div 2, sdiv 5 (Action after decision about disciplinary action)</b>	5 6
	Chapter 6, part 2, division 2, subdivision 5—	7
	<i>renumber</i> as chapter 6, part 2, division 2, subdivision 4.	8
<b>Clause 228</b>	<b>Omission of s 163 (Notification of committee’s decision)</b>	9
	Section 163—	10
	<i>omit.</i>	11
<b>Clause 229</b>	<b>Amendment of s 164 (College may notify other persons)</b>	12
	(1) Section 164(1), ‘the committee’—	13
	<i>omit, insert—</i>	14
	‘QCAT’.	15
	(2) Section 164(1)(a) and (b), ‘the committee’s’	16
	<i>omit, insert—</i>	17
	‘QCAT’s’.	18
	(3) Section 164(3), ‘the committee’—	19
	<i>omit, insert—</i>	20
	‘QCAT’.	21
<b>Clause 230</b>	<b>Amendment of s 165 (Requirement to notify particular interstate regulatory authorities about decision)</b>	22 23
	Section 165, ‘the committee’—	24

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	<i>omit, insert—</i>	1
	‘QCAT’.	2
<b>Clause 231</b>	<b>Amendment of s 166 (Publication of information about disciplinary proceedings by college)</b>	3
	(1) Section 166(1), ‘the committee’—	4
	<i>omit, insert—</i>	5
	‘QCAT’.	6
	(2) Section 166(4), from ‘the committee’—	7
	<i>omit, insert—</i>	8
	‘QCAT under the QCAT Act.’.	9
<b>Clause 232</b>	<b>Amendment of ch 6, pt 2, div 2, sdiv 6 (Effect of decision)</b>	10
	Chapter 6, part 2, division 2, subdivision 6—	11
	<i>renumber</i> as chapter 6, part 2, division 2, subdivision 5.	12
<b>Clause 233</b>	<b>Amendment of s 167 (Effect of committee’s decision)</b>	13
	(1) Section 167, heading, ‘committee’s’—	14
	<i>omit, insert—</i>	15
	‘QCAT’s’.	16
	(2) Section 167, ‘The committee’s’—	17
	<i>omit, insert—</i>	18
	‘QCAT’s’.	19
<b>Clause 234</b>	<b>Amendment of s 168 (Implementation of decision)</b>	20
	Section 168, ‘the committee’s’—	21
	<i>omit, insert—</i>	22
	‘QCAT’s’.	23
		24

[s 235]

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<b>Clause 235</b>	<b>Omission of ch 6, pt 2, div 2, sdiv 7 (Immunities)</b>	1
	Chapter 6, part 2, division 2, subdivision 7—	2
	<i>omit.</i>	3
<b>Clause 236</b>	<b>Amendment of s 170 (Office to keep record of disciplinary proceedings)</b>	4
	(1) Section 170(1), after ‘proceedings’—	5
	<i>insert</i> —	6
	‘before the PP&C committee’.	7
	(2) Section 170(2)(a), ‘committee’—	8
	<i>omit, insert</i> —	9
	‘PP&C committee’.	10
<b>Clause 237</b>	<b>Omission of s 171 (Payment of costs or penalty)</b>	11
	Section 171—	12
	<i>omit.</i>	13
<b>Clause 238</b>	<b>Amendment of s 201 (Investigator’s report)</b>	14
	Section 201(2)(b), ‘the Teachers Disciplinary Committee’—	15
	<i>omit, insert</i> —	16
	‘QCAT’.	17
<b>Clause 239</b>	<b>Replacement of ch 8, hdg and ch 8, pt 1, hdg</b>	18
	Chapter 8, heading and chapter 8, part 1, heading—	19
	<i>omit, insert</i> —	20
		21

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<b>‘Chapter 8</b>	<b>Internal and external reviews</b>	1
		2
<b>‘Part 1</b>	<b>Internal reviews’.</b>	3
<b>Clause 240</b>	<b>Amendment of s 209 (Appeal process for particular decisions starts with internal review)</b>	4
		5
	(1) Section 209, heading, ‘Appeal’—	6
	<i>omit, insert—</i>	7
	<b>‘Review’.</b>	8
	(2) Section 209(1), ‘appeal against’—	9
	<i>omit, insert—</i>	10
	‘apply for a review of’.	11
	(3) Section 209(3), ‘appeal’—	12
	<i>omit, insert—</i>	13
	‘review’.	14
<b>Clause 241</b>	<b>Amendment of s 212 (College’s decision)</b>	15
	Section 212(2), ‘an appeal’—	16
	<i>omit, insert—</i>	17
	‘a review under part 2’.	18
<b>Clause 242</b>	<b>Amendment of s 213 (Notice of review decision)</b>	19
	Section 213(2)—	20
	<i>omit, insert—</i>	21
	(2) If the review decision is not the decision sought by the applicant, the college must give the applicant a review notice that complies with the QCAT Act, section 157(2).’.	22
		23
		24

[s 243]

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<b>Clause 243</b>	<b>Replacement of ch 8, pt 2, hdg (Appeals)</b>	1
	Chapter 8, part 2, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Part 2 External reviews’.</b>	4
<b>Clause 244</b>	<b>Omission of s 214 (Definitions for pt 2)</b>	5
	Section 214—	6
	<i>omit.</i>	7
<b>Clause 245</b>	<b>Replacement of s 215 (Who may appeal)</b>	8
	Section 215—	9
	<i>omit, insert—</i>	10
	<b>‘215 Who may apply for external review</b>	11
	‘A person who has applied for a review of an original decision under part 1 and is dissatisfied with the review may apply to QCAT for a review of the original decision.’	12
		13
		14
<b>Clause 246</b>	<b>Omission of ss 216–219</b>	15
	Sections 216 to 219—	16
	<i>omit.</i>	17
<b>Clause 247</b>	<b>Replacement of s 220 (Application of pt 1)</b>	18
	Section 220—	19
	<i>omit, insert—</i>	20
	<b>‘220 Application of pt 1</b>	21
	‘This part applies to—	22
	(a) a disciplinary proceeding in QCAT; and	23

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(b) another proceeding under this Act, including other disciplinary proceedings.’ 1  
2

**Clause 248 Amendment of s 221 (Appointments and authority)** 3

(1) Section 221(a)(vi), ‘a disciplinary committee’— 4

*omit, insert—* 5

‘the PP&C committee’. 6

(2) Section 221(b)(vii), ‘a disciplinary committee’— 7

*omit, insert—* 8

‘the PP&C committee’. 9

**Clause 249 Amendment of s 222 (Signatures)** 10

(1) Section 222(d)— 11

*omit.* 12

(2) Section 222(e) and (f)— 13

*renumber* as section 222(d) and (e). 14

**Clause 250 Amendment of s 288 (Register of approved teachers to be kept)** 15  
16

Section 288(5), ‘the Teachers Disciplinary Committee’— 17

*omit, insert—* 18

‘QCAT’. 19

**Clause 251 Amendment of s 294 (Protection from liability)** 20

Section 294(1)(g), ‘the Teachers Disciplinary Committee’— 21

*omit, insert—* 22

‘QCAT’. 23

[s 252]

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<b>Clause 252</b>	<b>Amendment of s 296 (Administrative support for college etc.)</b>	1 2
(1)	Section 296(1), ‘, the office and the Teachers Disciplinary Committee’— <i>omit, insert—</i> ‘and the office’.	3 4 5 6
(2)	Section 296(2), ‘, the office or the Teachers Disciplinary Committee’— <i>omit, insert—</i> ‘or the office’.	7 8 9 10
<b>Clause 253</b>	<b>Amendment of sch 3 (Dictionary)</b>	11
(1)	Schedule 3, definitions <i>appealable decision</i> and <i>Teachers Disciplinary Committee</i> — <i>omit.</i>	12 13 14
(2)	Schedule 3, definition <i>disciplinary committees</i> , from ‘and the’— <i>omit, insert—</i> ‘and QCAT when undertaking disciplinary action under this Act.’.	15 16 17 18 19
<b>Part 5</b>	<b>Amendment of Education (Queensland Studies Authority) Regulation 2002</b>	20 21 22
<b>Clause 254</b>	<b>Regulation amended</b>	23
	This part amends the <i>Education (Queensland Studies Authority) Regulation 2002</i> .	24 25

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<b>Clause 255</b>	<b>Amendment of s 3R (Failure to decide an application)</b>	1
	Section 3R(2), ‘appeal against the decision’—	2
	<i>omit, insert</i> —	3
	‘apply for a review of the decision’.	4
<b>Clause 256</b>	<b>Amendment of s 3ZE (Failure to decide an application for renewal of accreditation)</b>	5
	Section 3ZE(2), ‘appeal against the decision’—	6
	<i>omit, insert</i> —	7
	‘apply for a review of the decision’.	8
<b>Clause 257</b>	<b>Amendment of s 3ZL (Failure to decide an application for a change to a syllabus or guideline)</b>	10
	Section 3ZL(2), ‘appeal against the decision’—	11
	<i>omit, insert</i> —	12
	‘apply for a review of the decision’.	13
<b>Clause 258</b>	<b>Replacement of pt 9, hdg (Reviews and appeals)</b>	14
	Part 9, heading—	15
	<i>omit, insert</i> —	16
	<b>‘Part 9 Internal and external reviews’.</b>	17
<b>Clause 259</b>	<b>Replacement of pt 9, div 1, hdg (Review of decisions)</b>	18
	<i>omit, insert</i> —	19
	<b>‘Division 1 Internal review’.</b>	20

[s 260]

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<b>Clause 260</b>	<b>Amendment of s 59 (Appeal process starts with internal review)</b>	1
		2
	(1) Section 59, heading, ‘Appeal’—	3
	<i>omit, insert—</i>	4
	‘ <b>Review</b> ’.	5
	(2) Section 59(1), ‘appeal against’—	6
	<i>omit, insert—</i>	7
	‘apply for a review of’.	8
	(3) Section 59(2), ‘appeal’—	9
	<i>omit, insert—</i>	10
	‘review’.	11
<b>Clause 261</b>	<b>Amendment of s 62 (Review decision)</b>	12
	(1) Section 62(2), ‘an appeal’—	13
	<i>omit, insert—</i>	14
	‘a review’.	15
	(2) Section 62(3), ‘an appeal’—	16
	<i>omit, insert—</i>	17
	‘a review’.	18
	(3) Section 62(4), ‘an appeal’—	19
	<i>omit, insert—</i>	20
	‘a review’.	21
<b>Clause 262</b>	<b>Amendment of s 63 (Notice of review decision)</b>	22
	Section 63(2)—	23
	<i>omit, insert—</i>	24

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

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

Part 9, division 2, heading—

*omit, insert—*

**‘Division 2 External reviews’.**

**Clause 264 Replacement of s 64 (Who may appeal)**

Section 64—

*omit, insert—*

**‘64 Who may seek an external review**

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

**Clause 265 Omission of ss 65–68**

Sections 65 to 68—

*omit.*

[s 266]

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<b>Part 6</b>	<b>Amendment of Higher Education (General Provisions) Act 2008</b>	1 2 3
<b>Clause 266</b>	<b>Act amended</b>	4
	This part amends the <i>Higher Education (General Provisions) Act 2008</i> .	5 6
<b>Clause 267</b>	<b>Amendment of s 19 (Registration taken to be in force while application is considered)</b>	7 8
	(1) Section 19(1)(b)(i), ‘appeal against’—	9
	<i>omit, insert—</i>	10
	‘apply to QCAT under part 6 for a review of’.	11
	(2) Section 19(1)(b)(ii)—	12
	<i>omit, insert—</i>	13
	‘(ii) if an application for review by QCAT is made—the day the review is decided.’.	14 15
<b>Clause 268</b>	<b>Amendment of s 22 (Changing conditions of registration)</b>	16
	(1) Section 22(4)(a), ‘appeal against’—	17
	<i>omit, insert—</i>	18
	‘apply to QCAT under part 6 for a review of’.	19
	(2) Section 22(4)(b)—	20
	<i>omit, insert—</i>	21
	‘(b) if an application for review by QCAT is made—the day the review is decided.’.	22 23

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<b>Clause 269</b>	<b>Amendment of s 32 (Accreditation taken to be in force while application is considered)</b>	1 2
(1)	Section 32(1)(b)(i), ‘appeal against’— <i>omit, insert</i> — ‘apply to QCAT under part 6 for a review of’.	3 4 5
(2)	Section 32(1)(b)(ii)— <i>omit, insert</i> — ‘(ii) if an application for review by QCAT is made—the day the review is decided.’.	6 7 8 9
<b>Clause 270</b>	<b>Amendment of s 35 (Changing conditions of accreditation)</b>	10 11
(1)	Section 35(4)(a), ‘appeal against’— <i>omit, insert</i> — ‘apply to QCAT under part 6 for a review of’.	12 13 14
(2)	Section 35(4)(b)— <i>omit, insert</i> — ‘(b) if an application for review by QCAT is made—the day the review is decided.’.	15 16 17 18
<b>Clause 271</b>	<b>Amendment of s 54 (Self-accrediting authority taken to be in force while application is considered)</b>	19 20
(1)	Section 54(1)(b)(i), ‘appeal against’— <i>omit, insert</i> — ‘apply to QCAT under part 6 for a review of’.	21 22 23
(2)	Section 54(1)(b)(ii)— <i>omit, insert</i> — ‘(ii) if an application for review by QCAT is made—the day the review is decided.’.	24 25 26 27

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[s 272]

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<b>Clause 272</b>	<b>Amendment of s 56 (Changing conditions of self-accrediting authority)</b>	1
		2
(1)	Section 56(4)(a), ‘appeal against’—	3
	<i>omit, insert—</i>	4
	‘apply to QCAT under part 6 for a review of’.	5
(2)	Section 56(4)(b)—	6
	<i>omit, insert—</i>	7
	‘(b) if an application for review by QCAT is made—the day the review is decided.’.	8
		9
<b>Clause 273</b>	<b>Amendment of s 97 (Approval taken to be in force while application is considered)</b>	10
		11
(1)	Section 97(1)(b)(i), ‘appeal against’—	12
	<i>omit, insert—</i>	13
	‘apply to QCAT under part 6 for a review of’.	14
(2)	Section 97(1)(b)(ii)—	15
	<i>omit, insert—</i>	16
	‘(ii) if an application for review by QCAT is made—the day the review is decided.’.	17
		18
<b>Clause 274</b>	<b>Amendment of s 99 (Changing conditions of approval)</b>	19
(1)	Section 99(4)(a), ‘appeal against’—	20
	<i>omit, insert—</i>	21
	‘apply to QCAT under part 6 for a review of’.	22
(2)	Section 99(4)(b)—	23
	<i>omit, insert—</i>	24
	‘(b) if an application for review by QCAT is made—the day the review is decided.’.	25
		26

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<b>Clause 275</b>	<b>Replacement of pt 6, hdg (Appeals)</b>	1
	Part 6, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Part 6                      Review of decisions’.</b>	4
<b>Clause 276</b>	<b>Replacement of s 106 (Who may appeal)</b>	5
	Section 106 and note—	6
	<i>omit, insert—</i>	7
<b>‘106</b>	<b>Who may apply for review</b>	8
	‘A person who is given, or is entitled to be given, an information notice for a decision of the Minister (the <i>original decision</i> ) may apply, as provided under the QCAT Act, to QCAT for a review of the original decision.’.	9 10 11 12
<b>Clause 277</b>	<b>Omission of s 107 (Starting appeals)</b>	13
	Section 107—	14
	<i>omit.</i>	15
<b>Clause 278</b>	<b>Replacement of s 108 (Hearing procedures)</b>	16
	Section 108—	17
	<i>omit, insert—</i>	18
<b>‘108</b>	<b>Hearing procedures</b>	19
	‘The review of a decision by QCAT is by way of rehearing on the material before the Minister and any further evidence allowed by QCAT.’.	20 21 22
<b>Clause 279</b>	<b>Omission of s 109 (Powers of court on appeal)</b>	23
	Section 109—	24
	<i>omit.</i>	25

[s 280]

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<b>Clause 280</b>	<b>Amendment of s 127 (Cancellation of relevant authority)</b>	1
	(1) Section 127(5)(a), ‘appeal against’—	2
	<i>omit, insert—</i>	3
	‘apply to QCAT under part 6 for a review of’.	4
	(2) Section 127(5)(b)—	5
	<i>omit, insert—</i>	6
	‘(b) if an application for review by QCAT is made—the day	7
	the review is decided.’.	8
<b>Clause 281</b>	<b>Amendment of sch 2 (Dictionary)</b>	9
	(1) Schedule 2, definition <i>appellant</i> —	10
	<i>omit.</i>	11
	(2) Schedule 2, definition <i>information notice</i> , from ‘a notice’—	12
	<i>omit, insert—</i>	13
	‘a notice complying with the QCAT Act, section 157(2).’.	14
<b>Part 7</b>	<b>Amendment of Vocational</b>	15
	<b>Education, Training and</b>	16
	<b>Employment Act 2000</b>	17
<b>Clause 282</b>	<b>Act amended</b>	18
	This part amends the <i>Vocational Education, Training and</i>	19
	<i>Employment Act 2000.</i>	20
<b>Clause 283</b>	<b>Insertion of new s 141BA</b>	21
	After section 141B—	22
	<i>insert—</i>	23

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<b>‘141BA Ombudsman may refuse to deal with matters before QCAT</b>	1
	2
‘The ombudsman may refuse to deal with, or refuse to continue to deal with, an application for review of an adverse decision about an employment exemption if—	3
	4
	5
(a) an application is made for review of the adverse decision under the QCAT Act; or	6
	7
(b) the adverse decision has been reviewed by QCAT.’.	8
<b>Clause 284 Amendment of s 141D (Ombudsman to review decision and report findings)</b>	9
	10
Section 141D(2)—	11
<i>omit, insert—</i>	12
‘(2) The notice must state that the person may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	13
	14
<b>Clause 285 Insertion of new s 144A</b>	15
	16
After section 144—	16
<i>insert—</i>	17
<b>‘144A Arrangements between the ombudsman and QCAT</b>	18
	19
‘The ombudsman and QCAT may enter into arrangements for—	20
	21
(a) the transfer of matters from the ombudsman to QCAT that are the subject of complaint, investigation or inquiry by the ombudsman and could also be the subject of an application for review before QCAT; and	22
	23
	24
(b) the transfer of matters from QCAT to the ombudsman that are the subject of an application for review before QCAT and could also be the subject of a complaint, investigation or inquiry by the ombudsman; and	25
	26
	27
	28
(c) dealing with matters that are the subject of an application to QCAT and that are also the subject of a	29
	30

[s 286]

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	complaint, investigation or inquiry or other action by the ombudsman.’.	1 2
<b>Clause 286</b>	<b>Amendment of s 183B (Decision about employment exemption)</b>	3 4
	Section 183B(4)(d) and (e)—	5
	<i>omit, insert—</i>	6
	‘(d) that the young person or parent of the young person may—	7 8
	(i) within 30 days after receiving the notice, apply to have the decision reviewed by the ombudsman; or	9 10
	(ii) apply, as provided under the QCAT Act, to QCAT for a review of the decision;	11 12
	(e) how to apply for a review;	13
	(f) any right the young person or parent of the young person has to have the operation of the decision stayed.’.	14 15
<b>Clause 287</b>	<b>Amendment of s 183C (Amending or cancelling employment exemption)</b>	16 17
	Section 183C(5)(d) and (e)—	18
	<i>omit, insert—</i>	19
	‘(d) that the young person or parent of the young person may—	20 21
	(i) within 30 days after receiving the notice, apply to have the decision reviewed by the ombudsman; or	22 23
	(ii) apply, as provided under the QCAT Act, to QCAT for a review of the decision;	24 25
	(e) how to apply for a review;	26
	(f) any right the young person or parent of the young person has to have the operation of the decision stayed.’.	27 28

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<b>Clause 288</b>	<b>Replacement of ch 8, hdg (Appeals)</b>	1
	Chapter 8, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Reviews and appeals’.</b>	4
<b>Clause 289</b>	<b>Replacement of s 224 (Appeal to Magistrates Court)</b>	5
	Section 224—	6
	<i>omit, insert—</i>	7
<b>‘224</b>	<b>Review by QCAT</b>	8
	‘(1) A person aggrieved by any of the following decisions may apply to QCAT for a review of the decision—	9 10
	(a) a decision about the registration of a training organisation;	11 12
	(b) a decision about the accreditation of a course;	13
	(c) a decision about the recognition of a group training organisation or principal employer organisation;	14 15
	(d) a decision about an employment exemption for a young person in the compulsory participation phase.	16 17
	‘(2) The application must be made—	18
	(a) for a decision mentioned in subsection (1)(d) that is reviewed by the ombudsman—within 28 days after being given a notice under section 141D and as otherwise provided under the QCAT Act; or	19 20 21 22
	(b) otherwise—as provided under the QCAT Act.’.	23
<b>Clause 290</b>	<b>Omission of ss 225–229</b>	24
	Sections 225 to 229—	25
	<i>omit.</i>	26

[s 291]

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<b>Clause 291</b>	<b>Omission of s 340 (Remission of matters by magistrates court to board)</b>	1 2
	Section 340—	3
	<i>omit.</i>	4
<b>Clause 292</b>	<b>Amendment of sch 3 (Dictionary)</b>	5
	Schedule 3, definition <i>information notice</i> , paragraphs (d) and (e)—	6 7
	<i>omit, insert—</i>	8
	‘(d) for a decision appealable under section 230, the person to whom the notice is given may appeal the decision within 21 days;	9 10 11
	(e) for a decision reviewable under section 224, that the person to whom the notice is given may apply, as provided under the QCAT Act, to QCAT for a review of the decision;	12 13 14 15
	(f) how the person may appeal or apply for the review;	16
	(g) any right the person has to have the operation of the decision stayed;	17 18
	(h) other information required under this Act to be stated in the notice.’.	19 20
<b>Part 8</b>	<b>Amendment of Vocational Education, Training and Employment Regulation 2000</b>	21 22 23
<b>Clause 293</b>	<b>Regulation amended</b>	24
	This part amends the <i>Vocational Education, Training and Employment Regulation 2000</i> .	25 26

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<b>Clause 294</b>	<b>Amendment of s 6D (Cancellation of transfer approval)</b>	1
	Section 6D(5)(a) and (b)—	2
	<i>omit, insert—</i>	3
	‘(a) the last day that the holder may apply to QCAT for a review of the decision; or	4
		5
	(b) if an application for review is made—until the end of the review.’.	6
		7
<b>Chapter 5</b>	<b>Department of Employment, Economic Development and Innovation</b>	8
		9
		10
<b>Part 1</b>	<b>Amendment of Agricultural Chemicals Distribution Control Act 1966</b>	11
		12
		13
<b>Clause 295</b>	<b>Act amended</b>	14
	This part amends the <i>Agricultural Chemicals Distribution Control Act 1966</i> .	15
		16
<b>Clause 296</b>	<b>Amendment of s 22 (Right of appeal to Magistrates Court)</b>	17
	(1) Section 22, heading—	18
	<i>omit, insert—</i>	19
	<b>‘22 Right of review by QCAT’.</b>	20
	(2) Section 22(2)—	21
	<i>omit, insert—</i>	22

[s 297]

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‘(2) The applicant or licensee may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’ 1  
2

(3) Section 22(3)— 3  
*omit.* 4

**Clause 297 Omission of ss 22A–22E** 5  
Sections 22A to 22E— 6  
*omit.* 7

**Clause 298 Amendment of s 23 (Effect of suspension)** 8  
Section 23, ‘the court,’— 9  
*omit, insert—* 10  
‘QCAT, the’. 11

**Clause 299 Amendment of schedule (Dictionary)** 12  
Schedule, definition *information notice*— 13  
*omit, insert—* 14  
*‘information notice* means a notice complying with the 15  
QCAT Act, section 157(2).’ 16

**Part 2 Amendment of Agricultural Chemicals Distribution Control Regulation 1998** 17  
18  
19

**Clause 300 Regulation amended** 20  
This part amends the *Agricultural Chemicals Distribution Control Regulation 1998*. 21  
22

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<b>Clause 301</b>	<b>Amendment of s 12 (Cancellation of result and re-examination)</b>	1
		2
(1)	Section 12(4), ‘written notice of’—	3
	<i>omit, insert—</i>	4
	‘an information notice for’.	5
(2)	Section 12(5)—	6
	<i>omit.</i>	7
(3)	Section 12(6)—	8
	<i>omit, insert—</i>	9
‘(6)	The candidate may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	10
		11
(4)	Section 12(7)—	12
	<i>omit.</i>	13
(5)	Section 12(8), ‘the court’—	14
	<i>omit, insert—</i>	15
	‘QCAT’.	16
(6)	Section 12(6) and (8)—	17
	<i>renumber</i> as section 12(5) and (6).	18
<b>Clause 302</b>	<b>Amendment of s 15 (Notice of refusal)</b>	19
(1)	Section 15(1), ‘notice of the decision’—	20
	<i>omit, insert—</i>	21
	‘an information notice for the decision’.	22
(2)	Section 15(2)—	23
	<i>omit.</i>	24

[s 303]

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<b>Clause 303</b>	<b>Amendment of s 16 (Notice of suspension by standards officer)</b>	1 2
	(1) Section 16(1), ‘notice’—	3
	<i>omit, insert—</i>	4
	‘an information notice for the decision’.	5
	(2) Section 16(2)—	6
	<i>omit.</i>	7
<b>Clause 304</b>	<b>Replacement of s 17 (Right of appeal)</b>	8
	Section 17—	9
	<i>omit, insert—</i>	10
<b>‘17</b>	<b>Right of review</b>	11
	‘(1) This section applies if the standards officer gives the holder of a suspended licence an information notice for the officer’s decision to suspend the licence.	12 13 14
	‘(2) The holder may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	15 16
<b>Clause 305</b>	<b>Replacement of s 18 (Substituted decision on appeal)</b>	17
	Section 18—	18
	<i>omit, insert—</i>	19
<b>‘18</b>	<b>Substituted decision on review</b>	20
	‘Sections 16 and 17 do not apply to a decision that QCAT substitutes for the decision that was reviewed.’.	21 22
<b>Clause 306</b>	<b>Amendment of s 19 (Surrender of licence suspended by standards officer)</b>	23 24
	(1) Section 19(1), ‘A notice’—	25
	<i>omit, insert—</i>	26
	‘An information notice’.	27

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	(2) Section 19(2), ‘notice’—	1
	<i>omit, insert</i> —	2
	‘information notice’.	3
	(3) Section 19(3), ‘an appeal’—	4
	<i>omit, insert</i> —	5
	‘a review’.	6
<b>Clause 307</b>	<b>Amendment of s 19A (Surrender of licence suspended or cancelled by chief executive)</b>	7
	Section 19A(3), ‘an appeal’—	8
	<i>omit, insert</i> —	9
	‘a review’.	10
<b>Clause 308</b>	<b>Amendment of s 39 (Application for a distribution permit)</b>	11
	Section 39(5)(b), ‘a notice under section 42 refusing the application’—	12
	<i>omit, insert</i> —	13
	‘an information notice for the refusal’.	14
<b>Clause 309</b>	<b>Amendment of s 41 (Distribution permit conditions)</b>	15
	(1) Section 41(2), ‘written notice’—	16
	<i>omit, insert</i> —	17
	‘an information notice for the decision’.	18
	(2) Section 41(3)—	19
	<i>omit</i> .	20
		21
		22

[s 310]

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<b>Clause 310</b>	<b>Amendment of s 42 (Notice of refusal)</b>	1
(1)	Section 42(1), ‘written’—	2
	<i>omit, insert—</i>	3
	‘an information’.	4
(2)	Section 42(2)—	5
	<i>omit.</i>	6
<b>Clause 311</b>	<b>Amendment of s 43 (Right of appeal)</b>	7
(1)	Section 43, heading, ‘appeal’—	8
	<i>omit, insert—</i>	9
	‘ <b>review</b> ’.	10
(2)	Section 43(1)(a), ‘notice of’—	11
	<i>omit, insert—</i>	12
	‘an information notice for’.	13
(3)	Section 43(2)—	14
	<i>omit, insert—</i>	15
‘(2)	The applicant may apply, as provided under the QCAT Act, to	16
	QCAT for a review of the decision to refuse the application or	17
	impose the permit condition.’.	18
(4)	Section 43(3)—	19
	<i>omit.</i>	20
(5)	Section 43(4), ‘the court’—	21
	<i>omit, insert—</i>	22
	‘QCAT’.	23
(6)	Section 43(4)—	24
	<i>renumber</i> as section 43(3).	25

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<b>Part 3</b>	<b>Amendment of Agricultural Standards Act 1994</b>	1
		2
<b>Clause 312</b>	<b>Act amended</b>	3
	This part amends the <i>Agricultural Standards Act 1994</i> .	4
<b>Clause 313</b>	<b>Amendment of pt 5, hdg (Review of decisions)</b>	5
	Part 5, heading, ‘Review’—	6
	<i>omit, insert</i> —	7
	‘ <b>Internal review</b> ’.	8
<b>Clause 314</b>	<b>Amendment of s 47 (Who may apply for review etc.)</b>	9
	(1) Section 47, heading, ‘review’—	10
	<i>omit, insert</i> —	11
	‘ <b>internal review</b> ’.	12
	(2) Section 47, ‘a review’—	13
	<i>omit, insert</i> —	14
	‘an internal review’.	15
<b>Clause 315</b>	<b>Amendment of s 48 (Applying for review)</b>	16
	(1) Section 48, heading, ‘review’—	17
	<i>omit, insert</i> —	18
	‘ <b>internal review</b> ’.	19
	(2) Section 48(1), (3) and (4), ‘review’—	20
	<i>omit, insert</i> —	21
	‘internal review’.	22

[s 316]

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<b>Clause 316</b>	<b>Replacement of s 49 (Chief executive’s decision on review)</b>	1 2
	Section 49—	3
	<i>omit, insert—</i>	4
<b>‘49</b>	<b>Chief executive’s decision on internal review</b>	5
	‘(1) The chief executive must make a decision on an application for internal review, and must give the applicant an information notice for the decision, within 28 days after the application is made.	6 7 8 9
	‘(2) If a decision under subsection (1) is not made within the 28 day period, the chief executive is taken to have made a decision at the end of the period confirming the original decision.’.	10 11 12 13
<b>Clause 317</b>	<b>Replacement of s 50 (Stay of operation of original decision etc.)</b>	14 15
	Section 50—	16
	<i>omit, insert—</i>	17
<b>‘50</b>	<b>Stay of operation of original decision etc.</b>	18
	‘(1) If an application is made under this part for internal review of a decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision.	19 20 21
	‘(2) QCAT may stay the decision to secure the effectiveness of the internal review and any later application to QCAT for external review of the decision.	22 23 24
	‘(3) A stay—	25
	(a) may be given on conditions QCAT considers appropriate; and	26 27
	(b) operates for the period fixed by QCAT; and	28
	(c) may be revoked or amended by QCAT.	29
	‘(4) The period of a stay under this section must not extend past the time when the chief executive reviews the decision and	30 31

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

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

**Clause 318 Replacement of pt 6 (Appeals)**

Part 6—

*omit, insert—*

**'Part 6 External reviews by QCAT**

**'51 Who may apply for review**

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

**Clause 319 Amendment of schedule (Dictionary)**

Schedule—

*insert—*

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

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

[s 320]

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<b>Part 4</b>	<b>Amendment of Animal Care and Protection Act 2001</b>	1 2
<b>Clause 320</b>	<b>Act amended</b>	3
	This part amends the <i>Animal Care and Protection Act 2001</i> .	4
<b>Clause 321</b>	<b>Amendment of s 192 (General provisions for orders under pt 3)</b>	5 6
	Section 192(4)—	7
	<i>insert</i> —	8
	‘ <i>Note</i> —	9
	See also sections 9 (Act does not affect other rights or remedies) and 204(2) (Particular powers about seizure or forfeiture).’.	10 11
<b>Clause 322</b>	<b>Replacement of ch 7, pt 4, div 1, hdg (Review of decisions)</b>	12 13
	Chapter 7, part 4, division 1, heading—	14
	<i>omit, insert</i> —	15
	<b>‘Division 1 Internal reviews’.</b>	16
<b>Clause 323</b>	<b>Replacement of ss 193 and 194</b>	17
	Sections 193 and 194—	18
	<i>omit, insert</i> —	19
<b>‘193</b>	<b>Internal review process</b>	20
	‘Every appeal against, or external review of, an original decision must be in the first instance by way of an application for internal review.	21 22 23

---

<b>‘194</b>	<b>Who may apply for internal review</b>	1
	‘An interested person for an original decision may apply to the chief executive for an internal review of the decision (an <i>internal review application</i> ).’.	2 3 4
<b>Clause 324</b>	<b>Amendment of s 195 (Requirements for making application)</b>	5 6
	(1) Section 195(1), ‘A review’— <i>omit, insert</i> — ‘An internal review’.	7 8 9
	(2) Section 195(2), ‘a review’— <i>omit, insert</i> — ‘an internal review’.	10 11 12
<b>Clause 325</b>	<b>Amendment of s 196 (Stay of operation of original decision)</b>	13 14
	(1) Section 196(1) and (6), ‘A review’— <i>omit, insert</i> — ‘An internal review’.	15 16 17
	(2) Section 196(2), ‘Magistrates Court’— <i>omit, insert</i> — ‘relevant body’.	18 19 20
	(3) Section 196(3)— <i>omit, insert</i> — ‘(3) The relevant body may stay the original decision to secure the effectiveness of the internal review and a later appeal to the court or external review by QCAT.’.	21 22 23 24 25

[s 326]

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- (4) Section 196(4), ‘court’— 1  
*omit, insert*— 2  
‘relevant body’. 3
- (5) Section 196(5), from ‘a review’— 4  
*omit, insert*— 5  
‘an internal review decision about the original decision and 6  
any later period the relevant body allows the applicant to 7  
enable the applicant to appeal against, or apply for an external 8  
review of, the internal review decision.’. 9
- (6) Section 196— 10  
*insert*— 11
- ‘(7) In this section— 12  
*relevant body* means— 13
- (a) for an original decision to seize or forfeit an animal or 14  
other thing—the Magistrates Court; or 15
- (b) for another original decision—QCAT.’. 16

**Clause 326 Amendment of s 197 (Review decision)** 17

- (1) Section 197, heading— 18  
*omit, insert*— 19
- ‘197 Internal review’.** 20
- (2) Section 197(1), ‘a review’— 21  
*omit, insert*— 22  
‘an internal review’. 23
- (3) Section 197(1)(b), ‘(the *review decision*)’— 24  
*omit, insert*— 25  
‘(the *internal review decision*)’. 26

- 
- (4) Section 197(4) and (5)— 1  
*omit, insert—* 2
- ‘(4) If the internal review decision confirms the original decision, 3  
for the purpose of an appeal or external review, the original 4  
decision is taken to be the internal review decision. 5
- ‘(5) If the internal review decision amends the original decision, 6  
for the purpose of an appeal or external review, the original 7  
decision as amended is taken to be the internal review 8  
decision.’. 9

**Clause 327 Replacement of s 198 (Notice of review decision) 10**

Section 198— 11

*omit, insert—* 12

**‘198 Notice of internal review decision 13**

- ‘(1) The chief executive must, within 10 days after making an 14  
internal review decision, give the applicant notice (the 15  
*internal review notice*) of the decision. 16
- ‘(2) If the internal review decision is not the decision sought by the 17  
applicant, the internal review notice must— 18
- (a) for an original decision to seize or forfeit an animal or 19  
other thing, state the following— 20
- (i) the reasons for the decision; 21
- (ii) that the applicant may, within 28 days after the 22  
notice is given, appeal against the decision to the 23  
Magistrates Court; 24
- (iii) how to appeal; 25
- (iv) that the applicant may apply to the court for a stay 26  
of the decision; or 27
- (b) for another decision—be accompanied by a QCAT 28  
information notice for the decision. 29

[s 328]

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‘(3) If the chief executive does not give the internal review notice 1  
within the 10 days, the chief executive is taken to have made 2  
an internal review decision confirming the original decision. 3

‘(4) For a decision mentioned in subsection (2)(b), the chief 4  
executive must give an information notice only if this Act so 5  
requires.’. 6

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

Chapter 7, part 4— 8

*insert—* 9

**‘Division 1A External reviews by QCAT 10**

**‘198A Who may apply for external review 11**

‘If an interested person has applied for an internal review of 12  
an original decision, other than an original decision to seize or 13  
forfeit an animal or other thing, any interested person for the 14  
decision may apply, as provided under the QCAT Act, to 15  
QCAT for an external review of the decision.’. 16

**Clause 329 Replacement of s 199 (Who may appeal) 17**

Section 199— 18

*omit, insert—* 19

**‘199 Who may appeal 20**

‘If an interested person has applied for an internal review of 21  
an original decision to seize or forfeit an animal or other 22  
thing, any interested person for the decision may appeal 23  
against the internal review decision to the Magistrates Court.’. 24

---

<b>Clause 330</b>	<b>Amendment of s 200 (Starting appeal)</b>	1
	Section 200(2), ‘review’—	2
	<i>omit, insert</i> —	3
	‘internal review’.	4
<b>Clause 331</b>	<b>Amendment of s 201 (Stay of operation of review decision)</b>	5
	(1) Section 201, heading, ‘review’—	6
	<i>omit, insert</i> —	7
	‘internal review’.	8
	(2) Section 201(1), ‘a review’—	9
	<i>omit, insert</i> —	10
	‘an internal review’.	11
<b>Clause 332</b>	<b>Amendment of s 202 (Hearing procedures)</b>	12
	Section 202, ‘review’—	13
	<i>omit, insert</i> —	14
	‘internal review’.	15
<b>Clause 333</b>	<b>Amendment of s 203 (Court’s powers on appeal—general)</b>	16
	Section 203, ‘review’—	17
	<i>omit, insert</i> —	18
	‘internal review’.	19
<b>Clause 334</b>	<b>Amendment of s 204 (Further powers for appeal about seizure or forfeiture)</b>	20
	(1) Section 204, heading, ‘Further powers for appeal’—	21
	<i>omit, insert</i> —	22
		23
		24
		25

[s 335]

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**‘Particular powers’.**

- |   |    |
|---|----|
|   | 1  |
| (2) Section 204(1)—                             | 2  |
| <i>omit.</i>                                    | 3  |
| (3) Section 204(2), ‘the forfeiture’—           | 4  |
| <i>omit, insert—</i>                            | 5  |
| ‘an internal review decision about forfeiture’. | 6  |
| (4) Section 204(3), ‘the seizure’—              | 7  |
| ‘an internal review decision about seizure’.    | 8  |
| (5) Sections 204(2) to (4)—                     | 9  |
| <i>renumber</i> as sections 204(1) to (3).      | 10 |

**Clause 335 Amendment of schedule (Dictionary)** 11

- |   |    |
|---|----|
| (1) Schedule, definitions <i>review application</i> and <i>review decision</i> —                      | 12 |
| <i>omit.</i>  | 13 |
| <i>omit.</i>  | 14 |
| (2) Schedule—   | 15 |
| <i>insert—</i>  | 16 |
| ‘ <i>external review</i> , for a decision, means a review of the decision by QCAT under the QCAT Act. | 17 |
| <i>internal review application</i> see section 194.   | 18 |
| <i>internal review decision</i> see section 197(1)(b).  | 19 |
| ‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.        | 20 |
| <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.          | 21 |
| (3) Schedule, definition <i>information notice</i> , ‘a review’—                                      | 22 |
| <i>omit, insert—</i>  | 23 |
| ‘an internal review’.   | 24 |
|   | 25 |

---

<b>Part 5</b>	<b>Amendment of Apiaries Regulation 1998</b>	1
		2
<b>Clause 336</b>	<b>Regulation amended</b>	3
	This part amends the <i>Apiaries Regulation 1998</i> .	4
<b>Clause 337</b>	<b>Amendment of s 2 (Definitions)</b>	5
	Section 2—	6
	<i>insert—</i>	7
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	8
		9
<b>Clause 338</b>	<b>Amendment of s 8A (Notice of decisions under div 2)</b>	10
	(1) Section 8A(1), ‘written notice’—	11
	<i>omit, insert—</i>	12
	‘an information notice for the decision’.	13
	(2) Section 8A(2)—	14
	<i>omit.</i>	15
<b>Clause 339</b>	<b>Amendment of s 16 (Direction to move to quarantine)</b>	16
	Section 16—	17
	<i>insert—</i>	18
	‘(3) The inspector must give each of the following persons an information notice for the decision to give the direction—	19
		20
	(a) the owner of the appliance, bee, bee product or hive;	21
	(b) the person in charge of the appliance, bee, bee product or hive.’.	22
		23

[s 340]

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<b>Clause 340</b>	<b>Amendment of s 17A (Notice of refusal of permission)</b>	1
	(1) Section 17A(1), ‘written notice’—	2
	<i>omit, insert—</i>	3
	‘an information notice for the decision’.	4
	(2) Section 17A(2)—	5
	<i>omit.</i>	6
<b>Clause 341</b>	<b>Replacement of pt 4, hdg (Appeals)</b>	7
	Part 4, heading—	8
	<i>omit, insert—</i>	9
	<b>‘Part 4                      Reviews’.</b>	10
<b>Clause 342</b>	<b>Amendment of s 18 (Appeals against certain decisions)</b>	11
	(1) Section 18, heading, ‘Appeals against certain’—	12
	<i>omit, insert—</i>	13
	<b>‘Review of particular’.</b>	14
	(2) Section 18, from ‘(an <i>appellant</i> )’ to ‘(the <i>decision-maker</i> )’—	15
	<i>omit, insert—</i>	16
	‘may apply, as provided under the QCAT Act, to QCAT for a review of the decision stated for the person’.	17
		18
<b>Clause 343</b>	<b>Omission of ss 19–23</b>	19
	Sections 19 to 23—	20
	<i>omit.</i>	21

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<b>Part 6</b>	<b>Amendment of Associations Incorporation Act 1981</b>	1
		2
<b>Clause 344</b>	<b>Act amended</b>	3
	This part amends the <i>Associations Incorporation Act 1981</i> .	4
<b>Clause 345</b>	<b>Amendment of pt 12, hdg (Reviews and appeals)</b>	5
	Part 12, heading, ‘and appeals’—	6
	<i>omit</i> .	7
<b>Clause 346</b>	<b>Amendment of pt 12, div 1, hdg (Review of decisions)</b>	8
	Part 12, division 1, heading, ‘Review’—	9
	<i>omit, insert—</i>	10
	‘ <b>Internal review</b> ’.	11
<b>Clause 347</b>	<b>Replacement of s 111 (Stay of operation of decision)</b>	12
	Section 111—	13
	<i>omit, insert—</i>	14
<b>‘111</b>	<b>Stay of operation of disputed decision</b>	15
	‘(1) If an application is made under this division for review of a decision (the <i>disputed decision</i> ), the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the disputed decision.	16 17 18 19
	‘(2) QCAT may stay the disputed decision to secure the effectiveness of the review and any later review by QCAT.	20 21
	‘(3) A stay—	22
	(a) may be given on conditions QCAT considers appropriate; and	23 24
	(b) operates for the period fixed by QCAT; and	25

[s 348]

---

(c) may be revoked or amended by QCAT. 1

‘(4) The period of a stay under this section must not extend past 2  
the time when the chief executive reviews the disputed 3  
decision and any later period QCAT allows the applicant to 4  
enable the applicant to apply for a review of the chief 5  
executive’s decision (the *reviewable decision*). 6

‘(5) The making of an application for review of a reviewable 7  
decision affects the reviewable decision, or the carrying out of 8  
the reviewable decision, only if the reviewable decision is 9  
stayed.’. 10

**Clause 348 Amendment of s 112 (Decision on reconsideration) 11**

(1) Section 112(1), from ‘this part’— 12

*omit, insert—* 13

‘this division for review of a disputed decision.’. 14

(2) Section 112(4)— 15

*omit, insert—* 16

‘(4) If the decision (the *reviewable decision*) is not the decision 17  
sought by the applicant, the chief executive must give the 18  
applicant a QCAT information notice for the decision. 19

‘(5) In this section— 20

‘*QCAT information notice* means a notice complying with 21  
the QCAT Act, section 157(2).’ 22

**Clause 349 Replacement of pt 12, div 2 (Appeals against 23  
reconsidered decisions) 24**

Part 12, division 2— 25

*omit, insert—* 26

---

<b>‘Division 2</b>	<b>External review of decisions</b>	1
<b>‘113</b>	<b>Who may seek external review</b>	2
	‘A person whose interests are affected by a reviewable decision under section 112 may apply, as provided under the QCAT Act, to QCAT for a review of the reviewable decision.’	3 4 5
<b>Part 7</b>	<b>Amendment of Biodiscovery Act 2004</b>	6 7
<b>Clause 350</b>	<b>Act amended</b>	8
	This part amends the <i>Biodiscovery Act 2004</i> .	9
<b>Clause 351</b>	<b>Amendment of s 21 (Procedure for amendment, suspension or cancellation)</b>	10 11
	(1) Section 21(4), ‘an information notice’—	12
	<i>omit, insert—</i>	13
	‘a QCAT information notice about the decision’.	14
	(2) Section 21(5)(a) and (b), ‘information’—	15
	<i>omit, insert—</i>	16
	‘QCAT information’.	17
<b>Clause 352</b>	<b>Amendment of 22 (Returning collection authority on cancellation)</b>	18 19
	Section 22, ‘an information’—	20
	<i>omit, insert—</i>	21
	‘a QCAT information’.	22

[s 353]

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<b>Clause 353</b>	<b>Amendment of s 86 (Return of seized things)</b>	1
	Section 86(1)(b), after ‘any’—	2
	<i>insert</i> —	3
	‘review or’.	4
<b>Clause 354</b>	<b>Replacement of pt 9, hdg (Review of decisions)</b>	5
	Part 9, heading—	6
	<i>omit, insert</i> —	7
	<b>‘Part 9 Internal reviews’.</b>	8
<b>Clause 355</b>	<b>Replacement of pt 10 (Appeals)</b>	9
	Part 10—	10
	<i>omit, insert</i> —	11
	<b>‘Part 10 External reviews</b>	12
	<b>‘103 Review of decision by QCAT</b>	13
	‘A person who is given a QCAT information notice about a decision of the EPA chief executive under section 21 may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	14 15 16 17
<b>Clause 356</b>	<b>Amendment of schedule (Dictionary)</b>	18
	(1) Schedule, definition <i>information notice</i> —	19
	<i>omit</i> .	20
	(2) Schedule—	21
	<i>insert</i> —	22
	‘ <i>information notice</i> , about a decision of the EPA chief executive under section 14, means a written notice stating each of the following—	23 24 25

- 
- (a) the decision; 1
- (b) the reasons for the decision; 2
- (c) that the person to whom the notice is given may, within 3  
20 business days after the day the notice is given, ask the 4  
EPA Minister to review the decision; 5
- (d) how the person may apply for the review. 6
- QCAT information notice* means a notice complying with the 7  
QCAT Act, section 157(2).’ 8

**Part 8** **Amendment of Body Corporate and Community Management Act 1997** 9  
10  
11

- Clause 357 Act amended** 12
- This part amends the *Body Corporate and Community Management Act 1997*. 13  
14
- Clause 358 Amendment of s 48 (Adjustment of lot entitlement schedule)** 15  
16
- (1) Section 48(1)(b)— 17  
*omit, insert—* 18
- ‘(b) as provided under the QCAT Act, for an order of QCAT 19  
exercising the tribunal’s original jurisdiction for the 20  
adjustment of a lot entitlement schedule.’. 21
- (2) Section 48(5), (7) and (10), ‘the CCT’— 22  
*omit, insert—* 23  
‘QCAT’. 24

[s 359]

---

<b>Clause 359</b>	<b>Amendment of s 49 (Criteria for deciding just and equitable circumstances)</b>	1 2
	Section 49(1) to (5), ‘the CCT’—	3
	<i>omit, insert—</i>	4
	‘QCAT’.	5
<b>Clause 360</b>	<b>Amendment of s 62 (Body corporate to consent to recording of new statement)</b>	6 7
	Section 62(4)(b), ‘the CCT’—	8
	<i>omit, insert—</i>	9
	‘QCAT’.	10
<b>Clause 361</b>	<b>Amendment of s 133 (Disputes arising out of review)</b>	11
	(1) Section 133(2)(b)—	12
	<i>omit, insert—</i>	13
	‘(b) as provided under the QCAT Act, for an order of QCAT exercising the tribunal’s original jurisdiction to resolve the dispute.’.	14 15 16
	(2) Section 133(3), ‘the CCT’—	17
	<i>omit, insert—</i>	18
	‘QCAT’.	19
<b>Clause 362</b>	<b>Amendment of s 135 (Other provisions about review)</b>	20
	Section 135(2)(b), ‘the CCT’—	21
	<i>omit, insert—</i>	22
	‘QCAT’.	23

---

<b>Clause 363</b>	<b>Amendment of s 149A (Specialist adjudication or CCT jurisdiction)</b>	1 2
	(1) Section 149A, heading, ‘CCT’—	3
	<i>omit, insert—</i>	4
	‘QCAT’.	5
	(2) Section 149A(b)—	6
	<i>omit, insert—</i>	7
	‘(b) as provided under the QCAT Act, for an order of QCAT exercising the tribunal’s original jurisdiction to resolve the dispute.’.	8 9 10
<b>Clause 364</b>	<b>Amendment of s 149B (Specialist adjudication or CCT jurisdiction)</b>	11 12
	(1) Section 149B, heading, ‘CCT’—	13
	<i>omit, insert—</i>	14
	‘QCAT’.	15
	(2) Section 149B(2)(b)—	16
	<i>omit, insert—</i>	17
	‘(b) as provided under the QCAT Act, for an order of QCAT exercising the tribunal’s original jurisdiction to resolve the dispute.’.	18 19 20
<b>Clause 365</b>	<b>Amendment of s 178 (Review of exclusive use by-law)</b>	21
	Section 178(2)(b)—	22
	<i>omit, insert—</i>	23
	‘(b) as provided under the QCAT Act, for an order of QCAT exercising the tribunal’s original jurisdiction to resolve the dispute.’.	24 25 26

[s 366]

---

<b>Clause 366</b>	<b>Amendment of s 229 (Exclusivity of dispute resolution provisions)</b>	1
		2
(1)	Section 229(2)(a)(ii)—	3
	<i>omit, insert—</i>	4
	‘(ii) an order of QCAT exercising the tribunal’s original jurisdiction under the QCAT Act; or’.	5
		6
(2)	Section 229(2)(b)—	7
	<i>omit, insert—</i>	8
	‘(b) an order of the appeal tribunal on appeal from a specialist adjudicator or QCAT on a question of law.’.	9
		10
(3)	Section 229(3)(b)—	11
	<i>omit, insert—</i>	12
	‘(b) an order of the appeal tribunal on appeal from an adjudicator on a question of law.’.	13
		14
(4)	Section 229—	15
	<i>insert—</i>	16
‘(5)	Also, subsections (2) and (3) do not limit—	17
(a)	the powers of QCAT under the QCAT Act to—	18
	(i) refer a question of law to the Court of Appeal; or	19
	(ii) transfer a proceeding, or a part of a proceeding, to the Court of Appeal; or	20
		21
(b)	the right of a party to make an appeal from QCAT to the Court of Appeal under the QCAT Act.’.	22
		23
<b>Clause 367</b>	<b>Amendment of s 230 (Structure of arrangements)</b>	24
	Section 230(3), sixth dot point, ‘District Court and the CCT’—	25
		26
	<i>omit, insert—</i>	27
	‘appeal tribunal’.	28

---

<b>Clause 368</b>	<b>Amendment of s 239C (Continuation of application if standing of party changes)</b>	1 2
(1)	Section 239C(5) and (6)— <i>renumber</i> as section 239C(6) and (7).	3 4
(2)	Section 239C— <i>insert</i> —	5 6
‘(5)	If the commissioner substitutes another person (the <i>substitute person</i> ) as the relevant person for the application, the commissioner must give a QCAT information notice to—	7 8 9
(a)	the applicant for the application; and	10
(b)	the substitute person.’.	11
<b>Clause 369</b>	<b>Amendment of s 241A (Applicant to be given notice of decision to reject application)</b>	12 13
	Section 241A, from ‘written’— <i>omit, insert</i> —	14 15
	‘QCAT information notice.’.	16
<b>Clause 370</b>	<b>Amendment of s 245 (Change or withdrawal of application)</b>	17 18
(1)	Section 245(3)— <i>renumber</i> as section 245(4).	19 20
(2)	Section 245— <i>insert</i> —	21 22
‘(3)	If the commissioner withholds permission to change the application, or imposes conditions on the permission to change the application, the commissioner must give the applicant a QCAT information notice.’.	23 24 25 26

[s 371]

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<b>Clause 371</b>	<b>Amendment of s 288A (Definitions for pt 11)</b>	1
(1)	Section 288A, heading, ‘Definitions’—	2
	<i>omit, insert—</i>	3
	<b>‘Definition’.</b>	4
(2)	Section 288A, definition <i>appeal body</i> —	5
	<i>omit.</i>	6
<b>Clause 372</b>	<b>Amendment of s 289 (Right to appeal to District Court or CCT)</b>	7
(1)	Section 289, heading, ‘District Court or CCT’—	8
	<i>omit, insert—</i>	9
	<b>‘appeal tribunal’.</b>	10
(2)	Section 289(2), ‘appeal body’—	11
	<i>omit, insert—</i>	12
	<b>‘appeal tribunal’.</b>	13
<b>Clause 373</b>	<b>Amendment of s 290 (Appeal)</b>	14
(1)	Section 290(1), ‘appeal body’—	15
	<i>omit, insert—</i>	16
	<b>‘appeal tribunal’.</b>	17
(2)	Section 290(2)—	18
	<i>omit.</i>	19
(3)	Section 290(3), ‘relevant official of the appeal body’—	20
	<i>omit, insert—</i>	21
	<b>‘principal registrar’.</b>	22
(4)	Section 290(3) and (4), ‘relevant official’—	23
	<i>omit, insert—</i>	24
		25

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	‘principal registrar’.	1
(5)	Section 290(4) and (5), ‘appeal body’—	2
	<i>omit, insert—</i>	3
	‘appeal tribunal’.	4
(6)	Section 290(6)—	5
	<i>omit.</i>	6
(7)	Section 290(3) to(5)—	7
	<i>renumber</i> as section 290(2) to (4).	8
<b>Clause 374</b>	<b>Omission of s 291 (Stay of operation of order)</b>	9
	Section 291—	10
	<i>omit.</i>	11
<b>Clause 375</b>	<b>Amendment of s 292 (Referral back to commissioner)</b>	12
	Section 292, ‘appeal body’—	13
	<i>omit, insert—</i>	14
	‘appeal tribunal’.	15
<b>Clause 376</b>	<b>Omission of ss 293–293A</b>	16
	Sections 293 to 293A—	17
	<i>omit.</i>	18
<b>Clause 377</b>	<b>Replacement of s 294 (Powers of appeal body on appeal)</b>	19
	Section 294—	20
	<i>omit, insert—</i>	21
<b>‘294</b>	<b>Jurisdiction and powers of appeal tribunal on appeal</b>	22
	‘(1) In deciding an appeal, in addition to the jurisdiction and powers of the appeal tribunal under the QCAT Act, the	23
		24

[s 378]

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tribunal may also exercise all the jurisdiction and powers of an adjudicator under this Act. 1  
2

‘(2) The appeal tribunal may amend or substitute an order only if the adjudicator, who made the order being appealed, would have had jurisdiction to make the amended or substituted order or decision. 3  
4  
5  
6

‘(3) Subsection (2) does not limit any power of the appeal tribunal to award costs for a proceeding under the QCAT Act.’. 7  
8

**Clause 378 Amendment of s 294A (Power to stay application and proceeding)** 9  
10

(1) Section 294A(1)(b), from ‘under’ to ‘CCT’, second mention— 11  
12

*omit, insert—* 13

‘under the QCAT Act for an order of QCAT’. 14

(2) Section 294A(2), ‘the chairperson of the CCT’— 15

*omit, insert—* 16

‘the president’. 17

**Clause 379 Amendment of s 295 (Replacing statement to be lodged with registrar)** 18  
19

Section 295(1), ‘the CCT’— 20

*omit, insert—* 21

‘QCAT’. 22

**Clause 380 Amendment of ch 7, pt 1, hdg (Appeals)** 23

Chapter 7, part 1, heading— 24

*omit, insert—* 25

**‘Part 1 External review of decisions’.** 26

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<b>Clause 381</b>	<b>Replacement of ss 304 and 305</b>	1
	Sections 304 and 305—	2
	<i>omit, insert—</i>	3
<b>'304</b>	<b>External review of decisions</b>	4
	'The aggrieved person for a decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.'	5
		6
<b>Clause 382</b>	<b>Amendment of s 306 (Time for making appeal)</b>	7
	(1) Section 306, heading, 'making appeal'—	8
	<i>omit, insert—</i>	9
	<b>'applying for external review'</b> .	10
	(2) Section 306(1)—	11
	<i>omit.</i>	12
	(3) Section 306(2)—	13
	<i>omit, insert—</i>	14
	'An application for review to QCAT must be made within 6 weeks after the aggrieved person receives a QCAT information notice.'	15
		16
		17
	(4) Section 306(3)—	18
	<i>omit.</i>	19
<b>Clause 383</b>	<b>Omission of ss 307 and 308</b>	20
	Sections 307 and 308—	21
	<i>omit.</i>	22
<b>Clause 384</b>	<b>Amendment of s 313A (Application under ch 6 or CCT Act by group of lot owners or occupiers)</b>	23
		24
	(1) Section 313A, heading, 'CCT'—	25
	<i>omit, insert—</i>	26

[s 385]

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‘QCAT’. 1

(2) Section 313A(1)(b), from ‘under’ to ‘CCT’, second 2  
mention— 3

*omit, insert—* 4

‘under the QCAT Act for an order of QCAT’. 5

**Clause 385 Insertion of new ch 8, pt 7** 6

Chapter 8— 7

*insert—* 8

**‘Part 7 Transitional provisions for 9  
Queensland Civil and 10  
Administrative Tribunal 11  
(Jurisdiction Provisions) 12  
Amendment Act 2009 13**

**‘363 Purpose of pt 7** 14

‘The purpose of this part is to provide that a proceeding for an 15  
appeal from an order of an adjudicator that is, under the 16  
QCAT Act, chapter 7, started before QCAT, taken to be before 17  
QCAT, or transferred to QCAT, is to be dealt with in QCAT’s 18  
appeal jurisdiction rather than its review jurisdiction. 19

**‘364 Definition for pt 7** 20

‘In this part— 21

*former tribunal* means the Commercial and Consumer 22  
Tribunal established under the repealed *Commercial and* 23  
*Consumer Tribunal Act 2003*. 24

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<b>‘365</b>	<b>Appeal from order of an adjudicator that could have been made to the former tribunal</b>	1 2
‘(1)	This section applies if a proceeding for an appeal from an order of an adjudicator is started, or is to be started, under the QCAT Act, section 255.	3 4 5
‘(2)	For applying the QCAT Act, section 255(3)(b) and (4) to the proceeding, the proceeding is taken to be an appeal to the appeal tribunal against the making of the order by the adjudicator.	6 7 8 9
‘(3)	Subsection (2) applies despite the QCAT Act, section 255(5).	10
<b>‘366</b>	<b>Appeal from order of an adjudicator that could have been made to the District Court</b>	11 12
‘(1)	This section applies if a proceeding for an appeal from an order of an adjudicator is started, or is to be started, before QCAT under the QCAT Act, section 267.	13 14 15
‘(2)	For applying the QCAT Act, section 267(4)(b) and (5) to the proceeding, the proceeding is taken to be an appeal to the appeal tribunal against the making of the order by the adjudicator.	16 17 18 19
‘(3)	Subsection (2) applies despite the QCAT Act, section 267(6).	20
<b>‘367</b>	<b>Existing appeal taken to be before QCAT or transferred to QCAT</b>	21 22
‘(1)	This section applies to—	23
(a)	an existing tribunal proceeding that is taken under the QCAT Act, chapter 7, part 2, division 3 to be a proceeding before QCAT; or	24 25 26
(b)	an existing court proceeding that is transferred to QCAT under the QCAT Act, section 268(4).	27 28
‘(2)	For applying the QCAT Act, section 271 to the proceeding, the proceeding is taken to be an appeal to the appeal tribunal against the making of the order by the adjudicator.	29 30 31

[s 386]

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- ‘(3) Subsection (2) applies despite the QCAT Act, section 271(3). 1
- ‘(4) In this section— 2
- existing court proceeding* means an existing court proceeding 3  
within the meaning of the QCAT Act, section 244 that is for 4  
an appeal from an order of an adjudicator to the District 5  
Court. 6
- existing tribunal proceeding* means an existing tribunal 7  
proceeding within the meaning of the QCAT Act, section 244 8  
that is for an appeal from an order of an adjudicator to the 9  
former tribunal.’. 10

**Clause 386 Amendment of sch 6 (Dictionary) 11**

- (1) Schedule 6, definitions *appeal body*, *CCT* and *CCT Act*— 12  
*omit.* 13
- (2) Schedule 6— 14  
*insert*— 15
- ‘appeal tribunal* means the appeal tribunal under the QCAT 16  
Act. 17
- president* means the president under the QCAT Act. 18
- principal registrar* means the principal registrar under the 19  
QCAT Act. 20
- QCAT information notice*, for a decision, means a notice 21  
complying with the QCAT Act, section 157(2) for the 22  
decision.’. 23

**Part 9 Amendment of Casino Control Act 1982 24  
25**

**Clause 387 Act amended 26**

This part amends the *Casino Control Act 1982*. 27

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<b>Clause 388</b>	<b>Replacement of pt 9A (Appeals)</b>	1	
	Part 9A—	2	
	<i>omit, insert—</i>	3	
	<b>‘Part 9A</b>	<b>Review of decisions by tribunal</b>	4
<b>‘91A</b>	<b>Who may apply for review</b>	5	
‘(1)	A person who is or was an applicant for, or a holder of, a casino key employee licence or a casino employee licence may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions of the chief executive—	6 7 8 9 10	
	(a) a decision, under section 38(1), refusing to grant an application for the licence;	11 12	
	(b) a decision, under section 39, imposing a condition on the licence;	13 14	
	(c) a decision, under section 39C(1), changing a condition of the licence;	15 16	
	(d) a decision, under section 39E(3), refusing to grant an application to replace the licence;	17 18	
	(e) a decision, under section 45B, immediately suspending the licence;	19 20	
	(f) a decision, under section 45C, suspending or cancelling the licence;	21 22	
	(g) a decision, under section 45E, censuring the holder of the licence;	23 24	
	(h) a decision, under section 45F, directing the holder of the licence to rectify a matter.	25 26	
‘(2)	Also, a person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—	27 28	

[s 388]

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- (a) a decision of a casino operator or a casino manager, under section 93A, to give the person an exclusion direction; 1  
2  
3
  - (b) a decision of a casino operator, under section 99, refusing to revoke an exclusion direction given to the person. 4  
5  
6
  - ‘(3) Also, a person receiving a direction in writing pursuant to section 92 prohibiting the person from entering or remaining in a casino may apply, within 3 months after the day the person receives the direction and as otherwise provided under the QCAT Act, to the tribunal for a review of the direction. 7  
8  
9  
10  
11
- ‘91B Tribunal to decide review on evidence before the chief executive** 12  
13
- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must— 14  
15
    - (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and 16  
17  
18
    - (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision. 19  
20  
21
  - ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be— 22  
23  
24
    - (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and 25  
26  
27
    - (b) decided in accordance with the same law that applied to the making of the original decision. 28  
29
  - ‘(3) In this section— 30  
*original decision* means the decision of the chief executive to which the proceeding for the review relates. 31  
32

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<b>‘91C Tribunal may give leave for review to be decided on new evidence in particular circumstances</b>	1 2
‘(1) Despite section 91B, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the <i>decision</i> ) leave to present new evidence if the tribunal is satisfied—	3 4 5 6
(a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and	7 8 9
(b) in the circumstances, it would be unfair not to allow the party to present the new evidence.	10 11
‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.	12 13 14 15 16
‘(3) In this section—	17
<i>new evidence</i> means evidence that was not before the chief executive when the decision was made.	18 19
<b>‘91D Appeals from tribunal only to Court of Appeal on a question of law</b>	20 21
‘(1) This section applies to a decision of the tribunal (the <i>tribunal decision</i> ) in a proceeding for a review of a decision or direction mentioned in section 91A.	22 23 24
‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.	25 26
‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.	27 28 29
‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.	30 31

[s 389]

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*Note—*

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

		1
		2
		3
<b>Clause 389</b>	<b>Omission of s 93 (Appeal to Minister)</b>	4
	Section 93—	5
	<i>omit.</i>	6
<b>Clause 390</b>	<b>Amendment of s 97 (Duration of exclusion direction)</b>	7
	Section 97(b)(i) and (iii), ‘appeal under part 9A’—	8
	<i>omit, insert—</i>	9
	‘a review of the decision by the tribunal’.	10
<b>Clause 391</b>	<b>Omission of ss 135 and 136</b>	11
	Sections 135 and 136—	12
	<i>omit.</i>	13
<b>Clause 392</b>	<b>Omission of s 138 (Appeals to gaming commission)</b>	14
	Section 138—	15
	<i>omit.</i>	16
<b>Clause 393</b>	<b>Amendment of schedule (Dictionary)</b>	17
	(1) Schedule, definitions <i>gaming commission</i> and <i>registrar</i> —	18
	<i>omit.</i>	19
	(2) Schedule—	20
	<i>insert—</i>	21
	‘ <i>tribunal</i> means QCAT.’.	22

- 
- (3) Schedule, definition *information notice*— 1  
*omit, insert*— 2  
*'information notice* means a written notice complying with 3  
the QCAT Act, section 157(2).'. 4

**Part 10** **Amendment of Casino Control** 5  
**Regulation 1999** 6

- Clause 394** **Regulation amended** 7  
This part amends the *Casino Control Regulation 1999*. 8

- Clause 395** **Amendment of sch 4 (Fees)** 9  
Schedule 4, item 7— 10  
*omit.* 11

**Part 11** **Amendment of Charitable and** 12  
**Non-Profit Gaming Act 1999** 13

- Clause 396** **Act amended** 14  
This part amends the *Charitable and Non-Profit Gaming Act* 15  
*1999*. 16

- Clause 397** **Amendment of s 153 (Forfeiture on payment of** 17  
**infringement notice penalty)** 18  
Section 153(4) and (5)— 19  
*omit.* 20

[s 398]

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<b>Clause 398</b>	<b>Replacement of pt 8 (Appeals)</b>	1
	Part 8—	2
	<i>omit, insert—</i>	3
<b>‘Part 8</b>	<b>Review of decisions by tribunal</b>	4
<b>‘174</b>	<b>Who may apply for review</b>	5
‘(1)	Subsection (2) applies if the chief executive makes a decision—	6 7
	(a) refusing an application for a general licence; or	8
	(b) imposing a condition on a general licence; or	9
	(c) changing a condition on a general licence; or	10
	(d) suspending or cancelling a general licence; or	11
	(e) refusing an application for renewal of a general licence; or	12 13
	(f) refusing an application to amend a general licence; or	14
	(g) appointing an administrator to conduct a general licensee’s operations under a general licence; or	15 16
	(h) refusing to approve regulated general gaming equipment; or	17 18
	(i) refusing to approve a modification of regulated general gaming equipment; or	19 20
‘(2)	The applicant or licensee may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.	21 22
‘(3)	Subsection (4) applies if chief executive orders, under section 153(2), the forfeiture to the State of—	23 24
	(a) anything used to commit the alleged offence; or	25
	(b) anything else the subject of the alleged offence.	26
‘(4)	The owner of the thing may apply, as provided under the QCAT Act, to the tribunal for a review of the chief executive’s decision to make the order.	27 28 29

- 
- ‘(5) The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 134 to forfeit the thing. 1  
2  
3
- ‘175 Tribunal to decide review on evidence before the chief executive 4  
5**
- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must— 6  
7
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and 8  
9  
10
- (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision. 11  
12  
13
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be— 14  
15  
16
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and 17  
18  
19
- (b) decided in accordance with the same law that applied to the making of the original decision. 20  
21
- ‘(3) In this section— 22
- original decision* means the decision of the chief executive to which the proceeding for the review relates. 23  
24
- ‘176 Tribunal may give leave for review to be decided on new evidence in particular circumstances 25  
26**
- ‘(1) Despite section 175, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied— 27  
28  
29  
30

[s 398]

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- (a) the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and
- (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.
- ‘(3) In this section—  
*new evidence* means evidence that was not before the chief executive when the decision was made.
- ‘177 Appeals from tribunal only to Court of Appeal on a question of law**
- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision mentioned in section 174.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.
- Note—*  
See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

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<b>Clause 399</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
	(1) Schedule 2, definitions <i>decision maker</i> and <i>Gaming Commission</i> —	2
	<i>omit.</i>	3
		4
	(2) Schedule 2—	5
	<i>insert</i> —	6
	‘ <i>tribunal</i> means QCAT.’.	7
	(3) Schedule 2, definition <i>information notice</i> —	8
	<i>omit, insert</i> —	9
	‘ <i>information notice</i> means a written notice complying with the QCAT Act, section 157(2).’.	10
		11
<b>Part 12</b>	<b>Amendment of Charitable and Non-Profit Gaming Regulation 1999</b>	12
		13
		14
<b>Clause 400</b>	<b>Regulation amended</b>	15
	This part amends the <i>Charitable and Non-Profit Gaming Regulation 1999</i> .	16
		17
<b>Clause 401</b>	<b>Amendment of sch 2 (Fees)</b>	18
	Schedule 2, item 10—	19
	<i>omit.</i>	20

[s 402]

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<b>Part 13</b>	<b>Amendment of Chemical Usage (Agricultural and Veterinary) Control Act 1988</b>	1 2 3
<b>Clause 402</b>	<b>Act amended</b>	4
	This part amends the <i>Chemical Usage (Agricultural and Veterinary) Control Act 1988</i> .	5 6
<b>Clause 403</b>	<b>Amendment of s 16 (Agricultural produce etc. containing chemical residues not to be used etc.)</b>	7 8
	Section 16—	9
	<i>insert—</i>	10
	‘(5B) A notice given under this section must be accompanied by an information notice for the decision to give the direction.’.	11 12
<b>Clause 404</b>	<b>Amendment of s 17 (Approval to use etc. agricultural produce etc. or cultivate plants on land)</b>	13 14
	Section 17—	15
	<i>insert—</i>	16
	‘(4A) If the standards officer refuses an application made under subsection (1), the standards officer must, as soon as practicable after making the decision, give the person an information notice for the decision.’.	17 18 19 20
<b>Clause 405</b>	<b>Insertion of new s 21A</b>	21
	After section 21—	22
	<i>insert—</i>	23
	<b>‘21A Review of particular decisions</b>	24
	‘(1) This section applies to the following decisions—	25
	(a) a direction contained in a notice under section 16;	26

(b) a decision of an inspector to refuse an application under section 17. 1  
2

‘(2) A person who is dissatisfied with the decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision. 3  
4  
5

‘(3) A standards officer or inspector must give a person an information notice for a decision only if this Act so requires.’. 6  
7

**Clause 406 Amendment of s 22 (Right of appeal to Magistrates Court) 8**

(1) Section 22, heading, after ‘Court’— 9

*insert—* 10

**‘for decision to seize’.** 11

(2) Section 22(1)— 12

*omit, insert—* 13

‘(1) This section applies to a decision of an inspector to seize a thing under section 20.’. 14  
15

**Clause 407 Amendment of schedule (Dictionary) 16**

Schedule— 17

*insert—* 18

**‘information notice** means a notice complying with the QCAT Act, section 157(2).’ 19  
20

**Part 14 Amendment of Clean Energy Act 2008 21  
22**

**Clause 408 Act amended 23**

This part amends the *Clean Energy Act 2008*. 24

[s 409]

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<b>Clause 409</b>	<b>Amendment of pt 9, hdg (Appeal and review of decisions)</b>	1
	Part 9, heading, ‘Appeal and review’—	2
	<i>omit, insert</i> —	3
	<b>‘Review’.</b>	4
<b>Clause 410</b>	<b>Amendment of s 30 (Review decision)</b>	5
	Section 30(2)—	6
	<i>omit, insert</i> —	7
	(2) If the review decision is not the decision sought by the applicant, the review notice must comply with the QCAT Act, section 157(2).’.	8
		9
		10
<b>Clause 411</b>	<b>Replacement of pt 9, div 2, hdg (Appeals)</b>	11
	Part 9, division 2, heading—	12
	<i>omit, insert</i> —	13
	<b>‘Division 2 External reviews’.</b>	14
<b>Clause 412</b>	<b>Amendment of s 31 (Who may appeal)</b>	15
	(1) Section 31, heading, ‘appeal’—	16
	<i>omit, insert</i> —	17
	<b>‘apply for external review’.</b>	18
	(2) Section 31, from ‘appeal’—	19
	<i>omit, insert</i> —	20
	‘apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	21
		22

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<b>Clause 413</b>	<b>Omission of ss 32–35</b>	1
	Sections 32 to 35—	2
	<i>omit.</i>	3

<b>Part 15</b>	<b>Amendment of Consumer Credit (Queensland) Act 1994</b>	4
		5

<b>Clause 414</b>	<b>Act amended</b>	6
	This part amends the <i>Consumer Credit (Queensland) Act 1994</i> .	7
		8

<b>Clause 415</b>	<b>Amendment of s 7 (Conferral of judicial functions)</b>	9
	Section 7(2), definition <i>court</i> , ‘a Small Claims Tribunal’—	10
	<i>omit, insert—</i>	11
	‘QCAT’.	12

<b>Part 16</b>	<b>Amendment of Cooperatives Act 1997</b>	13
		14

<b>Clause 416</b>	<b>Act amended</b>	15
	This part amends the <i>Cooperatives Act 1997</i> .	16

<b>Clause 417</b>	<b>Replacement of pt 2, div 7 (Appeals)</b>	17
	Part 2, division 7—	18
	<i>omit, insert—</i>	19

[s 417]

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<b>‘Division 7</b>	<b>Review of registrar’s refusals</b>	1
<b>‘29</b>	<b>Refusal to approve disclosure statement</b>	2
	‘A person who submitted a draft disclosure statement to the registrar under this Act may apply, as provided under the QCAT Act, to QCAT for a review of the registrar’s failure to approve the statement.	3 4 5 6
	<i>Note—</i>	7
	Under the QCAT Act, section 157, the registrar must give the person a notice complying with that section for the registrar’s failure to approve the statement.	8 9 10
<b>‘30</b>	<b>Refusal to approve draft rules</b>	11
	‘A person who submitted draft rules to the registrar under this Act may apply, as provided under the QCAT Act, to QCAT for a review of the registrar’s failure to approve the rules.	12 13 14
	<i>Note—</i>	15
	Under the QCAT Act, section 157, the registrar must give the person a notice complying with that section for the registrar’s failure to approve the rules.	16 17 18
<b>‘31</b>	<b>Review of refusal to register</b>	19
	‘The applicants for registration of a proposed cooperative under this part may apply, as provided under the QCAT Act, to QCAT for a review of the registrar’s failure to register the cooperative.	20 21 22 23
	<i>Note—</i>	24
	Under the QCAT Act, section 157, the registrar must give the applicants a notice complying with that section for the registrar’s failure to register the cooperative.’.	25 26 27



[s 421]

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<b>Part 18</b>	<b>Amendment of Credit (Rural Finance) Act 1996</b>	1 2
<b>Clause 421</b>	<b>Act amended</b>	3
	This part amends the <i>Credit (Rural Finance) Act 1996</i> .	4
<b>Clause 422</b>	<b>Amendment of s 6 (Courts with jurisdiction under this Act)</b>	5 6
	Section 6(2), definition <i>court</i> , ‘a small claims tribunal’—	7
	<i>omit, insert—</i>	8
	‘QCAT’.	9
<b>Part 19</b>	<b>Amendment of Drugs Misuse Act 1986</b>	10 11
<b>Clause 423</b>	<b>Act amended</b>	12
	This part amends the <i>Drugs Misuse Act 1986</i> .	13
<b>Clause 424</b>	<b>Amendment of s 46 (Definitions for pt 5B)</b>	14
	Section 46, definition <i>information notice</i> —	15
	<i>omit, insert—</i>	16
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	17 18
<b>Clause 425</b>	<b>Replacement of pt 5B, div 10 (Appeals)</b>	19
	Part 5B, division 10—	20
	<i>omit, insert—</i>	21

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<b>‘Division 10</b>	<b>Review of decisions by QCAT</b>	1
<b>‘85</b>	<b>Application for review</b>	2
	‘(1) A person who is dissatisfied with a decision of the chief executive under this part may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	3 4 5
	‘(2) The chief executive must give a person an information notice for a decision only if this Act so requires.’.	6 7
<b>Clause 426</b>	<b>Omission of s 115 (Review)</b>	8
	Section 115—	9
	<i>omit.</i>	10
<b>Part 20</b>	<b>Amendment of Electricity Act 1994</b>	11 12
<b>Clause 427</b>	<b>Act amended</b>	13
	This part amends the <i>Electricity Act 1994</i> .	14
<b>Clause 428</b>	<b>Amendment of s 135FQ (Evidentiary provisions)</b>	15
	Section 135FQ(2)(b), ‘appeal against’—	16
	<i>omit, insert—</i>	17
	‘application for external review of’.	18

[s 429]

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<b>Clause 429</b>	<b>Amendment of s 152K (Forfeiture of seized thing)</b>	1
	Section 152K(5), ‘or appeal’—	2
	<i>omit.</i>	3
<b>Clause 430</b>	<b>Amendment of s 181 (Notice of refusal to issue generation authority)</b>	4
	Section 181, ‘of appeal’—	5
	<i>omit, insert—</i>	6
	‘to seek an internal review of the refusal’.	7
<b>Clause 431</b>	<b>Amendment of s 184C (Notice of refusal to transfer generation authority)</b>	9
	Section 184C, ‘of appeal’—	10
	<i>omit, insert—</i>	11
	‘to seek an internal review of the refusal’.	12
<b>Clause 432</b>	<b>Amendment of s 190 (Notice of refusal to issue transmission authority)</b>	13
	Section 190, ‘of appeal’—	14
	<i>omit, insert—</i>	15
	‘to seek an internal review of the refusal’.	16
<b>Clause 433</b>	<b>Amendment of s 193C (Notice of refusal to transfer transmission authority)</b>	17
	Section 193C, ‘of appeal’—	18
	<i>omit, insert—</i>	19
	‘to seek an internal review of the refusal’.	20
		21
		22
		23

---

<b>Clause 434</b>	<b>Amendment of s 198 (Notice of refusal to issue authority)</b>	1
	Section 198, ‘of appeal’—	2
	<i>omit, insert</i> —	3
	‘to seek an internal review of the refusal’.	4
<b>Clause 435</b>	<b>Amendment of s 201C (Notice of refusal to transfer distribution authority)</b>	5
	Section 201C, ‘of appeal’—	6
	<i>omit, insert</i> —	7
	‘to seek an internal review of the refusal’.	8
<b>Clause 436</b>	<b>Amendment of s 206 (Notice of refusal to issue authority)</b>	10
	Section 206, ‘of appeal’—	11
	<i>omit, insert</i> —	12
	‘to seek an internal review of the refusal’.	13
<b>Clause 437</b>	<b>Amendment of s 211 (Notice of refusal to give special approval)</b>	14
	Section 211, ‘of appeal’—	15
	<i>omit, insert</i> —	16
	‘to seek an internal review of the refusal’.	17
<b>Clause 438</b>	<b>Amendment of s 212C (Notice of refusal to transfer special approval)</b>	19
	Section 212C, ‘of appeal’—	20
	<i>omit, insert</i> —	21
	‘to seek an internal review of the refusal’.	22
		23

[s 439]

---

<b>Clause 439</b>	<b>Replacement of ch 10, hdg (Review of and appeals against decisions)</b>	1
	Chapter 10, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Chapter 10 Internal and external reviews’.</b>	4
		5
		6
<b>Clause 440</b>	<b>Amendment of ch 10, pt 1, hdg (Review of decisions)</b>	7
	Chapter 10, part 1, heading, ‘Review’—	8
	<i>omit, insert—</i>	9
	<b>‘Internal review’.</b>	10
<b>Clause 441</b>	<b>Amendment of s 214 (Who may apply for review etc.)</b>	11
	(1) Section 214, heading, after ‘for’—	12
	<i>insert—</i>	13
	<b>‘internal’.</b>	14
	(2) Section 214, ‘a review’—	15
	<i>omit, insert—</i>	16
	<b>‘internal review’.</b>	17
<b>Clause 442</b>	<b>Amendment of s 215 (Applying for review)</b>	18
	Section 215, ‘review’—	19
	<i>omit, insert—</i>	20
	<b>‘internal review’.</b>	21
<b>Clause 443</b>	<b>Amendment of s 216 (Stay of operation of decision etc.)</b>	22
	(1) Section 216(1) and (2)—	23
	<i>omit, insert—</i>	24

- 
- (1) If an application is made under this part for internal review of a decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the decision. 1  
2  
3
- (2) QCAT may stay the decision to secure the effectiveness of the internal review or a later application to QCAT for external review.’. 4  
5  
6
- (2) Section 216(3) and (4), ‘the court’— 7  
*omit, insert—* 8  
‘QCAT’. 9
- (3) Section 216(4), ‘appeal against’— 10  
*omit, insert—* 11  
‘apply for an external review of’. 12
- (4) Section 216(5), ‘review’— 13  
*omit, insert—* 14  
‘internal review’. 15

**Clause 444 Amendment of s 217 (Review panels, arbitration and mediation)** 16  
17

- Section 217(1), ‘for review’— 18  
*omit, insert—* 19  
‘for internal review’. 20

**Clause 445 Amendment of s 218 (Decision on reconsideration)** 21

- (1) Section 218(1), ‘review’— 22  
*omit, insert—* 23  
‘internal review’. 24
- (2) Section 218(6), from ‘state’ to ‘28 days’— 25  
*omit, insert—* 26  
‘be a QCAT information notice’. 27

[s 446]

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<b>Clause 446</b>	<b>Replacement of ch 10, pt 2 (Appeals)</b>	1
	Chapter 10, part 2—	2
	<i>omit, insert—</i>	3
	<b>‘Part 2                      External reviews</b>	4
<b>‘219</b>	<b>Who may apply for external review</b>	5
	‘(1) A person whose interests are affected by a decision of the reviewer under section 218 may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.	6 7 8
	‘(2) However, a regulation may provide that a person can not apply under subsection (1) for an external review of a decision giving effect to a resolution by mediation or a decision by arbitration.	9 10 11 12
<b>‘220</b>	<b>Application of QCAT Act notice requirement</b>	13
	‘The reviewer must give a QCAT information notice for a decision only if this Act so requires.’.	14 15
<b>Clause 447</b>	<b>Amendment of sch 1 (Appeals against administrative decisions)</b>	16 17
	(1) Schedule 1, heading, ‘appeals against’—	18
	<i>omit, insert—</i>	19
	<b>‘Review of’.</b>	20
	(2) Schedule 1, parts 1–3, column headed ‘Court’—	21
	<i>omit.</i>	22
<b>Clause 448</b>	<b>Amendment of sch 5 (Dictionary)</b>	23
	(1) Schedule 5—	24
	<i>insert—</i>	25



[s 452]

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- ‘(2) In this section— 1  
*review expiration day*, for a decision, means— 2  
(a) if an application for internal review of the decision is not 3  
made within the 28 days mentioned in section 209(1) or 4  
(2) or within any extended period under section 5  
209(3)—the day the 28 days or extended period ends; or 6  
(b) if an application for internal review is made—the day all 7  
proceedings under chapter 9 and any external review 8  
proceedings relating to the decision end.’. 9

**Clause 452 Amendment of s 88 (Dispute resolution) 10**

Section 88(6), ‘an information’— 11  
*omit, insert*— 12  
‘a QCAT information’. 13

**Clause 453 Amendment of s 90 (Parties to maintain secrecy of advice 14  
or information) 15**

Section 90(3)(b), ‘appeal against’— 16  
*omit, insert*— 17  
‘external review of’. 18

**Clause 454 Amendment of s 139 (Requirements for registration) 19**

Section 139(2), ‘an information’— 20  
*omit, insert*— 21  
‘a QCAT information’. 22

---

<b>Clause 455</b>	<b>Amendment of s 141 (Steps after registration)</b>	1
	Section 141(3), ‘an information’—	2
	<i>omit, insert</i> —	3
	‘a QCAT information’.	4
<b>Clause 456</b>	<b>Amendment of s 145 (Refusal to change energy efficiency label)</b>	5
	Section 145, ‘an information’—	6
	<i>omit, insert</i> —	7
	‘a QCAT information’.	8
<b>Clause 457</b>	<b>Amendment of s 147 (Transfer of registration)</b>	10
	Section 147(3), ‘an information’—	11
	<i>omit, insert</i> —	12
	‘a QCAT information’.	13
<b>Clause 458</b>	<b>Amendment of s 149 (Cancellation of registration)</b>	14
	Section 149(3), ‘an information’—	15
	<i>omit, insert</i> —	16
	‘a QCAT information’.	17
<b>Clause 459</b>	<b>Amendment of s 150 (Procedure before cancellation)</b>	18
	Section 150(3), ‘an information’—	19
	<i>omit, insert</i> —	20
	‘a QCAT information’.	21

[s 460]

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<b>Clause 460</b>	<b>Amendment of s 151 (Notice, by holder, of cancellation of registration)</b>	1 2
	Section 151(1), ‘an information’—	3
	<i>omit, insert—</i>	4
	‘a QCAT information’.	5
<b>Clause 461</b>	<b>Replacement of ch 9, hdg (Review of and appeals against decisions)</b>	6 7
	Chapter 9, heading—	8
	<i>omit, insert—</i>	9
	<b>‘Chapter 9 Internal and external reviews’.</b>	10 11
<b>Clause 462</b>	<b>Amendment of s 208 (Who may apply for review etc.)</b>	12
	(1) Section 208, heading, after ‘for’—	13
	<i>insert—</i>	14
	<b>‘internal’.</b>	15
	(2) Section 208, ‘a review’—	16
	<i>omit, insert—</i>	17
	‘an internal review’.	18
<b>Clause 463</b>	<b>Amendment of s 209 (Applying for review)</b>	19
	Section 209, ‘review’—	20
	<i>omit, insert—</i>	21
	‘internal review’.	22

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<b>Clause 464</b>	<b>Amendment of s 210 (Stay of operation of decision etc.)</b>	1
(1)	Section 210(1) and (5), ‘review’—	2
	<i>omit, insert—</i>	3
	‘internal review’.	4
(2)	Section 210(1), from ‘apply’—	5
	<i>omit, insert—</i>	6
	‘apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.	7
		8
(3)	Section 210(2)—	9
	<i>omit, insert—</i>	10
‘(2)	QCAT may stay the decision to secure the effectiveness of the internal review or a later application for external review to QCAT.’.	11
		12
		13
(4)	Section 210(3), ‘the court’—	14
	<i>omit, insert—</i>	15
	‘QCAT’.	16
(5)	Section 210(4), from ‘the court’ to ‘against’—	17
	<i>omit, insert—</i>	18
	‘QCAT allows the applicant to enable the applicant to apply for an external review of’.	19
		20
<b>Clause 465</b>	<b>Amendment of s 211 (Decision on review)</b>	21
(1)	Section 211, ‘review’—	22
	<i>omit, insert—</i>	23
	‘internal review’.	24
(2)	Section 211(4), ‘an information’—	25
	<i>omit, insert—</i>	26
	‘a QCAT information’.	27

[s 466]

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<b>Clause 466</b>	<b>Amendment of ch 9, pt 2, hdg (Appeals)</b>	1
	Chapter 9, part 2, heading, after ‘Appeals’—	2
	<i>insert</i> —	3
	‘ <b>and external review</b> ’.	4
<b>Clause 467</b>	<b>Replacement of ch 9, pt 2, div 1 (Appeals against decisions on what is fair and reasonable)</b>	5
	Chapter 9, part 2, division 1—	6
	<i>omit, insert</i> —	7
	<b>‘Division 1 External reviews by QCAT</b>	8
	<b>‘212 Who may apply for external review</b>	9
	‘The following persons may apply, as provided under the QCAT Act, to QCAT for an external review of the decision mentioned for the person—	10
	(a) for a decision by QCA under section 88—any party to the dispute;	11
	(b) for a decision by the regulator or QCA mentioned in schedule 6—a person whose interests are affected by the decision.’.	12
		13
		14
		15
		16
		17
		18
<b>Clause 468</b>	<b>Replacement of ch 9, pt 2, div 2, hdg (Other appeals)</b>	19
	Chapter 9, part 2, division 2, heading—	20
	<i>omit, insert</i> —	21
	<b>‘Division 2 Appeals about recognition of previous service’.</b>	22
		23
<b>Clause 469</b>	<b>Amendment of s 214 (Who may appeal)</b>	24
	Section 214(1)—	25
	<i>omit</i> .	26

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<b>Clause 470</b>	<b>Amendment of s 215 (Making appeals)</b>	1
	(1) Section 215(1)—	2
	<i>omit, insert—</i>	3
	‘(1) An appeal under this part must be made within 3 months after written notice for the decision is given to the person.’	4
	(2) Section 215(2)(a), ‘subsection (1)(b)’—	5
	<i>omit, insert—</i>	6
	‘subsection (1)’.	7
	(3) Section 215(2)(b), ‘appropriate’—	8
	<i>omit.</i>	9
		10
<b>Clause 471</b>	<b>Amendment of s 216 (Starting appeals)</b>	11
	Section 216(3), ‘Magistrates Court or’—	12
	<i>omit.</i>	13
<b>Clause 472</b>	<b>Amendment of s 220 (Procedure of court)</b>	14
	(1) Section 220(1), ‘a court under its authorising Act’—	15
	<i>omit, insert—</i>	16
	‘an Industrial Magistrates Court under the <i>Industrial Relations Act 1999</i> ’.	17
		18
	(2) Section 220(2)(b), ‘a magistrate or’—	19
	<i>omit, insert—</i>	20
	‘an’.	21
	(3) Section 220(4)—	22
	<i>omit.</i>	23

[s 473]

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<b>Clause 473</b>	<b>Amendment of s 221 (Appeals)</b>	1
	Section 221(1)—	2
	<i>omit.</i>	3
<b>Clause 474</b>	<b>Amendment of sch 6 (Appeals against administrative decisions to Magistrates Court)</b>	4
	(1) Schedule 6, heading—	5
	<i>omit, insert—</i>	6
	<b>‘Schedule 6 External reviews of administrative decisions by QCAT</b>	7
	<b>section 212(b)’.</b>	8
		9
		10
	(2) Schedule 6, table, entry for section 211, column 2, ‘review’—	11
	<i>omit, insert—</i>	12
	‘internal review’.	13
		14
<b>Clause 475</b>	<b>Amendment of sch 9 (Dictionary)</b>	15
	(1) Schedule 9, definition <i>information notice</i> , paragraph (c), ‘a review or appeal’—	16
	<i>omit, insert—</i>	17
	‘an internal review’.	18
	(2) Schedule 9, definition <i>information notice</i> , paragraph (d), ‘all rights of review or appeal’—	19
	<i>omit, insert—</i>	20
	‘the rights of internal review’.	21
		22
		23



[s 479]

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<b>Clause 479</b>	<b>Amendment of s 34 (When title doubtful, Minister may retain compensation or make payment into court)</b>	1 2
(1)	Section 34(1)(b)— <i>omit, insert—</i>	3 4
	‘(b) pay the amount of compensation to QCAT, and QCAT must deal with and apply the compensation amount in the way QCAT, on application by a claimant, orders.’.	5 6 7
(2)	Section 34(2)— <i>omit, insert—</i>	8 9
‘(2)	If the Minister pays the amount of compensation to QCAT under subsection (1)(b)—	10 11
(a)	the amount must be held in the trust account maintained by QCAT under the QCAT Act, section 231; and	12 13
(b)	the Minister must give the claimant for the compensation written notice of the payment; and	14 15
(c)	an application by the claimant must be made as provided under the QCAT Act.’.	16 17

<b>Part 23</b>	<b>Amendment of Exotic Diseases in Animals Regulation 1998</b>	18 19
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<b>Clause 480</b>	<b>Regulation amended</b>	20
	This part amends the <i>Exotic Diseases in Animals Regulation 1998</i> .	21 22
<b>Clause 481</b>	<b>Replacement of s 11 (Notice of application to District Court)</b>	23 24
	Section 11— <i>omit, insert—</i>	25 26

---

<b>‘11</b>	<b>Notice of application to QCAT</b>	1
‘(1)	The Minister must give an applicant for compensation written notice if, under section 33(1) of the Act, the Minister and the applicant can not agree about—	2 3 4
	(a) the market value of the animal or property; or	5
	(b) the appointment of a valuer; or	6
	(c) the amount fixed by a valuer as the value of the animal or property.	7 8
‘(2)	The notice must state—	9
	(a) that the applicant may, within 60 days after receiving the notice, apply to QCAT for the market value to be fixed by QCAT; and	10 11 12
	(b) how to apply.	13
‘(3)	The time for filing an application under section 33(2) of the Act is 60 days after the applicant receives the notice under subsection (1).’.	14 15 16

<b>Part 24</b>	<b>Amendment of Explosives Act 1999</b>	17 18
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<b>Clause 482</b>	<b>Act amended</b>	19
	This part amends the <i>Explosives Act 1999</i> .	20

<b>Clause 483</b>	<b>Amendment of s 17 (How chief inspector may deal with application)</b>	21 22
(1)	Section 17(2)(b)—	23
	<i>omit, insert—</i>	24
	‘(b) if the authority is subject to conditions, an information notice for the decision to impose conditions.’.	25 26

[s 484]

---

- (2) Section 17(3)(a)— 1  
*omit, insert—* 2  
'(a) give the applicant an information notice for the decision;  
and'. 3 4

- Clause 484 Amendment of s 24 (Procedure for suspension or  
cancellation)** 5 6  
Section 24(5)— 7  
*omit, insert—* 8  
'(5) If the chief inspector decides to suspend or cancel the  
authority, the chief inspector must give the authority holder an  
information notice for the decision.'. 9 10 11

- Clause 485 Amendment of s 25 (Procedure for urgent suspension or  
cancellation of authority)** 12 13  
(1) Section 25(3), 'written notice'— 14  
*omit, insert—* 15  
'giving an information notice for the decision'. 16  
(2) Section 25(4) and (5)— 17  
*omit, insert—* 18  
'(4) The decision takes effect on the day the information notice is  
given to the authority holder or, if a later day of effect is stated  
in the information notice, the later day.'. 19 20 21

- Clause 486 Amendment of s 27 (Replacement of authority)** 22  
Section 27(4)— 23  
*omit, insert—* 24  
'(4) If the chief inspector decides to refuse to replace the authority,  
the chief inspector must give the authority holder an  
information notice for the decision.'. 25 26 27

---

<b>Clause 487</b>	<b>Amendment of s 28 (Amendment of authority on application)</b>	1
	Section 28(7)—	2
	<i>omit, insert—</i>	3
	‘(7) If the chief inspector decides not to amend the authority, the chief inspector must give the authority holder an information notice for the decision.’	4
		5
		6
		7
<b>Clause 488</b>	<b>Amendment of s 29 (Amendment of authority without application)</b>	8
	(1) Section 29(5)—	9
	<i>omit, insert—</i>	10
	‘(5) If the chief inspector decides to amend the authority, the chief executive must give the authority holder an information notice.’	11
		12
		13
		14
	(2) Section 29(7), from ‘written notice’—	15
	<i>omit, insert—</i>	16
	‘giving the authority holder an information notice for the decision to amend the authority.’	17
		18
<b>Clause 489</b>	<b>Amendment of s 58 (Investigation by chief inspector or authority holder)</b>	19
	Section 58(2)—	20
	<i>omit, insert—</i>	21
	‘(2) The notice given under subsection (1)(b) must include or be accompanied by an information notice for the decision to give the notice.’	22
		23
		24
		25

[s 490]

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<b>Clause 490</b>	<b>Amendment of pt 7, hdg (Review of decisions and appeals)</b>	1 2
	Part 7, heading, ‘and appeals’—	3
	<i>omit.</i>	4
<b>Clause 491</b>	<b>Amendment of pt 7, div 1, hdg (Review of decisions)</b>	5
	Part 7, division 1, heading, ‘Review’—	6
	<i>omit, insert—</i>	7
	<b>‘Internal review’.</b>	8
<b>Clause 492</b>	<b>Amendment of s 107 (Application for review of decision under s 56, 102 or 103)</b>	9 10
	Section 107, heading, after ‘for’—	11
	<i>insert—</i>	12
	<b>‘internal’.</b>	13
<b>Clause 493</b>	<b>Amendment of s 108 (Application for review of action under s 104)</b>	14 15
	Section 108, heading, after ‘for’—	16
	<i>insert—</i>	17
	<b>‘internal’.</b>	18
<b>Clause 494</b>	<b>Amendment of s 109 (Applying for review)</b>	19
	(1) Section 109, heading, after ‘for’—	20
	<i>insert—</i>	21
	<b>‘internal’.</b>	22
	(2) Section 109(1), ‘a review’—	23
	<i>omit, insert—</i>	24
	<b>‘an internal review’.</b>	25

- 
- |      |   |          |
|------|---|----------|
| (3)  | Section 109(1)(b), (c) and (4), ‘review’—   | 1        |
|      | <i>omit, insert—</i>  | 2        |
|      | ‘internal review’.  | 3        |
| (4)  | Section 109(1)(d)—  | 4        |
|      | <i>omit, insert—</i>  | 5        |
|      | ‘(d) must state an address for service of the decision on the<br>internal review (the <i>internal review decision</i> ).’.      | 6<br>7   |
| (5)  | Section 109(5) and (6)—   | 8        |
|      | <i>omit, insert—</i>  | 9        |
| ‘(5) | Within 7 days after making the internal review decision, the<br>chief inspector must give the applicant an information notice’. | 10<br>11 |
| (6)  | Section 109(7)—   | 12       |
|      | <i>renumber</i> as section 109(6).  | 13       |

- |                   |   |                |
|-------------------|---|----------------|
| <b>Clause 495</b> | <b>Amendment of s 110 (Stay of operation of decision)</b>   | 14             |
| (1)               | Section 110, ‘review’—  | 15             |
|                   | <i>omit, insert—</i>  | 16             |
|                   | ‘internal review’.  | 17             |
| (2)               | Section 110(1), from ‘apply’—   | 18             |
|                   | <i>omit, insert—</i>  | 19             |
|                   | ‘apply, as provided under the QCAT Act, to QCAT for a stay<br>of the decision.’.  | 20<br>21       |
| (3)               | Section 110(2)—   | 22             |
|                   | <i>omit, insert—</i>  | 23             |
| ‘(2)              | QCAT may stay the decision to secure the effectiveness of the<br>internal review or a later application for external review to<br>QCAT.’. | 24<br>25<br>26 |

[s 496]

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- (4) Section 110(3), ‘the court’— 1  
*omit, insert*— 2  
‘QCAT’. 3
- (5) Section 110(4), from ‘the court’ to ‘review decision’— 4  
*omit, insert*— 5  
‘QCAT allows the applicant to enable the applicant to apply 6  
for an external review of the internal review decision’. 7

- Clause 496 Replacement of pt 7, div 2, hdg (Appeals)** 8  
Part 7, division 2, heading— 9  
*omit, insert*— 10  
**‘Division 2 External reviews by QCAT’.** 11

- Clause 497 Amendment of s 111 (Appeals to Magistrates Court)** 12
- (1) Section 111, heading— 13  
*omit, insert*— 14
- ‘111 Application for external review’.** 15
- (2) Section 111, ‘appeal to a Magistrates Court against’— 16  
*omit, insert*— 17  
‘apply, as provided under the QCAT Act, for an external 18  
review of’. 19

- Clause 498 Omission of ss 112–116** 20  
Sections 112 to 116— 21  
*omit.* 22

---

<b>Clause 499</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
	Schedule 2—	2
	<i>insert</i> —	3
	‘ <i>external review</i> , for a decision, means a review of the decision by QCAT under the QCAT Act.	4
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).’	5
		6
		7
	<b>Part 25</b>	
	<b>Amendment of Explosives Regulation 2003</b>	8
		9
<b>Clause 500</b>	<b>Regulation amended</b>	10
	This part amends the <i>Explosives Regulation 2003</i> .	11
<b>Clause 501</b>	<b>Amendment of s 14 (Advice of chief inspector’s decision)</b>	12
	Section 14(b), ‘a decision notice’—	13
	<i>omit, insert</i> —	14
	‘an information notice’.	15
<b>Clause 502</b>	<b>Amendment of s 17 (How chief inspector may deal with application)</b>	16
	Section 17(2)(b) and (3), ‘a decision notice’—	17
	<i>omit, insert</i> —	18
	‘an information notice’.	19
		20

[s 503]

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<b>Clause 503</b>	<b>Amendment of s 62 (How chief inspector must deal with explosives limits document)</b>	1 2
	Section 62(2)(b) and (3), ‘a decision notice’—	3
	<i>omit, insert</i> —	4
	‘an information notice’.	5
<b>Clause 504</b>	<b>Amendment of s 64 (Chief inspector may impose interim explosives limits)</b>	6 7
	Section 64(3), ‘a decision notice’—	8
	<i>omit, insert</i> —	9
	‘an information notice’.	10
<b>Clause 505</b>	<b>Amendment of s 109 (Requirements for chief inspector exercising powers)</b>	11 12
	(1) Section 109(2), ‘a notice’—	13
	<i>omit, insert</i> —	14
	‘an information notice’.	15
	(2) Section 109(2)(d)—	16
	<i>omit.</i>	17
<b>Clause 506</b>	<b>Amendment of s 148 (Approval by chief inspector of collectors associations)</b>	18 19
	Section 148(3)(b), ‘a decision notice’—	20
	<i>omit, insert</i> —	21
	‘an information notice’.	22
<b>Clause 507</b>	<b>Amendment of sch 7 (Dictionary)</b>	23
	Schedule 7, definition <i>decision notice</i> —	24
	<i>omit.</i>	25

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<b>Part 26</b>	<b>Amendment of Fair Trading Act 1989</b>	1
		2
<b>Clause 508</b>	<b>Act amended</b>	3
	This part amends the <i>Fair Trading Act 1989</i> .	4
<b>Clause 509</b>	<b>Amendment of s 5 (Definitions)</b>	5
	Section 5, definition <i>small claims tribunal</i> —	6
	<i>omit</i> .	7
<b>Clause 510</b>	<b>Amendment of s 110 (Preservation of secrecy)</b>	8
	Section 110(2)(a), ‘a Small Claims Tribunal’—	9
	<i>omit, insert</i> —	10
	‘QCAT’.	11
<b>Part 27</b>	<b>Amendment of Fisheries Act 1994</b>	12
		13
<b>Clause 511</b>	<b>Act amended</b>	14
	This part amends the <i>Fisheries Act 1994</i> .	15
<b>Clause 512</b>	<b>Amendment of s 42H (Deciding claim)</b>	16
	Section 42H(2), from ‘a written notice’—	17
	<i>omit, insert</i> —	18
	‘an information notice for the decision.’.	19

[s 513]

---

<b>Clause 513</b>	<b>Amendment of s 60 (Notice of refusal of application for issue or renewal etc.)</b>	1 2
	Section 60(a), from ‘a written notice’ to ‘28 days’—	3
	<i>omit, insert—</i>	4
	‘an information notice for the refusal’.	5
<b>Clause 514</b>	<b>Amendment of s 63 (Amendment of authority)</b>	6
	Section 63(3), from ‘a written notice’—	7
	<i>omit, insert—</i>	8
	‘an information notice for the decision.’.	9
<b>Clause 515</b>	<b>Amendment of s 68 (Procedure for cancellation or suspension by chief executive)</b>	10 11
	Section 68(4), from ‘state’—	12
	<i>omit, insert—</i>	13
	‘be an information notice for the decision.’.	14
<b>Clause 516</b>	<b>Amendment of s 76F (Deciding application for fish movement exemption notice)</b>	15 16
	Section 76F(5), from ‘a written notice’—	17
	<i>omit, insert—</i>	18
	‘an information notice for the refusal.’.	19
<b>Clause 517</b>	<b>Replacement of pt 9 (Administrative appeals)</b>	20
	Part 9—	21
	<i>omit, insert—</i>	22

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<b>‘Part 9</b>	<b>Review of decisions by QCAT</b>	<b>1</b>
<b>‘185</b>	<b>Who may apply for review</b>	<b>2</b>
‘(1)	A person who is dissatisfied by an order, direction, requirement or other decision of the chief executive may apply, as provided under the QCAT Act, to QCAT for a review of the decision on 1 or more of the following grounds—	3 4 5 6
	(a) the decision of the chief executive was contrary to this Act;	7 8
	(b) the decision of the chief executive was manifestly unfair;	9 10
	(c) the decision of the chief executive will cause severe personal hardship to the person.	11 12
‘(2)	However, the following decisions can not be reviewed—	13
	(a) a decision of the chief executive about policy, including, for example, a decision of the chief executive about the shark control program;	14 15 16
	(b) a decision of the chief executive under the Planning Act;	17
	(c) a decision of the chief executive about starting or continuing a prosecution against a person for an offence against this Act;	18 19 20
	(d) a decision of the chief executive about an officer or employee of the department in the person’s capacity as an officer or employee;	21 22 23
	(e) a decision of the chief executive about delegating a power by the chief executive;	24 25
	(f) a decision of the chief executive about making a management plan or declaration;	26 27
	(g) a decision of the chief executive about appointing a person as an inspector.	28 29
‘(3)	In this section, a reference to a decision includes a reference to a failure to make a decision within a reasonable time.	30 31

[s 518]

---

‘(4) The chief executive must give an information notice for a decision only if this Act so requires.’. 1  
2

**‘186 Constitution of tribunal 3**

‘(1) For a proceeding for a matter under this Act, the tribunal is to be constituted by— 4  
5

(a) 1 legally qualified member; and 6

(b) 2 other members, at least 1 of whom must have extensive knowledge of and experience in the fishing industry and other fisheries issues. 7  
8  
9

‘(2) The person mentioned in subsection (1)(a) is the presiding member for the proceedings. 10  
11

‘(3) In this section— 12

*legally qualified member* means a legally qualified member under the QCAT Act.’. 13  
14

**Clause 518 Omission of pt 12, div 4, sdiv 4 (Effect of commencement on particular appeals) 15  
16**

Part 12, division 4, subdivision 4— 17

*omit.* 18

**Clause 519 Amendment of schedule (Dictionary) 19**

(1) Schedule, definitions *continuing appeal, development authority and tribunal*— 20  
21

*omit.* 22

(2) Schedule— 23

*insert*— 24

*‘information notice* means a notice complying with the QCAT Act, section 157(2). 25  
26

*tribunal* means QCAT.’. 27

---

<b>Part 28</b>	<b>Amendment of Fisheries (Coral Reef Fin Fish) Management Plan 2003</b>	1
		2
		3
<b>Clause 520</b>	<b>Plan amended</b>	4
	This part amends the <i>Fisheries (Coral Reef Fin Fish) Management Plan 2003</i> .	5
		6
<b>Clause 521</b>	<b>Amendment of s 29 (Requirements for preliminary notice)</b>	7
	(1) Section 29, ‘state, in writing,’—	8
	<i>omit, insert—</i>	9
	‘be accompanied by an information notice for the decision and state’.	10
		11
	(2) Section 29(f)(ii), from ‘appeal’ to ‘tribunal’—	12
	<i>omit, insert—</i>	13
	‘apply, as provided under the QCAT Act, to QCAT for a review of the decision’.	14
		15
	(3) Section 29(f)(iii)—	16
	<i>omit, insert—</i>	17
	‘(iii) how to apply for a review.’.	18
<b>Clause 522</b>	<b>Amendment of s 31 (Chief executive to decide whether reason for reconsideration established)</b>	19
	Section 31(2), ‘a decision’—	20
	<i>omit, insert—</i>	21
	‘an information’.	22
		23

[s 523]

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<b>Clause 523</b>	<b>Amendment of s 33 (Criteria reapplied if reason for reconsideration established)</b>	1 2
	Section 33(6)(b), ‘a decision’—	3
	<i>omit, insert</i> —	4
	‘an information’.	5
<b>Clause 524</b>	<b>Amendment of s 36B (Application for special reconsideration of particular licences)</b>	6 7
	(1) Section 36B(2)(c), ‘lodged an appeal against’—	8
	<i>omit, insert</i> —	9
	‘applied for a review of’.	10
	(2) Section 36B(5)(a), ‘appeal against’—	11
	<i>omit, insert</i> —	12
	‘apply for a review of’.	13
	(3) Section 36B(5)(b), from ‘lodged’—	14
	<i>omit, insert</i> —	15
	‘applied for a review of a decision of the chief executive under subdivision 3 or 5—the review.’.	16 17
<b>Clause 525</b>	<b>Amendment of s 36C (Chief executive to decide whether licence is special south-east Queensland licence)</b>	18 19
	Section 36C(2), ‘a decision’—	20
	<i>omit, insert</i> —	21
	‘an information’.	22

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<b>Clause 526</b>	<b>Amendment of s 36E (Criteria reapplied if licence is special south-east Queensland licence)</b>	1 2
	Section 36E(8)(b), ‘a decision’—	3
	<i>omit, insert</i> —	4
	‘an information’.	5
<b>Clause 527</b>	<b>Amendment of s 38 (Requirements for amendment notice)</b>	6 7
	(1) Section 38, ‘state, in writing,’—	8
	<i>omit, insert</i> —	9
	‘be accompanied by an information notice about the amendment and state’.	10 11
	(2) Section 38(e) and (f)—	12
	<i>omit.</i>	13
<b>Clause 528</b>	<b>Amendment of s 61 (Deciding application for issue of line units)</b>	14 15
	Section 61(8)(b), ‘a decision’—	16
	<i>omit, insert</i> —	17
	‘an information’.	18
<b>Clause 529</b>	<b>Amendment of s 66 (Application of div 4)</b>	19
	Section 66(2), definition <i>relevant day</i> , paragraphs (b) to (d)—	20
	<i>omit, insert</i> —	21
	‘(b) the period to apply for a review of all decisions about the issue of line units or amending a licence by writing the fishery symbol ‘RQ’ on it has ended; and	22 23 24
	(c) all reviews mentioned in paragraph (b) are ended or fully decided; and	25 26

[s 530]

---

(d) if, in deciding an application for review, the tribunal gave the chief executive directions—the directions have been complied with.’. 1  
2  
3

**Clause 530 Amendment of sch 8 (Dictionary)** 4  
Schedule 8, definition *decision notice*— 5  
*omit.* 6

**Part 29 Amendment of Fisheries (East Coast Trawl) Management Plan 1999** 7  
8  
9

**Clause 531 Plan amended** 10  
This part amends the *Fisheries (East Coast Trawl) Management Plan 1999*. 11  
12

**Clause 532 Amendment of s 81A (Application of sdiv 3)** 13  
Section 81A(a), ‘appeals to the tribunal against’— 14  
*omit, insert*— 15  
‘applies to the tribunal for a review of’. 16

**Clause 533 Amendment of s 94 (Interim issue of additional effort units for all eligible licences)** 17  
18  
Section 94(1)(b), ‘appeals against’— 19  
*omit, insert*— 20  
‘applications for review of’. 21

---

<b>Clause 534</b>	<b>Amendment of s 95 (Further issue of additional effort units for all eligible licences)</b>	1 2
	Section 95(3)—	3
	<i>omit, insert—</i>	4
	‘(3) However, the chief executive must not issue the additional units before—	5 6
	(a) the end of the period to apply for a review of all decisions about effort unit applications ( <i>effort unit reviews</i> ); and	7 8 9
	(b) all effort unit reviews are ended or finally decided; and	10
	(c) if, in deciding an effort unit review, the tribunal gave the chief executive directions—the directions have been complied with.’.	11 12 13

<b>Part 30</b>	<b>Amendment of Fisheries Regulation 2008</b>	14 15
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<b>Clause 535</b>	<b>Regulation amended</b>	16
	This part amends the <i>Fisheries Regulation 2008</i> .	17
<b>Clause 536</b>	<b>Omission of ch 15, pt 4, div 3 (Allowances)</b>	18
	Chapter 15, part 4, division 3—	19
	<i>omit.</i>	20
<b>Clause 537</b>	<b>Amendment of sch 9 (Other fees)</b>	21
	Schedule 9, table 4, item 14—	22
	<i>omit.</i>	23

[s 538]

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<b>Clause 538</b>	<b>Amendment of sch 11 (Dictionary)</b>	1
	Schedule 11, part 2, definition <i>information notice</i> —	2
	<i>omit.</i>	3
	<b>Part 31</b>	4
	<b>Amendment of Food</b>	5
	<b>Production (Safety) Act 2000</b>	
<b>Clause 539</b>	<b>Act amended</b>	6
	This part amends the <i>Food Production (Safety) Act 2000</i> .	7
<b>Clause 540</b>	<b>Amendment of s 48 (Grant or renewal of accreditations)</b>	8
	Section 48(1)(b)—	9
	<i>omit, insert</i> —	10
	‘(b) if Safe Food decides to impose conditions on the accreditation, an information notice for the decision.’.	11
		12
<b>Clause 541</b>	<b>Amendment of s 49 (Refusal of applications)</b>	13
	Section 49, from ‘a written’—	14
	<i>omit, insert</i> —	15
	‘an information notice for the decision.’.	16
<b>Clause 542</b>	<b>Amendment of s 55 (Notice and effect of amendment, suspension or cancellation)</b>	17
	(1) Section 55(1), from ‘notice’—	18
	<i>omit, insert</i> —	19
		20

---

‘Safe Food must give the accreditation holder an information notice for the decision to amend, suspend or cancel the accreditation.’. 1  
2  
3

(2) Section 55(2)— 4  
*omit.* 5

(3) Section 55(3), (5) and (6), ‘the notice’— 6  
*omit, insert—* 7  
‘the information notice’. 8

(4) Sections 55(3) to (6)— 9  
*renumber* as sections 55(2) to (5). 10

**Clause 543 Amendment of s 63 (Grant or renewal of approvals)** 11  
Section 63(b), from ‘a written’— 12  
*omit, insert—* 13  
‘an information notice for the decision.’. 14

**Clause 544 Amendment of s 64 (Refusal of applications)** 15  
Section 64, from ‘a written’— 16  
*omit, insert—* 17  
‘an information notice for the decision.’. 18

**Clause 545 Amendment of s 70 (Notice and effect of amendment, suspension or cancellation)** 19  
20  
(1) Section 70(1), from ‘notice’— 21  
*omit, insert—* 22  
‘Safe Food must give the approval holder an information notice for the decision to amend, suspend or cancel the approval.’. 23  
24  
25

[s 546]

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- |   |   |
|---|---|
| (2) Section 70(2)—                            | 1 |
| <i>omit.</i>                                  | 2 |
| (3) Section 70(3), (5) and (6), ‘the notice’— | 3 |
| <i>omit, insert—</i>                          | 4 |
| ‘the information notice’.                     | 5 |
| (4) Sections 70(3) to (6)—                    | 6 |
| <i>renumber</i> as sections 70(2) to (5).     | 7 |

- |   |    |
|---|----|
| <b>Clause 546 Replacement of pt 9 (Appeals)</b> | 8  |
| Part 9—   | 9  |
| <i>omit, insert—</i>                            | 10 |

<b>‘Part 9</b>	<b>Review of decisions</b>	11
----------------	----------------------------	----

- |   |    |
|---|----|
| <b>‘126 Who may apply for review</b>                          | 12 |
| ‘The following persons may apply, as provided under the       | 13 |
| QCAT Act, to QCAT for a review of the decision stated for the | 14 |
| person—   | 15 |
| (a) a person whose application for an accreditation, or       | 16 |
| renewal of an accreditation, under part 5 has been            | 17 |
| granted subject to a condition or refused;                    | 18 |
| (b) a person whose accreditation is amended, suspended or     | 19 |
| cancelled under section 53(4);                                | 20 |
| (c) a person whose application for an approval, or renewal    | 21 |
| of an approval, as an auditor under part 6 has been           | 22 |
| granted subject to a condition or refused;                    | 23 |
| (d) a person whose approval as an auditor is amended,         | 24 |
| suspended or cancelled under section 68(4).’.                 | 25 |

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<b>Clause 547</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
	Schedule 2—	2
	<i>insert</i> —	3
	‘ <i>information notice</i> means a notice complying with the	4
	QCAT Act, section 157(2).’.	5
<b>Part 32</b>	<b>Amendment of Funeral Benefit Business Act 1982</b>	6
		7
<b>Clause 548</b>	<b>Act amended</b>	8
	This part amends the <i>Funeral Benefit Business Act 1982</i> .	9
<b>Clause 549</b>	<b>Amendment of s 5 (Definitions)</b>	10
	Section 5—	11
	<i>insert</i> —	12
	‘ <i>QCAT information notice</i> means a notice complying with	13
	the QCAT Act, section 157(2).’.	14
<b>Clause 550</b>	<b>Amendment of s 52 (Cancellation of registration by court)</b>	15
	(1) Section 52, heading, ‘court’—	16
	<i>omit, insert</i> —	17
	‘QCAT’.	18
	(2) Section 52(1), (3), (6), (8) and (9), ‘the court’—	19
	<i>omit, insert</i> —	20
	‘QCAT’.	21

[s 551]

---

- (3) Section 52(7), ‘The court’— 1  
*omit, insert*— 2  
‘QCAT’. 3

**Clause 551 Amendment of s 61 (Provisions as to rules)** 4

- (1) Section 61(5)— 5  
*omit, insert*— 6  
‘(5) If the registrar refuses to register a rule or an amendment of a 7  
rule, the registrar must give the registered corporation a 8  
QCAT information notice for the decision (the *reviewable* 9  
*decision*).’ 10  
(2) Section 61(6), from ‘may appeal’— 11  
*omit, insert*— 12  
‘may apply, as provided under the QCAT Act, to QCAT for a 13  
review of the reviewable decision.’ 14  
(3) Section 61(7) and (8)— 15  
*omit*. 16

**Clause 552 Amendment of s 65 (Control and management of certain 17  
accounts of registered corporations)** 18

- (1) Section 65— 19  
*insert*— 20  
‘(3A) When serving the notice mentioned in subsection (2), the 21  
registrar must also give the registered corporation, member of 22  
the governing body or the secretary being served a QCAT 23  
information notice for the decision to serve the notice.’ 24  
(2) Section 65(9), from ‘may appeal’— 25  
*omit, insert*— 26

---

‘may apply, as provided under the QCAT Act, to QCAT for a review of the registrar’s decision to serve the notice (the *reviewable decision*).’.

(3) Section 65(10) and (11)—

*omit.*

(4) Section 65(12)(b), ‘if the court on appeal’—

*omit, insert—*

‘if QCAT on reviewing the reviewable decision’.

(5) Section 65(12)(b), ‘by the court’—

*omit, insert—*

‘by QCAT’.

**Clause 553 Omission of s 87 (Court may give directions)**

Section 87—

*omit.*

**Part 33 Amendment of Funeral Benefit Business Regulation 2000**

**Clause 554 Regulation amended**

This part amends the *Funeral Benefit Business Regulation 2000*.

**Clause 555 Omission of s 45 (Notice of appeal by corporation)**

Section 45—

*omit.*

[s 556]

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<b>Clause 556</b>	<b>Omission of s 47 (Notice of appeal)</b>	1
	Section 47—	2
	<i>omit.</i>	3
<b>Part 34</b>	<b>Amendment of Gaming Machine Act 1991</b>	4
		5
<b>Clause 557</b>	<b>Act amended</b>	6
	This part amends the <i>Gaming Machine Act 1991</i> .	7
<b>Clause 558</b>	<b>Omission of s 8 (Meaning of <i>information notice</i>)</b>	8
	Section 8—	9
	<i>omit.</i>	10
<b>Clause 559</b>	<b>Replacement of ss 29–38</b>	11
	Sections 29 to 38—	12
	<i>omit, insert—</i>	13
<b>‘29</b>	<b>Who may apply for a review by tribunal</b>	14
‘(1)	A person who is or was an applicant for, or a holder of, a licence under this Act and is aggrieved by a decision or determination of the commission stated in schedule 1, part 1 may apply, as provided under the QCAT Act, to the tribunal for a review of the decision or determination.	15 16 17 18 19
‘(2)	A person who is or was an applicant for, or a holder of, a licence under this Act and is aggrieved by a decision or determination of the chief executive stated in schedule 1, part 3 may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.	20 21 22 23 24

- 
- ‘(3) An applicant for a supplier’s licence may apply, as provided under the QCAT Act, to the tribunal for a review of the commission’s decision under section 122 to refuse to grant the application for the licence. 1  
2  
3  
4
- ‘(4) A licensed supplier may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the commission stated in schedule 1, part 4. 5  
6  
7
- ‘(5) A person may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of a licensee stated in schedule 1, part 5. 8  
9  
10
- ‘(6) A person who is or was an applicant for, or a holder of, a licence under this Act may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive stated in schedule 1, part 2. 11  
12  
13  
14
- ‘(7) A person who may be adversely affected by an approval under section 54(7) and to whom a notice has been given under section 54(8) may apply, as provided under the QCAT Act, to the tribunal for a review of the decision or determination. 15  
16  
17  
18
- ‘(8) A person who seeks the chief executive’s approval for section 231 or 287 may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive refusing to give the approval. 19  
20  
21  
22
- ‘(9) A person who submits a gaming machine type or game to the chief executive under section 281 for evaluation may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive rejecting the gaming machine type or game. 23  
24  
25  
26  
27
- ‘(10) The owner of an article, record or other thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 331 resulting in the thing being forfeited. 28  
29  
30  
31

[s 559]

---

<b>‘30</b>	<b>Effect of reconsidering a decision after application to QCAT</b>	1 2
‘(1)	This section applies if the chief executive, commission or an inspector amends, or sets aside and substitutes another decision for, an original decision (the <i>reconsidered decision</i> ) as a consequence of—	3 4 5 6
	(a) reconsidering an original decision at the invitation of QCAT under the QCAT Act, section 23(1); or	7 8
	(b) reconsidering an original decision in accordance with any direction of QCAT in relation to reconsidering the original decision.	9 10 11
‘(2)	Section 29 does not apply to the reconsidered decision.	12
‘(3)	A proceeding for a review of the original decision by the tribunal ends.	13 14
‘(4)	In this section—	15
	<i>original decision</i> means a decision or determination mentioned in section 29.	16 17
<b>‘31</b>	<b>Tribunal to decide review on evidence before the chief executive or commission</b>	18 19
‘(1)	In a proceeding for a review by the tribunal of a decision of the chief executive or commission, the tribunal must—	20 21
	(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive or commission when the decision was made; and	22 23 24 25
	(b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.	26 27 28
‘(2)	If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—	29 30 31

- 
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
- (b) decided in accordance with the same law that applied to the making of the original decision.
- ‘(3) In this section—
- original decision* means the decision of the chief executive or commission to which the proceeding for the review relates.
- ‘32 Tribunal may give leave for review to be decided on new evidence in particular circumstances**
- ‘(1) Despite section 31, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive or commission (the *decision*) leave to present new evidence if the tribunal is satisfied—
- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
- (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must—
- (a) adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons; or
- (b) if the tribunal considers it appropriate for the applicant to make a new application, require the applicant to make a new application to the chief executive.
- ‘(3) In this section—
- new evidence* means evidence that was not before the chief executive when the decision was made.

[s 560]

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<b>‘33</b>	<b>Appeals from tribunal only to Court of Appeal on question of law</b>	1 2
‘(1)	This section applies to a decision of the tribunal (the <i>tribunal decision</i> ) in a proceeding for a review of a decision or determination mentioned in section 29.	3 4 5
‘(2)	The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.	6 7
‘(3)	A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.	8 9 10
‘(4)	To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.	11 12
	<i>Note—</i>	13
	See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.	14 15
<b>Clause 560</b>	<b>Amendment of s 261D (Duration of exclusion direction)</b>	16
	Section 261D(b)(i) and (iii), ‘appeal under part 2’—	17
	<i>omit, insert—</i>	18
	‘a review of the decision by the tribunal’.	19
<b>Clause 561</b>	<b>Omission of s 384 (Continuation of appeals by former listed persons)</b>	20 21
	Section 384—	22
	<i>omit.</i>	23
<b>Clause 562</b>	<b>Omission of s 389 (Appeal decisions resulting in persons taken to be licensed dealers)</b>	24 25
	Section 389—	26
	<i>omit.</i>	27

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<b>Clause 563</b>	<b>Omission of s 407 (Appeals)</b>	1
	Section 407—	2
	<i>omit.</i>	3
<b>Clause 564</b>	<b>Omission of ss 414–421</b>	4
	Sections 414 to 421—	5
	<i>omit.</i>	6
<b>Clause 565</b>	<b>Amendment of schedule (Dictionary)</b>	7
	(1) Schedule, definitions <i>appeal authority</i> and <i>registrar</i> —	8
	<i>omit.</i>	9
	(2) Schedule—	10
	<i>insert</i> —	11
	‘ <b>tribunal</b> means QCAT.’.	12
	(3) Schedule, definition <i>decision-maker</i> —	13
	<i>omit, insert</i> —	14
	‘ <b>decision-maker</b> , for a review by the tribunal, means the entity who made the decision being reviewed.’.	15
		16
	(4) Schedule, definition <i>information notice</i> —	17
	<i>omit, insert</i> —	18
	‘ <b>information notice</b> means a written notice complying with the QCAT Act, section 157(2).’.	19
		20
	(5) Schedule—	21
	<i>number</i> as schedule 2.	22
<b>Clause 566</b>	<b>Insertion of new sch 1</b>	23
	After section 446—	24
	<i>insert</i> —	25



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<b>Section</b>	<b>Description of decision</b>
63	refusing to approve additional premises as premises to which a category 2 licensee's gaming machine licence relates
64(2)	fixing a number of gaming machines for additional premises that is less than the number sought in the additional premises application
64(2)(b)	fixing hours of gaming for additional premises that differ from the hours of gaming sought in the relevant additional premises application
73(1)(b)	imposing conditions on a gaming machine licence
74(1)	imposing conditions or further conditions, or varying conditions on a gaming machine licence
83(1)(a)	approving an increase in the approved number of gaming machines for a licensee's licensed premises that is less than the increase sought in the relevant application
83(1)(b)	refusing to approve an increase in the approved number of gaming machines for a licensee's licensed premises
85C(1)(b)	approving an increase in the approved hours of gaming for a licensee's licensed premises that differs from an increase sought in the relevant application
85C(1)(c)	refusing to approve an increase in approved hours of gaming for a licensee's licensed premises
90C(1)(a)	approving, for a decrease proposal that is a request or a report, a decrease in the approved hours of gaming for a licensee's licensed premises

[s 566]

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<b>Section</b>	<b>Description of decision</b>
90C(1)(b)	approving, for a decrease proposal that is an application, a decrease in the approved hours of gaming for a licensee's licensed premises that is a modification of the proposal contained in the relevant application
90C(1)(c)	refusing, for a decrease proposal that is an application, to approve a decrease in the approved hours of gaming for a licensee's licensed premises
97(16)(d)	cancelling or suspending a gaming machine licence
97(17)	cancelling or suspending a gaming machine licence for failing to comply with a direction from the commission
98(1)	suspending a gaming machine licence

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<b>‘Part 2</b>	<b>Decisions of the chief executive affecting applicants for, or holders of, licences</b>	1 2 3
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<b>Section</b>	<b>Description of decision</b>
87(1)(a)	approving, for a decrease proposal that is an application, a decrease in the approved number of gaming machines for a licensee’s licensed premises that is less than the decrease sought in the application
87(1)(a)	approving, for a decrease proposal that is a request or report, a decrease in the approved number of gaming machines for a licensee’s licensed premises
87(1)(b)	refusing, for a decrease proposal that is an application, to approve a decrease in the approved number of gaming machines for a licensee’s licensed premises
196, 197, 201(1)	refusing to grant an application for the licence
205	imposing a condition on the licence
206(1)	changing a condition of the licence
207	refusing to renew the licence
214D	immediately suspending the licence
214E	suspending or cancelling the licence
214G	censuring the holder of the licence
214H	directing the holder of the licence to rectify a matter

[s 566]

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<b>‘Part 3</b>	<b>Decisions of the chief executive affecting applicants for, or holders of, licences</b>	1 2 3
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<b>Section</b>	<b>Description of decision</b>
76	refusing to renew a gaming machine licence
99	suspending a gaming machine licence
131	refusing to renew a supplier’s licence
132	refusing, on an application made on the ground mentioned in section 132(1)(a), to replace a supplier’s licence

<b>‘Part 4</b>	<b>Decisions of the commission affecting a licensed supplier</b>	4 5
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<b>Section</b>	<b>Description of decision</b>
123	impose a condition on the licence
127	change a condition of the licence
147(2)(d)	suspend the licence
147(2)(e)	cancel the licence
149	suspend the licence

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<b>‘Part 5</b>	<b>Decisions of a licensee affecting persons</b>	1 2
<b>Section</b>	<b>Description of decision</b>	
261C	give a person an exclusion direction	
261F	refusing to revoke an exclusion direction given to a person’.	
<b>Part 35</b>	<b>Amendment of Gaming Machine Regulation 2002</b>	3 4
<b>Clause 567</b>	<b>Regulation amended</b>	5
	This part amends the <i>Gaming Machine Regulation 2002</i> .	6
<b>Clause 568</b>	<b>Amendment of sch 5 (Fees)</b>	7
(1)	Schedule 5, items 1 and 2— <i>omit</i> .	8 9
(2)	Schedule 5, items 3 to 53— <i>renumber</i> as items 1 to 51.	10 11

[s 569]

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<b>Part 36</b>	<b>Amendment of Gas Supply Act 2003</b>	1
		2
<b>Clause 569</b>	<b>Act amended</b>	3
	This part amends the <i>Gas Supply Act 2003</i> .	4
<b>Clause 570</b>	<b>Amendment of s 233 (Directions for prices notification)</b>	5
	Section 233(2), ‘an information notice about’—	6
	<i>omit, insert—</i>	7
	‘a QCAT information notice for’.	8
<b>Clause 571</b>	<b>Amendment of s 270ZM (Information notice about and taking effect of decision)</b>	9
	(1) Section 270ZM(1), ‘an information’—	10
	<i>omit, insert—</i>	11
	‘a QCAT information’.	12
	(2) Section 270ZM(2)(a), ‘the information’—	13
	<i>omit, insert—</i>	14
	‘the QCAT information’.	15
<b>Clause 572</b>	<b>Amendment of ch 6, pt 1, hdg (Reviews and appeals)</b>	16
	Chapter 6, part 1, heading, ‘and appeals’—	17
	<i>omit.</i>	18
<b>Clause 573</b>	<b>Replacement of ch 6, pt 1, div 1, hdg (Reviews)</b>	19
	Chapter 6, part 1, division 1, heading—	20
	<i>omit, insert—</i>	21
<b>‘Division 1</b>	<b>Internal reviews’.</b>	22
		23

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<b>Clause 574</b>	<b>Amendment of s 271 (Who may apply for review)</b>	1
(1)	Section 271, heading, after ‘for’—	2
	<i>insert—</i>	3
	‘ <b>internal</b> ’.	4
(2)	Section 271(1), ‘a review of the decision (a <i>review application</i> )’—	5
	<i>omit, insert—</i>	6
	‘an internal review of the decision (an <i>internal review application</i> )’.	7
(3)	Section 271(2), ‘A review’—	8
	<i>omit, insert—</i>	9
	‘An internal review’.	10
		11
		12
<b>Clause 575</b>	<b>Amendment of s 272 (Requirements for making review application)</b>	13
(1)	Section 272, heading, after ‘making’—	14
	<i>insert—</i>	15
	‘ <b>internal</b> ’.	16
(2)	Section 272(1), ‘A review’—	17
	<i>omit, insert—</i>	18
	‘An internal review’.	19
		20
<b>Clause 576</b>	<b>Amendment of s 273 (Stay of operation of original decision)</b>	21
	Section 273 ‘review’—	22
	<i>omit, insert—</i>	23
	‘internal review’.	24
		25

[s 577]

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<b>Clause 577</b>	<b>Replacement of s 274 (Review decision)</b>	1
	Section 274—	2
	<i>omit, insert—</i>	3
<b>'274</b>	<b>Internal review decision</b>	4
	'(1) The reviewer must, within 20 business days after the internal review application is made—	5
		6
	(a) review the original decision; and	7
	(b) make a decision (the <i>internal review decision</i> ) to—	8
	(i) confirm the original decision; or	9
	(ii) amend the original decision; or	10
	(iii) substitute another decision for the original decision.	11
		12
	'(2) If the internal review decision confirms the original decision, for the purpose of an application for external review, the original decision is taken to be the internal review decision.	13
		14
		15
	'(3) If the internal review decision amends the original decision, for the purpose of an application for external review, the original decision as amended is taken to be the internal review decision.'	16
		17
		18
		19
<b>Clause 578</b>	<b>Amendment of s 275 (Review procedure)</b>	20
	(1) Section 275, heading, 'Review'—	21
	<i>omit, insert—</i>	22
	<b>'Internal review'</b> .	23
	(2) Section 275(1), 'A review'—	24
	<i>omit, insert—</i>	25
	'An internal review'.	26

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	(3) Section 275(3), ‘the review’—	1
	<i>omit, insert</i> —	2
	‘the internal review’.	3
<b>Clause 579</b>	<b>Amendment of s 276 (Reviewer may seek advice or information)</b>	4
	Section 276, ‘review’—	5
	<i>omit, insert</i> —	6
	‘internal review’.	7
<b>Clause 580</b>	<b>Amendment of s 277 (Offence about disclosure of advice or information)</b>	8
	(1) Section 277(1), ‘review’—	9
	<i>omit, insert</i> —	10
	‘internal review’.	11
	(2) Section 277(3), ‘review or an appeal against the review’—	12
	<i>omit, insert</i> —	13
	‘internal review or an external review of the internal review’.	14
<b>Clause 581</b>	<b>Amendment of s 278 (Notice of review decision)</b>	15
	(1) Section 278, heading, ‘review’—	16
	<i>omit, insert</i> —	17
	‘ <b>internal review</b> ’.	18
	(2) Section 278(1), ‘a review decision, give the applicant notice (a <i>review notice</i> ) of’—	19
	<i>omit, insert</i> —	20
	‘an internal review decision, give the applicant notice (an <i>internal review notice</i> ) for’.	21
		22
		23
		24
		25

[s 582]

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- (3) Section 278(2)— 1  
*omit, insert—* 2
- ‘(2) If the internal review decision is not the decision sought by the 3  
applicant, the internal review notice must also include, or be 4  
accompanied by, a QCAT information notice for the 5  
decision.’. 6
- (4) Section 278(3), from ‘the review’ to ‘a review’— 7  
*omit, insert—* 8  
‘the internal review notice within the 10 business days, the 9  
reviewer is taken to have made an internal review’. 10

**Clause 582 Replacement of ch 6, pt 1, div 2 (Appeals)** 11  
Chapter 6, part 1, division 2— 12  
*omit, insert—* 13

**‘Division 2 External reviews by QCAT’.** 14

**‘279 External review of internal review decision** 15

- ‘(1) A person who has been given, or is entitled to be given, an 16  
internal review notice for an internal review decision may 17  
apply, as provided under the QCAT Act, to QCAT for an 18  
external review of the decision. 19
- ‘(2) A person who has been given, or is entitled to be given, a 20  
QCAT information notice for a decision under section 233 21  
may apply, as provided under the QCAT Act, to QCAT for an 22  
external review of the decision. 23  
*Editor’s note—* 24  
Section 233 (Directions for prices notification) 25
- ‘(3) A distributor or retailer who, under section 270ZM, has been 26  
given, or is entitled to be given, a QCAT information notice 27  
for a decision under section 270ZL to impose a civil penalty 28  
may apply, as provided under the QCAT Act, to QCAT for an 29  
external review of the decision.’. 30

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<b>Clause 583</b>	<b>Amendment of sch 1, hdg (Decisions subject to review)</b>	1
	Schedule 1, heading, ‘review’—	2
	<i>omit, insert</i> —	3
	‘ <b>internal review</b> ’.	4
<b>Clause 584</b>	<b>Amendment of sch 2 (Dictionary)</b>	5
(1)	Schedule 5, definitions <i>review application, review decision</i> and <i>review notice</i> —	6 7
	<i>omit.</i>	8
(2)	Schedule 5—	9
	<i>insert</i> —	10
	‘ <b>external review</b> , for a decision, means a review of the decision by QCAT under the QCAT Act.	11 12
	<b>internal review application</b> see section 271(1).	13
	<b>internal review decision</b> see section 274(1)(b).	14
	<b>internal review notice</b> see section 278(1).	15
	<b>QCAT information notice</b> means a notice complying with the QCAT Act, section 157(2).’.	16 17
(3)	Schedule 2, definition <i>information notice</i> , ‘review or appeal’—	18 19
	<i>omit, insert</i> —	20
	‘ <b>internal review</b> ’.	21

[s 585]

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<b>Part 37</b>	<b>Amendment of Interactive Gambling (Player Protection) Act 1998</b>	1
		2
		3
<b>Clause 585</b>	<b>Act amended</b>	4
	This part amends the <i>Interactive Gambling (Player Protection) Act 1998</i> .	5
		6
<b>Clause 586</b>	<b>Amendment of s 105 (Directions to terminate affecting agents)</b>	7
	Section 105(5)—	8
	<i>omit, insert—</i>	9
	‘(5) A notice under subsection (3) or (4) must comply with the QCAT Act, section 157(2).’.	10
		11
		12
<b>Clause 587</b>	<b>Amendment of s 137D (Duration of exclusion direction)</b>	13
	Section 137D(b)(i) and (iii), ‘appeal under part 10’—	14
	<i>omit, insert—</i>	15
	‘a review of the decision by the tribunal’.	16
<b>Clause 588</b>	<b>Amendment of s 213 (Forfeiture)</b>	17
	Section 213(5)—	18
	<i>omit, insert—</i>	19
	‘(5) The notice must comply with the QCAT Act, section 157(2).’.	20
<b>Clause 589</b>	<b>Replacement of pt 10 (Appeals)</b>	21
	Part 10—	22
	<i>omit, insert—</i>	23

---

<b>‘Part 10</b>	<b>Reviews by tribunal</b>	1
<b>‘249</b>	<b>When licensed providers may apply for review</b>	2
	‘A licensed provider may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 1.	3 4 5
<b>‘250</b>	<b>When applicants for key person licences may apply for review</b>	6 7
	‘An applicant for a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 66 to refuse to grant the application.	8 9 10 11
<b>‘251</b>	<b>When key person licensees may apply for review</b>	12
	‘A key person licensee may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 2.	13 14 15
<b>‘252</b>	<b>When agents may apply for review</b>	16
	‘An agent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 3.	17 18 19
<b>‘253</b>	<b>When other persons may apply for review</b>	20
	‘(1) The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 213 to forfeit the thing.	21 22 23
	‘(2) A person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—	24 25
	(a) a decision of a licensed provider, under section 137C, to give the person an exclusion direction;	26 27

[s 589]

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- (b) a decision of a licensed provider, under section 137F, refusing to revoke an exclusion direction given to the person. 1  
2  
3
- ‘254 Tribunal to decide review on evidence before the chief executive** 4  
5
- ‘(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must— 6  
7
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and 8  
9  
10
- (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision. 11  
12  
13
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be— 14  
15  
16
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and 17  
18  
19
- (b) decided in accordance with the same law that applied to the making of the original decision. 20  
21
- ‘(3) In this section— 22
- original decision* means the decision of the chief executive to which the proceeding for the review relates. 23  
24
- ‘255 Tribunal may give leave for review to be decided on new evidence in particular circumstances** 25  
26
- ‘(1) Despite section 254, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the *decision*) leave to present new evidence if the tribunal is satisfied— 27  
28  
29  
30

- 
- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
- (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.
- ‘(3) In this section—  
*new evidence* means evidence that was not before the chief executive when the decision was made.
- ‘256 Appeals from tribunal only to Court of Appeal on a question of law**
- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision mentioned in sections 249 to 253.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.
- Note—*  
See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.

[s 590]

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<b>Clause 590</b>	<b>Omission of s 265 (Dealing with show cause notice)</b>	1
	Section 265—	2
	<i>omit.</i>	3
<b>Clause 591</b>	<b>Omission of s 267 (Appeals to Queensland Gaming Commission)</b>	4
	Section 267—	5
	<i>omit.</i>	6
<b>Clause 592</b>	<b>Amendment of sch 2 (Decisions of chief executive subject to appeal)</b>	8
	Schedule 2, heading, ‘appeal’—	9
	<i>omit, insert—</i>	10
	‘ <b>review</b> ’.	11
<b>Clause 593</b>	<b>Amendment of sch 3 (Dictionary)</b>	12
	(1) Schedule 3, definitions <i>Queensland Gaming Commission</i> and <i>registrar</i> —	13
	<i>omit.</i>	14
	(2) Schedule 3—	15
	<i>insert—</i>	16
	‘ <b>tribunal</b> means QCAT.’.	17
	(3) Schedule 3, definition <i>information notice</i> —	18
	<i>omit, insert—</i>	19
	‘ <b>information notice</b> means a written notice complying with the QCAT Act, section 157(2).’.	20
		21
		22
		23

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<b>Part 38</b>	<b>Amendment of Interactive Gambling (Player Protection) Regulation 1998</b>	1
		2
		3
<b>Clause 594</b>	<b>Regulation amended</b>	4
	This part amends the <i>Interactive Gambling (Player Protection) Regulation 1998</i> .	5
		6
<b>Clause 595</b>	<b>Replacement of s 17 (Appeals)</b>	7
	Section 17—	8
	<i>omit, insert—</i>	9
<b>‘17</b>	<b>Review of decision of chief executive</b>	10
	‘(1) This section applies to a licensed provider or claimant given an information notice for a decision of the chief executive under section 15 or 16.	11
		12
		13
	‘(2) The licensed provider or claimant may apply, as provided under the QCAT Act, to QCAT for a review of the decision of the chief executive.	14
		15
		16
	‘(3) Sections 254 to 256 of the Act apply to a proceeding for the review.’.	17
		18
<b>Clause 596</b>	<b>Omission of s 20 (Registrar—Act, sch 3)</b>	19
	Section 20—	20
	<i>omit.</i>	21
<b>Clause 597</b>	<b>Amendment of sch 3 (Fees)</b>	22
	Schedule 3, item 5—	23
	<i>omit.</i>	24

[s 598]

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<b>Part 39</b>	<b>Amendment of Introduction Agents Act 2001</b>	1 2
<b>Clause 598</b>	<b>Act amended</b>	3
	This part amends the <i>Introduction Agents Act 2001</i> .	4
<b>Clause 599</b>	<b>Amendment of s 24 (Decision on application)</b>	5
	Section 24(3)—	6
	<i>omit, insert—</i>	7
	‘(3) If the chief executive decides to refuse to grant the licence, the chief executive must promptly give the applicant a QCAT information notice for the decision.’.	8 9 10
<b>Clause 600</b>	<b>Amendment of s 27 (Procedure for suspending, cancelling, refusing to renew or imposing conditions on a licence)</b>	11 12 13
	Section 27(4)—	14
	<i>omit, insert—</i>	15
	‘(4) If the chief executive’s decision is to cancel, suspend, refuse to renew or impose a condition on the licence, the notice must be a QCAT information notice for the decision.’.	16 17 18
<b>Clause 601</b>	<b>Amendment of s 30 (Replacement licence)</b>	19
	Section 30(5)—	20
	<i>omit, insert—</i>	21
	‘(5) If the chief executive decides to refuse to replace the licence, the chief executive must give the applicant a QCAT information notice for the decision.’.	22 23 24

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<b>Clause 602</b>	<b>Replacement of pt 7 (Appeals)</b>	1
	Part 7—	2
	<i>omit, insert—</i>	3
	<b>‘Part 7 External review</b>	4
<b>‘82</b>	<b>Definition for pt 7</b>	5
	‘In this part—	6
	<i>reviewable decision</i> means—	7
	(a) for an applicant for a licence—	8
	(i) a decision of the chief executive to impose a condition on a licence under section 24(1)(a); or	9 10
	(ii) a decision of the chief executive under section 24(1)(b); or	11 12
	(b) for a licensee—a decision of the chief executive under section 27(2) or 30(3)(b).	13 14
<b>‘83</b>	<b>Application for review by QCAT</b>	15
	‘An applicant for a licence or a licensee may apply, as provided under the QCAT Act, to QCAT for a review of a reviewable decision.’.	16 17 18
<b>Clause 603</b>	<b>Amendment of sch 2 (Dictionary)</b>	19
	Schedule 2—	20
	<i>insert—</i>	21
	‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).	22 23
	<i>reviewable decision</i> , for part 7, see section 82.’.	24

[s 604]

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**Part 40** **Amendment of Keno Act 1996** 1

**Clause 604 Act amended** 2  
This part amends the *Keno Act 1996*. 3

**Clause 605 Amendment of s 101 (Directions to terminate affecting appointed agents)** 4  
Section 101(6)— 5  
*omit, insert—* 6  
'(6) A notice under subsection (3), (4) or (5) must comply with the 8  
QCAT Act, section 157(2).'

**Clause 606 Amendment of s 154E (Duration of exclusion direction)** 10  
Section 154E(b)(i) and (iii), 'appeal under part 11'— 11  
*omit, insert—* 12  
'a review of the decision by the tribunal'. 13

**Clause 607 Amendment of s 190 (Forfeiture of seized things)** 14  
Section 190(5)— 15  
*omit, insert—* 16  
'(5) The notice must comply with the QCAT Act, section 157(2).'

**Clause 608 Replacement of pt 11 (Appeals)** 18  
Part 11— 19  
*omit, insert—* 20

---

<b>‘Part 11</b>	<b>Reviews by tribunal</b>	1
<b>‘228</b>	<b>When keno licensees may apply for review</b>	2
	‘A keno licensee may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 1.	3 4 5
<b>‘229</b>	<b>When applicants for keno employee licences may apply for review</b>	6 7
	‘An applicant for a keno employee licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 50 to refuse to grant the application.	8 9 10 11
<b>‘230</b>	<b>When licensed keno employees may apply for review</b>	12
	‘A licensed keno employee may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 2.	13 14 15
<b>‘231</b>	<b>When keno agents may apply for review</b>	16
	‘A keno agent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 3.	17 18 19
<b>‘232</b>	<b>When keno subagents may apply for review</b>	20
	‘A keno subagent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 4.	21 22 23

[s 608]

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<b>‘233</b>	<b>When other persons may apply for review</b>	1
‘(1)	The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the inspector under section 190 to forfeit the thing.	2 3 4
‘(2)	A person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—	5 6
(a)	a decision of an appointed agent, under section 154D, to give the person an exclusion direction;	7 8
(b)	a decision of an appointed agent, under section 154G, refusing to revoke an exclusion direction given to the person.	9 10 11
<b>‘234</b>	<b>Tribunal to decide review on evidence before the chief executive</b>	12 13
‘(1)	In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—	14 15
(a)	hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and	16 17 18
(b)	decide the review of the decision in accordance with the same law that applied to the making of the original decision.	19 20 21
‘(2)	If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—	22 23 24
(a)	heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and	25 26 27
(b)	decided in accordance with the same law that applied to the making of the original decision.	28 29
‘(3)	In this section—	30
	<i>original decision</i> means the decision of the chief executive to which the proceeding for the review relates.	31 32

---

<b>‘235</b>	<b>Tribunal may give leave for review to be decided on new evidence in particular circumstances</b>	1 2
‘(1)	Despite section 234, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the <i>decision</i> ) leave to present new evidence if the tribunal is satisfied—	3 4 5 6
	(a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and	7 8 9
	(b) in the circumstances, it would be unfair not to allow the party to present the new evidence.	10 11
‘(2)	If the tribunal gives leave under subsection (1), the tribunal must—	12 13
	(a) adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons; or	14 15 16 17
	(b) if the tribunal considers it appropriate for the applicant to make a new application, require the applicant to make a new application to the chief executive.	18 19 20
‘(3)	In this section—	21
	<i>new evidence</i> means evidence that was not before the chief executive when the decision was made.	22 23
<b>‘236</b>	<b>Appeals from tribunal only to Court of Appeal on a question of law</b>	24 25
‘(1)	This section applies to a decision of the tribunal (the <i>tribunal decision</i> ) in a proceeding for a review of a decision mentioned in sections 228 to 233.	26 27 28
‘(2)	The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.	29 30

[s 609]

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‘(3) A party to the proceeding may appeal to the Court of Appeal  
against the tribunal decision but only if the appeal is on a  
question of law. 1  
2  
3

‘(4) To remove any doubt, it is declared that the QCAT Act,  
section 149 does not apply to the tribunal decision. 4  
5

*Note—* 6

See the QCAT Act, sections 151 to 153, 155 and 156 for other  
requirements and effects of an appeal to the Court of Appeal.’. 7  
8

**Clause 609 Omission of s 246 (Dealing with show cause notice)** 9  
Section 246— 10  
*omit.* 11

**Clause 610 Omission of s 248 (Appeals to Gaming Commission)** 12  
Section 248— 13  
*omit.* 14

**Clause 611 Amendment of sch 4 (Dictionary)** 15  
(1) Schedule 4, definitions *Gaming Commission* and *registrar*— 16  
*omit.* 17  
(2) Schedule 4— 18  
*insert—* 19  
**‘tribunal** means QCAT.’. 20  
(3) Schedule 4, definition *information notice*— 21  
*omit, insert—* 22  
**‘information notice** means a written notice complying with  
the QCAT Act, section 157(2).’ 23  
24

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<b>Part 41</b>	<b>Amendment of Keno Regulation 1997</b>	1
		2
<b>Clause 612</b>	<b>Regulation amended</b>	3
	This part amends the <i>Keno Regulation 1997</i> .	4
<b>Clause 613</b>	<b>Amendment of sch 3 (Fees)</b>	5
	Schedule 3, item 4—	6
	<i>omit.</i>	7
<b>Part 42</b>	<b>Amendment of Liquid Fuel Supply Act 1984</b>	8
		9
<b>Clause 614</b>	<b>Act amended</b>	10
	This part amends the <i>Liquid Fuel Supply Act 1984</i> .	11
<b>Clause 615</b>	<b>Amendment of s 5 (Interpretation)</b>	12
	Section 5—	13
	<i>insert—</i>	14
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	15
		16
<b>Clause 616</b>	<b>Replacement of s 35 (Rights of appeal)</b>	17
	Section 35—	18
	<i>omit, insert—</i>	19

[s 616]

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<b>‘35</b>	<b>Right of review</b>	1
‘(1)	A person about whom any of the following decisions is made may apply, as provided under the QCAT Act, to QCAT for a review of the decision—	2 3 4
(a)	a refusal of a permit under this part;	5
(b)	a cancellation of a permit under this part;	6
(c)	a refusal to identify a person, association of persons or class of person as an essential user or as a high priority user of liquid fuel of a particular kind;	7 8 9
(d)	a revocation of an instrument identifying a person, association of persons or class of person as an essential user or as a high priority user of liquid fuel of a particular kind;	10 11 12 13
(e)	a refusal to identify a person or association of persons as a bulk customer of a relevant person for a particular refined liquid petroleum product;	14 15 16
(f)	a revocation of an instrument identifying a person or association of persons as a bulk customer of a relevant person for a particular refined liquid petroleum product.	17 18 19
‘(2)	Costs must not be awarded to either party to a review by QCAT.	20 21
<b>‘35AA</b>	<b>Minister need not give information notice</b>	22
‘(1)	This section applies to a decision mentioned in section 35(1).	23
‘(2)	The Minister need not give an information notice for the decision if the Minister considers—	24 25
(a)	it is impracticable to give an information notice to each person in an association of persons or a class of persons; or	26 27 28
(b)	publication of the information notice might disclose confidential information or personal confidential information; or	29 30 31

- 
- (c) it is impracticable to give an information notice for any other reason. 1  
2
- ‘(3) In this section— 3
- personal confidential information* means confidential information that— 4  
5
- (a) is not publicly available; and 6
- (b) identifies, or is likely to identify, a person or discloses matters about a person’s affairs. 7  
8
- reviewable decision* means a reviewable decision under the QCAT Act.’. 9  
10

**Clause 617 Amendment of s 45 (Trade secrets)** 11

- (1) Section 45(2A) to (5)— 12  
*omit, insert—* 13
- ‘(3) The Minister must give the person who objected— 14
- (a) a copy of the instrument; and 15
- (b) an information notice for the Minister’s decision.’. 16
- ‘(4) A person who has objected under subsection (1) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’. 17  
18  
19
- (2) Section 45(6)— 20  
*renumber* as section 45(5). 21

**Clause 618 Amendment of s 56 (Injunctions against Minister excluded)** 22  
23

- Section 56, ‘appeals against’— 24  
*omit, insert—* 25  
‘the review of’. 26

[s 619]

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<b>Part 43</b>	<b>Amendment of Liquor Act 1992</b>	1
<b>Clause 619</b>	<b>Act amended</b>	2
	This part amends the <i>Liquor Act 1992</i> .	3
<b>Clause 620</b>	<b>Amendment of s 3 (Act's objects)</b>	4
	Section 3(c), 'appeals authorised by'—	5
	<i>omit, insert—</i>	6
	'reviews of certain decisions under'.	7
<b>Clause 621</b>	<b>Amendment of s 4 (Definitions)</b>	8
	(1) Section 4, definitions <i>chairperson</i> and <i>director—</i>	9
	<i>omit.</i>	10
	(2) Section 4, definitions <i>tribunal</i> and <i>tribunal Act—</i>	11
	<i>omit, insert—</i>	12
	' <i>tribunal</i> means QCAT.	13
	<i>tribunal Act</i> means the QCAT Act.'	14
<b>Clause 622</b>	<b>Replacement of pt 2, div 2 (Appeals to tribunal)</b>	15
	Part 2, division 2—	16
	<i>omit, insert—</i>	17
<b>'Division 2</b>	<b>Review of decisions by tribunal</b>	18
<b>'29A</b>	<b>Definitions</b>	19
	'In this division—	20
	<i>submission</i> does not include a submission made under section 118A.	21
		22

---

*tribunal registrar* means the principal registrar under the  
tribunal Act. 1  
2

**‘30 Who may apply for review of decisions 3**

- ‘(1) A person may apply, as provided under the QCAT Act, to the  
tribunal for a review of a decision of the chief executive if— 4  
5
- (a) the person— 6
- (i) made an application, submission or objection in 7  
the proceeding in which the decision was made; or 8
- (ii) if the decision is to take disciplinary action relating 9  
to, or the urgent suspension of, a licence, to cancel 10  
or suspend a permit or to impose or vary the 11  
conditions of a permit—is the licensee or 12  
permittee; and 13
- (b) the person is aggrieved by the decision. 14
- ‘(2) However, if, under section 111(2), the chief executive decides 15  
to vary conditions of a licence or permit relating to a restricted 16  
area, a person who made a submission or objection in the 17  
proceeding for the variation is not entitled to apply to the 18  
tribunal for a review of the chief executive’s decision. 19

**‘31 Failure to notify about decision 20**

- ‘(1) This section applies if the chief executive fails to notify an  
applicant of the grant or refusal of an application within 30  
days after the end of the time within which all steps required  
or permitted by this Act to be taken relating to the application  
must be taken. 21  
22  
23  
24  
25
- ‘(2) For the purposes of a review by the tribunal, the chief  
executive is taken to have given to the applicant notice of a  
decision to refuse the application at the end of the period of 30  
days. 26  
27  
28  
29

[s 622]

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- ‘32 Notification of review to interested persons** 1
- ‘(1) As soon as practicable after receiving notice of an application 2  
for a review under section 30, the chief executive must give to 3  
the principal registrar written notice of the names and 4  
addresses (as last known to the chief executive) of all persons 5  
who made an application, submission or objection in the 6  
proceeding relevant to the review. 7
- ‘(2) The principal registrar must give to each person whose name 8  
and address have been notified to the principal registrar under 9  
subsection (1), other than the person who applied for the 10  
review, written notice that a review has been started. 11
- ‘(3) At least 3 days before a hearing of a review is to start, the 12  
principal registrar must give written notice of the time and 13  
place of the hearing to the following persons— 14
- (a) the person who applied for the review; 15
- (b) the chief executive; 16
- (c) as far as is practicable—each person whose name and 17  
address have been given to the principal registrar under 18  
section 32(1). 19
- ‘33 Tribunal to decide review on evidence before the 20  
chief executive** 21
- ‘(1) In a proceeding for a review of a decision of the chief 22  
executive by the tribunal, the tribunal must— 23
- (a) hear and decide the review of the decision by way of a 24  
reconsideration of the evidence before the chief 25  
executive when the decision was made; and 26
- (b) decide the review of the decision in accordance with the 27  
same law that applied to the making of the original 28  
decision. 29
- ‘(2) If the tribunal decides, under the QCAT Act, section 139, that 30  
a proceeding for a review of a decision should be reopened, 31  
the issues in the proceeding that are reheard, must be— 32

---

(a)	heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and	1 2 3
(b)	decided in accordance with the same law that applied to the making of the original decision.	4 5
‘(3)	In this section—	6
	<i>original decision</i> means the decision of the chief executive to which the proceeding for the review relates.	7 8
<b>‘34</b>	<b>Tribunal may give leave for review to be decided on new evidence in particular circumstances</b>	9 10
‘(1)	Despite section 33, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the <i>decision</i> ) leave to present new evidence if the tribunal is satisfied—	11 12 13 14
(a)	the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and	15 16 17
(b)	in the circumstances, it would be unfair not to allow the party to present the new evidence.	18 19
‘(2)	If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.	20 21 22 23 24
‘(3)	In this section—	25
	<i>new evidence</i> means evidence that was not before the chief executive when the decision was made.	26 27

[s 623]

---

<b>‘35</b>	<b>Appeals from tribunal only to Court of Appeal on a question of law</b>	1 2
‘(1)	This section applies to a decision of the tribunal (the <i>tribunal decision</i> ) in a proceeding for a review of a decision of the chief executive.	3 4 5
‘(2)	The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.	6 7
‘(3)	A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.	8 9 10
‘(4)	To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.	11 12
	<i>Note—</i>	13
	See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.	14 15
<b>Clause 623</b>	<b>Amendment of s 48 (Preservation of confidentiality)</b>	16
	Section 48(2)(d)—	17
	<i>omit, insert—</i>	18
	‘(d) disclosing information about the status of an application to the tribunal for a review and the names of the parties to the review; or’.	19 20 21
<b>Clause 624</b>	<b>Amendment of s 134C (Decision about relevant action relating to adult entertainment permit)</b>	22 23
	Section 134C(3)—	24
	<i>omit, insert—</i>	25
	‘(3) Also, if the chief executive decides to take the relevant action the notice under subsection (2) must comply with the tribunal Act, section 157(2).’.	26 27 28

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<b>Clause 625</b>	<b>Amendment of s 137B (Notice to be given about chief executive's decision)</b>	1
	Section 137B(3), from 'state—'—	2
	<i>omit, insert—</i>	3
	'comply with the tribunal Act, section 157(2).'	4
<b>Clause 626</b>	<b>Amendment of s 137C (Urgent suspension)</b>	5
	Section 137C(2)—	6
	<i>omit, insert—</i>	7
	'(2) The chief executive may immediately suspend the licence (an <i>urgent suspension</i> ) by written notice which must—	8
	(a) be given to the licensee; and	9
	(b) state the licence is suspended; and	10
	(c) comply with the tribunal Act, section 157(2).'	11
<b>Clause 627</b>	<b>Amendment of s 142P (Review decision)</b>	12
	Section 142P(6)—	13
	<i>omit, insert—</i>	14
	'(6) The written notice must comply with the tribunal Act, section 157(2).'	15
<b>Clause 628</b>	<b>Replacement of s 142T (Refusal to grant application)</b>	16
	Section 142T—	17
	<i>omit, insert—</i>	18
	<b>'142T Refusal to grant application</b>	19
	'(1) If the chief executive decides to refuse to grant the application, the chief executive must as soon as practicable give the applicant written notice of the decision.	20
		21
		22
		23
		24
		25

[s 629]

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‘(2) The written notice must comply with the tribunal Act, section 157(2).’ 1  
2

**Clause 629 Replacement of s 142X (Refusal to renew approval)** 3

Section 142X— 4

*omit, insert—* 5

**‘142X Refusal to renew approval** 6

‘(1) If the chief executive decides to refuse to renew the approval, the chief executive must as soon as practicable give the applicant written notice of the decision. 7  
8  
9

‘(2) The written notice must comply with the tribunal Act, section 157(2).’ 10  
11

**Clause 630 Amendment of s 142ZE (Suspension or cancellation)** 12

Section 142ZE(4)— 13

*omit, insert—* 14

‘(4) The chief executive must as soon as practicable give the holder of the approval a written notice of the decision. 15  
16

‘(4A) The written notice must comply with the tribunal Act, section 157(2).’ 17  
18

**Clause 631 Amendment of s 208 (Payment of fees)** 19

Section 208(3)(b)— 20

*omit, insert—* 21

‘(b) the application by a person to the tribunal, and the powers of the tribunal, in relation to the failure to pay the fee.’ 22  
23  
24

<b>Part 44</b>	<b>Amendment of Liquor Regulation 2002</b>	1
		2
<b>Clause 632</b>	<b>Regulation amended</b>	3
	This part amends the <i>Liquor Regulation 2002</i> .	4
<b>Clause 633</b>	<b>Amendment of s 8 (Obligation to conduct business at detached bottle shop if no appeal)</b>	5
		6
	(1) Section 8, heading, ‘appeal’—	7
	<i>omit, insert—</i>	8
	‘ <b>review</b> ’.	9
	(2) Section 8(1)(c)—	10
	<i>omit, insert—</i>	11
	‘(c) no application is made for a review of the chief executive’s decision to grant the approval.’	12
		13
	(3) Section 8(2) to (4)—	14
	<i>omit, insert—</i>	15
	‘(2) The licensee must start to conduct business under the approval within 60 days after the last day on which an application for a review of the chief executive’s decision to grant the approval may be made.	16
		17
		18
		19
	‘(3) If the licensee fails to comply with subsection (2), the approval lapses at the end of 60 days after the last day on which an application for a review of the chief executive’s decision to grant the approval may be made.’	20
		21
		22
		23
<b>Clause 634</b>	<b>Amendment of s 9 (Obligation to conduct business at detached bottle shop after an appeal)</b>	24
		25
	(1) Section 9, heading, ‘an appeal’—	26
	<i>omit, insert—</i>	27

[s 635]

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‘review’. 1

(2) Section 9(1)(b)— 2

*omit, insert—* 3

‘(b) an application has been made for a review of the chief executive’s decision to grant the approval; and’. 4  
5

**Clause 635 Amendment of s 13 (Decision by chief executive for application under s 12)** 6  
7

Section 13(2)— 8

*omit, insert—* 9

‘(2) If the chief executive refuses the application, the chief executive must as soon as practicable give the applicant written notice of the refusal. 10  
11  
12

‘(3) The written notice must comply with the tribunal Act, section 157(2).’ 13  
14

**Clause 636 Amendment of s 15 (Decision by chief executive for application under s 14)** 15  
16

Section 15(2)— 17

*omit, insert—* 18

‘(2) If the chief executive refuses the joint application, the chief executive must as soon as practicable give each applicant written notice of the refusal. 19  
20  
21

‘(3) The written notice must comply with the tribunal Act, section 157(2).’ 22  
23

**Clause 637 Amendment of s 18 (Decision by chief executive for application under s 17)** 24  
25

Section 18(2)— 26

*omit, insert—* 27

- 
- ‘(2) If the chief executive refuses the application, the chief executive must as soon as practicable give the applicant written notice of the refusal. 1  
2  
3
- ‘(3) The written notice must comply with the tribunal Act, section 157(2).’. 4  
5

- Clause 638 Amendment of s 22 (Decision by chief executive for application under s 21 other than application for an occasion approval)** 6  
7  
8
- Section 22(4)— 9  
*omit, insert—* 10
- ‘(4) If the chief executive refuses the application, the chief executive must as soon as practicable give the applicant written notice of the refusal. 11  
12  
13
- ‘(5) The written notice must comply with the tribunal Act, section 157(2).’. 14  
15

- Clause 639 Amendment of s 24 (Decision by chief executive for application under s 21 for an occasion approval)** 16  
17
- Section 24(3)— 18  
*omit, insert—* 19
- ‘(3) If the chief executive refuses the application, the chief executive must as soon as practicable give the applicant written notice of the refusal. 20  
21  
22
- ‘(4) The written notice must comply with the tribunal Act, section 157(2).’. 23  
24

- Clause 640 Amendment of s 36K (Notice of reassessment of licence fee)** 25  
26
- Section 36K(3)(b)(iv) and (v)— 27  
*omit, insert—* 28

[s 641]

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	‘(iv) the licensee may apply, as provided under the QCAT Act, to the tribunal for a review of a reassessment;	1 2 3
	(v) how, and the time within which, the licensee may apply, as provided under the QCAT Act, to the tribunal for a review;	4 5 6
	(vi) any right the licensee has to have the operation of the decision stayed under the QCAT Act, section 22(3).’.	7 8 9
<b>Clause 641</b>	<b>Amendment of pt 8, div 6, hdg (Appeal to tribunal about failure to pay licence fee)</b>	10 11
	Part 8, division 6, heading, ‘Appeal’—	12
	<i>omit, insert—</i>	13
	‘ <b>Application</b> ’.	14
<b>Clause 642</b>	<b>Amendment of s 36M (Purpose of div 6)</b>	15
	Section 36M, ‘an appeal by a licensee’—	16
	<i>omit, insert—</i>	17
	‘a licensee to apply’.	18
<b>Clause 643</b>	<b>Replacement of s 36N (Appeal about failure to pay licence fee or underpaid amount)</b>	19 20
	Section 36N—	21
	<i>omit, insert—</i>	22
<b>‘36N</b>	<b>Application to tribunal about failure to pay licence fee or underpaid amount</b>	23 24
	‘(1) This section applies if a person is aggrieved by the suspension and impending cancellation of a licence because of a failure to pay the licence fee for the licence for a licence period, or an underpaid amount, under section 36L(2) (the <i>outstanding amount</i> ).’.	25 26 27 28 29

- 
- ‘(2) The person may apply, as provided under the QCAT Act, to the tribunal for an extension of time to pay the outstanding amount on the ground the failure was due to—
- (a) the business conducted under authority of the licence having been adversely affected by a natural disaster; or
  - (b) the licensee ceasing to conduct business on the licensed premises under authority of the licence; or
  - (c) the owner, lessee or mortgagee of the licensed premises starting a proceeding for possession of the premises; or
  - (d) a personal hardship for the licensee.
- ‘(3) Financial hardship is not a personal hardship for subsection (2)(d).
- ‘(4) The application to the tribunal under subsection (2) may only be made during the suspension period.
- ‘(5) If an application is made to the tribunal under subsection (2), the licence will not be cancelled under section 36L(2)(b), but continues to be suspended until the suspension ends, or licence is cancelled, under section 36O.
- ‘(6) In this section—  
*suspension period* see section 36L(2)(a).’

- Clause 644 Amendment of s 36O (Powers of tribunal on appeal)**
- (1) Section 36O, heading, ‘appeal’—  
*omit, insert—*  
**‘applications under this division’.**
- (2) Section 36O(1) to (4)—  
*omit, insert—*
- ‘(1) In deciding the application, the tribunal may—
- (a) grant the application on condition that the licence fee or underpaid amount is paid to the department within a period stated by the tribunal (the *time allowed*); or

[s 644]

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- |  |    |
|--|----|
| (b) refuse the application.  | 1  |
| ‘(2) The time allowed must be at least 7 days, and not more than 28 days, after the day on which the application is granted.’.       | 2  |
|  | 3  |
| (3) Section 36O(5), ‘36N(4)’—  | 4  |
| <i>omit, insert—</i>   | 5  |
| ‘36N(5)’.  | 6  |
| (4) Section 36O(5)(a) and (6)(a), ‘appeal is allowed’—   | 7  |
| <i>omit, insert—</i>   | 8  |
| ‘application is granted’.  | 9  |
| (5) Section 36O(5)(b)—   | 10 |
| <i>omit, insert—</i>   | 11 |
| ‘(b) the application is refused and the licence fee or underpaid amount is paid within 1 day of the application being refused.’.     | 12 |
|  | 13 |
|  | 14 |
| (6) Section 36O(6)(b)—   | 15 |
| <i>omit, insert—</i>   | 16 |
| ‘(b) the application is refused and the licence fee or underpaid amount is not paid within 1 day of the application being refused.’. | 17 |
|  | 18 |
|  | 19 |
| (7) Section 36O(7), ‘subsection (6)’—  | 20 |
| <i>omit, insert—</i>   | 21 |
| ‘subsection (4)’.  | 22 |
| (8) Section 36O(5) to (7)—   | 23 |
| <i>renumber</i> as section 36O(3) to (5).  | 24 |

---

<b>Part 45</b>	<b>Amendment of Lotteries Act 1997</b>	1
		2
<b>Clause 645</b>	<b>Act amended</b>	3
	This part amends the <i>Lotteries Act 1997</i> .	4
<b>Clause 646</b>	<b>Amendment of s 79 (Conditions for entering into agency agreement)</b>	5
	Section 79(5)(d)—	6
	<i>omit, insert—</i>	7
	‘(d) that the lottery operator or lottery agent may apply, as provided under the QCAT Act, to the tribunal for a review of the decision to require the amendment.’	8
		9
		10
		11
<b>Clause 647</b>	<b>Amendment of s 88 (Directions to terminate affecting lottery agents)</b>	12
	Section 88(5)—	13
	<i>omit, insert—</i>	14
	‘(5) A notice under subsection (3) or (4) must comply with the QCAT Act, section 157(2).’	15
		16
		17
<b>Clause 648</b>	<b>Amendment of s 132AA (Former lottery operators)</b>	18
	Section 132AA(4)(b)(v)—	19
	<i>omit, insert—</i>	20
	‘(v) that the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision about the likely claims amount; and’	21
		22
		23

[s 649]

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<b>Clause 649</b>	<b>Amendment of s 176 (Forfeiture)</b>	1
	Section 176(5)—	2
	<i>omit, insert—</i>	3
	‘(5) The notice must comply with the QCAT Act, section 157(2).’.	4
<b>Clause 650</b>	<b>Replacement of pt 10 (Appeals)</b>	5
	Part 10—	6
	<i>omit, insert—</i>	7
	<b>‘Part 10 Review of decisions by tribunal</b>	8
	<b>‘214 When lottery operators may apply for review</b>	9
	‘A lottery operator may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 1.	10 11 12
	<b>‘215 When applicants for key person licences may apply for review</b>	13 14
	‘An applicant for a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 48 to refuse to grant the application.	15 16 17 18
	<b>‘216 When licensees under key person licences may apply for review</b>	19 20
	‘A licensee under a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive mentioned in schedule 2, part 2.	21 22 23

---

<b>‘217</b>	<b>When lottery agents may apply for review</b>	1
	‘A lottery agent may apply, as provided under the QCAT Act,	2
	to the tribunal for a review of a decision of the chief executive	3
	mentioned in schedule 2, part 3.	4
<b>‘218</b>	<b>When other persons may apply for review</b>	5
‘(1)	Within 28 days after receiving a notice under section	6
	132AA(4)(b), a person may apply, as provided under the	7
	QCAT Act, to the tribunal for a review of the decision under	8
	section 132AA(4)(a).	9
‘(2)	The owner of a thing seized by an inspector may apply, as	10
	provided under the QCAT Act, to the tribunal for a review of a	11
	decision of an inspector under section 176 to forfeit the thing.	12
<b>‘219</b>	<b>Tribunal to decide review on evidence before the chief executive</b>	13 14
‘(1)	In a proceeding for a review of a decision of the chief	15
	executive by the tribunal, the tribunal must—	16
(a)	hear and decide the review of the decision by way of a	17
	reconsideration of the evidence before the chief	18
	executive when the decision was made; and	19
(b)	decide the review of the decision in accordance with the	20
	same law that applied to the making of the original	21
	decision.	22
‘(2)	If the tribunal decides, under the QCAT Act, section 139, that	23
	a proceeding for a review of a decision should be reopened,	24
	the issues in the proceeding that are reheard, must be—	25
(a)	heard and decided by way of a reconsideration of the	26
	evidence given in the proceeding for the review of the	27
	decision; and	28
(b)	decided in accordance with the same law that applied to	29
	the making of the original decision.	30

[s 650]

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‘(3) In this section—	1
<i>original decision</i> means the decision of the chief executive to	2
which the proceeding for the review relates.	3
<b>‘220 Tribunal may give leave for review to be decided on</b>	4
<b>new evidence in particular circumstances</b>	5
‘(1) Despite section 219, the tribunal may grant a party to a	6
proceeding for a review of a decision of the chief executive	7
(the <i>decision</i> ) leave to present new evidence if the tribunal is	8
satisfied—	9
(a) the party did not know and could not reasonably be	10
expected to have known of the existence of the new	11
evidence before the decision; and	12
(b) in the circumstances, it would be unfair not to allow the	13
party to present the new evidence.	14
‘(2) If the tribunal gives leave under subsection (1), the tribunal	15
must adjourn the proceedings for a stated reasonable time to	16
allow the chief executive to reconsider the decision together	17
with the new evidence and to allow for further submissions by	18
affected persons.	19
‘(3) In this section—	20
<i>new evidence</i> means evidence that was not before the chief	21
executive when the decision was made.	22
<b>‘221 Appeals from tribunal only to Court of Appeal on a</b>	23
<b>question of law</b>	24
‘(1) This section applies to a decision of the tribunal (the <i>tribunal</i>	25
<i>decision</i> ) in a proceeding for a review of a decision mentioned	26
in sections 214 to 218.	27
‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to	28
the tribunal decision.	29

‘(3) A party to the proceeding may appeal to the Court of Appeal  
against the tribunal decision but only if the appeal is on a  
question of law. 1  
2  
3

‘(4) To remove any doubt, it is declared that the QCAT Act,  
section 149 does not apply to the tribunal decision. 4  
5

*Note—* 6

See the QCAT Act, sections 151 to 153, 155 and 156 for other  
requirements and effects of an appeal to the Court of Appeal.’. 7  
8

**Clause 651 Omission of s 249 (Dealing with show cause notice)** 9  
Section 249— 10  
*omit.* 11

**Clause 652 Omission of s 251 (Appeals to Gaming Commission)** 12  
Section 251— 13  
*omit.* 14

**Clause 653 Amendment of sch 3 (Dictionary)** 15  
(1) Schedule 3, definitions *Gaming Commission* and *registrar—* 16  
*omit.* 17  
(2) Schedule 3— 18  
*insert—* 19  
**‘tribunal** means QCAT.’. 20  
(3) Schedule 3, definition *information notice—* 21  
*omit, insert—* 22  
**‘information notice** means a written notice complying with  
the QCAT Act, section 157(2).’ 23  
24

[s 654]

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<b>Part 46</b>	<b>Amendment of Lotteries Regulation 1997</b>	1
		2
<b>Clause 654</b>	<b>Regulation amended</b>	3
	This part amends the <i>Lotteries Regulation 2007</i> .	4
<b>Clause 655</b>	<b>Amendment of sch 3 (Fees)</b>	5
	Schedule 3, item 5—	6
	<i>omit.</i>	7
<b>Part 47</b>	<b>Amendment of Manufactured Homes (Residential Parks) Act 2003</b>	8
		9
		10
<b>Clause 656</b>	<b>Act amended</b>	11
	This part amends the <i>Manufactured Homes (Residential Parks) Act 2003</i> .	12
		13
<b>Clause 657</b>	<b>Amendment of s 6 (Definitions)</b>	14
	Section 6, ‘schedule 2’—	15
	<i>omit, insert—</i>	16
	‘the schedule’.	17
<b>Clause 658</b>	<b>Amendment of s 50 (Application to tribunal for order that park owner consent to assignment)</b>	18
	Section 50(6)—	19
	<i>omit.</i>	20
		21

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<b>Clause 659</b>	<b>Amendment of s 134 (Appointments and authority)</b>	1
	Section 134(1)(c), ‘, the director’—	2
	<i>omit.</i>	3
<b>Clause 660</b>	<b>Amendment of s 135 (Evidentiary aids)</b>	4
	Section 135, ‘or director’—	5
	<i>omit.</i>	6
<b>Clause 661</b>	<b>Amendment of s 143 (Protection from liability)</b>	7
	Section 143(3), definition <i>official</i> —	8
	<i>omit, insert</i> —	9
	‘ <i>official</i> means—	10
	(a) the chief executive; or	11
	(b) an inspector.’	12
<b>Clause 662</b>	<b>Amendment of sch 2 (Dictionary)</b>	13
	(1) Schedule 2, definitions <i>director</i> and <i>tribunal</i> —	14
	<i>omit.</i>	15
	(2) Schedule 2—	16
	<i>insert</i> —	17
	‘ <i>tribunal</i> means QCAT.’	18
	(3) Schedule 2—	19
	<i>renumber</i> as schedule.	20

[s 663]

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<b>Part 48</b>	<b>Amendment of Petroleum and Gas (Production and Safety) Act 2004</b>	1
		2
		3

<b>Clause 663</b>	<b>Act amended</b>	4
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	5
		6

<b>Clause 664</b>	<b>Amendment of s 774 (Dealing with forfeited things)</b>	7
	Section 774(3), after ‘appeal’—	8
	<i>insert</i> —	9
	‘or review’.	10

<b>Clause 665</b>	<b>Amendment of s 817 (Who may apply for review)</b>	11
	(1) Section 817, heading, after ‘for’—	12
	<i>insert</i> —	13
	‘ <b>internal</b> ’.	14
	(2) Section 817(1), ‘may apply for a review of the decision (a <b>review application</b> )’—	15
	<i>omit, insert</i> —	16
	‘may apply for an internal review of the decision (an <b>internal review application</b> )’.	17
	18	18
	19	19
	(3) Section 817(2), ‘A review’—	20
	<i>omit, insert</i> —	21
	‘An internal review’.	22
	(4) Section 817(3), ‘review’—	23
	<i>omit, insert</i> —	24
	‘internal review’.	25

---

<b>Clause 666</b>	<b>Amendment of s 818 (Requirements for making application)</b>	1
		2
(1)	Section 818, ‘A review’—	3
	<i>omit, insert—</i>	4
	‘An internal review’.	5
(2)	Section 818(c)(i), after ‘lodging’—	6
	<i>insert—</i>	7
	‘internal’.	8
<b>Clause 667</b>	<b>Amendment of s 819 (Stay of operation of original decision)</b>	9
		10
	Section 819, ‘review’—	11
	<i>omit, insert—</i>	12
	‘internal review’.	13
<b>Clause 668</b>	<b>Amendment of s 820 (Review decision)</b>	14
(1)	Section 820, heading, ‘Review’—	15
	<i>omit, insert—</i>	16
	‘ <b>Internal review</b> ’.	17
(2)	Section 820(1) and (2), ‘the review’—	18
	<i>omit, insert—</i>	19
	‘the internal review’.	20
(3)	Section 820(1)(b), ‘the <i>review</i> ’—	21
	<i>omit, insert—</i>	22
	‘the <i>internal review</i> ’.	23
(4)	Section 820(3) and (4)—	24
	<i>omit, insert—</i>	25

[s 669]

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‘(3) If the internal review decision confirms the original decision, 1  
for the purpose of an external review, the original decision is 2  
taken to be the internal review decision. 3

‘(4) If the internal review decision amends the original decision, 4  
for the purpose of an external review, the original decision as 5  
amended is taken to be the internal review decision.’. 6

**Clause 669 Amendment of s 821 (Review procedure) 7**

(1) Section 821, heading, ‘Review’— 8

*omit, insert— 9*

**‘Internal review’.** 10

(2) Section 821(2), ‘the review’— 11

*omit, insert— 12*

‘the internal review’. 13

**Clause 670 Amendment of s 822 (Notice of review decision) 14**

(1) Section 822, heading, after ‘of’— 15

*insert— 16*

**‘internal’.** 17

(2) Section 822(1), ‘a review’— 18

*omit, insert— 19*

‘an internal review’. 20

(3) Section 822(2)— 21

*omit, insert— 22*

‘(2) If the internal review decision is not the decision sought by the 23  
applicant, the review notice must— 24

(a) for an internal review decision about seizure or 25  
forfeiture of a thing—include, or be accompanied by, an 26  
information notice for the decision; or 27

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(b) for another internal review decision—include, or be accompanied by, a QCAT information notice for the decision.’. 1  
2  
3

(4) Section 822(3), ‘a review’— 4  
*omit, insert—* 5  
‘an internal review’. 6

**Clause 671 Amendment of ch 12, pt 2, hdg (Appeals)** 7  
Chapter 12, part 2, heading, after ‘Appeals’— 8  
*insert—* 9  
‘**and external review**’. 10

**Clause 672 Amendment of s 823 (Who may appeal)** 11  
(1) Section 823, heading, after ‘appeal’— 12  
*insert—* 13  
‘**or apply for external review**’. 14  
(2) Section 823(1) and (2)— 15  
*omit, insert—* 16  
‘(1) A person who is given, or is entitled to be given, a QCAT information notice for an internal review decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision. 17  
18  
19  
20  
(2) A person who is given, or is entitled to be given, an information notice about seizure or forfeiture of a thing, may appeal against the internal review decision to the District Court (the *appeal body*).’ 21  
22  
23  
24  
(3) Section 823(4), ‘this section’— 25  
*omit, insert—* 26  
‘subsection (3)’. 27

[s 673]

---

<b>Clause 673</b>	<b>Amendment of s 824 (Period to appeal)</b>	1
	Section 824(1)—	2
	<i>omit, insert—</i>	3
	‘(1) An appeal from an internal review decision made under section 823 (2) or (3) must be started within 20 business days after—	4
		5
		6
	(a) if the person has been given an information notice for the decision—the day the person is given the notice; or	7
		8
	(b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the decision.’	9
		10
<b>Clause 674</b>	<b>Amendment of sch 1 (Reviews and appeals)</b>	11
	Schedule 1, table 2, heading, ‘, other than review decisions,’—	12
		13
	<i>omit.</i>	14
<b>Clause 675</b>	<b>Amendment of sch 2 (Dictionary)</b>	15
	(1) Schedule 2, definitions <i>review application</i> and <i>review decision—</i>	16
		17
	<i>omit.</i>	18
	(2) Schedule 2—	19
	<i>insert—</i>	20
	‘ <i>external review</i> , for a decision, means a review of the decision by QCAT under the QCAT Act.	21
		22
	<i>internal review application</i> , for chapter 12, see section 817(1).	23
		24
	<i>internal review decision</i> see section 820(1)(b).	25
	<i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’	26
		27

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<b>Part 49</b>	<b>Amendment of Plant Protection Act 1989</b>	1
		2
<b>Clause 676</b>	<b>Act amended</b>	3
	This part amends the <i>Plant Protection Act 1989</i> .	4
<b>Clause 677</b>	<b>Amendment of s 21N (Decision on reconsideration)</b>	5
	Section 21N(3)—	6
	<i>omit, insert—</i>	7
	‘(3) If the decision is not the decision sought by the applicant, the notice must—	8
		9
	(a) for a decision to seize a matter or thing, state the following—	10
		11
	(i) the reasons for the decision;	12
	(ii) that the applicant may appeal against the decision to a Magistrates Court within 28 days after the notice is given; or	13
		14
		15
	(b) for another decision—be accompanied by a QCAT information notice for the decision.’	16
		17
<b>Clause 678</b>	<b>Insertion of new pt 6, div 2A</b>	18
	Part 6—	19
	<i>insert—</i>	20
<b>‘Division 2A</b>	<b>Application for review by QCAT</b>	21
<b>‘21NA</b>	<b>Review of particular decisions by QCAT</b>	22
	‘(1) This section applies to a decision by the chief executive under section 21N, other than a decision to seize a matter or thing under this Act.	23
		24
		25

[s 679]

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‘(2) A person who is given, or is entitled to be given, a QCAT information notice for the decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’. 1  
2  
3

**Clause 679 Amendment of s 21O (Right to appeal to the Magistrates Court)** 4  
5

(1) Section 21O, before subsection (1)— 6  
*insert—* 7

‘(1AA) This section applies to a decision by the chief executive under section 21N about a decision to seize a matter or thing under this Act.’. 8  
9  
10

(2) Section 21O(1), ‘a decision of the chief executive under section 21N’— 11  
12  
*omit, insert—* 13  
‘the decision’. 14

(3) Section 21O(1AA) to (2)— 15  
*renumber* as section 21O(1) to (3). 16

**Clause 680 Amendment of sch 2 (Dictionary)** 17

Schedule 2— 18  
*insert—* 19

‘*QCAT information notice* means a notice complying with the QCAT Act, section 157(2).’ 20  
21

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<b>Part 50</b>	<b>Amendment of Plant Protection Regulation 2002</b>	1 2
<b>Clause 681</b>	<b>Regulation amended</b>	3
	This part amends the <i>Plant Protection Regulation 2002</i> .	4
<b>Clause 682</b>	<b>Amendment of s 62 (Notice of decision and appeal)</b>	5
	Section 62, heading, ‘appeal’—	6
	<i>omit, insert—</i>	7
	‘reconsideration’.	8
<b>Part 51</b>	<b>Amendment of Property Agents and Motor Dealers Act 2000</b>	9 10
<b>Clause 683</b>	<b>Act amended</b>	11
	This part amends the <i>Property Agents and Motor Dealers Act 2000</i> .	12 13
<b>Clause 684</b>	<b>Amendment of s 70 (Amendment of licence conditions)</b>	14
	Section 70(1), note, ‘charge’—	15
	<i>omit.</i>	16
<b>Clause 685</b>	<b>Amendment of s 101 (Amendment of registration certificate conditions)</b>	17 18
	Section 101(1), note, ‘charge’—	19
	<i>omit.</i>	20

[s 686]

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<b>Clause 686</b>	<b>Amendment of s 248 (Warrantor’s failure to repair)</b>	1
(1)	Section 248(2), ‘to a small claims tribunal’—	2
	<i>omit, insert—</i>	3
	‘, as provided under the QCAT Act, to the tribunal’.	4
(2)	Section 248(3), from ‘A small’ to ‘section 20,’—	5
	<i>omit, insert—</i>	6
	‘Without limiting the orders the tribunal may make under the QCAT Act, section 13, the tribunal may’.	7
		8
(3)	Section 248(5), ‘small claims tribunal’—	9
	<i>omit, insert—</i>	10
	‘tribunal’.	11
(4)	Section 248(6), ‘a small claims tribunal’—	12
	<i>omit, insert—</i>	13
	‘the tribunal’.	14
<b>Clause 687</b>	<b>Amendment of s 249 (Applications for more than prescribed amount)</b>	15
		16
(1)	Section 249(1)(a) and (2)(a), ‘a small claims tribunal’—	17
	<i>omit, insert—</i>	18
	‘the tribunal’.	19
(2)	Section 249(2)(b), ‘the small claims tribunal’—	20
	<i>omit, insert—</i>	21
	‘the tribunal’.	22
(3)	Section 249(3), definition <i>prescribed amount</i> —	23
	<i>omit, insert—</i>	24
	<b><i>‘prescribed amount</i></b> means the prescribed amount as defined under the QCAT Act.’.	25
		26

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<b>Clause 688</b>	<b>Amendment of s 324 (Warrantor’s failure to repair)</b>	1
(1)	Section 324(2), ‘to a small claims tribunal’—	2
	<i>omit, insert—</i>	3
	‘, as provided under the QCAT Act, to the tribunal’.	4
(2)	Section 324(3), from ‘A small’ to ‘section 20,’—	5
	<i>omit, insert—</i>	6
	‘Without limiting the orders the tribunal may make under the QCAT Act, section 13, the tribunal may’.	7
		8
(3)	Section 324(5), ‘small claims tribunal’—	9
	<i>omit, insert—</i>	10
	‘tribunal’.	11
(4)	Section 324(6), ‘a small claims tribunal’—	12
	<i>omit, insert—</i>	13
	‘the tribunal’.	14
<b>Clause 689</b>	<b>Amendment of s 325 (Applications for more than prescribed amount)</b>	15
		16
(1)	Section 325(1)(a) and (2)(a), ‘a small claims tribunal’—	17
	<i>omit, insert—</i>	18
	‘the tribunal’.	19
(2)	Section 325(2)(b), ‘the small claims tribunal’—	20
	<i>omit, insert—</i>	21
	‘the tribunal’.	22
(3)	Section 325(3), definition <i>prescribed amount</i> —	23
	<i>omit, insert—</i>	24
	<b><i>‘prescribed amount</i></b> means the prescribed amount as defined under the QCAT Act.’.	25
		26

[s 690]

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<b>Clause 690</b>	<b>Amendment of s 472 (General time limit for making claims)</b>	1 2
	Section 472(5), definition <i>court</i> —	3
	<i>omit, insert</i> —	4
	‘ <i>court</i> includes the tribunal.’.	5
<b>Clause 691</b>	<b>Amendment of s 472A (Time limit for making particular claims relating to marketeering contraventions and non-investment residential property)</b>	6 7 8
	(1) Section 472A(3)—	9
	<i>renumber</i> as section 472A(4).	10
	(2) Section 472A—	11
	<i>insert</i> —	12
	‘(3) The QCAT Act, section 61 does not apply to empower the tribunal to extend the time permitted to do a thing mentioned in subsection (1)(a) or (b).’.	13 14 15
<b>Clause 692</b>	<b>Amendment of s 476 (Dealing with claims that have not settled)</b>	16 17
	Section 476(3)—	18
	<i>omit, insert</i> —	19
	‘(3) If a notice under subsection (1) relates to a claim other than a minor claim—	20 21
	(a) the chief executive must refer the claim to the tribunal; and	22 23
	(b) the tribunal is to decide the claim.’.	24
<b>Clause 693</b>	<b>Amendment of s 481 (Deciding minor claims)</b>	25
	Section 481(4)—	26
	<i>omit</i> .	27

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<b>Clause 694</b>	<b>Replacement of s 482 (Notifying decision)</b>	1
	Section 482—	2
	<i>omit, insert—</i>	3
<b>'482</b>	<b>Notifying decision</b>	4
	'(1) The chief executive must give the parties an information notice for the chief executive's decision under section 481(1) (the <i>reviewable decision</i> ).	5 6 7
	'(2) The information notice must include the following additional information—	8 9
	(a) the chief executive's findings in relation to the facts of the case;	10 11
	(b) if the decision is that an amount be paid to the claimant from the fund—	12 13
	(i) that the respondent named in the decision is liable to reimburse the fund to the extent of the amount paid to the claimant from the fund; and	14 15 16
	(ii) if more than 1 person is named as being liable to reimburse the fund, that the liability of the persons named is joint and several;	17 18 19
	(c) that if no application is made to have the decision reviewed within the time allowed under the QCAT Act—	20 21 22
	(i) the decision is binding on the parties; and	23
	(ii) if the decision is to allow the claim and authorise payment from the fund, the respondent named in the decision as liable to reimburse the fund is liable to reimburse the fund to the extent of the amount paid to the claimant from the fund.'	24 25 26 27 28

[s 695]

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<b>Clause 695</b>	<b>Amendment of s 483 (Party may ask tribunal to review chief executive's decision)</b>	1 2
	Section 483, from 'apply'—	3
	<i>omit, insert</i> —	4
	'apply, as provided under the QCAT Act, to the tribunal for a review of the decision.'	5 6
<b>Clause 696</b>	<b>Amendment of s 484 (Chief executive's decision binds the parties)</b>	7 8
	Section 484, 'under section 483'—	9
	<i>omit, insert</i> —	10
	'under the QCAT Act'.	11
<b>Clause 697</b>	<b>Omission of s 485 (Registrar to fix hearing date and issue attendance notices)</b>	12 13
	Section 485—	14
	<i>omit.</i>	15
<b>Clause 698</b>	<b>Amendment of s 496 (Grounds for starting disciplinary proceedings)</b>	16 17
	(1) Section 496(1)(f), 'the small claims tribunal,'—	18
	<i>omit.</i>	19
	(2) Section 496(1)(g)(vi), 'that the tribunal finds guilty of a disciplinary charge'—	20 21
	<i>omit, insert</i> —	22
	'in relation to whom the tribunal finds grounds exist to take disciplinary action'.	23 24

---

<b>Clause 699</b>	<b>Amendment of s 500B (How to start a proceeding)</b>	1
	Section 500B(2) to (5)—	2
	<i>omit.</i>	3
<b>Clause 700</b>	<b>Insertion of new ch 14, pt 5, div 2</b>	4
	After section 511—	5
	<i>insert—</i>	6
<b>‘Division 2</b>	<b>Proceedings involving a claim</b>	7
	<b>against the fund</b>	8
<b>‘512</b>	<b>Chief executive may make submissions</b>	9
	‘(1) This section applies if a proceeding before the tribunal involves a claim against the fund.	10 11
	‘(2) The chief executive may make submissions to the tribunal, including submissions about liability for the claimant’s financial loss.	12 13 14
	‘(3) Subsection (2) applies whether or not the chief executive is a party to the proceeding.	15 16
<b>‘513</b>	<b>Application of QCAT Act, s 131</b>	17
	‘To remove any doubt, it is declared that the reference in the QCAT Act, section 131(2) to a person includes a reference to the chief executive.’.	18 19 20
<b>Clause 701</b>	<b>Amendment of ch 14, pt 5, div 6, hdg (Applications for summary order)</b>	21 22
	Chapter 14, part 5, division 6, heading, ‘summary’—	23
	<i>omit, insert—</i>	24
	<b>‘reimbursement’.</b>	25

[s 702]

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<b>Clause 702</b>	<b>Replacement of s 527 (Application for summary order)</b>	1
	Section 527—	2
	<i>omit, insert—</i>	3
<b>'527</b>	<b>Application for reimbursement order</b>	4
	'(1) This section applies if—	5
	(a) the chief executive decides to allow, wholly or partly, a claim against the fund under section 481; and	6 7
	(b) the respondent to the claim named in the decision as liable to reimburse the fund has not done so as required under a letter of demand given to the respondent under section 490(4).	8 9 10 11
	'(2) The chief executive may apply, as provided under the QCAT Act, to the tribunal for an order that a respondent reimburse the fund.	12 13 14
	'(3) The application must be accompanied by the following documents—	15 16
	(a) a copy of the claim against the fund in relation to which the application is made;	17 18
	(b) copies of the written notice of the chief executive's decision, the decision and the information notice given under section 482;	19 20 21
	(c) a copy of the letter of demand given under section 490(4);	22 23
	(d) a statutory declaration by the chief executive stating—	24
	(i) the amount paid from the fund in settlement of the claim; and	25 26
	(ii) the amount of any payment received from the respondent in satisfaction of the claim.'	27 28

<b>Clause 703</b>	<b>Amendment of s 528 (Respondent to be advised of application for summary order)</b>	1
		2
(1)	Section 528, heading, ‘summary’—	3
	<i>omit, insert—</i>	4
	<b>‘reimbursement’.</b>	5
(2)	Section 528(1)(c), ‘summary’—	6
	<i>omit, insert—</i>	7
	<b>‘reimbursement’.</b>	8
(3)	Section 528(1)(c)(iii) and (iv)—	9
	<i>omit, insert—</i>	10
	‘(iii) an information notice under section 482 was given to the respondent; and	11
		12
	(iv) the respondent did not apply to the tribunal under section 483 to have the decision reviewed; and’.	13
		14
<b>Clause 704</b>	<b>Insertion of new ss 528B and 528BA</b>	15
	Chapter 14, part 5, division 8, after section 528A—	16
	<i>insert—</i>	17
	<b>‘528B Procedure before public examination starts</b>	18
‘(1)	Before the start of a public examination, the tribunal must be satisfied each person to be examined has received written grounds for the public examination.	19
		20
		21
‘(2)	On being satisfied under subsection (1), the tribunal must—	22
	(a) decide a time and place for the public examination; and	23
	(b) issue an attendance notice to each person to be examined.	24
		25
‘(3)	If a person to be examined is a corporation, for the purposes of the public examination, the tribunal must issue the attendance notice requiring a named executive officer of the corporation to attend the tribunal for examination.	26
		27
		28
		29

[s 704]

---

- ‘(4) The attendance notice must state— 1
- (a) the time and place for the public examination decided by the tribunal; and 2  
3
  - (b) the person may make oral and written submissions at the public examination. 4  
5
- ‘(5) The chief executive must serve the attendance notice on the person to whom it was issued. 6  
7
- ‘528BA Person must answer particular questions 8**
- ‘(1) This section applies if a person being examined at a public examination refuses to answer any question put to the person. 9  
10
- ‘(2) If the tribunal requires the person to answer the question, the tribunal must advise the person of the following— 11  
12
- (a) that if the answer might incriminate the person, the person may claim, before giving the answer, that giving the answer might incriminate the person; 13  
14  
15
  - (b) the effect that making the claim will have on the admissibility of the answer in any proceeding against the person. 16  
17  
18
- ‘(3) The person must answer the question, unless the person has a reasonable excuse. 19  
20
- Maximum penalty—500 penalty units. 21
- ‘(4) It is not a reasonable excuse to fail to answer the question that answering might tend to incriminate the person. 22  
23
- ‘(5) The answer is not admissible in any criminal or civil proceeding against the person, other than— 24  
25
- (a) the public examination of a person; or 26
  - (b) a proceeding to review a reviewable decision; or 27
  - (c) an appeal against the tribunal’s decision to require the answer; or 28  
29
  - (d) a perjury proceeding. 30

- 
- ‘(6) In this section— 1  
*perjury proceeding* means a proceeding in which the falsity or 2  
misleading nature of the answer is relevant. 3  
*reviewable decision* means a decision of the chief executive— 4  
(a) under section 481(1); or 5  
(b) mentioned in schedule 1.’. 6

- Clause 705 Amendment of s 529 (Orders tribunal may make on disciplinary charge hearing)** 7  
8
- (1) Section 529, heading, ‘charge’— 9  
*omit.* 10
- (2) Section 529(1), ‘the tribunal finds guilty of a disciplinary charge brought’— 11  
*omit, insert—* 12  
‘in relation to whom the tribunal finds grounds exist to take disciplinary action’. 13  
14  
15
- (3) Section 529(1)(b), from ‘200 penalty units’— 16  
*omit, insert—* 17  
‘— 18  
(i) for an individual—200 penalty units; or 19  
(ii) for a corporation—1000 penalty units;’. 20
- (4) Section 529(1)— 21  
*insert—* 22  
‘(ba) an order that the person pay compensation (inclusive of 23  
any commission to which the person is not entitled) to 24  
someone else who has suffered loss or damage because 25  
of the act or omission that resulted in the finding;’. 26
- (5) Section 529(2), ‘charge’— 27  
*omit, insert—* 28

[s 706]

---

‘proceeding’. 1

(6) Section 529— 2

*insert—* 3

‘(3) The chief executive may recover a fine, ordered by the 4  
tribunal to be paid by the person to the chief executive, as a 5  
debt owing to the chief executive in a court with jurisdiction 6  
to recover debts up to the amount of the fine.’. 7

**Clause 706 Insertion of new s 529A** 8

After section 529— 9

*insert—* 10

**‘529A Stopping contraventions** 11

‘(1) This section applies if the tribunal is satisfied, on application 12  
by the chief executive, that a person is doing, or is about to do, 13  
something in contravention of this Act. 14

‘(2) This section does not apply if section 528C applies. 15

‘(3) The tribunal may, by order, prohibit the person who is doing, 16  
or is about to do, the thing (the *prohibited person*) from 17  
starting or continuing the thing. 18

‘(4) The tribunal may make an order under this section on the 19  
chief executive’s application made without notice to the 20  
prohibited person but, in that case, the tribunal must allow the 21  
prohibited person a reasonable opportunity to show cause why 22  
the order should not be confirmed. 23

‘(5) If the tribunal, after considering the prohibited person’s 24  
evidence and submissions, if any, and any further evidence or 25  
submissions of the chief executive, is not satisfied the order 26  
should continue in force, the tribunal must rescind the order. 27

‘(6) A person must not contravene an order under this section. 28

Maximum penalty—540 penalty units. 29

‘(7) An order under this section has effect on the giving of a copy 30  
of the order to the prohibited person.’. 31

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<b>Clause 707</b>	<b>Amendment of s 532 (Summary orders)</b>	1
	(1) Section 532, heading, ‘Summary’—	2
	<i>omit, insert—</i>	3
	<b>‘Reimbursement’.</b>	4
	(2) Section 532(1), (2) and (3), ‘summary’—	5
	<i>omit, insert—</i>	6
	‘reimbursement’.	7
	(3) Section 532(2)(c), from ‘a review notice’—	8
	<i>omit, insert—</i>	9
	‘an information notice under section 482 was given to the respondent; and’.	10
		11
	(4) Section 532(2)(d)—	12
	<i>omit, insert—</i>	13
	‘(d) the respondent did not apply to the tribunal to have the chief executive’s decision reviewed under section 483; and’.	14
		15
		16
<b>Clause 708</b>	<b>Insertion of new s 533 and ch 14, pt 5, div 11</b>	17
	Chapter 14, part 5—	18
	<i>insert—</i>	19
<b>‘533</b>	<b>When tribunal order takes effect</b>	20
	‘(1) A tribunal decision or order in a proceeding involving the claim fund takes effect—	21
		22
	(a) if all parties to the proceeding are present when the decision or order is made—when the decision or order is made; or	23
		24
		25
	(b) otherwise—when the decision or order is published.	26
	‘(2) A decision or order involving the claim fund must be published under the QCAT Act, section 125.	27
		28

[s 709]

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<b>‘Division 11</b>	<b>Chief executive’s right of appeal</b>	1
<b>‘534 Appeal</b>		2
‘(1)	The chief executive may appeal to the appeal tribunal against any decision of the tribunal, but only on the ground of error of law.	3 4 5
‘(2)	In this section—	6
	<i>appeal tribunal</i> means the tribunal as constituted under the QCAT Act, section 166 for the purposes of an appeal.’.	7 8
<b>Clause 709</b>	<b>Amendment of s 587 (Evidentiary provisions)</b>	9
	Section 587(3), ‘, the presiding case manager’—	10
	<i>omit.</i>	11
<b>Clause 710</b>	<b>Amendment of sch 2 (Dictionary)</b>	12
(1)	Schedule 2, definitions <i>information notice</i> , <i>presiding case manager</i> , <i>registrar</i> and <i>tribunal</i> —	13 14
	<i>omit.</i>	15
(2)	Schedule 2—	16
	<i>insert</i> —	17
	<i>‘information notice</i> means a notice complying with the QCAT Act, section 157(2).	18 19
	<i>registrar</i> , other than in chapter 19, means the principal registrar under the QCAT Act.	20 21
	<i>tribunal</i> means QCAT.’.	22

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<b>Part 52</b>	<b>Amendment of Property Agents and Motor Dealers (Auctioneering Practice Code of Conduct) Regulation 2001</b>	1 2 3 4
<b>Clause 711</b>	<b>Regulation amended</b>	5
	<i>This part amends the <i>Property Agents and Motor Dealers (Auctioneering Practice Code of Conduct) Regulation 2001</i>.</i>	6 7
<b>Clause 712</b>	<b>Amendment of schedule (Auctioneering Practice Code of Conduct)</b>	8 9
	Schedule, section 42(8)(c)(ii), ‘a small claims tribunal’—	10
	<i>omit, insert—</i>	11
	‘QCAT’.	12
<b>Part 53</b>	<b>Amendment of Property Agents and Motor Dealers (Commercial Agency Practice Code of Conduct) Regulation 2001</b>	13 14 15 16
<b>Clause 713</b>	<b>Regulation amended</b>	17
	<i>This part amends the <i>Property Agents and Motor Dealers (Commercial Agency Practice Code of Conduct) Regulation 2001</i>.</i>	18 19 20

<b>Clause 714</b>	<b>Amendment of schedule (Commercial Agency Practice Code of Conduct)</b>	1 2
	Schedule, section 37(8)(c)(ii), ‘a small claims tribunal’—	3
	<i>omit, insert—</i>	4
	‘QCAT’.	5
<b>Part 54</b>	<b>Amendment of Property Agents and Motor Dealers (Motor Dealing Practice Code of Conduct) Regulation 2001</b>	6 7 8 9
<b>Clause 715</b>	<b>Regulation amended</b>	10
	This part amends the <i>Property Agents and Motor Dealers (Motor Dealing Practice Code of Conduct) Regulation 2001</i> .	11 12
<b>Clause 716</b>	<b>Amendment of schedule (Motor Dealing Practice Code of Conduct)</b>	13 14
	Schedule, section 34(8)(c)(ii), ‘a small claims tribunal’—	15
	<i>omit, insert—</i>	16
	‘QCAT’.	17

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<b>Part 55</b>	<b>Amendment of Property Agents and Motor Dealers (Property Developer Practice Code of Conduct) Regulation 2001</b>	1 2 3 4
<b>Clause 717</b>	<b>Regulation amended</b>	5
	<i>This part amends the <i>Property Agents and Motor Dealers (Property Developer Practice Code of Conduct) Regulation 2001</i>.</i>	6 7 8
<b>Clause 718</b>	<b>Amendment of schedule (Property Developer Practice Code of Conduct)</b>	9 10
	Schedule, section 21(8)(d)(ii), ‘a small claims tribunal’— <i>omit, insert—</i> ‘QCAT’.	11 12 13
<b>Part 56</b>	<b>Amendment of Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation 2001</b>	14 15 16 17
<b>Clause 719</b>	<b>Regulation amended</b>	18
	<i>This part amends the <i>Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation 2001</i>.</i>	19 20 21

<b>Clause 720</b>	<b>Amendment of schedule (Real Estate Agency Practice Code of Conduct)</b>	1
		2
	Schedule, section 43(8)(c)(ii), ‘a small claims tribunal’—	3
	<i>omit, insert—</i>	4
	‘QCAT’.	5

<b>Part 57</b>	<b>Amendment of Property Agents and Motor Dealers (Restricted Letting Agency Practice Code of Conduct) Regulation 2001</b>	6
		7
		8
		9

<b>Clause 721</b>	<b>Regulation amended</b>	10
	This part amends the <i>Property Agents and Motor Dealers (Restricted Letting Agency Practice Code of Conduct) Regulation 2001</i> .	11
		12
		13

<b>Clause 722</b>	<b>Amendment of schedule (Restricted Letting Agency Practice Code of Conduct)</b>	14
		15
	Schedule, section 38(8)(c)(ii), ‘a small claims tribunal’—	16
	<i>omit, insert—</i>	17
	‘QCAT’.	18

<b>Part 58</b>	<b>Amendment of Racing Act 2002</b>	19
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<b>Clause 723</b>	<b>Act amended</b>	20
	This part amends the <i>Racing Act 2002</i> .	21

<b>Clause 724</b>	<b>Replacement of ch 5 (Racing Appeals Tribunal)</b>	1
	Chapter 5—	2
	<i>omit, insert—</i>	3
	<b>‘Chapter 5</b>	4
	<b>Review of decisions by</b>	5
	<b>tribunal</b>	
<b>‘150</b>	<b>Decisions that may be reviewed by the tribunal</b>	6
‘(1)	Subject to subsection (3), a person aggrieved by any of the following decisions may apply, as provided under the QCAT Act, to the tribunal for a review of the decision—	7 8 9
(a)	a control body’s decision to—	10
(i)	refuse to grant or renew a licence; or	11
(ii)	take disciplinary action relating to a licence; or	12
(iii)	take an exclusion action against a person; or	13
(iv)	impose a monetary penalty on a person;	14
(b)	a decision of an appeal committee made in relation to an appeal against a monetary penalty imposed by, or other decision of, a steward;	15 16 17
(c)	the imposition of a monetary penalty by, or other decision of, a steward of a control body if there is no right of appeal to an appeal committee against the decision;	18 19 20 21
(d)	another decision of a control body prescribed under a regulation.	22 23
‘(2)	A steward of a control body may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an appeal committee made on an appeal against the steward’s decision.	24 25 26 27
‘(3)	An application for a review under subsection (1) or (2) must be made within 14 days of the applicant receiving notice of the decision to be reviewed.	28 29 30

[s 724]

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<b>‘151</b>	<b>Decisions that may not be reviewed by the tribunal</b>	1
	‘Despite section 150(1), a person aggrieved by any of the following decisions may not apply to the tribunal for a review of the decision—	2 3 4
	(a) a decision relating to the eligibility of an animal to race or the conditions under which an animal can race;	5 6
	<i>Example for paragraph (a)—</i>	7
	A steward’s decision requiring an animal to pass a stated examination or test before being allowed to race.	8 9
	(b) a decision cancelling or suspending the licence for an animal, unless the cancellation or suspension relating to that licence relates to—	10 11 12
	(i) a decision to take disciplinary action relating to the licence of a licence holder; or	13 14
	(ii) a decision to take an exclusion action, under the control body’s rules of racing, against a person;	15 16
	(c) a decision about a protest or objection against placed animals relating to an incident that happened during a race or trial;	17 18 19
	(d) a decision imposing a penalty of not more than \$250;	20
	(e) a decision relating to a dispute between a racing bookmaker licensed by a control body and a person who placed a bet with the bookmaker for a race at a race meeting held under the control of the control body;	21 22 23 24
	(f) a decision to stop, restart, rerun, postpone or abandon a race.	25 26
<b>‘152</b>	<b>What happens if appeal committee refuses to hear or fails to decide an appeal</b>	27 28
	‘(1) Subject to an order under subsection (3), an appeal committee is taken to have decided to dismiss an appeal if—	29 30

- 
- (a) the appeal committee refuses to hear the appeal from a decision of a steward of the control body that established the committee; or
- (b) within 6 weeks after lodging the appeal mentioned in paragraph (a), the appeal has not been decided by the appeal committee.
- ‘(2) Subsection (3) applies if an appeal committee is taken under subsection (1) to have decided to dismiss an appeal (the *dismissal decision*) and the appeal committee lodges a written application with the QCAT registrar for an order that the time for consideration of the appeal by the appeal committee be extended.
- ‘(3) The tribunal may make the order.
- ‘153 Tribunal to hear appeal within 28 days**
- ‘(1) The tribunal must start the hearing of a review under this chapter within 28 days after the application for review is made under section 150.
- ‘(2) However, the tribunal may, by order, extend the period mentioned in subsection (1) if it considers the special circumstances of the review require it to do so.
- ‘154 Constitution of tribunal**
- ‘(1) This section applies to a proceeding of the tribunal relating to a review under this Act.
- ‘(2) The president must not choose a person to be a tribunal member if the person is a relevant person.
- ‘(3) Also, a person must not continue to be a tribunal member if the person is a relevant person.
- ‘(4) In this section—  
*president* means the president under the QCAT Act.  
*relevant person* means—

[s 725]

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- (a) an executive officer, or an official or other member of staff, of a control body; or 1  
2
  - (b) a licence holder of a control body or an executive officer of a licence holder; or 3  
4
  - (c) a committee member; or 5
  - (d) a member of a committee, or an employee, of an association formed to promote the interests of 1 or more participants in a code of racing; or 6  
7  
8
  - (e) an individual who has any of the following convictions other than a spent conviction— 9  
10
    - (i) a conviction under this Act; 11
    - (ii) a conviction under the repealed Act; 12
    - (iii) a conviction under a law of another State, that is prescribed under a regulation as a law about racing or betting; 13  
14  
15
    - (iv) a conviction for an offence that involved dishonesty, fraud, stealing or unlawful betting. 16  
17
- tribunal member* means a member of QCAT under the QCAT Act.’. 18  
19

<b>Clause 725</b>	<b>Replacement of ch 6, pt 3, div 6 (Appeals relating to eligibility certificates)</b>	20 21
	Chapter 6, part 3, division 6—	22
	<i>omit, insert—</i>	23
<b>‘Division 6</b>	<b>Review of decisions relating to eligibility certificates</b>	24 25
<b>‘242</b>	<b>Review by QCAT of decisions relating to eligibility certificates</b>	26 27
	‘(1) This section applies if the gaming executive makes a decision (a <i>gaming executive’s decision</i> )—	28 29

- 
- (a) refusing an application for an eligibility certificate; or 1
  - (b) cancelling an eligibility certificate; or 2
  - (c) censuring a certificate holder. 3

‘(2) The applicant or certificate holder may apply, as provided 4  
under the QCAT Act, to the tribunal for a review of the 5  
gaming executive’s decision.’. 6

**Clause 726 Amendment of s 351 (Matters must be considered 7  
appropriate on grounds that are reasonable in the 8  
circumstances) 9**

- (1) Section 351(1)(b)— 10  
*omit.* 11
- (2) Section 351(1)(c) to (e)— 12  
*renumber* as section 351(1)(b) to (d). 13

**Clause 727 Amendment of s 355 (Regulation-making power) 14**  
Section 355(2)(d), ‘129, 168, 178, 207 and 243’— 15  
*omit, insert*— 16  
‘129 and 207’. 17

**Clause 728 Amendment of sch 3 (Dictionary) 18**

- (1) Schedule 3, definitions *deputy tribunal chairperson, director, 19  
gaming commission, presiding case manager, Racing Appeals 20  
Tribunal, registrar, tribunal, tribunal chairperson and tribunal 21  
member*— 22  
*omit.* 23
- (2) Schedule 3— 24  
*insert*— 25  
‘**QCAT registrar** means the principal registrar under the 26  
QCAT Act. 27

[s 729]

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- tribunal* means QCAT.’. 1
- (3) Schedule 3, definition *information notice*, ‘Racing Appeals Tribunal’— 2  
3  
*omit, insert*— 4  
‘tribunal’. 5
- (4) Schedule 3, definition *information notice*, paragraph (e)— 6  
*omit, insert*— 7  
‘(e) if, under this Act, a person may apply for a review of the 8  
decision—how the person applies for the review and the 9  
time within which the application must be made.’. 10

## **Part 59**                      **Amendment of Racing Regulation 2003**                      11 12

**Clause 729**    **Regulation amended**                      13  
This part amends the *Racing Regulation 2003*.                      14

**Clause 730**    **Omission of pt 4 (Matters about the Racing Appeals Tribunal)**                      15  
16  
Part 4—                      17  
*omit*.                      18

**Clause 731**    **Amendment of sch 3 (Fees)**                      19  
Schedule 3, item 7—                      20  
*omit*.                      21

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<b>Part 60</b>	<b>Amendment of Residential Services (Accreditation) Act 2002</b>	1
		2
		3
<b>Clause 732</b>	<b>Act amended</b>	4
	This part amends the <i>Residential Services (Accreditation) Act 2002</i> .	5
		6
<b>Clause 733</b>	<b>Amendment of s 84 (Appointment)</b>	7
	Section 84, ‘The Commercial and Consumer Tribunal’—	8
	<i>omit, insert</i> —	9
	‘QCAT’.	10
<b>Clause 734</b>	<b>Amendment of s 85 (Application to tribunal and basis for appointment)</b>	11
		12
	(1) Section 85(1), ‘the Commercial and Consumer Tribunal’—	13
	<i>omit, insert</i> —	14
	‘QCAT’.	15
	(2) Section 85(2) and (4), ‘the tribunal’—	16
	<i>omit, insert</i> —	17
	‘QCAT’.	18
	(3) Section 85(3), ‘The tribunal’—	19
	<i>omit, insert</i> —	20
	‘QCAT’.	21
<b>Clause 735</b>	<b>Amendment of s 86 (Suitability and eligibility of proposed appointee)</b>	22
		23
	(1) Section 86(1), ‘the Commercial and Consumer Tribunal’—	24

[s 736]

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*omit, insert—* 1

‘QCAT’. 2

(2) Section 86(3) and (4), ‘the tribunal’— 3

*omit, insert—* 4

‘QCAT’. 5

**Clause 736 Amendment of s 87 (Terms of appointment)** 6

(1) Section 87(1), ‘the Commercial and Consumer Tribunal’— 7

*omit, insert—* 8

‘QCAT’. 9

(2) Section 87(2)(f), ‘the tribunal’— 10

*omit, insert—* 11

‘QCAT’. 12

**Clause 737 Amendment of s 88 (Notice to service provider about appointment)** 13  
14

Section 88, ‘the Commercial and Consumer Tribunal’— 15

*omit, insert—* 16

‘QCAT’. 17

**Clause 738 Amendment of s 90 (Period of appointment)** 18

(1) Section 90(2), ‘the Commercial and Consumer Tribunal’— 19

*omit, insert—* 20

‘QCAT’. 21

(2) Section 90(3), ‘The tribunal’— 22

*omit, insert—* 23

‘QCAT’. 24

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<b>Clause 739</b>	<b>Amendment of s 101 (Service provider who can not be located)</b>	1
		2
	Section 101(1)(b), ‘ <i>Commercial and Consumer Tribunal Act 2003</i> ’—	3
		4
	<i>omit, insert</i> —	5
	‘QCAT Act’.	6
<b>Clause 740</b>	<b>Amendment of s 129 (Forfeiture of seized things)</b>	7
	(1) Section 129(5)(a)—	8
	<i>omit, insert</i> —	9
	‘(a) a review by QCAT of a decision in relation to the thing under this division; or’.	10
		11
	(2) Section 129(5)(b), ‘another’—	12
	<i>omit, insert</i> —	13
	‘an’.	14
<b>Clause 741</b>	<b>Amendment of pt 10, hdg (Reviews and appeals)</b>	15
	Part 10, heading, ‘and appeals’—	16
	<i>omit</i> .	17
<b>Clause 742</b>	<b>Amendment of s 154 (Reviewable decisions)</b>	18
	(1) Section 154, heading, after ‘decisions’—	19
	<i>insert</i> —	20
	‘ <b>for this Act</b> ’.	21
	(2) Section 154(a), after ‘reviewable decisions’—	22
	<i>insert</i> —	23
	‘for this Act’.	24

[s 743]

---

<b>Clause 743</b>	<b>Amendment of s 155 (Chief executive must give notice after making reviewable decision)</b>	1 2
	Section 155(1)(b) to (d)—	3
	<i>omit, insert—</i>	4
	‘(b) that, within 28 days after receiving the notice, the interested person may apply to the chief executive for internal review of the decision; and	5 6 7
	(c) how the interested person may apply for internal review; and	8 9
	(d) that, if the interested person applies for internal review of the decision and the matter is not resolved on the internal review, the interested person may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	10 11 12 13 14
<b>Clause 744</b>	<b>Replacement of pt 10, div 2, hdg (Review of decision)</b>	15
	Part 10, division 2, heading—	16
	<i>omit, insert—</i>	17
	<b>‘Division 2 Internal review of decisions’.</b>	18
<b>Clause 745</b>	<b>Amendment of s 156 (Application for review)</b>	19
	Section 156, heading, ‘review’—	20
	<i>omit, insert—</i>	21
	<b>‘internal review’.</b>	22
<b>Clause 746</b>	<b>Amendment of s 157 (Stay of operation of original decision)</b>	23 24
	(1) Section 157(4), ‘the Commercial and Consumer Tribunal’—	25
	<i>omit, insert—</i>	26
	‘QCAT’.	27

---

(2)	Section 157(5)—	1
	<i>omit, insert—</i>	2
‘(5)	QCAT may stay the decision to secure the effectiveness of the review and any later review by QCAT.’.	3
		4
(3)	Section 157(6), ‘the tribunal’—	5
	<i>omit, insert—</i>	6
	‘QCAT’.	7
(4)	Section 157(7)—	8
	<i>omit, insert—</i>	9
‘(7)	The period of the stay must not extend past the time when the chief executive makes the review decision and any later period within which the applicant may apply to QCAT for a review of the review decision.’.	10
		11
		12
		13
<b>Clause 747</b>	<b>Amendment of s 158 (Review decision)</b>	14
(1)	Section 158(1), after ‘a decision’—	15
	<i>insert—</i>	16
	‘by the chief executive’.	17
(2)	Section 158(4)—	18
	<i>omit, insert—</i>	19
‘(4)	Immediately after deciding the application, the chief executive must give the interested person a QCAT information notice for the review decision.’.	20
		21
		22
<b>Clause 748</b>	<b>Replacement of pt 10, div 3 (Appeal against decision)</b>	23
	Part 10, division 3—	24
	<i>omit, insert—</i>	25

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[s 749]

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<b>‘Division 3</b>	<b>External review of decisions</b>	1
<b>‘159</b>	<b>External review of review decision</b>	2
	‘An interested person for a review decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	3 4 5
<b>Clause 749</b>	<b>Amendment of s 177 (Matters arising under other Acts)</b>	6
	Section 177(3), definition <i>prescribed Act</i> —	7
	<i>insert</i> —	8
	‘(e) the <i>Queensland Civil and Administrative Tribunal Act 2009</i> .’.	9 10
<b>Clause 750</b>	<b>Amendment of sch 1, hdg (Reviewable decisions)</b>	11
	Schedule 1, heading, after ‘decisions’—	12
	<i>insert</i> —	13
	<b>‘for this Act’.</b>	14
<b>Clause 751</b>	<b>Amendment of sch 2 (Dictionary)</b>	15
(1)	Schedule 2, definition <i>Commercial and Consumer Tribunal</i> —	16
	<i>omit</i> .	17
(2)	Schedule 2—	18
	<i>insert</i> —	19
	<b>‘QCAT information notice</b> means a notice complying with the QCAT Act, section 157(2).’.	20 21

---

<b>Part 61</b>	<b>Amendment of Retirement Villages Act 1999</b>	1
		2
<b>Clause 752</b>	<b>Act amended</b>	3
	This part amends the <i>Retirement Villages Act 1999</i> .	4
<b>Clause 753</b>	<b>Amendment of s 28 (Registration of retirement village scheme)</b>	5
	Section 28(5) and (6)—	6
	<i>omit, insert—</i>	7
	‘(5) If the chief executive refuses to register the scheme, the chief executive must promptly give the applicant a QCAT information notice for the decision.	8
	‘(6) If the chief executive fails to decide the application in the time required under subsection (2), the chief executive is taken to have refused the application.	9
	<i>Note—</i>	10
	See section 29 about applying to the tribunal to review a refusal decision made, or taken to have been made, by the chief executive under this section.’.	11
		12
		13
		14
		15
		16
		17
		18
<b>Clause 754</b>	<b>Amendment of s 28A (Deregistration of retirement village scheme)</b>	19
	Section 28A(3)—	20
	<i>omit, insert—</i>	21
	‘(3) The chief executive must also give the scheme operator a QCAT information notice for the decision.’.	22
		23
		24
<b>Clause 755</b>	<b>Replacement of ss 29–33</b>	25
	Sections 29 to 33—	26
	<i>omit, insert—</i>	27

[s 756]

---

<b>‘29</b>	<b>Application to QCAT for review</b>	1
‘(1)	A person whose application to register a retirement village scheme has been refused, or is taken to have been refused, may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.	2 3 4 5
‘(2)	However, if the chief executive is taken to have refused the application under section 28, the period within which the person may apply to the tribunal for a review of the decision is 88 days after the application to register the scheme was made.	6 7 8 9
‘(3)	The scheme operator may apply, as provided under the QCAT Act, to the tribunal for a review of the chief executive’s decision to deregister a retirement village scheme.’.	10 11 12
<b>Clause 756</b>	<b>Omission of pt 10, div 1 (Preliminary)</b>	13
	Part 10, division 1—	14
	<i>omit.</i>	15
<b>Clause 757</b>	<b>Omission of ss 197 and 199</b>	16
	Sections 197 and 199—	17
	<i>omit.</i>	18
<b>Clause 758</b>	<b>Amendment of s 221 (Evidentiary provisions)</b>	19
	Section 221(2), ‘, the registrar, the presiding case manager’—	20
	<i>omit.</i>	21
<b>Clause 759</b>	<b>Omission of s 226 (Annual report on operation of Act)</b>	22
	Section 226—	23
	<i>omit.</i>	24

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<b>Clause 760</b>	<b>Amendment of schedule (Dictionary)</b>	1
(1)	Schedule, definitions <i>chairperson</i> , <i>presiding case manager</i> , <i>registrar</i> and <i>tribunal</i> —	2
	<i>omit</i> .	3
		4
(2)	Schedule—	5
	<i>insert</i> —	6
	‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).	7
		8
	<i>registrar</i> means the principal registrar under the QCAT Act.	9
	<i>tribunal</i> means QCAT.’.	10

<b>Part 62</b>	<b>Amendment of Second-hand Dealers and Pawnbrokers Act 2003</b>	11
		12
		13

<b>Clause 761</b>	<b>Act amended</b>	14
	This part amends the <i>Second-hand Dealers and Pawnbrokers Act 2003</i> .	15
		16

<b>Clause 762</b>	<b>Amendment of s 12 (Decision on application for a licence)</b>	17
	Section 12(4), ‘an information notice’—	18
	<i>omit</i> , <i>insert</i> —	19
		20
	‘a QCAT information notice for the decision’.	21

[s 763]

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<b>Clause 763</b>	<b>Amendment of s 15 (Decision on application for renewal or restoration of a licence)</b>	1 2
	Section 15(4), ‘an information notice’—	3
	<i>omit, insert—</i>	4
	‘a QCAT information notice for the decision’.	5
<b>Clause 764</b>	<b>Amendment of s 16 (Licence continues pending decision about renewal)</b>	6 7
	Section 16(1)(b), ‘an information notice’—	8
	<i>omit, insert—</i>	9
	‘a QCAT information notice for the decision’.	10
<b>Clause 765</b>	<b>Amendment of s 17 (Licence continues pending decision about restoration)</b>	11 12
	Section 17(1)(b), ‘an information notice about’—	13
	<i>omit, insert—</i>	14
	‘a QCAT information notice for’.	15
<b>Clause 766</b>	<b>Amendment of s 20 (Procedure for suspending, cancelling, refusing to renew or restore, or imposing conditions on a licence)</b>	16 17 18
	Section 20(3), ‘an information notice’—	19
	<i>omit, insert—</i>	20
	‘a QCAT information notice for the decision’.	21
<b>Clause 767</b>	<b>Amendment of s 25 (Change of authorised place)</b>	22
	Section 25(5), ‘an information notice’—	23
	<i>omit, insert—</i>	24
	‘a QCAT information notice for the decision’.	25

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<b>Clause 768</b>	<b>Amendment of s 31 (Replacement of lost, stolen, destroyed or damaged licence)</b>	1 2
	Section 31(5), ‘an information notice’—	3
	<i>omit, insert</i> —	4
	‘a QCAT information notice for the decision’.	5
<b>Clause 769</b>	<b>Amendment of pt 6, hdg (General offences, legal proceedings and appeals)</b>	6 7
	Part 6, heading, ‘appeals’—	8
	<i>omit, insert</i> —	9
	‘review of decisions’.	10
<b>Clause 770</b>	<b>Replacement of pt 6, div 3 (Appeals)</b>	11
	Part 6, division 3—	12
	<i>omit, insert</i> —	13
	<b>‘Division 3                      Review of decisions</b>	14
<b>‘107</b>	<b>Application for review of decisions by QCAT</b>	15
	‘(1) A person affected by a reviewable decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	16 17 18
	‘(2) In subsection (1)—	19
	<i>reviewable decision</i> means any of the following decisions of the chief executive—	20 21
	(a) a decision to grant a licence with a condition or to refuse to grant a licence;	22 23
	(b) a decision to renew or restore a licence with a condition or to refuse to grant the renewal or restoration of the licence;	24 25 26

[s 771]

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- (c) a decision to suspend or cancel a licence or impose a condition on a licence; 1  
2
- (d) a decision to refuse to approve a place as an authorised place for the licensee's licence, other than a condition imposed as mentioned in paragraph (a) or (b); 3  
4  
5
- (e) a decision to refuse to replace a licence that is lost, stolen, destroyed or damaged in a way that requires its replacement.'. 6  
7  
8

<b>Clause 771</b>	<b>Amendment of sch 3 (Dictionary)</b>	9
(1)	Schedule 3, definition <i>information notice</i> — <i>omit.</i>	10 11
(2)	Schedule 3— <i>insert</i> — ' <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).'	12 13 14 15

<b>Part 63</b>	<b>Amendment of Security Providers Act 1993</b>	16 17
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<b>Clause 772</b>	<b>Act amended</b>	18
	This part amends the <i>Security Providers Act 1993</i> .	19

<b>Clause 773</b>	<b>Amendment of s 14 (Decision on application)</b>	20
(1)	Section 14(3)(b), from 'written'— <i>omit, insert</i> — 'QCAT information notice for the decision to impose the condition.'	21 22 23 24

---

	(2) Section 14(4), from ‘written’—	1
	<i>omit, insert</i> —	2
	‘QCAT information notice for the decision.’	3
	(3) Section 14(5), from ‘written’—	4
	<i>omit, insert</i> —	5
	‘QCAT information notice for the decision to defer making a decision to grant or to refuse to grant the licence.’	6 7
<b>Clause 774</b>	<b>Amendment of s 17 (Amendment of licence on application)</b>	8 9
	Section 17(4), from ‘written’—	10
	<i>omit, insert</i> —	11
	‘QCAT information notice for the decision.’	12
<b>Clause 775</b>	<b>Amendment of s 18 (Amendment of licence by chief executive)</b>	13 14
	Section 18(4), from ‘written’—	15
	<i>omit, insert</i> —	16
	‘QCAT information notice for the decision.’	17
<b>Clause 776</b>	<b>Amendment of s 22 (Procedure for suspension, cancellation or refusal to renew)</b>	18 19
	Section 22(4), from ‘state’—	20
	<i>omit, insert</i> —	21
	‘be a QCAT information notice for the decision.’	22

[s 777]

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<b>Clause 777</b>	<b>Amendment of s 25 (Replacement licences)</b>	1
	Section 25(4), from ‘written’—	2
	<i>omit, insert</i> —	3
	‘QCAT information notice for the decision.’	4
<b>Clause 778</b>	<b>Amendment of pt 2, div 6, hdg (Appeals against licence decisions)</b>	5
	Part 2, division 6, heading, ‘Appeals against’—	6
	<i>omit, insert</i> —	7
	‘ <b>Review of</b> ’.	8
<b>Clause 779</b>	<b>Amendment of s 26 (Right to appeal to the Court)</b>	10
	(1) Section 26, heading—	11
	<i>omit, insert</i> —	12
<b>‘26</b>	<b>Review by QCAT of particular decisions of chief executive’.</b>	13
	(2) Section 26(1) and (2), ‘appeal against’—	14
	<i>omit, insert</i> —	15
	‘apply to QCAT for a review of’.	16
	(3) Section 26(3)—	17
	<i>omit, insert</i> —	18
	‘(3) The application must be made as provided under the QCAT Act.’.	19
<b>Clause 780</b>	<b>Omission of ss 27–31</b>	20
	Sections 27 to 31—	21
	<i>omit</i> .	22

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<b>Clause 781</b>	<b>Amendment of sch 2 (Dictionary)</b>	1	
	(1) Schedule 2, definition <i>Court</i> —	2	
	<i>omit.</i>	3	
	(2) Schedule 2—	4	
	<i>insert</i> —	5	
	‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	6	
		7	
	<b>Part 64</b>	<b>Amendment of Stock Act 1915</b>	8
<b>Clause 782</b>	<b>Act amended</b>	9	
	This part amends the <i>Stock Act 1915</i> .	10	
<b>Clause 783</b>	<b>Insertion of new ss 35B and 35C</b>	11	
	After section 35A—	12	
	<i>insert</i> —	13	
<b>‘35B</b>	<b>External review by QCAT</b>	14	
	‘A person who is dissatisfied with an original decision under this Act, other than an original decision to seize a thing, may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.	15 16 17 18	
<b>‘35C</b>	<b>Application of QCAT Act notice requirement</b>	19	
	‘An information notice must be given for a decision only if this Act so requires.’.	20 21	

[s 784]

---

<b>Clause 784</b>	<b>Amendment of s 36 (Appeals to Magistrates Courts)</b>	1
	Section 36(2)—	2
	<i>omit, insert—</i>	3
	‘(2) A person who is dissatisfied with an original decision to seize a thing under this Act may appeal to a Magistrates Court against the decision.’.	4 5 6
<b>Clause 785</b>	<b>Amendment of s 36A (Who may appeal to the District Court)</b>	7 8
	(1) Section 36A(1)—	9
	<i>omit, insert—</i>	10
	‘A person who has appealed to a Magistrates Court against an original decision to seize a thing under this Act may appeal to the District Court against the decision made by the Magistrates Court.’.	11 12 13 14
	(2) Section 36A(2)—	15
	<i>omit.</i>	16
<b>Clause 786</b>	<b>Amendment of sch 2 (Dictionary)</b>	17
	Schedule 2—	18
	<i>insert—</i>	19
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	20 21

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<b>Part 65</b>	<b>Amendment of Stock (Cattle Tick) Notice 2005</b>	1
		2
<b>Clause 787</b>	<b>Notice amended</b>	3
	This part amends the <i>Stock (Cattle Tick) Notice 2005</i> .	4
<b>Clause 788</b>	<b>Amendment of sch 2 (Dictionary)</b>	5
	Schedule 2, definition <i>information notice</i> —	6
	<i>omit.</i>	7
<b>Part 66</b>	<b>Amendment of Stock Identification Regulation 2005</b>	8
		9
<b>Clause 789</b>	<b>Regulation amended</b>	10
	This part amends the <i>Stock Identification Regulation 2005</i> .	11
<b>Clause 790</b>	<b>Amendment of schedule (Dictionary)</b>	12
	Schedule, definition <i>information notice</i> —	13
	<i>omit.</i>	14
<b>Part 67</b>	<b>Amendment of Stock Regulation 1988</b>	15
		16
<b>Clause 791</b>	<b>Regulation amended</b>	17
	This part amends the <i>Stock Regulation 1988</i> .	18

[s 792]

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<b>Clause 792</b>	<b>Amendment of sch 8 (Dictionary)</b>	1
	Schedule 8, definition <i>information notice</i> —	2
	<i>omit.</i>	3
<b>Part 68</b>	<b>Amendment of Timber Utilisation and Marketing Act 1987</b>	4 5 6
<b>Clause 793</b>	<b>Act amended</b>	7
	This part amends the <i>Timber Utilisation and Marketing Act 1987</i> .	8 9
<b>Clause 794</b>	<b>Amendment of s 37 (Appeal)</b>	10
	(1) Section 37, heading—	11
	<i>omit, insert—</i>	12
	<b>‘37 Internal review’.</b>	13
	(2) Section 37(1), from ‘time and manner prescribed’—	14
	<i>omit, insert—</i>	15
	‘way prescribed under a regulation, apply to the Minister for an internal review of the decision.’.	16 17
	(3) Section 37(2)(a)—	18
	<i>omit, insert—</i>	19
	‘(a) refuse the application; or’.	20
	(4) Section 37(2)(b), ‘allow the appeal’—	21
	<i>omit, insert—</i>	22
	‘grant the application’.	23

- 
- (5) Section 37(3), from ‘appeal’ to ‘shall’— 1  
*omit, insert—* 2  
‘application is final and is binding on the chief executive and 3  
the applicant and must’. 4

**Part 69** **Amendment of Timber** 5  
**Utilisation and Marketing** 6  
**Regulation 1998** 7

- Clause 795** **Regulation amended** 8  
This part amends the *Timber Utilisation and Marketing* 9  
*Regulation 1998*. 10

- Clause 796** **Amendment of s 9 (Prescribed time and manner for** 11  
**appeals—Act, s 37)** 12
- (1) Section 9, heading— 13  
*omit, insert—* 14
- ‘9 Applications for internal review—Act, s 37’.** 15
- (2) Section 9, ‘an appeal’— 16  
*omit, insert—* 17  
‘an application for internal review’. 18
- (3) Section 9(b) and (c), ‘the appeal’— 19  
*omit, insert—* 20  
‘the internal review’. 21

[s 797]

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<b>Part 70</b>	<b>Amendment of Tourism Services Act 2003</b>	1
		2
<b>Clause 797</b>	<b>Act amended</b>	3
	This part amends the <i>Tourism Services Act 2003</i> .	4
<b>Clause 798</b>	<b>Amendment of s 17 (Registration may be granted or renewed on conditions)</b>	5
	Section 17(3), ‘an information notice’—	6
	<i>omit, insert—</i>	7
	‘a QCAT information notice for the decision’.	8
		9
<b>Clause 799</b>	<b>Amendment of s 18 (Changing conditions of registration)</b>	10
	(1) Section 18(4) and (6), ‘an information’—	11
	<i>omit, insert—</i>	12
	‘a QCAT information’.	13
	(2) Section 18(7), before ‘information’—	14
	<i>insert—</i>	15
	‘QCAT’.	16
<b>Clause 800</b>	<b>Amendment of s 21 (Decision on application)</b>	17
	Section 21(4)(a), ‘an information notice about’—	18
	<i>omit, insert—</i>	19
	‘a QCAT information notice for’.	20

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<b>Clause 801</b>	<b>Amendment of s 23 (Decision on application)</b>	1
	Section 23(4)(a), ‘an information notice about’—	2
	<i>omit, insert</i> —	3
	‘a QCAT information notice for’.	4
<b>Clause 802</b>	<b>Amendment of s 24 (Registration continues pending decision about renewal)</b>	5
	Section 24(1)(b), ‘an information notice about’—	6
	<i>omit, insert</i> —	7
	‘a QCAT information notice for’.	8
<b>Clause 803</b>	<b>Amendment of s 27 (Replacement of registration certificate)</b>	10
	Section 27(5), ‘an information’—	11
	<i>omit, insert</i> —	12
	‘a QCAT information’.	13
<b>Clause 804</b>	<b>Amendment of s 29 (Immediate suspension)</b>	14
	(1) Section 29(3)(a), ‘an information notice given to the registrant about’—	15
	<i>omit, insert</i> —	16
	‘a QCAT information notice given to the registrant for’.	17
	(2) Section 29(4), after ‘given the’—	18
	<i>insert</i> —	19
	‘QCAT’.	20
<b>Clause 805</b>	<b>Amendment of s 56 (Forfeiture of seized thing)</b>	21
	(1) Section 56(3), ‘an information’—	22
	<i>omit, insert</i> —	23

[s 806]

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‘a QCAT information’. 1

(2) Section 56(4)(b) and (5)(b), before ‘information’— 2

*insert—* 3

‘QCAT’. 4

**Clause 806 Amendment of s 85 (Review by tribunal)** 5

Section 85, after ‘apply’— 6

*insert—* 7

‘, as provided under the QCAT Act,’. 8

**Clause 807 Amendment of pt 14, hdg (Transitional provision)** 9

Part 14, heading, after ‘provision’— 10

*insert—* 11

‘for Act No. 61 of 2003’. 12

**Clause 808 Amendment of sch 2 (Dictionary)** 13

(1) Schedule 2, definitions *information notice* and *tribunal—* 14

*omit.* 15

(2) Schedule 2— 16

*insert—* 17

‘*QCAT information notice* means a notice complying with  
the QCAT Act, section 157(2). 18  
19

*tribunal* means QCAT.’. 20

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<b>Part 71</b>	<b>Amendment of Trade Measurement Act 1990</b>	1
		2
<b>Clause 809</b>	<b>Act amended</b>	3
	This part amends the <i>Trade Measurement Act 1990</i> .	4
<b>Clause 810</b>	<b>Amendment of s 3 (Definitions)</b>	5
	Section 3—	6
	<i>insert—</i>	7
	‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	8
		9
<b>Clause 811</b>	<b>Amendment of s 45 (Grounds for refusal)</b>	10
	Section 45(3), from ‘must’—	11
	<i>omit, insert—</i>	12
	‘must give the applicant a QCAT information notice about the decision to refuse to grant the licence.’.	13
		14
<b>Clause 812</b>	<b>Amendment of s 48 (Conditions may be imposed on licences)</b>	15
	Section 48(4), from ‘notice’—	16
	<i>omit, insert—</i>	17
	‘a QCAT information notice about the decision to impose or vary the condition has been given to the licensee.’.	18
		19
		20
<b>Clause 813</b>	<b>Amendment of s 52B (If weighbridge no longer suitable for use as public weighbridge)</b>	21
	Section 52B(5), from ‘a written notice’—	22
	<i>omit, insert—</i>	23
		24

[s 814]

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‘a QCAT information notice about the decision to cancel the  
licence.’. 1  
2

**Clause 814 Amendment of s 54B (Application to change licence  
holders due to change of partnership)** 3  
4

Section 54B(6), from ‘notify’, including footnote— 5

*omit, insert—* 6

‘give the partnership a QCAT information notice about the  
decision to refuse the application.’. 7  
8

**Clause 815 Amendment of s 54C (Effect on licence of application  
under s 54B)** 9  
10

Section 54C(2)(b), from ‘end’, first mention— 11

*omit, insert—* 12

‘end of the period prescribed under the QCAT Act for  
applying to QCAT for review of the decision, and, if the  
partnership applies for review, the end of the review.’. 13  
14  
15

**Clause 816 Amendment of s 55 (Order preventing employment of  
certain persons)** 16  
17

Section 55(3), from ‘shall’— 18

*omit, insert—* 19

‘must— 20

(a) give a QCAT information notice about the order to the  
person to whom it relates (if the person’s whereabouts  
are known to the authority); and 21  
22  
23

(b) give a copy of the QCAT information notice to any  
licensee that the licensing authority knows is employing  
that person when the order is made.’. 24  
25  
26

---

<b>Clause 817</b>	<b>Amendment of s 58 (Taking of disciplinary action)</b>	1
	Section 58(2)—	2
	<i>omit, insert—</i>	3
	‘(2) The licensing authority takes any action mentioned in subsection (1) by giving a QCAT information notice about the action to the licensee but any action taken is stayed—	4
		5
		6
	(a) until the end of the period prescribed under the QCAT Act for applying to QCAT for a review of the decision to take the action; and	7
		8
		9
	(b) if an application for a review is made—until the end of the review, unless QCAT otherwise orders.’.	10
		11
<b>Clause 818</b>	<b>Replacement of pt 6, div 4, hdg (Appeals)</b>	12
	Part 6, division 4, heading—	13
	<i>omit, insert—</i>	14
	<b>‘Division 4 Application for review’.</b>	15
<b>Clause 819</b>	<b>Amendment of s 59 (Rights of appeal)</b>	16
	(1) Section 59, heading—	17
	<i>omit, insert—</i>	18
	<b>‘59 Rights of review’.</b>	19
	(2) Section 59(1), from ‘appeal’ to ‘against’—	20
	<i>omit, insert—</i>	21
	‘apply to QCAT for review of’.	22
	(3) Section 59(2)—	23
	<i>omit, insert—</i>	24
	‘(2) The application must be made as provided under the QCAT Act.’.	25
		26

[s 820]

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<b>Part 72</b>	<b>Amendment of Trade Measurement Administration Act 1990</b>	1 2 3
<b>Clause 820</b>	<b>Act amended</b> This part amends the <i>Trade Measurement Administration Act 1990</i> .	4 5 6
<b>Clause 821</b>	<b>Omission of pt 5 (Appeals)</b> Part 5— <i>omit.</i>	7 8 9
<b>Part 73</b>	<b>Amendment of Travel Agents Act 1988</b>	10 11
<b>Clause 822</b>	<b>Act amended</b> This part amends the <i>Travel Agents Act 1988</i> .	12 13
<b>Clause 823</b>	<b>Amendment of s 6 (Definitions)</b> Section 6— <i>insert—</i> <i>‘QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	14 15 16 17 18
<b>Clause 824</b>	<b>Amendment of s 18 (Determination of application)</b> Section 18(3)— <i>omit, insert—</i>	19 20 21

- ‘(3) If the commissioner refuses to approve an application for a licence, the commissioner must refund to the applicant any fee for the licence accompanying the application.’. 1  
2  
3

**Clause 825 Amendment of s 25 (Determination of disciplinary measures by the commissioner)** 4  
5

Section 25(5)— 6

*omit, insert—* 7

- ‘(5) If the commissioner suspends or cancels a licence under this section, the suspension or cancellation takes effect on and from the day stated in the QCAT information notice given to the licensee under section 26(2). 8  
9  
10  
11

- ‘(5A) Subsection (5) applies subject to any decision by QCAT on an application made under section 26(4) for a review of the decision to suspend or cancel the licence.’. 12  
13  
14

**Clause 826 Replacement of pt 3, div 3 (Appeals)** 15

Part 3, division 3— 16

*omit, insert—* 17

**‘Division 3 Review by QCAT of particular decisions** 18  
19

**‘26 Review of commissioner’s decisions** 20

- ‘(1) This section applies if the commissioner decides— 21  
(a) to refuse to grant an application for a licence; or 22  
(b) to impose conditions or restrictions on a licence; or 23  
(c) to suspend or cancel a licence; or 24  
(d) to impose a disqualification mentioned in section 25(2). 25

[s 826]

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- ‘(2) The commissioner must give the applicant, licensee, former licensee or person disqualified (the *affected person*) a QCAT information notice for the decision. 1  
2  
3
- ‘(3) If the decision is to suspend or cancel a licence, the QCAT information notice must also state— 4  
5
- (a) the day on which the suspension or cancellation takes effect; and 6  
7
- (b) for a decision to suspend the licence—the period of the suspension. 8  
9
- ‘(4) The affected person may apply, as provided under the QCAT Act, to QCAT for a review of the decision. 10  
11
- ‘(5) The affected person must also give to the commissioner notice in writing of the application to QCAT. 12  
13
- ‘26A QCAT’s power on review of particular decisions by the commissioner 14  
15**
- ‘(1) On the review of a decision mentioned in section 26(1)(b), (c) or (d), QCAT may do any or all of the following— 16  
17
- (a) exercise 1 or more of the powers exercisable by the commissioner under section 25(1); 18  
19
- (b) fine the applicant for the review an amount equalling not more than 10 penalty units. 20  
21
- ‘(2) To the extent a power exercisable by QCAT under the QCAT Act is consistent with subsection (1), the power is not limited by the subsection. 22  
23  
24
- ‘(3) If QCAT exercises a power as mentioned in subsection (1)(a), the power is taken, other than for this division, to have been exercised by the commissioner. 25  
26  
27
- ‘(4) The amount of a fine imposed on a person under subsection (1)(b) may be recovered by the State as a debt. 28  
29

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<b>‘27</b>	<b>Review of compensation scheme trustees’ decisions about participation in the compensation scheme</b>	1 2 3
‘(1)	This section applies if the compensation scheme trustees decide—	4 5
	(a) to refuse an applicant, or a prospective applicant, for a licence participation in the compensation scheme; or	6 7
	(b) to terminate the participation of a licensee in the compensation scheme.	8 9
‘(2)	The compensation scheme trustees must give the applicant, prospective applicant or licensee (the <i>affected person</i> ) a QCAT information notice for the decision.	10 11 12
‘(3)	For a decision mentioned in subsection (1)(b) ( <i>termination decision</i> ), the QCAT information notice must—	13 14
	(a) state the day on which, subject to any decision by QCAT on a review of the termination decision, the termination takes effect; and	15 16 17
	(b) inform the affected person that the person’s participation in the compensation scheme is, subject to any decision by QCAT on a review of the termination decision, suspended from the day the notice is given to the person until the day the termination takes effect.	18 19 20 21 22
‘(4)	The day stated in the QCAT information notice under subsection (3)(a) must be at least 28 days after the notice is given to the affected person.	23 24 25
‘(5)	An affected person for a decision mentioned in subsection (1) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	26 27 28
‘(6)	The affected person must also give to the commissioner and the compensation scheme trustees notice in writing of the application to QCAT.	29 30 31

[s 827]

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<b>‘27A</b>	<b>QCAT’s power on review of particular compensation scheme trustees’ decisions</b>	1
		2
‘(1)	Without limiting the powers of QCAT under the QCAT Act, QCAT may, on the review of a decision mentioned in section 27(1)—	3
		4
		5
	(a) dismiss the application; or	6
	(b) for a decision mentioned in section 27(1)(a)—admit the applicant or prospective applicant to participation in the compensation scheme on the condition that the applicant or prospective applicant is or becomes licensed; or	7
		8
		9
		10
		11
	(c) for a decision mentioned in section 27(1)(b)—set aside the decision.	12
		13
‘(2)	A decision of QCAT under subsection (1)(b) or (c) is taken to be a decision made under the law governing the compensation scheme and has effect according to that law.	14
		15
		16
<b>‘28</b>	<b>Conducting and deciding reviews concurrently</b>	17
‘(1)	This section applies if a person applies to QCAT for both—	18
	(a) a review of a decision mentioned in section 26(1); and	19
	(b) a review of a decision mentioned in section 27(1).	20
‘(2)	QCAT may conduct and decide the reviews concurrently.’.	21
<b>Clause 827</b>	<b>Amendment of s 37 (Obligation of licensee to be a member of the compensation scheme)</b>	22
		23
(1)	Section 37(1), ‘shall’—	24
	<i>omit, insert</i> —	25
	‘must’.	26
(2)	Section 37(2) and (3)—	27
	<i>omit, insert</i> —	28

- 
- ‘(2) A licensee remains a member of the compensation scheme unless the trustees—
- (a) decide to terminate the licensee’s membership in the scheme; and
  - (b) give the licensee a QCAT information notice for the decision as required under section 27.
- ‘(3) The termination takes effect, subject to any decision by QCAT on a review of the decision, on the day stated in the QCAT information notice.
- ‘(4) The person’s participation in the compensation scheme is, subject to any decision by QCAT on a review of the decision, suspended from the date the QCAT information notice is given to the person until the day the termination takes effect.’.

- Clause 828 Amendment of s 41 (Claims)**
- Section 41(3) to (4)—
- omit, insert—*
- ‘(3) The trustees must give the claimant a QCAT information notice for the trustees’ decision on the claim.’.

**Part 74 Amendment of Veterinary Surgeons Act 1936 commencing on assent**

- Clause 829 Act amended**
- This part amends the *Veterinary Surgeons Act 1936*.

[s 830]

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<b>Clause 830</b>	<b>Amendment of s 15G (Registrar of tribunal)</b>	1
	Section 15G, ‘registrar of the board’—	2
	<i>omit, insert—</i>	3
	‘director of the registry under the <i>Commercial and Consumer Tribunal Act 2003</i> ’.	4
		5
<b>Clause 831</b>	<b>Amendment of schedule (Dictionary)</b>	6
	Schedule—	7
	<i>insert—</i>	8
	‘ <i>registrar of the tribunal</i> see section 15G.’.	9
<b>Part 75</b>	<b>Amendment of Veterinary Surgeons Act 1936 commencing by proclamation</b>	10
		11
		12
<b>Clause 832</b>	<b>Act amended</b>	13
	This part amends the <i>Veterinary Surgeons Act 1936</i> .	14
<b>Clause 833</b>	<b>Amendment of s 15 (Funds of board)</b>	15
	Section 15(2), ‘, the costs of the tribunal’—	16
	<i>omit.</i>	17
<b>Clause 834</b>	<b>Replacement of pt 2A (The tribunal)</b>	18
	Part 2A—	19
	<i>omit, insert—</i>	20

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<b>‘Part 2A</b>	<b>Tribunal proceedings</b>	1
<b>‘15A</b>	<b>Jurisdiction</b>	2
	‘The tribunal has jurisdiction—	3
	(a) to hear and decide any disciplinary proceedings involving allegations of misconduct in a professional respect referred by the board against any veterinary surgeon; and	4 5 6 7
	(b) to hear and decide any application made under section 22C; and	8 9
	(c) to hear and decide show cause proceedings brought under section 22D.	10 11
<b>‘15B</b>	<b>Constitution of tribunal</b>	12
	‘(1) For a proceeding under section 15A, the tribunal is to be constituted by—	13 14
	(a) 1 legally qualified member under the QCAT Act; and	15
	(b) 2 other members who are veterinary surgeons.	16
	‘(2) The person mentioned in subsection (1)(a) is the presiding member for the proceedings.	17 18
<b>‘15C</b>	<b>Matters tribunal must consider in making particular decisions</b>	19 20
	‘(1) This section applies to the tribunal in making a decision about—	21 22
	(a) a disciplinary proceeding alleging misconduct in a professional respect against a veterinary surgeon; or	23 24
	(b) whether or not a veterinary surgeon’s name should be removed from the register of veterinary surgeons because the veterinary surgeon is medically unfit to practise veterinary science.	25 26 27 28

[s 834]

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- ‘(2) In making its decision, the tribunal— 1
- (a) must have regard to previous decisions about the 2  
veterinary surgeon made by any of the following— 3
- (i) the tribunal if, in the opinion of the tribunal, the 4  
previous decision is relevant to the matter before it; 5
- (ii) the board; 6
- (iii) a committee; and 7
- (b) may have regard to previous decisions about the 8  
veterinary surgeon made by a foreign disciplinary body. 9
- ‘(3) Subsection (2) does not limit the matters the tribunal may 10  
consider in making its decision. 11
- ‘(4) In this section— 12
- committee* means a committee of medical practitioners 13  
appointed under section 22D(1). 14
- foreign disciplinary body* means an entity, established under 15  
the law of another State or country, having functions similar to 16  
the functions of the board or tribunal under this Act. 17
- ‘15D Costs 18**
- ‘(1) In a proceeding before it, the tribunal may make any decision 19  
about costs it considers appropriate. 20
- ‘(2) However, the costs allowable are only— 21
- (a) the costs allowable under the QCAT Act; and 22
- (b) if the board conducted an investigation of a matter 23  
before referring the matter for hearing by the 24  
tribunal—the cost to the board of conducting the 25  
investigation. 26
- ‘(3) Without limiting subsection (1), in making a decision about an 27  
order for costs, the tribunal— 28

- 
- (a) must take into consideration the cost of any investigation for the matter the subject of the proceeding; and
- (b) must not take into consideration the amount of a penalty, if any, imposed on a veterinary surgeon in the proceeding.’.

<b>Clause 835</b>	<b>Amendment of s 18 (Registration of veterinary surgeons)</b>	7
	Section 18—	8
	<i>insert</i> —	9
	‘(4) If the board decides to refuse an application for registration, the board must, as soon as practicable after making the decision, give the applicant an information notice for the decision.’.	10 11 12 13
<b>Clause 836</b>	<b>Amendment of s 18A (Performance of certain acts by approved persons)</b>	14 15
	Section 18A(5)(c), ‘be guilty of’—	16
	<i>omit, insert</i> —	17
	‘have engaged in’.	18
<b>Clause 837</b>	<b>Amendment of s 19E (Special registration)</b>	19
	Section 19E(4)(a), ‘been guilty of’—	20
	<i>omit, insert</i> —	21
	‘engaged in’.	22
<b>Clause 838</b>	<b>Amendment of s 22 (Investigation by board)</b>	23
	(1) Section 22(3), from ‘cause’—	24
	<i>omit, insert</i> —	25

[s 839]

---

‘refer the matter, as provided under the QCAT Act, to the tribunal to hear and decide the matter.’. 1  
2

(2) Section 22(4)— 3

*omit, insert—* 4

‘(4) The referral to the tribunal must be accompanied by sufficient particulars to inform the tribunal and the veterinary surgeon of the matter alleged against the veterinary surgeon.’. 5  
6  
7

**Clause 839 Amendment of s 22A (Board may punish)** 8

(1) Section 22A, heading, ‘punish’— 9

*omit, insert—* 10

**‘take disciplinary action’.** 11

(2) Section 22A(1), from ‘been’ to ‘surgeon—’— 12

*omit, insert—* 13

‘engaged in misconduct in a professional respect, it may, instead of referring the matter to the tribunal—’. 14  
15

**Clause 840 Amendment of s 22B (Board to give notice of its intention to proceed pursuant to s 22A)** 16  
17

(1) Section 22B(1)(a), from ‘of which’ to ‘is guilty;’— 18

*omit, insert—* 19

‘in which, in the opinion of the board, the veterinary surgeon has engaged; and’. 20  
21

(2) Section 22B(1)(b)(iii), ‘charge him or her with being guilty of’— 22  
23

*omit, insert—* 24

‘refer the matter to the tribunal to hear and decide’. 25

(3) Section 22B(4)— 26

*omit, insert—* 27

‘(4) If the veterinary surgeon requires the board to refer the matter to the tribunal, the board must not act under section 22A in relation to the veterinary surgeon.’.

<b>Clause 841</b>	<b>Amendment of s 22E (Orders of tribunal on charge of misconduct in a professional respect)</b>	4
	(1) Section 22E, heading, ‘on charge of’—	5
	<i>omit, insert—</i>	6
	‘for’.	7
	(2) Section 22E(1), from ‘Where’ to ‘Act’—	8
	<i>omit, insert—</i>	9
	‘If the tribunal decides a veterinary surgeon has engaged in misconduct in a professional respect,’.	10
		11
		12
<b>Clause 842</b>	<b>Amendment of s 22F (Misconduct in a professional respect)</b>	13
	Section 22F, from ‘Without’ to ‘who—’—	14
	<i>omit, insert—</i>	15
	‘Without limiting the ways a veterinary surgeon may engage in misconduct in a professional respect, a veterinary surgeon is engaging in <i>misconduct in a professional respect</i> if the veterinary surgeon—’.	16
		17
		18
		19
		20
<b>Clause 843</b>	<b>Omission of s 22G (Initiation of proceedings)</b>	21
	Section 22G—	22
	<i>omit.</i>	23
<b>Clause 844</b>	<b>Replacement of s 22H (Appeals)</b>	24
	Section 22H—	25
	<i>omit, insert—</i>	26

[s 845]

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<b>‘22H</b>	<b>Review of particular decisions</b>	1
	‘Each of the following persons may apply, as provided under the QCAT Act, to the tribunal for a review of the decision stated for the person—	2 3 4
	(a) a person whose application to be registered as a veterinary surgeon is refused by the board, on any ground other than that the person does not possess the academic qualifications required to be registered as a veterinary surgeon;	5 6 7 8 9
	(b) a person whose application for approval to use premises as veterinary premises has been granted subject to a condition under section 25D, other than a condition mentioned in section 25G(2);	10 11 12 13
	(c) a person whose application for approval to use premises as veterinary premises has been refused under section 25E;	14 15 16
	(d) a person whose approval to use premises as veterinary premises has been amended, suspended or cancelled under section 25J(3).’.	17 18 19
<b>Clause 845</b>	<b>Amendment of s 24 (Restoration of name)</b>	20
	(1) Section 24(1), ‘a judge of the District Court at Brisbane’— <i>omit, insert—</i> ‘the tribunal’.	21 22 23
	(2) Section 24(2), ‘a judge of the District Court or of’— <i>omit.</i>	24 25
<b>Clause 846</b>	<b>Amendment of s 25 (Definitions for pt 4A)</b>	26
	(1) Section 25, heading, ‘Definitions’— <i>omit, insert—</i> ‘ <b>Definition</b> ’.	27 28 29

---

	(2) Section 25, definition <i>information notice</i> —	1
	<i>omit.</i>	2
<b>Clause 847</b>	<b>Amendment of s 250 (Directing veterinary surgeon to practise veterinary science)</b>	3
	Section 250, from ‘be’ to ‘respect.’—	4
	<i>omit, insert</i> —	5
	‘constitute misconduct in a professional respect.’.	6
<b>Clause 848</b>	<b>Omission of s 28 (Person not to be a member of both the board and the tribunal)</b>	7
	Section 28—	8
	<i>omit.</i>	9
<b>Clause 849</b>	<b>Amendment of s 29B (Allowances and expenses)</b>	10
	(1) Section 29B(1) and (3), ‘and each member of the tribunal’—	11
	<i>omit.</i>	12
	(2) Section 29B(2)—	13
	<i>omit, insert</i> —	14
	‘(2) A member who is a public service officer must not be paid a fee or allowance if the officer acts as a member during the officer’s ordinary hours of duty as a public service officer.’.	15
		16
		17
		18
		19
<b>Clause 850</b>	<b>Amendment of s 32 (Evidence)</b>	20
	Section 32(3), ‘or the tribunal’—	21
	<i>omit.</i>	22

[s 851]

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<b>Clause 851</b>	<b>Amendment of s 33A (Reports)</b>	1
(1)	Sections 33A(1) and (1A)—	2
	<i>omit.</i>	3
(2)	Section 33A(3), ‘or (2)’—	4
	<i>omit.</i>	5
(3)	Sections 33A(2) and (2A)—	6
	<i>renumber</i> as sections 33A(1) and (2).	7
<b>Clause 852</b>	<b>Amendment of s 33D (Power of entry etc.)</b>	8
	Section 33D(1), ‘is guilty of’—	9
	<i>omit, insert—</i>	10
	‘has engaged or is engaging in’.	11
<b>Clause 853</b>	<b>Amendment of s 37 (Regulation-making power)</b>	12
(1)	Section 37(2)(d), ‘and of the tribunal’—	13
	<i>omit.</i>	14
(2)	Section 37(2)(k), ‘charges’—	15
	<i>omit, insert—</i>	16
	‘allegations made’.	17
<b>Clause 854</b>	<b>Amendment of schedule (Dictionary)</b>	18
(1)	Schedule, definitions <i>tribunal</i> and <i>registrar of the tribunal</i> —	19
	<i>omit.</i>	20
(2)	Schedule—	21
	<i>insert—</i>	22
	‘ <i>information notice</i> means a notice complying with the	23
	QCAT Act, section 157(2).	24
	<i>tribunal</i> means QCAT.’.	25

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<b>Part 76</b>	<b>Amendment of Wagering Act 1998</b>	1
		2
<b>Clause 855</b>	<b>Act amended</b>	3
	This part amends the <i>Wagering Act 1998</i> .	4
<b>Clause 856</b>	<b>Amendment of s 216E (Duration of exclusion direction)</b>	5
	Section 216E(b)(i) and (iii), ‘appeal under part 14, division 1’—	6
	<i>omit, insert—</i>	7
	‘a review of the decision by the tribunal’.	8
		9
<b>Clause 857</b>	<b>Amendment of s 255 (Forfeiture)</b>	10
	Section 255(5)—	11
	<i>omit, insert—</i>	12
	‘(5) The notice must comply with the QCAT Act, section 157(2).’.	13
<b>Clause 858</b>	<b>Replacement of pt 14, hdg (Appeals and reviews)</b>	14
	Part 14, heading—	15
	<i>omit, insert—</i>	16
	<b>‘Part 14                      Reviews by QCAT or Minister’.</b>	17
<b>Clause 859</b>	<b>Replacement of pt 14, div 1 (Appeals)</b>	18
	Part 14, division 1—	19
	<i>omit, insert—</i>	20

[s 859]

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<b>‘Division 1</b>	<b>Applications for review of decisions by tribunal</b>	1 2
<b>‘291</b>	<b>When authority operators may apply for review</b>	3
	‘An authority operator may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions of the chief executive—	4 5 6
	• a decision under section 208 refusing to approve regulated wagering equipment	7 8
	• a decision under section 208 refusing to approve a modification of regulated wagering equipment.	9 10
<b>‘292</b>	<b>When licence operators may apply for review</b>	11
	‘A licence operator may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 159 directing the operator to terminate an agency agreement entered into by the operator.	12 13 14 15
<b>‘293</b>	<b>When applicants for key person licences may apply for review</b>	16 17
	‘An applicant for a key person licence may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 104 refusing to grant the application.	18 19 20 21
<b>‘294</b>	<b>When key person licensees may apply for review</b>	22
	‘A key person licensee may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions of the chief executive—	23 24 25
	• a decision under section 109 imposing a condition on the key person licence	26 27

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• a decision under section 114 changing a condition of the key person licence	1 2
• a decision under section 116 refusing to grant an application to replace the key person licence	3 4
• a decision under section 126 immediately suspending the key person licence	5 6
• a decision under section 127 suspending or cancelling the key person licence	7 8
• a decision under section 129 censuring the key person licensee	9 10
• a decision under section 130 directing the key person licensee to rectify a matter.	11 12
<b>‘295 When wagering agents may apply for review</b>	<b>13</b>
‘A wagering agent may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of the chief executive under section 159 directing the licence operator by whom the agent was appointed to terminate the agency agreement.	14 15 16 17 18
<b>‘296 When owner of things seized may apply for review</b>	<b>19</b>
‘The owner of a thing seized by an inspector may apply, as provided under the QCAT Act, to the tribunal for a review of a decision of an inspector under section 255 resulting in the thing being forfeited.	20 21 22 23
<b>‘297 When other persons may apply for review</b>	<b>24</b>
‘A person may apply, as provided under the QCAT Act, to the tribunal for a review of the following decisions—	25 26
(a) a decision of a general operator, under section 216D, to give the person an exclusion direction;	27 28

[s 859]

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(b)	a decision of a general operator, under section 216G, refusing to revoke an exclusion direction given to the person.	1 2 3
<b>‘298</b>	<b>Tribunal to decide review on evidence before the chief executive</b>	4 5
‘(1)	In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—	6 7
(a)	hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and	8 9 10
(b)	decide the review of the decision in accordance with the same law that applied to the making of the original decision.	11 12 13
‘(2)	If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard, must be—	14 15 16
(a)	heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and	17 18 19
(b)	decided in accordance with the same law that applied to the making of the original decision.	20 21
‘(3)	In this section—	22
	<i>original decision</i> means the decision of the chief executive to which the proceeding for the review relates.	23 24
<b>‘299</b>	<b>Tribunal may give leave for review to be decided on new evidence in particular circumstances</b>	25 26
‘(1)	Despite section 298, the tribunal may grant a party to a proceeding for a review of a decision of the chief executive (the <i>decision</i> ) leave to present new evidence if the tribunal is satisfied—	27 28 29 30

- 
- (a) the party did not know and could not reasonably be expected to have known of the existence of the new evidence before the decision; and
- (b) in the circumstances, it would be unfair not to allow the party to present the new evidence.
- ‘(2) If the tribunal gives leave under subsection (1), the tribunal must—
- (a) adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons; or
- (b) if the tribunal considers it appropriate for the applicant to make a new application, require the applicant to make a new application to the chief executive.
- ‘(3) In this section—
- new evidence* means evidence that was not before the chief executive when the decision was made.
- ‘300 Appeals from tribunal only to Court of Appeal on a question of law**
- ‘(1) This section applies to a decision of the tribunal (the *tribunal decision*) in a proceeding for a review of a decision of mentioned in sections 291 to 297.
- ‘(2) The QCAT Act, chapter 2, part 8, division 1 does not apply to the tribunal decision.
- ‘(3) A party to the proceeding may appeal to the Court of Appeal against the tribunal decision but only if the appeal is on a question of law.
- ‘(4) To remove any doubt, it is declared that the QCAT Act, section 149 does not apply to the tribunal decision.
- Note—*
- See the QCAT Act, sections 151 to 153, 155 and 156 for other requirements and effects of an appeal to the Court of Appeal.’.
-

[s 860]

---

<b>Clause 860</b>	<b>Amendment of pt 14, div 2, hdg (Reviews)</b>	1
	Part 14, division 2, heading, after ‘Reviews’—	2
	<i>omit, insert—</i>	3
	‘ <b>by Minister</b> ’.	4
<b>Clause 861</b>	<b>Omission of s 331 (Dealing with show cause notice)</b>	5
	Section 331—	6
	<i>omit.</i>	7
<b>Clause 862</b>	<b>Omission of s 333 (Appeals to Gaming Commission)</b>	8
	Section 333—	9
	<i>omit.</i>	10
<b>Clause 863</b>	<b>Amendment of sch 2 (Dictionary)</b>	11
	(1) Schedule 2, definitions <i>Gaming Commission</i> and <i>registrar</i> —	12
	<i>omit.</i>	13
	(2) Schedule 2—	14
	<i>insert—</i>	15
	‘ <b>tribunal</b> means QCAT.’.	16
	(3) Schedule 2, definition <i>information notice</i> —	17
	<i>omit, insert—</i>	18
	‘ <b>information notice</b> means a written notice complying with the QCAT Act, section 157(2).’.	19
		20

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<b>Part 77</b>	<b>Amendment of Wagering Regulation 1999</b>	1
		2
<b>Clause 864</b>	<b>Regulation amended</b>	3
	This part amends the <i>Wagering Regulation 1999</i> .	4
<b>Clause 865</b>	<b>Omission of s 15 (Registrar—Act, sch 2)</b>	5
	Section 15—	6
	<i>omit.</i>	7
<b>Clause 866</b>	<b>Amendment of sch 3 (Fees)</b>	8
	Schedule 3, item 5—	9
	<i>omit.</i>	10
<b>Part 78</b>	<b>Amendment of Wine Industry Act 1994</b>	11
		12
<b>Clause 867</b>	<b>Act amended</b>	13
	This part amends the <i>Wine Industry Act 1994</i> .	14
<b>Clause 868</b>	<b>Amendment of s 28 (Procedure for variation, suspension or cancellation)</b>	15
	Section 28(4)—	16
	<i>omit, insert—</i>	17
	‘(4) If the chief executive decides to vary, suspend or cancel a licence, the notice must comply with the QCAT Act, section 157(2).’.	18
		19
		20
		21

[s 869]

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<b>Clause 869</b>	<b>Replacement of pt 2, div 11, hdg (Appeals)</b>	1
	Part 2, division 11, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Division 11            Review of decisions of the chief executive’.</b>	4
		5
<b>Clause 870</b>	<b>Amendment of s 33 (Appeals against decisions of chief executive)</b>	6
		7
	(1) Section 33, heading, ‘Appeals against’—	8
	<i>omit, insert—</i>	9
	<b>‘Review of’.</b>	10
	(2) Section 33(1), ‘appealed against’—	11
	<i>omit, insert—</i>	12
	‘reviewed’.	13
	<b>Part 79                    Amendment of Wine Industry Regulation 1995</b>	14
		15
<b>Clause 871</b>	<b>Regulation amended</b>	16
	This part amends the <i>Wine Industry Regulation 1995</i> .	17
<b>Clause 872</b>	<b>Amendment of s 11 (Requirements of submission by petition)</b>	18
		19
	Section 11(2)—	20
	<i>omit, insert—</i>	21

- 
- ‘(2) A notice given by the chief executive, or the tribunal, to the sponsor of the petition is taken to be given to all signatories to the petition.’ 1  
2  
3

**Chapter 6 Department of Environment and Resource Management** 4  
5

**Part 1 Amendment of Land Protection (Pest and Stock Route Management) Act 2002** 6  
7  
8

**Clause 873 Act amended** 9  
This part amends the *Land Protection (Pest and Stock Route Management) Act 2002*. 10  
11

**Clause 874 Amendment of s 161 (Overgrazing on stock route network)** 12  
13  
Section 161(3)— 14  
*omit, insert—* 15  
‘(3) The notice must— 16  
(a) state the reasonable number to which the stock are to be reduced and the reasonable period in which the reduction must be made; and 17  
18  
19  
(b) be accompanied by or include an information notice for the decision to give the notice.’ 20  
21

[s 875]

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<b>Clause 875</b>	<b>Replacement of ch 9 (Appeals)</b>	1
	Chapter 9—	2
	<i>omit, insert—</i>	3
	<b>‘Chapter 9      Review of decisions by                          QCAT</b>	4 5
<b>‘296</b>	<b>Who may apply for review by QCAT</b>	6
	‘An aggrieved person for a reviewable decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’	7 8 9
	<i>Note—</i>	10
	Aggrieved persons and reviewable decisions are in schedule 1.’	11
<b>Clause 876</b>	<b>Amendment of sch 1 (Appealable decisions and aggrieved persons)</b>	12 13
	(1) Schedule 1, heading, ‘Appealable’—	14
	<i>omit, insert—</i>	15
	<b>‘Reviewable’.</b>	16
	(2) Schedule 1, authorising section, ‘appealable decision’—	17
	<i>omit, insert—</i>	18
	‘ <i>reviewable decision</i> ’.	19
	(3) Schedule 1, table, column 1, heading, ‘Appealable decision’—	20 21
	<i>omit, insert—</i>	22
	<b>‘Reviewable decision’.</b>	23

---

<b>Clause 877</b>	<b>Amendment of sch 3 (Dictionary)</b>	1
(1)	Schedule 3, definitions <i>appealable decision</i> and <i>information notice</i> —	2
	<i>omit.</i>	3
	<i>omit.</i>	4
(2)	Schedule 3—	5
	<i>insert</i> —	6
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).	7
	’	8
	<i>reviewable decision</i> means a decision stated in schedule 1.’.	9
(3)	Schedule 3, definition <i>aggrieved person</i> , ‘an appealable’—	10
	<i>omit, insert</i> —	11
	‘a reviewable’.	12

<b>Part 2</b>	<b>Amendment of Marine Parks Act 2004</b>	13
		14

<b>Clause 878</b>	<b>Act amended</b>	15
	This part amends the <i>Marine Parks Act 2004</i> .	16

<b>Clause 879</b>	<b>Amendment of s 93 (Compliance notice)</b>	17
	Section 93(3)—	18
	<i>omit, insert</i> —	19
‘(3)	The compliance notice must state that the person may—	20
(a)	apply under part 8 for a review of the decision to give the notice; and	21
		22
(b)	apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.	23
		24

[s 880]

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<b>Clause 880</b>	<b>Amendment of s 101 (Removal notice)</b>	1
	Section 101(3)—	2
	<i>insert</i> —	3
	‘(g) that the person may apply under part 8 for a review of the decision to give the notice;	4
	5	
	(h) that the person may apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.	6
		7
<b>Clause 881</b>	<b>Amendment of s 104 (Removal notice)</b>	8
	Section 104(3)—	9
	<i>insert</i> —	10
	‘(h) that the person may apply under part 8 for a review of the decision to give the notice;	11
	12	
	(i) that the person may apply, as provided under the QCAT Act, to QCAT for a stay of the decision.’.	13
		14
<b>Clause 882</b>	<b>Replacement of pt 8, hdg (Appeals and review)</b>	15
	Part 8, heading—	16
	<i>omit, insert</i> —	17
	<b>‘Part 8</b>	
	<b>Review of decisions’.</b>	18
<b>Clause 883</b>	<b>Amendment of s 117 (Appeal against particular decisions must be by way of internal review or ADR process)</b>	19
	(1) Section 117, heading, ‘Appeal against’—	20
	21	
	<i>omit, insert</i> —	22
	<b>‘Review of’.</b>	23
	(2) Section 117(1), ‘appeal against’—	24
	25	
	<i>omit, insert</i> —	25
	‘apply for a review of’.	26

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<b>Clause 884</b>	<b>Amendment of s 119 (Review decision)</b>	1
(1)	Section 119, heading, ‘Review’—	2
	<i>omit, insert—</i>	3
	‘ <b>Internal review</b> ’.	4
(2)	Section 119(1)(b), ‘(the <i>review decision</i> )’—	5
	<i>omit, insert—</i>	6
	‘(the <i>internal review decision</i> )’.	7
(3)	Section 119(2) and (3)—	8
	<i>omit, insert—</i>	9
‘(2)	Within 14 days after making the internal review decision, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2) for the decision.’.	10 11 12
(4)	Section 119(5), ‘appeal to a Magistrates Court’—	13
	<i>omit, insert—</i>	14
	‘application to QCAT for external review’.	15
(5)	Section 119(5), ‘review decision’—	16
	<i>omit, insert—</i>	17
	‘internal review decision’.	18
(6)	Section 119(4) and (5)—	19
	<i>renumber</i> as section 119(3) and (4).	20
<b>Clause 885</b>	<b>Amendment of s 120 (Stay of operation of original decision)</b>	21 22
(1)	Section 120(1) and (2)—	23
	<i>omit, insert—</i>	24
‘(1)	If an application is made for an internal review of an original decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the original decision.	25 26 27 28

[s 886]

---

- ‘(2) QCAT may stay the original decision to secure the effectiveness of the internal review and any later application to QCAT for external review.’ 1  
2  
3
- (2) Section 120(3), ‘the court’— 4  
*omit, insert—* 5  
‘QCAT’. 6
- (3) Section 120(4)— 7  
*omit, insert—* 8
- ‘(4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the original decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision.’. 9  
10  
11  
12  
13

**Clause 886 Replacement of pt 8, div 3 (Appeals to Magistrates Court)** 14  
Part 8, division 3— 15  
*omit, insert—* 16

**‘Division 3 External reviews by QCAT** 17

**‘121 Who may apply for external review** 18  
‘A person who is given, or is entitled to be given, a notice under section 119(2) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.’. 19  
20  
21  
22

**Clause 887 Amendment of schedule (Dictionary)** 23  
(1) Schedule, definition *review decision*— 24  
*omit.* 25  
(2) Schedule— 26  
*insert—* 27



[s 892]

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- |     |   |   |
|-----|---|---|
| (2) | Section 148, ‘the appealable decision’— | 1 |
|     | <i>omit, insert—</i>                    | 2 |
|     | ‘the reviewable decision’.              | 3 |
| (3) | Section 148(2)(c), ‘review decision’—   | 4 |
|     | <i>omit, insert—</i>                    | 5 |
|     | ‘internal review decision’.             | 6 |

- |                   |  |                |
|-------------------|--|----------------|
| <b>Clause 892</b> | <b>Amendment of s 149 (Review decision)</b>  | 7              |
| (1)               | Section 149, heading, ‘Review’—  | 8              |
|                   | <i>omit, insert—</i>   | 9              |
|                   | <b>‘Internal review’.</b>  | 10             |
| (2)               | Section 149, ‘appealable decision’—  | 11             |
|                   | <i>omit, insert—</i>   | 12             |
|                   | ‘reviewable decision’.   | 13             |
| (3)               | Section 149, ‘the review decision’—  | 14             |
|                   | <i>omit, insert—</i>   | 15             |
|                   | ‘the internal review decision’.  | 16             |
| (4)               | Section 149(2)(c), ‘review decision’—  | 17             |
|                   | <i>omit, insert—</i>   | 18             |
|                   | ‘internal review decision’.  | 19             |
| (5)               | Section 149(3) and (4)—  | 20             |
|                   | <i>omit, insert—</i>   | 21             |
| ‘(3)              | Within 14 days after making the internal review decision, the<br>chief executive must give the applicant a notice complying<br>with the QCAT Act, section 157(2) for the decision.’. | 22<br>23<br>24 |
| (6)               | Section 149(6), ‘appeal to a Magistrates Court’—   | 25             |
|                   | <i>omit, insert—</i>   | 26             |
|                   | ‘application to QCAT for external review’.   | 27             |

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	(7) Section 149(5) and (6)—	1
	<i>renumber</i> as section 149(4) and (5).	2
<b>Clause 893</b>	<b>Amendment of s 150 (Stay of operation of appealable decision)</b>	3
		4
	(1) Section 150, heading, ‘appealable’—	5
	<i>omit, insert—</i>	6
	‘reviewable’.	7
	(2) Section 150(1) and (2)—	8
	<i>omit, insert—</i>	9
	‘(1) If an application is made for an internal review of a reviewable decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the reviewable decision.	10
		11
		12
		13
	‘(2) QCAT may stay the reviewable decision to secure the effectiveness of the internal review and any later application to QCAT for external review.’.	14
		15
		16
	(3) Section 150(3), ‘the court’—	17
	<i>omit, insert—</i>	18
	‘QCAT’.	19
	(4) Section 150(4)—	20
	<i>omit, insert—</i>	21
	‘(4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the reviewable decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the decision.’.	22
		23
		24
		25
		26
	(5) Section 150(5), ‘the appealable decision’—	27
	<i>omit, insert—</i>	28
	‘the reviewable decision’.	29

[s 894]

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<b>Clause 894</b>	<b>Replacement of pt 8, div 3 (Appeals)</b>	1
	Part 8, division 3—	2
	<i>omit, insert—</i>	3
	<b>‘Division 3 External reviews by QCAT</b>	4
<b>‘151</b>	<b>Who may apply for external review</b>	5
	‘A person who is given, or is entitled to be given, a notice under section 149(3) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.	6 7 8 9
<b>‘152</b>	<b>Extending time for application</b>	10
	‘QCAT may extend the time for applying for external review if—	11 12
	(a) the internal review decision relates to a permission that forms part of a joint permission; and	13 14
	(b) a decision about the Commonwealth permission forming the other part of the joint permission is being reviewed under the Commonwealth Act, or has been reviewed and is the subject of an appeal under the Commonwealth Act; and	15 16 17 18 19
	(c) the outcome of the review or appeal under the Commonwealth Act is reasonably likely to affect the applicant’s decision about whether or not to pursue, or the chief executive’s decision about whether or not to defend, an application for external review under this division.’.	20 21 22 23 24 25
<b>Clause 895</b>	<b>Amendment of sch 6 (Dictionary)</b>	26
	(1) Schedule 6, definitions <i>appealable decision</i> , <i>review decision</i> and <i>review notice—</i>	27 28
	<i>omit.</i>	29

- 
- (2) Schedule 6— 1  
*insert*— 2  
**‘internal review decision** see section 149(1)(b). 3  
**reviewable decision** means the following decisions of the 4  
chief executive— 5
- (a) a decision for which an information notice must be 6  
given; 7
- (b) a decision to refuse to give an approval under this 8  
regulation or a zoning plan; 9
- (c) a decision to impose a condition on an approval given 10  
under this regulation or a zoning plan; 11
- (d) a decision to refuse to grant an accreditation of a 12  
traditional use of marine resources agreement, or an 13  
educational or research institution, for the Moreton Bay 14  
Marine Park; 15
- (e) a decision to amend, suspend or cancel an accreditation 16  
of a traditional use of marine resources agreement, or an 17  
educational or research institution, for the Moreton Bay 18  
Marine Park.’. 19
- (3) Schedule 6, definition *information notice*, ‘review or 20  
appeal’— 21  
*omit, insert*— 22  
‘internal review’. 23
- (4) Schedule 6, definition *information notice*, paragraph (f)— 24  
*omit, insert*— 25  
‘(f) that a person may apply, as provided under the QCAT 26  
Act, to QCAT for a stay of a decision the subject of an 27  
internal review.’. 28

[s 896]

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<b>Part 4</b>	<b>Amendment of Nature Conservation Act 1992</b>	1
		2
<b>Clause 896</b>	<b>Act amended</b>	3
	This part amends the <i>Nature Conservation Act 1992</i> .	4
<b>Clause 897</b>	<b>Insertion of new pt 10, div 4</b>	5
	Part 10—	6
	<i>insert—</i>	7
<b>‘Division 4</b>	<b>Stay of decisions by QCAT</b>	8
<b>‘1730A</b>	<b>Limitation on stays granted by QCAT for particular decisions</b>	9
		10
	‘QCAT can not make an order staying the operation of a decision by the chief executive under this Act to suspend or cancel a licence, permit or other authority that authorises the holder of the authority to—	11
		12
		13
		14
	(a) take or interfere with the cultural or natural resources of a protected area; or	15
		16
	(b) take protected wildlife.’.	17
<b>Part 5</b>	<b>Amendment of Nature Conservation (Administration) Regulation 2006</b>	18
		19
		20
<b>Clause 898</b>	<b>Regulation amended</b>	21
	This part amends the <i>Nature Conservation (Administration) Regulation 2006</i> .	22
		23

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<b>Clause 899</b>	<b>Replacement of pt 4, hdg (Review and appeal provisions)</b>	1
	Part 4, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Part 4 Internal and external reviews’.</b>	4
<b>Clause 900</b>	<b>Replacement of s 99 (Appeal process starts with internal review)</b>	5
	Section 99—	6
	<i>omit, insert—</i>	7
<b>‘99</b>	<b>Internal review process before external review</b>	8
	‘Every review of a reviewable decision must be, in the first instance, by way of an application for internal review.’.	9
		10
		11
<b>Clause 901</b>	<b>Amendment of s 100 (Applying for an internal review)</b>	12
	(1) Section 100, ‘an appellable decision’—	13
	<i>omit, insert—</i>	14
	‘a reviewable decision’.	15
	(2) Section 100(1)(a)(ii), ‘appellable decision’—	16
	<i>omit, insert—</i>	17
	‘reviewable decision’.	18
	(3) Section 100, ‘the appellable decision’—	19
	<i>omit, insert—</i>	20
	‘the reviewable decision’.	21
<b>Clause 902</b>	<b>Amendment of s 101 (Review decision)</b>	22
	(1) Section 101, heading—	23
	<i>omit, insert—</i>	24

[s 903]

---

<b>'101 Internal review'</b>	1
(2) Section 101, 'the appellable decision'—	2
<i>omit, insert</i> —	3
'the reviewable decision'.	4
(3) Section 101(1)(b), '(the <i>review decision</i> )'—	5
<i>omit, insert</i> —	6
'(the <i>internal review decision</i> )'.	7
(4) Section 101(2) and (3)—	8
<i>omit, insert</i> —	9
'(2) Within 14 days after making the internal review decision, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2) about the decision.'	10 11 12
(5) Section 101(5), 'appeal to a Magistrates Court'—	13
<i>omit, insert</i> —	14
'application to QCAT for external review'.	15
(6) Section 101(5), 'the review decision'—	16
<i>omit, insert</i> —	17
'the internal review decision'.	18
(7) Section 101(4) and (5)—	19
<i>renumber</i> as section 101(3) and (4).	20
<b>Clause 903 Amendment of s 102 (Stay of operation of appellable decision)</b>	21 22
(1) Section 102, heading, 'appellable decision'—	23
<i>omit, insert</i> —	24
' <b>reviewable decision</b> '.	25
(2) Section 102(1) and (2)—	26
<i>omit, insert</i> —	27

- 
- ‘(1) If an application is made for an internal review of a reviewable decision, the applicant may immediately apply, as provided under the QCAT Act, to QCAT for a stay of the reviewable decision. 1  
2  
3  
4
- Note—* 5
- However, see the Act, section 173OA (Limitation on stays granted by QCAT for particular decisions). 6  
7
- ‘(2) QCAT may stay the reviewable decision to secure the effectiveness of the internal review and a later application to QCAT for external review.’. 8  
9  
10
- (3) Section 102, ‘the court’— 11
- omit, insert—* 12
- ‘QCAT’. 13
- (4) Section 102(4)— 14
- omit, insert—* 15
- ‘(4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the reviewable decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the decision.’. 16  
17  
18  
19  
20
- (5) Section 102(5), ‘appellable’— 21
- omit, insert—* 22
- ‘reviewable’. 23
- (6) Section 102(6)— 24
- omit.* 25

- Clause 904 Replacement of pt 4, div 3 (Appeals) 26**
- Part 4, division 3— 27
- omit, insert—* 28

[s 905]

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<b>‘Division 3</b>	<b>External reviews by QCAT</b>	1
<b>‘103</b>	<b>Who may apply for external review</b>	2
	‘A person who is given, or is entitled to be given, a notice under section 101(2) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.’.	3 4 5 6
<b>Clause 905</b>	<b>Amendment of sch 7 (Dictionary)</b>	7
(1)	Schedule 7, definitions <i>appellable decision</i> , <i>review decision</i> and <i>review notice</i> —	8 9
	<i>omit</i> .	10
(2)	Schedule 7—	11
	<i>insert</i> —	12
	‘ <i>external review</i> , for a decision, means a review of the decision by QCAT under the QCAT Act.	13 14
	<i>internal review decision</i> see section 101(1)(b).	15
	<i>reviewable decision</i> means the following decisions of the chief executive—	16 17
(a)	a decision for which an information notice must be given;	18 19
(b)	a decision to refuse to give an approval or authorisation under a management instrument;	20 21
(c)	a decision to impose a condition on an approval or authorisation given under a management instrument;	22 23
(d)	a decision to give a notice under the Wildlife Management Regulation, section 331(2).’.	24 25
(3)	Schedule 7, definition <i>information notice</i> , ‘review or appeal’—	26 27
	<i>omit</i> , <i>insert</i> —	28

‘internal review’. 1

(4) Schedule 7, definition *information notice*, paragraph (f)— 2

*omit, insert—* 3

‘(f) if applicable, that a person may apply, as provided under 4

the QCAT Act, to QCAT for a stay of a decision the 5

subject of an internal review.’. 6

## **Part 6** **Amendment of Queensland** 7 **Heritage Act 1992** 8

**Clause 906 Act amended** 9

This part amends the *Queensland Heritage Act 1992*. 10

**Clause 907 Replacement of s 97 (Notice about decision)** 11

Section 97— 12

*omit, insert—* 13

**‘97 Notice about decision** 14

‘(1) As soon as practicable after deciding the application, the chief 15  
executive must give the applicant a notice about the decision. 16

‘(2) If the chief executive decides to pay compensation, the notice 17  
must— 18

(a) state details of the amount and how the amount was 19  
assessed; and 20

(b) if the amount is less than the amount claimed—be 21  
accompanied by a QCAT information notice. 22

‘(3) If the chief executive decides not to pay compensation, the 23  
notice must be accompanied by a QCAT information notice 24  
for the decision. 25

[s 908]

---

‘(4) In this section— 1  
*QCAT information notice* means an information notice 2  
complying with the QCAT Act, section 157(2).’ 3

**Clause 908 Replacement of pt 9, div 2, sdiv 3 (Appeals) 4**

Part 9, division 2, subdivision 3— 5

*omit, insert— 6*

**‘Subdivision 3 External reviews by QCAT 7**

**‘98 External review of compensation decisions 8**

‘An applicant for the payment of compensation under this 9  
division who is dissatisfied with the following decisions of the 10  
chief executive may apply, as provided under the QCAT Act, 11  
to QCAT for a review of the decision— 12

(a) a refusal to pay compensation; 13

(b) a decision about the amount of compensation.’. 14

**Part 7 Amendment of Recreation 15**  
**Areas Management Act 2006 16**

**Clause 909 Act amended 17**

This part amends the *Recreation Areas Management Act* 18  
*2006.* 19

**Clause 910 Replacement of s 206 (Appeal process starts with 20**  
**internal review) 21**

Section 206— 22

*omit, insert— 23*

---

<b>‘206</b>	<b>Internal review process before external review</b>	1
	‘Every review of a reviewable decision must be, in the first instance, by way of an application for internal review.’.	2 3
<b>Clause 911</b>	<b>Amendment of s 207 (Applying for an internal review)</b>	4
	(1) Section 207(3) and (4), ‘the appellable’—	5
	<i>omit, insert—</i>	6
	‘the reviewable’.	7
	(2) Section 207(5)(b), ‘an appellable’—	8
	<i>omit, insert—</i>	9
	‘a reviewable’.	10
<b>Clause 912</b>	<b>Amendment of s 208 (Review decision)</b>	11
	(1) Section 208, heading, ‘Review’—	12
	<i>omit, insert—</i>	13
	<b>‘Internal review’.</b>	14
	(2) Section 208(1) and (4), ‘the appellable’—	15
	<i>omit, insert—</i>	16
	‘the reviewable’.	17
	(3) Section 208(1)(b), ‘(the <i>review decision</i> )’—	18
	<i>omit, insert—</i>	19
	‘(the <i>internal review decision</i> )’.	20
	(4) Section 208(2) and (3)—	21
	<i>omit, insert—</i>	22
	‘(2) Within 14 days after making the internal review decision, the chief executive must give the applicant a notice complying with the QCAT Act, section 157(2) for the decision.’.	23 24 25
	(5) Section 208(5)—	26

[s 913]

---

*omit, insert—* 1

‘(5) For an application to QCAT for external review— 2

(a) if the internal review decision confirms the reviewable 3  
decision, the reviewable decision is taken to be the 4  
internal review decision; or 5

(b) if the internal review decision amends the reviewable 6  
decision, the reviewable decision, as amended, is taken 7  
to be the internal review decision.’ 8

(6) Section 208(4) and (5)— 9

*renumber* as section (3) and (4). 10

**Clause 913 Amendment of s 209 (Stay of operation of appellable 11  
decision) 12**

(1) Section 209, heading, ‘appellable’— 13

*omit, insert—* 14

‘**reviewable**’. 15

(2) Section 209(1) and (2)— 16

*omit, insert—* 17

‘(1) If an application is made for an internal review of a reviewable 18  
decision, the applicant may immediately apply, as provided 19  
under the QCAT Act, to QCAT for a stay of the reviewable 20  
decision. 21

‘(2) QCAT may stay the reviewable decision to secure the 22  
effectiveness of the internal review and a later application to 23  
QCAT for external review.’. 24

(3) Section 209(3), ‘the court’— 25

*omit, insert—* 26

‘QCAT’. 27

(4) Section 209(4)— 28

*omit, insert—* 29

‘(4) The period of the stay must not extend past the time when the chief executive makes an internal review decision about the reviewable decision and any later period QCAT allows the applicant to enable the applicant to apply for an external review of the internal review decision.’.

(5) Section 209(5), ‘the appellable’—  
*omit, insert—*  
‘the reviewable’.

**Clause 914 Replacement of pt 9, div 4 (Appeals)**

Part 9, division 4—  
*omit, insert—*

**‘Division 4 External reviews by QCAT**

**‘210 Who may apply for external review**

‘A person who is given, or is entitled to be given a notice under section 208(2) about a decision may apply, as provided under the QCAT Act, to QCAT for an external review of the decision.’.

**Clause 915 Amendment of schedule (Dictionary)**

(1) Schedule, definitions *appellable decision, review decision* and *review notice—*  
*omit.*

(2) Schedule—  
*insert—*

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

*internal review decision* see section 208(1)(b).

*reviewable decision* means a decision of the chief executive for which an information notice must be given.’.

[s 916]

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- (3) Schedule, definition *information notice*, paragraph (c)— 1  
*omit, insert—* 2  
‘(c) how the person receiving the notice may apply for a 3  
review of the decision; 4  
(d) that the person receiving the notice may apply, as 5  
provided under the QCAT Act, to QCAT for a stay of the 6  
decision.’. 7

**Part 8** **Amendment of Surveyors Act** 8  
**2003** 9

**Clause 916 Act amended** 10  
This part amends the *Surveyors Act 2003*. 11

**Clause 917 Amendment of s 9 (Functions of board)** 12  
(1) Section 9(i), ‘surveyors disciplinary committees’— 13  
*omit, insert—* 14  
‘QCAT’. 15  
(2) Section 9(j)— 16  
*omit.* 17  
(3) Section 9(k)— 18  
*renumber* as section 9(j). 19

**Clause 918 Amendment of s 53 (Failure to decide application)** 20  
Section 53— 21  
*insert—* 22

‘(3) The board need not give an applicant an information notice for a decision taken to have been made under this section.’. 1  
2

**Clause 919 Amendment of s 58 (Failure to decide application) 3**

Section 58— 4

*insert—* 5

‘(3) The board need not give an applicant an information notice for a decision taken to have been made under this section.’. 6  
7

**Clause 920 Amendment of s 89 (Board’s decision on investigation) 8**

(1) Section 89(2)(b)(ii), ‘a disciplinary committee’— 9

*omit, insert—* 10

‘QCAT’. 11

(2) Section 89— 12

*insert—* 13

‘(5) A referral under subsection (2)(b)(ii) must be made as provided under the QCAT Act.’. 14  
15

**Clause 921 Omission of s 93 (Disciplinary action by disciplinary committee) 16  
17**

Section 93— 18

*omit.* 19

**Clause 922 Amendment of pt 6, hdg (Surveyors disciplinary committee) 20  
21**

Part 6, heading— 22

*omit, insert—* 23

**‘Part 6 Disciplinary proceedings by QCAT’. 24  
25**

[s 923]

---

<b>Clause 923</b>	<b>Replacement of pt 6, divs 1–4</b>	1
	Part 6, divisions 1 to 4—	2
	<i>omit, insert—</i>	3
<b>‘94</b>	<b>Jurisdiction of QCAT</b>	4
	‘QCAT has jurisdiction to hear and decide disciplinary proceedings referred by the board under section 89(2)(b)(ii).’	5
		6
<b>Clause 924</b>	<b>Omission of pt 6, divs 5–7, hdgs</b>	7
	Part 6, divisions 5 to 7, headings—	8
	<i>omit.</i>	9
<b>Clause 925</b>	<b>Amendment of s 118 (Decision about whether ground for disciplinary action is established)</b>	10
		11
	(1) Section 118(1)—	12
	<i>omit.</i>	13
	(2) Section 118(2), ‘its decision, the committee’—	14
	<i>omit, insert—</i>	15
	‘a decision about whether a registrant has engaged in professional misconduct, QCAT’.	16
		17
	(3) Section 118(2)(c) and (3), ‘the committee’—	18
	<i>omit, insert—</i>	19
	‘QCAT’.	20
	(4) Section 118(2) and (3)—	21
	<i>renumber</i> as section 118(1) and (2).	22
	(5) Section 118(2), as renumbered, ‘Subsection (2)’—	23
	<i>omit, insert—</i>	24
	‘Subsection (1)’.	25

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<b>Clause 926</b>	<b>Amendment of s 119 (Decision about disciplinary action against registrant, other than former registrant)</b>	1 2
(1)	Section 119(2), ‘the disciplinary committee’— <i>omit, insert—</i> ‘QCAT’.	3 4 5
(2)	Section 119, ‘the committee’— <i>omit, insert—</i> ‘QCAT’.	6 7 8
<b>Clause 927</b>	<b>Amendment of s 120 (Decision about disciplinary action against former registrant)</b>	9 10
(1)	Section 120(2) ‘the disciplinary committee’— <i>omit, insert—</i> ‘QCAT’.	11 12 13
(2)	Section 120, ‘the committee’— <i>omit, insert—</i> ‘QCAT’.	14 15 16
<b>Clause 928</b>	<b>Amendment of s 121 (Matters disciplinary committee must consider in making decision about disciplinary action)</b>	17 18 19
(1)	Section 121, heading, ‘disciplinary committee’— <i>omit, insert—</i> ‘QCAT’.	20 21 22
(2)	Section 121(1), ‘the disciplinary committee’— <i>omit, insert—</i> ‘QCAT’.	23 24 25

[s 929]

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- (3) Section 121, ‘the committee’— 1  
*omit, insert*— 2  
‘QCAT’. 3

**Clause 929 Amendment of s 122 (Disciplinary committee’s power to order costs)** 4  
5

- (1) Section 122, heading, ‘Disciplinary committee’s’— 6  
*omit, insert*— 7  
‘QCAT’s’. 8
- (2) Section 122(1), ‘The disciplinary committee’— 9  
*omit, insert*— 10  
‘QCAT’. 11
- (3) Section 122(2)(a)— 12  
*omit, insert*— 13  
‘(a) the costs that are allowable under the QCAT Act; and’. 14
- (4) Section 122(3), ‘the committee’— 15  
*omit, insert*— 16  
‘QCAT’. 17

**Clause 930 Omission of s 123 (Notification of disciplinary committee’s decision)** 18  
19

- Section 123— 20  
*omit.* 21

**Clause 931 Amendment of s 124 (Board may notify other persons)** 22

- (1) Section 124(1), from ‘the disciplinary committee’ to 23  
‘registrant,’— 24  
*omit, insert*— 25

---

‘QCAT makes a decision about disciplinary proceedings  
against the registrant, subject to an order made by QCAT.’. 1  
2

(2) Section 124(1)(a), ‘on the internet’— 3  
*omit.* 4

(3) Section 124(1)(b), ‘the committee’s’— 5  
*omit, insert—* 6  
‘QCAT’s’. 7

**Clause 932 Omission of ss 125 and 126** 8  
Sections 125 and 126— 9  
*omit.* 10

**Clause 933 Amendment of s 127 (Disciplinary action to be recorded  
in register)** 11  
12  
(1) Section 127(1), ‘the disciplinary committee’— 13  
*omit, insert—* 14  
‘QCAT’. 15  
(2) Section 127(2), ‘the committee’— 16  
*omit, insert—* 17  
‘QCAT’. 18

**Clause 934 Amendment of s 140 (Entry with consent)** 19  
Section 140(6)(a), ‘the disciplinary committee’— 20  
*omit, insert—* 21  
‘QCAT’. 22

[s 935]

---

<b>Clause 935</b>	<b>Replacement of pts 8 and 9</b>	1	
	Parts 8 and 9—	2	
	<i>omit, insert—</i>	3	
	<b>‘Part 8</b>	<b>Review of decisions by QCAT</b>	4
<b>‘163</b>	<b>Who may apply for review</b>	5	
	‘(1) A person who is given, or is entitled to be given, an information notice for a decision under this Act may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	6 7 8 9	
	‘(2) Also, a person whose application the board is taken, under section 53 or 58, to have decided to refuse to grant may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	10 11 12 13	
	<i>Note—</i>	14	
	Section 53 deals with applications for registrations and registration endorsements and section 58 deals with applications for renewal of registrations and registration endorsements.’.	15 16 17	
<b>Clause 936</b>	<b>Omission of sch 1 (Decisions for which information notices must be given)</b>	18 19	
	Schedule 1—	20	
	<i>omit.</i>	21	
<b>Clause 937</b>	<b>Amendment of sch 3 (Dictionary)</b>	22	
	(1) Schedule 3, definitions <i>disciplinary committee, information notice</i> and <i>surveyors disciplinary committee—</i>	23 24	
	<i>omit.</i>	25	
	(2) Schedule 3—	26	
	<i>insert—</i>	27	



[s 941]

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<b>Clause 941</b>	<b>Amendment of s 33 (Notice of board's decision)</b>	1
	Section 33(2), from 'state'—	2
	<i>omit, insert—</i>	3
	'be an information notice.'	4
<b>Clause 942</b>	<b>Amendment of s 39 (Cancellation of registration)</b>	5
	(1) Section 39(1)(d)—	6
	<i>omit.</i>	7
	(2) Section 39(3), from 'a written'—	8
	<i>omit, insert—</i>	9
	'an information notice for the decision.'	10
<b>Clause 943</b>	<b>Amendment of s 40 (Restoration of registration after removal under s 37)</b>	11
	Section 40—	12
	<i>insert—</i>	13
	'(6) If the board decides to refuse to restore the applicant's registration, the board must give the applicant an information notice for the decision.'	14
		15
		16
		17
<b>Clause 944</b>	<b>Amendment of s 42D (Refusal of application)</b>	18
	(1) Section 42D(1)(b)—	19
	<i>omit, insert—</i>	20
	'(b) give the applicant an information notice for the decision to refuse.'	21
		22
	(2) Section 42D(2)—	23
	<i>omit.</i>	24

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<b>Clause 945</b>	<b>Amendment of s 42GA (Removal from list of specialist retail valuers)</b>	1 2
	Sections 42GA(3)—	3
	<i>omit, insert—</i>	4
	‘(3) If the board decides to remove a valuer’s particulars under subsection (1), the board must give the valuer an information notice for the decision.’	5 6 7
<b>Clause 946</b>	<b>Amendment of s 42H, hdg (Disciplinary charges against specialist retail valuers)</b>	8 9
	Section 42H, heading, ‘charges’—	10
	<i>omit, insert—</i>	11
	‘proceedings’.	12
<b>Clause 947</b>	<b>Replacement of ss 50–58</b>	13
	Sections 50 to 58—	14
	<i>omit, insert—</i>	15
<b>‘50</b>	<b>Disciplinary proceedings</b>	16
	‘(1) This section applies if, after considering an investigator’s report, the board reasonably considers that a valuer has engaged in—	17 18 19
	(a) professional misconduct; or	20
	(b) incompetence or negligence in the person’s performance as a valuer.	21 22
	‘(2) The board may, as it considers appropriate in the circumstances—	23 24
	(a) refer the matter to QCAT to decide; or	25
	(b) if it considers the matter does not warrant referral to QCAT—	26 27

[s 947]

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- (i) take disciplinary action against the valuer under section 51; or 1  
2
    - (ii) take no further action. 3
- ‘(3) A referral under subsection (2)(a) must be made as provided under the QCAT Act. 4  
5
  
- ‘51 Board may take disciplinary action 6**
- ‘(1) Subject to section 52, the board may do 1 or more of the following— 7  
8
  - (a) admonish or reprimand the valuer; 9
  - (b) order the valuer to give an undertaking to abstain from particular conduct; 10  
11
  - (c) order the valuer to pay to the board a penalty of an amount equal to not more than 20 penalty units. 12  
13
- ‘(2) The board must give a valuer an information notice for its decision to take action against the valuer under subsection (1). 14  
15
- ‘(3) The board may publish, in the newspaper or on its website, notice of any action taken under subsection (1). 16  
17
  
- ‘52 Notice of intention to take disciplinary action 18**
- ‘(1) Before taking action against a valuer under section 51, the board must give to the valuer written notice of its intention to take the action. 19  
20  
21
- ‘(2) The notice must state— 22
  - (a) the professional misconduct, incompetence or negligence alleged against the valuer; and 23  
24
  - (b) the facts and circumstances forming the basis for the allegations; and 25  
26
  - (c) a day, at least 14 days after the day the notice is given, by which the valuer may, in relation to the allegations stated in the notice— 27  
28  
29

---

	(i) make written representations to the board; or	1
	(ii) request the board to hear him or her; or	2
	(iii) require the board to refer the matter to QCAT.	3
'(3)	If the valuer requests a hearing, the board must advise the valuer of a time and place at which the valuer may appear before the board.	4 5 6
'(4)	When deciding the action to be taken against a valuer under section 51, the board must consider any representations made by the valuer about the allegations.	7 8 9
'(5)	If the valuer requires the board to refer the matter to QCAT, the board can not proceed to take action against the valuer under section 51.'	10 11 12
<b>Clause 948</b>	<b>Amendment of s 59 (Committee may order cancellation of registration, etc.)</b>	13 14
(1)	Section 59, heading, 'Committee'— <i>omit, insert—</i> 'QCAT'.	15 16 17
(2)	Section 59(1), from 'a committee' to 'the committee'— <i>omit, insert—</i> 'QCAT finds a registered valuer has engaged in professional misconduct, incompetence or negligence, QCAT'.	18 19 20 21
(3)	Section 59(2), 'A committee'— <i>omit, insert—</i> 'QCAT'.	22 23 24
(4)	Section 59(5), 'the committee'— <i>omit, insert—</i> 'QCAT'.	25 26 27
(5)	Section 59(5), after 'subsection (4),'—	28

[s 949]

---

*insert*— 1  
‘subject to an order made by QCAT,’. 2  
(6) Section 59(6), from ‘The board’ to ‘website’— 3  
*omit, insert*— 4  
‘Subject to an order made by QCAT, the board may also 5  
publish, in the newspaper or on its website’. 6

<b>Clause 949</b>	<b>Amendment of s 61 (Appeals)</b>	7
	(1) Section 61, heading—	8
	<i>omit, insert</i> —	9
<b>‘61</b>	<b>Review of particular decisions’.</b>	10
	(2) Section 61(1)(c), ‘a committee’—	11
	<i>omit, insert</i> —	12
	‘the board’.	13
	(3) Section 61(1), from ‘may’—	14
	<i>omit, insert</i> —	15
	‘may apply, as provided under the QCAT Act, to QCAT for a 16 review of the decision.’. 17	
	(4) Section 61(2) and (3)—	18
	<i>omit.</i>	19
	(5) Section 61(4), ‘appeal’—	20
	<i>omit, insert</i> —	21
	‘review’.	22
	(6) Section 61(4), ‘appellant’—	23
	<i>omit, insert</i> —	24
	‘applicant’.	25
	(7) Section 61(4), from ‘and’ to ‘committee’—	26
	<i>omit.</i>	27

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<b>Clause 950</b>	<b>Amendment of s 64 (Proceedings on behalf of board)</b>	1
	Section 64(3), ‘, and all penalties and costs ordered by a committee to be paid to the board under this Act,’—	2
	<i>omit.</i>	3
		4
<b>Clause 951</b>	<b>Insertion of new pt 6, div 4</b>	5
	After part 6, division 3—	6
	<i>insert—</i>	7
<b>‘Division 4</b>	<b>Transitional provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009</b>	8
		9
		10
		11
		12
<b>‘78</b>	<b>Effect of charge laid under previous section 50</b>	13
	‘(1) This section applies if, immediately before the commencement, a charge had been laid by an investigator against a registered valuer under previous section 50(1), but no committee had been appointed under previous section 50(3).	14
		15
		16
		17
		18
	‘(2) From the commencement, the charge ceases to have effect.	19
	‘(3) Subsection (2) does not limit the board’s powers to take action under section 50(2).	20
		21
	‘(4) In this section—	22
	<i>commencement</i> means the commencement of this section.	23
	<i>previous</i> , if followed by a provision number, means the provision of that number in force before the commencement.	24
		25
	<i>Note—</i>	26
	See also the QCAT Act, chapter 7.’	27

[s 952]

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<b>Part 10</b>	<b>Amendment of Vegetation Management Act 1999</b>	1
		2
<b>Clause 952</b>	<b>Act amended</b>	3
	This part amends the <i>Vegetation Management Act 1999</i> .	4
<b>Clause 953</b>	<b>Amendment of s 55 (Compliance notice)</b>	5
	Section 55—	6
	<i>insert</i> —	7
	‘(3A) The compliance notice must be accompanied by or include an information notice for the decision to give the notice.’.	8
		9
<b>Clause 954</b>	<b>Amendment of pt 4, hdg (Appeals and legal proceedings)</b>	10
	Part 4, heading, ‘Appeals’—	11
	<i>omit, insert</i> —	12
	‘Reviews’.	13
<b>Clause 955</b>	<b>Replacement of pt 4, div 1 (Appeals)</b>	14
	Part 4, division 1—	15
	<i>omit, insert</i> —	16
<b>‘Division 1</b>	<b>Review of decisions by QCAT</b>	17
<b>‘62</b>	<b>Who may apply for review</b>	18
	‘A person who has been given a compliance notice may apply, as provided under the QCAT Act, to QCAT for a review of the decision to give the notice.’.	19
		20
		21

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<b>Clause 956</b>	<b>Amendment of schedule (Dictionary)</b>	1
	Schedule—	2
	<i>insert</i> —	3
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	4
		5
<b>Part 11</b>	<b>Amendment of Water Act 2000</b>	6
<b>Clause 957</b>	<b>Act amended</b>	7
	This part amends the <i>Water Act 2000</i> .	8
<b>Clause 958</b>	<b>Omission of s 778 (When regulator may give a show cause notice)</b>	9
	Section 778—	10
	<i>omit</i> .	11
		12
<b>Clause 959</b>	<b>Amendment of s 781 (General requirements for compliance notices)</b>	13
	(1) Section 781(1)(h), ‘appeal against’—	14
	<i>omit, insert</i> —	15
	‘apply for an internal review of’.	16
	(2) Section 781(1)(i), ‘appeal’—	17
	<i>omit, insert</i> —	18
	‘apply for the internal review’.	19
		20

[s 960]

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<b>Clause 960</b>	<b>Amendment of s 861 (Appeal process starts with internal review)</b>	1
		2
(1)	Section 861, heading, after ‘Appeal’—	3
	<i>insert—</i>	4
	‘ <b>or external review</b> ’.	5
(2)	Section 861, after ‘against’—	6
	<i>insert—</i>	7
	‘or application for external review of’.	8
<b>Clause 961</b>	<b>Amendment of s 864 (Review decision)</b>	9
(1)	Sections 864(4)(b)(i) and (iii)—	10
	<i>omit.</i>	11
(2)	Sections 864(4)(b)(ii) and (iv)—	12
	<i>renumber</i> as sections 864(4)(b)(i) and (ii).	13
(3)	Section 864, after subsection (4)—	14
	<i>insert—</i>	15
‘(4AA)	For the following decisions, the review notice must comply with the QCAT Act, section 157(2)—	16
	(a) a decision or action about a water bore driller’s licence;	18
	(b) a decision or action mentioned in section 851(1) for which a compliance notice was given.’.	19
		20
(4)	Section 864(4A), ‘or arbitration provisions of this Act’—	21
	<i>omit, insert—</i>	22
	‘provisions of this Act or the provisions of the QCAT Act about an external review’.	23
		24
(5)	Section 864(6), ‘arbitration’—	25
	<i>omit, insert—</i>	26
	‘external review by QCAT’.	27

- 
- (6) Section 864(7), ‘arbitration’— 1  
*omit, insert*— 2  
‘external review by QCAT’. 3

**Clause 962 Amendment of s 865 (Stay of operation of original decision)** 4  
5

- (1) Section 865(1)(a)— 6  
*omit, insert*— 7  
‘(a) if, under section 877(1)(a) or (c), the applicant would be 8  
able to apply to QCAT for an external review—QCAT; 9  
and’. 10
- (2) Section 865(1)(b), ‘section 864(4)(b)(ii) or (iv)’— 11  
*omit, insert*— 12  
‘section 877(1)(b) or (d)’. 13
- (3) Section 865(2)— 14  
*omit, insert*— 15
- ‘(1A) An application to QCAT under subsection (1)(a) must be 16  
made as provided under the QCAT Act. 17
- ‘(2) QCAT or the Land Court may stay the original decision to 18  
secure the effectiveness of the review and a later application 19  
for external review to QCAT or appeal to the court.’. 20
- (4) Section 865(3), before ‘the court’— 21  
*insert*— 22  
‘QCAT or’. 23
- (5) Section 865(4), from ‘the court’— 24  
*omit, insert*— 25  
‘QCAT or the court allows the applicant to enable the 26  
applicant to apply for an external review or appeal against the 27  
review decision.’. 28

[s 963]

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<b>Clause 963</b>	<b>Amendment of ch 6, pt 3, hdg (Appeals)</b>	1
	Chapter 6, part 3, heading, after ‘Appeals’—	2
	<i>insert—</i>	3
	‘ <b>and external reviews</b> ’.	4
<b>Clause 964</b>	<b>Amendment of s 877 (Who may appeal)</b>	5
(1)	Section 877, heading, after ‘appeal’—	6
	<i>insert—</i>	7
	‘ <b>or apply for external review</b> ’.	8
(2)	Section 877(1), from ‘a review’ to ‘against’—	9
	<i>omit, insert—</i>	10
	‘an internal review of an original decision, any interested person for the original decision may appeal against or apply for a review of’.	11 12 13
(3)	Section 877(1)(a), ‘the Magistrates Court’—	14
	<i>omit, insert—</i>	15
	‘QCAT’.	16
(4)	Section 877(1)(c), ‘the Magistrates Court’—	17
	<i>omit, insert—</i>	18
	‘QCAT’.	19
(5)	Section 877(2)—	20
	<i>omit, insert—</i>	21
‘(2)	An application to QCAT made under subsection (1)(a) or (c) must be made as provided under the QCAT Act.’.	22 23

---

<b>Clause 965</b>	<b>Amendment of s 878 (Starting an appeal)</b>	1
	Section 878, heading, after ‘appeal’—	2
	<i>insert</i> —	3
	‘to the Land Court’.	4
<b>Clause 966</b>	<b>Amendment of s 879 (Staying operation of review decision)</b>	5
	(1) Section 879, ‘arbitration or’—	6
	<i>omit</i> .	7
	(2) Section 879(4), ‘the arbitration is determined or’—	8
	<i>omit</i> .	9
		10
<b>Clause 967</b>	<b>Amendment of sch 4 (Dictionary)</b>	11
	(1) Schedule 4—	12
	<i>insert</i> —	13
	‘ <i>external review</i> , for a decision, means a review of the decision by QCAT under the QCAT Act.’.	14
		15
	(2) Schedule 4, definition <i>information notice</i> , paragraph (a)(iv)—	16
	<i>omit, insert</i> —	17
	‘(iv) that any person given the notice may apply for an internal review of the decision within 30 business days after the day the notice is given; and’.	18
		19
		20
	(3) Schedule 4, definition <i>information notice</i> , paragraph (b), ‘appeal’—	21
		22
	<i>omit, insert</i> —	23
	‘internal review’.	24
	(4) Schedule 4, definition <i>review decision</i> , ‘section 864(1)’—	25
	<i>omit, insert</i> —	26
	‘section 864(2)’.	27



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<b>Clause 971</b>	<b>Amendment of s 512 (Who may apply for review)</b>	1
	(1) Section 512(1)—	2
	<i>omit, insert—</i>	3
	‘(1) An interested person for an original decision may apply for an internal review of the decision (an <i>internal review application</i> ).’.	4
		5
		6
	(2) Section 512(2), ‘A review’—	7
	<i>omit, insert—</i>	8
	‘An internal review’.	9
<b>Clause 972</b>	<b>Amendment of s 513 (Requirements for making review application)</b>	10
	(1) Section 513, heading, after ‘making’—	11
	<i>insert—</i>	12
	‘ <b>internal</b> ’.	13
		14
	(2) Section 513(1), ‘A review’—	15
	<i>omit, insert—</i>	16
	‘An internal review’.	17
	(3) Section 513(2), ‘a review’—	18
	<i>omit, insert—</i>	19
	‘an internal review’.	20
	(4) Section 513(3) and (4), ‘the review’—	21
	<i>omit, insert—</i>	22
	‘the internal review’.	23
<b>Clause 973</b>	<b>Amendment of s 514 (Review decision)</b>	24
	(1) Section 514(1), ‘a review’—	25
	<i>omit, insert—</i>	26

[s 974]

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- ‘an internal review’. 1
- (2) Section 514(3), ‘review’— 2  
*omit, insert*— 3  
‘internal review’. 4
- (3) Section 514(6), after ‘arbitration’— 5  
*insert*— 6  
‘, external review’. 7
- (4) Section 514(7), after ‘arbitration’— 8  
*insert*— 9  
‘, external review’. 10

- Clause 974 Amendment of s 515 (Notice of review decision)** 11
- (1) Section 515(2)(b)(ii) and (iii)— 12  
*omit*. 13
- (2) Section 515(2)(b)(v), ‘subparagraph (iv)’— 14  
*omit, insert*— 15  
‘subparagraph (ii)’. 16
- (3) Section 515(2)(b)(iv) and (v) 17  
*renumber* as section 515(2)(b)(ii) and (iii). 18
- (4) Section 515(2)(c), ‘paragraph (b)(v)’— 19  
*omit, insert*— 20  
‘paragraph (b)(iii)’. 21
- (5) Section 515(2)(d)— 22  
*omit, insert*— 23  
‘(d) if the notice states under paragraph (b)(i) or (ii) that the 24  
applicant may appeal to the Planning and Environment 25  
Court—that the applicant may apply to the court for a 26  
stay of the review decision.’. 27

- (6) Section 515— 1  
*insert—* 2  
 ‘(2A) For the following decisions, the review notice must comply 3  
 with the QCAT Act, section 157(2)— 4  
 (a) a decision or action mentioned in section 510(1)(a) for 5  
 which a compliance notice was given, other than a 6  
 decision or action mentioned in subsection (2)(b)(i); 7  
 (b) a decision or action mentioned in section 510(1)(c).’ 8  
 (7) Section 515(3), after ‘Act’— 9  
*insert—* 10  
 ‘, or the provisions of the QCAT Act about external review.’ 11

- Clause 975 Amendment of s 516 (Stay of operation of original 12  
 decision) 13**  
 (1) Section 516(1) and (6), ‘A review’— 14  
*omit, insert—* 15  
 ‘An internal review’. 16  
 (2) Section 516(2)(a), ‘section 515(2)(b)(i) or (iv)’— 17  
*omit, insert—* 18  
 ‘section 515(2)(b)(i) or (ii)’. 19  
 (3) Section 516(2)(b)— 20  
*omit, insert—* 21  
 ‘(b) if, under section 515(2A), the applicant would be able to 22  
 apply to QCAT for an external review—QCAT; or’. 23  
 (4) Section 516(2)(c), ‘section 515(2)(b)(v)’— 24  
*omit, insert—* 25  
 ‘section 515(2)(b)(iii)’. 26  
 (5) Section 516(3)— 27  
*omit, insert—* 28

[s 976]

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- (2A) An application to QCAT under subsection (2)(b) must be made as provided under the QCAT Act. 1  
2
- (3) The court or QCAT may stay the original decision to secure the effectiveness of the internal review and a later arbitration, appeal to the court or external review by QCAT.’. 3  
4  
5
- (6) Sections 516(4) and (5), after ‘the court’— 6  
*insert—* 7  
‘or QCAT’. 8
- (7) Section 516(5)(b), after ‘against’— 9  
*insert—* 10  
‘or apply for external review of’. 11

**Clause 976 Replacement of ch 7, pt 3, hdg (Appeals)** 12  
Chapter 7, part 3, heading— 13  
*omit, insert—* 14

**‘Part 3 Appeals and external reviews’.** 15

**Clause 977 Amendment of s 517 (Who may appeal)** 16

(1) Section 517, heading, after ‘appeal’— 17  
*insert—* 18  
‘or apply for an external review’. 19

(2) Section 517, ‘a review’— 20  
*omit, insert—* 21  
‘an internal review’ 22

(3) Section 517, after ‘appeal against’— 23  
*insert—* 24  
‘or apply for an external review of’. 25

(4) Section 517(a), ‘349, 354’— 26

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*omit, insert—* 1

‘354, 356’. 2

(5) Section 517(b), ‘the Magistrates Court’— 3

*omit, insert—* 4

‘QCAT’. 5

(6) Section 517— 6

*insert—* 7

‘(2) An application to QCAT under subsection (1)(b) must be 8

made as provided under the QCAT Act.’. 9

**Clause 978 Amendment of s 518 (Starting an appeal)** 10

(1) Section 518, heading, after ‘appeal’— 11

*insert—* 12

**‘to Planning and Environment Court’.** 13

(2) Section 518(1)(b) and (c)— 14

*omit, insert—* 15

‘(b) if the review decision being appealed against was about 16

an original decision of the chief executive—serving a 17

copy of the notice on the chief executive; and 18

(c) if the review decision being appealed against was about 19

an original decision of the regulator—serving a copy of 20

the notice on the regulator; and 21

(d) complying with the rules of court applicable to the 22

appeal.’. 23

**Clause 979 Amendment of s 519 (Stay of operation of review decision)** 24  
25

(1) Section 519(1), from ‘to which’ to ‘original decision’— 26

*omit.* 27

[s 980]

---

(2) Section 519(3), ‘the arbitration is decided or’— 1  
*omit.* 2

**Clause 980 Amendment of s 524 (Who may apply for arbitration)** 3

Section 524(1), after ‘information notice’— 4  
*insert—* 5  
‘or a compliance notice’. 6

**Clause 981 Insertion of new s 524A** 7

After section 524— 8  
*insert—* 9

**‘524A Stay of operation of review decision** 10

‘(1) An application for arbitration does not stay the review 11  
decision. 12

‘(2) However, an applicant may immediately apply for a stay of 13  
the review decision to a court with jurisdiction to hear the 14  
proceeding. 15

‘(3) The court may stay the review decision to secure the 16  
effectiveness of the arbitration. 17

‘(4) A stay— 18

(a) may be given on conditions the court considers 19  
appropriate; and 20

(b) operates for the period fixed by the court; and 21

(c) may be revoked or amended by the court. 22

‘(5) The period of the stay stated by the court must not extend past 23  
the time when the arbitration is decided.’. 24

**Clause 982 Amendment of sch 3 (Dictionary)** 25

(1) Schedule 3, definitions *information notice* and *review* 26  
*application—* 27

<i>omit.</i>	1
(2) Schedule 3—	2
<i>insert</i> —	3
‘ <i>external review</i> , for a decision, means a review of the decision by QCAT under the QCAT Act.	4 5
<i>information notice</i> , for a decision of the regulator, chief executive, a local government or an authorised officer, means a notice—	6 7 8
(a) stating the following—	9
(i) the decision;	10
(ii) the reasons for the decision;	11
(iii) the name and address of any other person who was given the notice;	12 13
(iv) that the person to whom the notice is given may apply for an internal review of the decision, within 30 business days after the notice is given;	14 15 16
(v) how to apply for the internal review; and	17
(b) including a copy of the relevant internal review provisions of this Act.	18 19
<i>internal review application</i> see section 512(1).’.	20

**Chapter 7            Department of Health** 21

**Part 1                Amendment of Chiropractors  
Registration Act 2001** 22  
23

<b>Clause 983    Act amended</b>	24
This part amends the <i>Chiropractors Registration Act 2001</i> .	25

[s 984]

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<b>Clause 984</b>	<b>Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)</b>	1 2 3
	Section 5(2), ‘the Health Practitioners Tribunal’—	4
	<i>omit, insert—</i>	5
	‘QCAT’.	6
<b>Clause 985</b>	<b>Amendment of s 49 (Use of assessment report)</b>	7
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	8
	<i>omit, insert—</i>	9
	‘(b) a review by QCAT under part 6; or’.	10
<b>Clause 986</b>	<b>Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	11 12
	Part 3, division 7, subdivision 1, heading, ‘District Court’—	13
	<i>omit, insert—</i>	14
	‘QCAT’.	15
<b>Clause 987</b>	<b>Amendment of s 89 (How registrant may start a review)</b>	16
	Section 89(2)(b)—	17
	<i>omit, insert—</i>	18
	‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.	19 20
<b>Clause 988</b>	<b>Amendment of s 162 (Dealing with forfeited things etc.)</b>	21
	(1) Section 162(3)(a)—	22
	<i>omit, insert—</i>	23
	‘(a) a review by QCAT under section 176(1); or’.	24

- 
- (2) Section 162(3)(b), ‘another’— 1  
*omit, insert*— 2  
‘an’. 3

- Clause 989 Replacement of pt 6 (Appeals)** 4  
Part 6— 5  
*omit, insert*— 6

**‘Part 6 Reviews by QCAT** 7

**‘176 Who may apply for a review** 8

- ‘(1) A person who is given, or is entitled to be given, an 9  
information notice for a decision (the *original decision*) may 10  
apply, as provided under the QCAT Act, to QCAT for a review 11  
of the decision. 12
- ‘(2) To help users of this Act, schedule 1 identifies the decisions 13  
for which an information notice must be given under this Act. 14

**‘177 Particular matters relating to powers of QCAT** 15

- ‘(1) If on the review of an original decision QCAT decides to 16  
impose conditions on a registration, QCAT must— 17
- (a) state the reasons for the decision; and 18
- (b) for a decision to impose conditions that may be 19  
reviewed under part 3, division 7, decide and state the 20  
review period applying to the conditions. 21
- ‘(2) If QCAT decides to impose conditions on a registration 22  
because of the registrant’s mental and physical health, it must 23  
also decide whether details of the conditions must be recorded 24  
in the register for the period for which the conditions are in 25  
force. 26
- ‘(3) QCAT must decide not to record details of the conditions 27  
mentioned in subsection (2) in the register unless it reasonably 28

[s 990]

---

believes it is in the interests of users of the registrant's  
services or the public to know the details.' 1  
2

<b>Clause 990</b>	<b>Amendment of sch 4 (Dictionary)</b>	3
(1)	Schedule 4, definition <i>appellant</i> —	4
	<i>omit.</i>	5
(2)	Schedule 4, definition <i>information notice</i> , paragraphs (c) and (d)—	6 7
	<i>omit, insert—</i>	8
	'(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;	9 10
	(d) how, and the period within which, the person may apply for the review;	11 12
	(da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;'	13 14
(3)	Schedule 4, definition <i>review period</i> , 'the District Court'—	15
	<i>omit, insert—</i>	16
	'QCAT'.	17

<b>Part 2</b>	<b>Amendment of Dental Practitioners Registration Act 2001</b>	18 19 20
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<b>Clause 991</b>	<b>Act amended</b>	21
	This part amends the <i>Dental Practitioners Registration Act 2001</i> .	22 23

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<b>Clause 992</b>	<b>Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)</b>	1 2 3
	Section 5(2), ‘the Health Practitioners Tribunal’—	4
	<i>omit, insert—</i>	5
	‘QCAT’.	6
<b>Clause 993</b>	<b>Amendment of s 49 (Use of assessment report)</b>	7
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	8
	<i>omit, insert—</i>	9
	‘(b) a review by QCAT under part 6; or’.	10
<b>Clause 994</b>	<b>Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	11 12
	Part 3, division 7, subdivision 1, heading, ‘District Court’—	13
	<i>omit, insert—</i>	14
	‘QCAT’.	15
<b>Clause 995</b>	<b>Amendment of s 89 (How registrant may start a review)</b>	16
	Section 89(2)(b)—	17
	<i>omit, insert—</i>	18
	‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.	19 20
<b>Clause 996</b>	<b>Amendment of s 184 (Dealing with forfeited things etc.)</b>	21
	(1) Section 184(3)(a)—	22
	<i>omit, insert—</i>	23
	‘(a) a review by QCAT under section 198(1); or’.	24

[s 997]

---

- (2) Section 184(3)(b), ‘another’— 1  
*omit, insert*— 2  
‘an’. 3

- Clause 997 Replacement of pt 6 (Appeals)** 4  
Part 6— 5  
*omit, insert*— 6

**‘Part 6 Reviews by QCAT** 7

- ‘198 Who may apply for a review** 8  
‘(1) A person who is given, or is entitled to be given, an 9  
information notice for a decision (the *original decision*) may 10  
apply, as provided under the QCAT Act, to QCAT for a review 11  
of the decision. 12  
‘(2) To help users of this Act, schedule 1 identifies the decisions 13  
for which an information notice must be given under this Act. 14

- ‘199 Particular matters relating to powers of QCAT** 15  
‘(1) If QCAT decides to impose conditions on a registration, 16  
QCAT must— 17  
(a) state the reasons for the decision; and 18  
(b) for a decision to impose conditions that may be 19  
reviewed under part 3, division 7, decide and state the 20  
review period applying to the conditions. 21  
‘(2) If QCAT decides to impose conditions on a registration 22  
because of the registrant’s mental and physical health, it must 23  
also decide whether details of the conditions must be recorded 24  
in the register for the period for which the conditions are in 25  
force. 26  
‘(3) QCAT must decide not to record details of the conditions 27  
mentioned in subsection (2) in the register unless it reasonably 28

believes it is in the interests of users of the registrant's  
services or the public to know the details.' 1  
2

<b>Clause 998</b>	<b>Amendment of sch 4 (Dictionary)</b>	3
(1)	Schedule 4, definition <i>appellant</i> —	4
	<i>omit.</i>	5
(2)	Schedule 4, definition <i>information notice</i> , paragraphs (c) and (d)—	6 7
	<i>omit, insert</i> —	8
	'(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;	9 10
	(d) how, and the period within which, the person may apply for the review;	11 12
	(da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;'	13 14
(3)	Schedule 4, definition <i>review period</i> , 'the District Court'—	15
	<i>omit, insert</i> —	16
	'QCAT'.	17

<b>Part 3</b>	<b>Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001</b>	18 19 20 21
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<b>Clause 999</b>	<b>Act amended</b>	22
	This part amends the <i>Dental Technicians and Dental Prosthetists Registration Act 2001</i> .	23 24

[s 1000]

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<b>Clause 1000</b>	<b>Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)</b>	1 2 3
	Section 5(2), ‘the Health Practitioners Tribunal’—	4
	<i>omit, insert—</i>	5
	‘QCAT’.	6
<b>Clause 1001</b>	<b>Amendment of s 49 (Use of assessment report)</b>	7
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	8
	<i>omit, insert—</i>	9
	‘(b) a review by QCAT under part 6; or’.	10
<b>Clause 1002</b>	<b>Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	11 12
	Part 3, division 7, subdivision 1, heading, ‘District Court’—	13
	<i>omit, insert—</i>	14
	‘QCAT’.	15
<b>Clause 1003</b>	<b>Amendment of s 90 (How registrant may start a review)</b>	16
	Section 90(2)(b)—	17
	<i>omit, insert—</i>	18
	‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.	19 20
<b>Clause 1004</b>	<b>Amendment of s 166 (Dealing with forfeited things etc.)</b>	21
	(1) Section 166(3)(a)—	22
	<i>omit, insert—</i>	23
	‘(a) a review by QCAT under section 180(1); or’.	24

- 
- (2) Section 166(3)(b), ‘another’— 1  
*omit, insert*— 2  
‘an’. 3

**Clause 1005 Replacement of pt 6 (Appeals)** 4

- Part 6— 5  
*omit, insert*— 6

**‘Part 6 Reviews by QCAT** 7

**‘180 Who may apply for a review** 8

- ‘(1) A person who is given, or is entitled to be given, an 9  
information notice for a decision (the *original decision*) may 10  
apply, as provided under the QCAT Act, to QCAT for a review 11  
of the decision. 12
- ‘(2) To help users of this Act, schedule 1 identifies the decisions 13  
for which an information notice must be given under this Act. 14

**‘181 Particular matters relating to powers of QCAT** 15

- ‘(1) If on the review of an original decision QCAT decides to 16  
impose conditions on a registration, QCAT must— 17
- (a) state the reasons for the decision; and 18
- (b) for a decision to impose conditions that may be 19  
reviewed under part 3, division 7, decide and state the 20  
review period applying to the conditions. 21
- ‘(2) If QCAT decides to impose conditions on a registration 22  
because of the registrant’s mental and physical health, it must 23  
also decide whether details of the conditions must be recorded 24  
in the register for the period for which the conditions are in 25  
force. 26
- ‘(3) QCAT must decide not to record details of the conditions 27  
mentioned in subsection (2) in the register unless it reasonably 28



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‘a review under this Act or an appeal of which the chief executive or chief executive officer is aware.’. 1  
2

**Clause 1009 Amendment of 220 (Compensation)** 3

Section 220(5), from ‘must also’— 4

*omit, insert*— 5

‘must be a QCAT information notice.’. 6

**Clause 1010 Amendment of ch 9, hdg (Reviews and appeals)** 7

Chapter 9, heading, ‘and appeals’— 8

*omit.* 9

**Clause 1011 Amendment of s 236 (Appeal process starts with internal review)** 10  
11

(1) Section 236, heading, ‘Appeal’— 12

*omit, insert*— 13

‘**Review**’. 14

(2) Section 236(1), ‘appeal against the decision’— 15

*omit, insert*— 16

‘apply for review of the decision’. 17

(3) Section 236(2), ‘appeal’— 18

*omit, insert*— 19

‘review’. 20

**Clause 1012 Amendment of s 239 (Review decision)** 21

(1) Section 239(2), ‘(the *review notice*)’— 22

*omit.* 23

[s 1013]

---

- (2) Section 239(3), from ‘review notice’— 1  
*omit, insert*— 2  
‘notice must be a QCAT information notice.’. 3
- (3) Section 239(4), after ‘notice’— 4  
*insert*— 5  
‘mentioned in subsection (2)’. 6
- (4) Section 239(5), ‘an appeal to the court’— 7  
*omit, insert*— 8  
‘a review of the review decision by QCAT’. 9
- (5) Section 239(6), ‘an appeal to the court’— 10  
*omit, insert*— 11  
‘a review of the review decision by QCAT’. 12

**Clause 1013 Omission of s 240 (Stay of operation of decision)** 13  
Section 240— 14  
*omit.* 15

**Clause 1014 Replacement of ch 9, pt 2, hdg (Appeals)** 16  
Chapter 9, part 2, heading— 17  
*omit, insert*— 18

**‘Part 2 External review of decisions’.** 19

**Clause 1015 Amendment of s 241 (Who may appeal)** 20

(1) Section 241, heading, ‘appeal’— 21  
*omit, insert*— 22  
‘**apply for external review**’. 23

(2) Section 241(1), from ‘appeal against’— 24

---

*omit, insert—* 1

‘apply, as provided under the QCAT Act, to QCAT for a  
review of the review decision.’. 2  
3

(3) Section 241(2) and (3), ‘appeal against’— 4

*omit, insert—* 5

‘apply, as provided under the QCAT Act, to QCAT for a  
review of’. 6  
7

**Clause 1016 Omission of ss 242–246** 8

Sections 242 to 246— 9

*omit.* 10

**Clause 1017 Amendment of s 258 (Dealing with forfeited thing)** 11

Section 258(3), ‘an appeal’— 12

*omit, insert—* 13

‘a review’. 14

**Clause 1018 Amendment of sch 3 (Dictionary)** 15

(1) Schedule 3, definition *review notice*— 16

*omit.* 17

(2) Schedule 3— 18

*insert—* 19

‘*QCAT information notice* means a notice complying with  
the QCAT Act, section 157(2).’ 20  
21

[s 1019]

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**Part 5** **Amendment of Health (Drugs and Poisons) Regulation 1996**

<b>Clause 1019</b>	<b>Regulation amended</b>	3
	This part amends the <i>Health (Drugs and Poisons) Regulation 1996</i> .	4 5
<b>Clause 1020</b>	<b>Amendment of s 18 (How chief executive may deal with applications)</b>	6 7
	(1) Section 18(3) and (4)— <i>omit, insert—</i>	8 9
	(3) If the chief executive decides to grant the endorsement or renew an endorsement that is a drug licence, poison licence, treatment approval or wholesale representative licence, the chief executive must promptly give the applicant the relevant endorsement.	10 11 12 13 14
	(4) If the chief executive decides to state a condition on the endorsement, the chief executive must also give the applicant—	15 16 17
	(a) if the endorsement is an endorsement other than a treatment approval, a QCAT information notice about the decision to state the condition on the endorsement; or	18 19 20 21
	(b) if the endorsement is a treatment approval, a notice stating the following—	22 23
	(i) the decision;	24
	(ii) that the applicant may apply to the chief executive for a statement of reasons for the decision under the QCAT Act, section 158, within the period stated in that provision;	25 26 27 28
	(iii) the person has a right to have the decision reviewed by QCAT;	29 30

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	(iv) how, and the period within which, the person may apply for the review;	1 2
	(v) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22.’.	3 4
(2)	Section 18(5)— <i>omit.</i>	5 6
(3)	Section 18(6), ‘appeal against’— <i>omit, insert—</i> ‘apply for review of’.	7 8 9
(4)	Section 18(7), from ‘written notice’— <i>omit, insert—</i> ‘QCAT information notice about the decision.’.	10 11 12
(5)	Section 18(6) and (7), as amended— <i>renumber</i> as section 18(5) and (6).	13 14
<b>Clause 1021</b>	<b>Amendment of s 24 (Procedure for suspension or cancellation of endorsement)</b>	15 16
	Section 24(5), from ‘must state’— <i>omit, insert—</i> ‘must be a QCAT information notice about the decision.’.	17 18 19
<b>Clause 1022</b>	<b>Amendment of s 25 (Urgent suspension or cancellation of endorsement)</b>	20 21
(1)	Section 25(4)— <i>omit, insert—</i>	22 23
‘(4)	The notice must be a QCAT information notice for the decision.’.	24 25

[s 1023]

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- (2) Section 25(5), after ‘must’— 1  
*insert*— 2  
‘also’. 3

- Clause 1023 Amendment of s 25A (Urgent cancellation of certain approvals)** 4  
5  
Section 25A(4)— 6  
*omit, insert*— 7  
‘(4) The notice must be a QCAT information notice for the 8  
decision.’. 9

- Clause 1024 Amendment of s 27 (Replacement of endorsement)** 10  
Section 27(3)(b)— 11  
*omit, insert*— 12  
‘(b) give the applicant a QCAT information notice about the 13  
decision to refuse to replace the endorsement.’. 14

- Clause 1025 Amendment of s 28 (Amendment of endorsement on application)** 15  
16  
Section 28(4), from ‘a written notice’— 17  
*omit, insert*— 18  
‘a QCAT information notice about the decision to refuse to 19  
amend the endorsement.’. 20

- Clause 1026 Amendment of s 29 (Amendment of endorsement without application)** 21  
22  
Section 29(3)(b)(iv)— 23  
*omit, insert*— 24  
‘(iv) the endorsement holder has a right to have the 25  
decision reviewed by QCAT; and 26

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	(v) how, and the period within which, the person may apply for the review; and	1 2
	(vi) the right the endorsement holder has to a have the operation of the decision stayed under the QCAT Act, section 22.’.	3 4 5
<b>Clause 1027</b>	<b>Replacement of ch 1, pt 6, hdg (Appeals)</b>	6
	Chapter 1, part 6, heading—	7
	<i>omit, insert—</i>	8
	<b>‘Part 6 External review’.</b>	9
<b>Clause 1028</b>	<b>Amendment of s 33 (Decisions open to appeal)</b>	10
	(1) Section 33, heading, ‘open to appeal’—	11
	<i>omit, insert—</i>	12
	<b>‘that may be reviewed’.</b>	13
	(2) Section 33(1), ‘appeal against’—	14
	<i>omit, insert—</i>	15
	‘apply, as provided under the QCAT Act, to QCAT for review of’.	16 17
	(3) Section 33(2), ‘appeal against’—	18
	<i>omit, insert—</i>	19
	‘apply, as provided under the QCAT Act, to QCAT for review of’.	20 21
	(4) Section 33(2)(a) and (b)—	22
	<i>omit, insert—</i>	23
	‘(a) a decision to refuse to renew a drug licence, poison licence, treatment approval or wholesale representative licence;	24 25 26

[s 1029]

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(b) a decision to renew a drug licence, poison licence, treatment approval or wholesale representative licence on new conditions;’ 1  
2  
3

**Clause 1029 Omission of ss 34–39** 4  
Sections 34 to 39— 5  
*omit.* 6

**Clause 1030 Amendment of appendix 9 (Dictionary)** 7  
Appendix 9— 8  
*insert—* 9  
‘*QCAT information notice* means a notice complying with 10  
the QCAT Act, section 157(2).’ 11

**Part 6 Amendment of Health Practitioners (Professional Standards) Act 1999** 12  
13  
14

**Clause 1031 Act amended** 15  
This part amends the *Health Practitioners (Professional Standards) Act 1999*. 16  
17

**Clause 1032 Amendment of s 10 (Purposes of pt 2)** 18  
(1) Section 10(c)— 19  
*omit, insert—* 20  
‘(c) to state the functions of QCAT for the purposes of this 21  
Act; and’ 22  
(2) Section 10(e), from ‘appointment’— 23

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	<i>omit, insert—</i>	1
	‘appointment of the secretary of the professional conduct review panels.’	2 3
<b>Clause 1033</b>	<b>Replacement of pt 2, div 4, hdg (Health Practitioners Tribunal)</b>	4 5
	Part 2, division 4, heading—	6
	<i>omit, insert—</i>	7
	<b>‘Division 4 QCAT’.</b>	8
<b>Clause 1034</b>	<b>Replacement of pt 2, div 4, sdiv 1 (Establishment and membership of tribunal)</b>	9 10
	Part 2, division 4, subdivision 1—	11
	<i>omit, insert—</i>	12
	<b>‘Subdivision 1 Constitution of tribunal</b>	13
	<b>‘26 Constitution</b>	14
	‘(1) The tribunal must be constituted by a judicial member.	15
	‘(2) In this section—	16
	<i>judicial member</i> see the QCAT Act, schedule 3.’	17
<b>Clause 1035</b>	<b>Amendment of s 30 (Functions)</b>	18
	(1) Section 30(1), after ‘tribunal’—	19
	<i>insert—</i>	20
	‘for the purposes of this Act’.	21
	(2) Section 30(2)(b), (c) and (e), ‘hear appeals from decisions’—	22
	<i>omit, insert—</i>	23
	‘review decisions’.	24

[s 1036]

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<b>Clause 1036</b>	<b>Amendment of s 31 (Assessors to assist tribunal)</b>	1
	Section 31(1), before ‘registrar’—	2
	<i>insert</i> —	3
	‘principal’.	4
<b>Clause 1037</b>	<b>Amendment of s 32 (Restrictions on appointment of assessors)</b>	5
	Section 32(4), before ‘registrar’—	6
	<i>insert</i> —	7
	‘principal’.	8
<b>Clause 1038</b>	<b>Amendment of s 33 (Board must advise registrar of specialist and technical issues)</b>	10
	Section 33, before ‘registrar’—	11
	<i>insert</i> —	12
	‘principal’.	13
<b>Clause 1039</b>	<b>Omission of pt 2, div 4, sdiv 4 (Registrar of tribunal)</b>	14
	Part 2, division 4, subdivision 4—	15
	<i>omit</i> .	16
<b>Clause 1040</b>	<b>Amendment of s 42 (Procedure for recommending members of panels of assessors)</b>	17
	Section 42(4)(a) and (b), before ‘registrar’—	18
	<i>insert</i> —	19
	‘principal’.	20
		21
		22

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<b>Clause 1041</b>	<b>Amendment of s 59 (Immediate suspension or imposition of conditions on registration)</b>	1 2
(1)	Section 59(5)(d), ‘appeal to the tribunal against’— <i>omit, insert—</i> ‘apply to the tribunal for review of’.	3 4 5
(2)	Section 59(5)(e)— <i>omit, insert—</i> ‘(e) how, and the period within which, the registrant may apply for the review of the decision.’.	6 7 8 9
(3)	Section 59(7)(a), ‘appeal’— <i>omit, insert—</i> ‘review’.	10 11 12
<b>Clause 1042</b>	<b>Amendment of s 126 (How disciplinary proceedings may be started)</b>	13 14
	Section 126(2)(c), before ‘registrar’— <i>insert—</i> ‘principal’.	15 16 17
<b>Clause 1043</b>	<b>Amendment of s 205 (Notification of decision of panel)</b>	18
	Section 205(2)(e) and (f)— <i>omit, insert—</i> ‘(e) that a party may apply to the tribunal under the QCAT Act for a review of the decision; (f) how, and the period within which, the party may apply for the review; (g) the right the party has to have the operation of the decision stayed under the QCAT Act, section 22.’.	19 20 21 22 23 24 25 26

[s 1044]

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<b>Clause 1044</b>	<b>Replacement of pt 6, div 6, hdg (Health Practitioners Tribunal)</b>	1 2
	Part 6, division 6, heading—	3
	<i>omit, insert—</i>	4
	<b>‘Division 6 QCAT’.</b>	5
<b>Clause 1045</b>	<b>Amendment of s 211 (Tribunal’s jurisdiction)</b>	6
	Section 211(1)(b) to (d)—	7
	<i>omit, insert—</i>	8
	‘(b) to review reviewable decisions under part 9, division 3; and	9 10
	(c) to review tribunal review decisions under part 9, division 4.’.	11 12
<b>Clause 1046</b>	<b>Amendment of s 212 (Additional disciplinary matters)</b>	13
	Section 212(3)—	14
	<i>omit.</i>	15
<b>Clause 1047</b>	<b>Replacement of s 213 (Chairperson to allocate matters)</b>	16
	Section 213—	17
	<i>omit, insert—</i>	18
	<b>‘213 President to choose assessors</b>	19
	‘As soon as practicable after a referral notice is filed with the principal registrar, the president must choose assessors to assist the tribunal.’.	20 21 22

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<b>Clause 1048</b>	<b>Amendment of s 215 (Notice of intention to conduct hearing)</b>	1
	Section 215(1), before ‘registrar’—	2
	<i>insert</i> —	3
	‘principal’.	4
<b>Clause 1049</b>	<b>Omission of s 216 (Substituted service on registrant and complainant)</b>	5
	Section 216—	6
	<i>omit</i> .	7
<b>Clause 1050</b>	<b>Replacement of s 217 (Directions conference)</b>	8
	Section 217—	9
	<i>omit, insert</i> —	10
<b>‘217</b>	<b>Compulsory conference</b>	11
	‘(1) This section applies if the tribunal holds a compulsory conference under the QCAT Act.	12
	’	13
	‘(2) The assessors assisting the tribunal may take part in the compulsory conference if the tribunal considers it is necessary or desirable for them to take part in the conference.’.	14
	’.	15
<b>Clause 1051</b>	<b>Replacement of s 219 (Procedure for hearing by tribunal)</b>	16
	Section 219—	17
	<i>omit, insert</i> —	18
<b>‘219</b>	<b>Procedure for hearing by tribunal</b>	19
	‘When conducting a hearing, the tribunal must, if asked to do so by a party—	20
	’	21
	(a) tell the party—	22
	’	23
	’	24
	’	25

[s 1052]

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- (i) the facts and circumstances forming the basis for the ground for disciplinary action against the registrant; and
  - (ii) what possible disciplinary action the tribunal may take under section 241 or 243; and
  - (iii) the effect that section 381C or 381G, if relevant, may have on the registrant's registration; and
- (b) explain to the party any aspect of the tribunal's procedures, or decisions or rulings, relating to the hearing.'

**Clause 1052 Omission of ss 220 and 221** 11

Sections 220 and 221— 12

*omit.* 13

**Clause 1053 Replacement of s 222 (Hearing to be held in public)** 14

Section 222— 15

*omit, insert—* 16

**'222 Hearing of impairment matter** 17

'(1) A hearing before the tribunal for an impairment matter is not open to the public unless— 18  
19

(a) the tribunal reasonably believes it is in the public interest for it to be open to the public; or 20  
21

(b) the registrant asks for it to be open to the public. 22

'(2) In this section— 23

*impairment matter* means a disciplinary matter for which the only ground for disciplinary action mentioned in the referral notice is that the registrant is impaired.' 24  
25  
26

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<b>Clause 1054</b>	<b>Omission of ss 223 and 224</b>	1
	Sections 223 and 224—	2
	<i>omit.</i>	3
<b>Clause 1055</b>	<b>Replacement of s 225 (Attendance and right of appearance)</b>	4
	Section 225—	5
	<i>omit, insert—</i>	6
<b>'225</b>	<b>Attendance</b>	7
	'The tribunal may excuse a registrant from attending all or part of a hearing.'	8
		9
		10
<b>Clause 1056</b>	<b>Replacement of s 227 (Questions to be decided by constituting member)</b>	11
	Section 227—	12
	<i>omit, insert—</i>	13
<b>'227</b>	<b>Member may have regard to assessor's views</b>	14
	'In deciding a question of fact before the tribunal, the constituting member may have regard to the views of an assessor assisting the tribunal as the member considers appropriate.'	15
		16
		17
		18
		19
<b>Clause 1057</b>	<b>Omission of s 227A (Procedure if tribunal member unable to hear matter)</b>	20
	Section 227A—	21
	<i>omit.</i>	22
		23

[s 1058]

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<b>Clause 1058</b>	<b>Replacement of s 228 (Procedure if tribunal member absent etc.)</b>	1 2
	Section 228—	3
	<i>omit, insert—</i>	4
<b>‘228</b>	<b>Procedure if member or assessor unable to take part in proceedings</b>	5 6
	‘(1) This section applies if the tribunal has started to hear disciplinary proceedings relating to a registrant but has not made its decision and—	7 8 9
	(a) the constituting member (the <i>first member</i> ) ceases to be qualified to be a tribunal member or, for any other reason, is unable to take further part in the proceedings; or	10 11 12 13
	(b) an assessor assisting the tribunal is, for any reason, unable to take further part in the proceedings.	14 15
	‘(2) If a new member is appointed, the assessors who assisted the first member may be chosen to assist the new member.	16 17
	‘(3) If an assessor is unable to take further part in the disciplinary proceedings, the principal registrar must choose another assessor in the assessor’s place.	18 19 20
	‘(4) The other assessor must be chosen from the same panel of assessors from which the previous assessor was chosen.’	21 22
<b>Clause 1059</b>	<b>Omission of ss 229 and 230</b>	23
	Sections 229 and 230—	24
	<i>omit.</i>	25
<b>Clause 1060</b>	<b>Amendment of s 231 (Interim orders)</b>	26
	(1) Section 231(4)—	27
	<i>omit.</i>	28

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	(2) Section 231(5) and (6)—	1
	<i>renumber</i> as section 231(4) and (5).	2
<b>Clause 1061</b>	<b>Omission of s 232 (Inspection of things)</b>	3
	Section 232—	4
	<i>omit.</i>	5
<b>Clause 1062</b>	<b>Omission of ss 234 and 235</b>	6
	Sections 234 and 235—	7
	<i>omit.</i>	8
<b>Clause 1063</b>	<b>Omission of pt 6, div 6, sdiv 3 (Contempt of tribunal)</b>	9
	Part 6, division 6, subdivision 3—	10
	<i>omit.</i>	11
<b>Clause 1064</b>	<b>Amendment of s 245 (Notification of decision of tribunal)</b>	12
	(1) Section 245(1), before ‘registrar’—	13
	<i>insert</i> —	14
	‘principal’.	15
	(2) Section 245(2)(e)—	16
	<i>omit, insert</i> —	17
	‘(e) the right the party has to appeal to the Court of Appeal	18
	against the decision under the QCAT Act;’.	19
	(3) Section 245(3)—	20
	<i>omit.</i>	21

[s 1065]

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<b>Clause 1065</b>	<b>Amendment of s 249 (Consequences if other disciplinary action while suspended decision)</b>	1
	Section 249(2), ‘chairperson’—	2
	<i>omit, insert</i> —	3
	‘president’.	4
<b>Clause 1066</b>	<b>Amendment of s 251 (Tribunal must give notice)</b>	5
	Section 251(1), before ‘registrar’—	6
	<i>insert</i> —	7
	‘principal’.	8
<b>Clause 1067</b>	<b>Omission of s 252 (Effect of tribunal’s decision)</b>	9
	Section 252—	10
	<i>omit.</i>	11
<b>Clause 1068</b>	<b>Amendment of s 253 (Implementation of decisions)</b>	12
	(1) Section 253(1), ‘section 329’—	13
	<i>omit, insert</i> —	14
	‘the QCAT Act’.	15
	(2) Section 253(2), before ‘registrar’—	16
	<i>insert</i> —	17
	‘principal’.	18
<b>Clause 1069</b>	<b>Omission of ss 256–259</b>	19
	Sections 256 to 259—	20
	<i>omit.</i>	21
		22

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<b>Clause 1070</b>	<b>Amendment of s 261 (Board may notify other entities)</b>	1
	Section 261(1)(b), before ‘registrar’—	2
	<i>insert—</i>	3
	‘principal’.	4
<b>Clause 1071</b>	<b>Amendment of s 263 (Records to be kept and made publicly available)</b>	5
	Section 263(1)(d) and (3), before ‘registrar’—	6
	<i>insert—</i>	7
	‘principal’.	8
<b>Clause 1072</b>	<b>Amendment of s 301 (Notification of board’s decision)</b>	10
	Section 301(2)(c)—	11
	<i>omit, insert—</i>	12
	‘(c) for a decision that the registrant is impaired or a decision under section 299(2)(a) or (b), (4) or (6)—	13
		14
	(i) that the registrant may apply to the tribunal for a review of the decision; and	15
		16
	(ii) how, and the period within which, the registrant may apply for the review;	17
		18
	(iii) the right the registrant has to have the operation of the decision stayed under the QCAT Act, section 22;’.	19
		20
		21
<b>Clause 1073</b>	<b>Amendment of s 305 (Conditions or order in force until further decision made)</b>	22
	Section 305(2), ‘appeal against the board’s decision’—	23
	<i>omit, insert—</i>	24
	‘review of the board’s decision by the tribunal’.	25
		26

[s 1074]

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<b>Clause 1074</b>	<b>Amendment of s 311 (Board may take action on basis of foreign law)</b>	1 2
	Section 311(5)(b) and (c)—	3
	<i>omit, insert—</i>	4
	‘(b) that the registrant has a right to have the decision reviewed by the tribunal;	5 6
	(c) how, and the period within which, the registrant may apply for the review;	7 8
	(d) the right the registrant has to have the operation of the decision stayed under the QCAT Act, section 22.’	9 10
<b>Clause 1075</b>	<b>Amendment of s 314 (Purposes of pt 9)</b>	11
	Section 314(b)—	12
	<i>omit, insert—</i>	13
	‘(b) review of certain decisions by QCAT; and	14
	(c) appeals from certain decisions under this Act to the Court of Appeal.’	15 16
<b>Clause 1076</b>	<b>Amendment of s 316 (Who may have conditions reviewed)</b>	17 18
	Section 316(2)(b), ‘an appeal to’—	19
	<i>omit, insert—</i>	20
	‘a review by’.	21
<b>Clause 1077</b>	<b>Amendment of pt 9, div 3, hdg (Appeals to tribunal)</b>	22
	Part 9, division 3, heading, ‘Appeals to’—	23
	<i>omit, insert—</i>	24
	‘ <b>Review by</b> ’.	25

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<b>Clause 1078</b>	<b>Amendment of s 325 (Appealable decisions for tribunal)</b>	1
	(1) Section 325, heading—	2
	<i>omit, insert—</i>	3
<b>‘325</b>	<b>Reviewable decisions’.</b>	4
	(2) Section 325(1) and (2), ‘an appealable decision for this division’—	5
	<i>omit, insert—</i>	6
	<i>‘a reviewable decision’.</i>	7
<b>Clause 1079</b>	<b>Replacement of ss 326–336</b>	9
	Sections 326 to 336—	10
	<i>omit, insert—</i>	11
<b>‘326</b>	<b>Who may apply for review</b>	12
	‘The following persons may apply, as provided under the QCAT Act, to the tribunal for a review of a reviewable decision—	13
	(a) the registrant to whom the reviewable decision relates;	14
	(b) the registrant’s board, if the reviewable decision was made by a panel.	15
<b>‘327</b>	<b>Notice to be given to commission</b>	16
	‘(1) The principal registrar must, within 14 days after an application for review of a reviewable decision is filed in the registry, give written notice of the review to the commission.	17
	(2) The notice must—	18
	(a) state that an application for review has been filed; and	19
	(b) be accompanied by a copy of the application.	20

[s 1079]

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<b>‘328</b>	<b>Review of decision under s 59(2)</b>	1
‘(1)	This section applies if a registrant files an application for review by the tribunal of a decision made under section 59(2) in relation to the registrant’s registration.	2 3 4
‘(2)	The tribunal must not grant a stay of the decision.	5
‘(3)	The tribunal must finalise the review as quickly as possible.	6
<b>‘329</b>	<b>Panel making decision under s 324 not a party</b>	7
‘(1)	This section applies if a panel makes a decision to confirm, remove or change conditions, or remove conditions and replace the conditions with another action, under section 324.	8 9 10
‘(2)	The panel is not a party to any proceeding in the tribunal’s review jurisdiction relating to the decision.	11 12
<b>‘330</b>	<b>Reviews by hearing</b>	13
‘(1)	The procedure for the hearing of a review is set out under—	14
(a)	part 6, division 6, subdivision 2, other than section 215; and	15 16
(b)	the QCAT Act.	17
‘(2)	However, for subsection (1)(a)—	18
(a)	a reference in section 213 to a referral notice is taken to be a reference to an application for review; and	19 20
(b)	a reference in section 222 to an impairment matter is taken to be a reference to a reviewable decision mentioned in section 325(1)(b) or (c).	21 22 23
<b>‘331</b>	<b>Powers of tribunal on review</b>	24
‘(1)	In deciding the review of the reviewable decision, the tribunal may—	25 26

- 
- (a) for a reviewable decision mentioned in section 325(1)(a)—confirm or set aside the reviewable decision; or
- (b) otherwise—
- (i) confirm the reviewable decision; or
- (ii) set aside the reviewable decision; or
- (iii) change the reviewable decision in the way the tribunal considers appropriate; or
- (iv) set aside the reviewable decision and replace it with a decision the tribunal may make under section 241 or 243.
- ‘(2) A changed decision that results from the tribunal acting under subsection (1)(b)(iii) may be any decision mentioned in section 241(2) or 243(2) but must not be another decision.
- ‘(3) If the tribunal makes a decision under subsection (1)(a), the principal registrar must give written notice of the decision and the reasons for the decision to the registrant, the registrant’s board and the commission.
- ‘(4) In making its decision under subsection (1)(b) (a *review decision*), section 240(2) or (3) or 244 applies as if the review decision were a decision made under section 240(1), 241(2) or 243(2).
- ‘(5) If the review decision is a decision of a type mentioned in section 241(3), that subsection applies as if the review decision were a decision made under section 241(2).
- ‘(6) If the review decision is a decision of a type mentioned in section 241(2), section 242 applies as if the review decision were a decision made under section 241(2).
- ‘(7) Part 6, division 6, subdivisions 6 and 7 apply to a review decision as if it were a decision made under section 240(1) or section 241(2) or 243(2).’

[s 1080]

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<b>Clause 1080</b>	<b>Amendment of s 337 (Decisions that may be reviewed)</b>	1
(1)	Section 337, from ‘(a <i>reviewable decision</i> ) to ‘under this division’—	2
	<i>omit, insert—</i>	3
	‘(a <i>tribunal review decision</i> ) is a decision that may be reviewed by the tribunal under its original jurisdiction under the QCAT Act’.	4
(2)	Section 337(f), ‘reviewable’—	5
	<i>omit, insert—</i>	6
	‘tribunal review’.	7
<b>Clause 1081</b>	<b>Amendment of s 338 (Who may have decision reviewed)</b>	8
(1)	Section 338(1), ‘reviewable’—	9
	<i>omit, insert—</i>	10
	‘tribunal review’.	11
(2)	Section 338(2)(a), ‘336(5)’—	12
	<i>omit, insert—</i>	13
	‘331(5)’.	14
<b>Clause 1082</b>	<b>Replacement of ss 339 and 340</b>	15
	Sections 339 and 340—	16
	<i>omit, insert—</i>	17
<b>‘339</b>	<b>Application for review</b>	18
	‘An application for review of a tribunal review decision must—	19
(a)	be made as provided under the QCAT Act; and	20
(b)	state—	21
		22
		23
		24
		25

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	(i) that the registrant believes the decision is no longer appropriate; and	1 2
	(ii) the reasons for the registrant's belief.	3
<b>'340</b>	<b>Registrar to give copy of application to particular persons</b>	4 5
	'(1) The principal registrar must, within 14 days after a registrant applies for a review of the tribunal review decision as provided under the QCAT Act, give written notice—	6 7 8
	(a) to the registrant's board; and	9
	(b) to the commission.	10
	'(2) The principal registrar's notice must—	11
	(a) state that an application for review of the tribunal review decision has been made; and	12 13
	(b) be accompanied by a copy of the application.'	14
<b>Clause 1083</b>	<b>Omission of ss 341 and 342</b>	15
	Sections 341 and 342—	16
	<i>omit.</i>	17
<b>Clause 1084</b>	<b>Amendment of s 343 (Review by hearing)</b>	18
	(1) Section 343(2)(a), 'a notice of review'—	19
	<i>omit, insert—</i>	20
	'an application for review under the QCAT Act'.	21
	(2) Section 343(2)(b)—	22
	<i>omit.</i>	23
	(3) Section 343(2)(c) and (3), 'reviewable'—	24
	<i>omit, insert—</i>	25
	'tribunal review'.	26

[s 1085]

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	(4) Section 343(2)(c), as amended—	1
	<i>renumber</i> as section 343(2)(b).	2
<b>Clause 1085</b>	<b>Omission of s 344 (Review by written submissions)</b>	3
	Section 344—	4
	<i>omit.</i>	5
<b>Clause 1086</b>	<b>Amendment of s 345 (Powers of tribunal on review)</b>	6
	Section 345(1), (2) and (3), ‘reviewable decision’—	7
	<i>omit, insert—</i>	8
	‘tribunal review decision’.	9
<b>Clause 1087</b>	<b>Omission of ss 348 and 349</b>	10
	Sections 348 and 349—	11
	<i>omit.</i>	12
<b>Clause 1088</b>	<b>Amendment of s 350 (Appellant to give notice of appeal to particular persons)</b>	13
	(1) Section 350(1), ‘the notice of appeal’—	14
	<i>omit, insert—</i>	15
	‘a notice starting the appeal to the Court of Appeal’.	16
	(2) Section 350(2), ‘of appeal’—	17
	<i>omit.</i>	18
<b>Clause 1089</b>	<b>Omission of ss 351 and 352</b>	19
	Sections 351 and 352—	20
	<i>omit.</i>	21
		22

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<b>Clause 1090</b>	<b>Replacement of s 353 (Powers of court on appeal)</b>	1
	Section 353—	2
	<i>omit, insert—</i>	3
<b>'353</b>	<b>Court's decision may be tribunal review decision</b>	4
	'(1) In deciding the appeal, the Court of Appeal may decide that its decision is a tribunal review decision for section 337.	5 6
	'(2) If the court decides that its decision is a tribunal review decision, it must state a period in which the decision is not reviewable under division 4.'	7 8 9
<b>Clause 1091</b>	<b>Amendment of s 367B (Appointments and authority)</b>	10
	Section 367B(2), definition <i>relevant person</i> , paragraph (h), before 'registrar'—	11 12
	<i>insert—</i>	13
	'principal'.	14
<b>Clause 1092</b>	<b>Amendment of s 392 (Confidentiality)</b>	15
	Section 392(5), definition <i>relevant person</i> , paragraph (i), before 'registrar'—	16 17
	<i>insert—</i>	18
	'principal'.	19
<b>Clause 1093</b>	<b>Amendment of s 394 (Board etc. may give combined notice)</b>	20 21
	Section 394(1) and (2), before 'registrar'—	22
	<i>insert—</i>	23
	'principal'.	24

[s 1094]

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<b>Clause 1094</b>	<b>Amendment of s 395 (Notices if complainant has not revealed identity)</b>	1
		2
	Section 395(1)(a), before ‘registrar’—	3
	<i>insert</i> —	4
	‘principal’.	5
<b>Clause 1095</b>	<b>Amendment of s 397 (Forms)</b>	6
	(1) Section 397(1)—	7
	<i>omit</i> .	8
	(2) Section 397(2) and (3)—	9
	<i>renumber</i> as section 397(1) and (2).	10
<b>Clause 1096</b>	<b>Amendment of schedule (Dictionary)</b>	11
	(1) Schedule, definitions <i>approved form, constituting member, Health Practitioners Tribunal, notice of appeal, notice of review, registrar, reviewable decision, tribunal</i> and <i>tribunal member</i> —	12
		13
		14
		15
	<i>omit</i> .	16
	(2) Schedule—	17
	<i>insert</i> —	18
	‘ <i>approved form</i> ’ means—	19
	(a) for a panel—a form approved by the secretary under section 397(1); or	20
		21
	(b) for a board—a form approved by the board under section 397(2).	22
		23
	<i>constituting member</i> , in relation to the tribunal, means the member constituting the tribunal.	24
		25
	<i>notice of appeal</i> , for part 9, division 3, see section 327(1).	26
	<i>notice of review</i> , for part 9, division 2, see section 317(1).	27

*president* means the president of QCAT. 1

*principal registrar* means the principal registrar under the  
QCAT Act. 2  
3

*reviewable decision* see section 325. 4

*tribunal* means QCAT. 5

*tribunal review decision* see section 337.'. 6

(3) Schedule, definition *assessor*, before 'registrar'— 7

*insert*— 8

'principal'. 9

(4) Schedule, definition *attendance notice*, paragraph (c)— 10

*omit*. 11

**Part 7** **Amendment of Health Quality and Complaints Commission Act 2006** 12  
13  
14

**Clause 1097 Act amended** 15

This part amends the *Health Quality and Complaints Commission Act 2006*. 16  
17

**Clause 1098 Amendment of s 190 (Commission may intervene in disciplinary proceedings)** 18  
19

Section 190(4), 'the Health Practitioners Tribunal or the  
Nursing Tribunal'— 20  
21

*omit, insert*— 22

'QCAT'. 23

[s 1099]

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<b>Clause 1099</b>	<b>Amendment of sch 5 (Dictionary)</b>	1
	(1) Schedule 5, definitions <i>Health Practitioners Tribunal</i> and <i>Nursing Tribunal</i> —	2
	<i>omit.</i>	3
		4
	(2) Schedule 5, definition <i>disciplinary body</i> , paragraphs (b) and (c)—	5
	<i>omit, insert</i> —	6
	‘(b) QCAT; or’.	7
		8
	(3) Schedule 5, definition <i>disciplinary body</i> , paragraphs (d) and (e)—	9
	<i>renumber</i> as paragraphs (c) and (d).	10
		11
<b>Part 8</b>	<b>Amendment of Medical Practitioners Registration Act 2001</b>	12
		13
		14
<b>Clause 1100</b>	<b>Act amended</b>	15
	This part amends the <i>Medical Practitioners Registration Act 2001</i> .	16
		17
<b>Clause 1101</b>	<b>Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)</b>	18
	Section 5(2), ‘the Health Practitioners Tribunal’—	19
	<i>omit, insert</i> —	20
	‘QCAT’.	21
		22
		23

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<b>Clause 1102</b>	<b>Amendment of s 49 (Use of assessment report)</b>	1
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	2
	<i>omit, insert—</i>	3
	‘(b) a review by QCAT under part 7; or’.	4
<b>Clause 1103</b>	<b>Amendment of pt 3, div 8, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	5
	Part 3, division 8, subdivision 1, heading, ‘District Court’—	6
	<i>omit, insert—</i>	7
	‘QCAT’.	8
<b>Clause 1104</b>	<b>Amendment of s 99 (How registrant may start a review)</b>	10
	Section 99(2)(b)—	11
	<i>omit, insert—</i>	12
	‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.	13
		14
<b>Clause 1105</b>	<b>Amendment of s 223 (Dealing with forfeited things etc.)</b>	15
	(1) Section 223(3)(a)—	16
	<i>omit, insert—</i>	17
	‘(a) a review by QCAT under section 237(1); or’.	18
	(2) Section 223(3)(b), ‘another’—	19
	<i>omit, insert—</i>	20
	‘an’.	21
<b>Clause 1106</b>	<b>Replacement of pt 7 (Appeals)</b>	22
	Part 7—	23
	<i>omit, insert—</i>	24

[s 1107]

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<b>‘Part 7</b>	<b>Reviews by QCAT</b>	1
<b>‘237</b>	<b>Who may apply for a review</b>	2
‘(1)	A person who is given, or is entitled to be given, an information notice for a decision (the <i>original decision</i> ) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	3 4 5 6
‘(2)	To help users of this Act, schedule 1 identifies the decisions for which an information notice must be given under this Act.	7 8
<b>‘238</b>	<b>Particular matters relating to powers of QCAT</b>	9
‘(1)	If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—	10 11
(a)	state the reasons for the decision; and	12
(b)	for a decision to impose conditions that may be reviewed under part 3, division 8, decide and state the review period applying to the conditions.	13 14 15
‘(2)	If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.	16 17 18 19 20
‘(3)	QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.	21 22 23 24
<b>Clause 1107</b>	<b>Amendment of sch 3 (Dictionary)</b>	25
(1)	Schedule 3, definitions <i>appellant</i> and <i>tribunal</i> — <i>omit.</i>	26 27
(2)	Schedule 3, definition <i>information notice</i> , paragraphs (c) and (d)—	28 29

- 
- omit, insert—* 1
- ‘(c) that the person to whom the notice is given has a right to 2  
have the decision reviewed by QCAT; 3
- (d) how, and the period within which, the person may apply 4  
for the review; 5
- (da) the right the person has to have the operation of the 6  
decision stayed under the QCAT Act, section 22;’. 7
- (3) Schedule 3, definition *review period*, ‘the District Court’— 8  
*omit, insert—* 9  
‘QCAT’. 10

**Part 9** **Amendment of Medical** 11  
**Radiation Technologists** 12  
**Registration Act 2001** 13

**Clause 1108 Act amended** 14  
This part amends the *Medical Radiation Technologists* 15  
*Registration Act 2001*. 16

**Clause 1109 Amendment of s 5 (Board’s decisions to accord with** 17  
**decisions of certain bodies under the Health** 18  
**Practitioners (Professional Standards) Act 1999)** 19  
Section 5(2), ‘the Health Practitioners Tribunal’— 20  
*omit, insert—* 21  
‘QCAT’. 22

[s 1110]

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<b>Clause 1110</b>	<b>Amendment of s 49 (Use of assessment report)</b>	1
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	2
	<i>omit, insert—</i>	3
	‘(b) a review by QCAT under part 6; or’.	4
<b>Clause 1111</b>	<b>Amendment of pt 3, div 8, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	5
	Part 3, division 8, subdivision 1, heading, ‘District Court’—	6
	<i>omit, insert—</i>	7
	‘QCAT’.	8
<b>Clause 1112</b>	<b>Amendment of s 103 (How registrant may start a review)</b>	10
	Section 103(2)(b)—	11
	<i>omit, insert—</i>	12
	‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.	13
		14
<b>Clause 1113</b>	<b>Amendment of s 177 (Dealing with forfeited things etc.)</b>	15
	(1) Section 177(3)(a)—	16
	<i>omit, insert—</i>	17
	‘(a) a review by QCAT under section 191(1); or’.	18
	(2) Section 177(3)(b), ‘another’—	19
	<i>omit, insert—</i>	20
	‘an’.	21
<b>Clause 1114</b>	<b>Replacement of pt 6 (Appeals)</b>	22
	Part 6—	23
	<i>omit, insert—</i>	24

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<b>‘Part 6</b>	<b>Reviews by QCAT</b>	1
<b>‘191</b>	<b>Who may apply for a review</b>	2
‘(1)	A person who is given, or is entitled to be given, an information notice for a decision (the <i>original decision</i> ) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	3 4 5 6
‘(2)	To help users of this Act, schedule 1 identifies the decisions for which an information notice must be given under this Act.	7 8
<b>‘192</b>	<b>Particular matters relating to powers of QCAT</b>	9
‘(1)	If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—	10 11
(a)	state the reasons for the decision; and	12
(b)	for a decision to impose conditions that may be reviewed under part 3, division 8, decide and state the review period applying to the conditions.	13 14 15
‘(2)	If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.	16 17 18 19 20
‘(3)	QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.	21 22 23 24
<b>Clause 1115</b>	<b>Amendment of sch 3 (Dictionary)</b>	25
(1)	Schedule 3, definition <i>appellant</i> —	26
	<i>omit.</i>	27
(2)	Schedule 3, definition <i>information notice</i> , paragraphs (c) and (d)—	28 29

[s 1116]

---

<i>omit, insert—</i>	1
‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;	2
	3
(d) how, and the period within which, the person may apply for the review;	4
	5
(da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.	6
	7
(3) Schedule 3, definition <i>review period</i> , ‘the District Court’—	8
<i>omit, insert—</i>	9
‘QCAT’.	10

<b>Part 10</b>	<b>Amendment of Medical</b>	11
	<b>Radiation Technologists</b>	12
	<b>Registration Regulation 2002</b>	13

<b>Clause 1116</b>	<b>Regulation amended</b>	14
	This part amends the <i>Medical Radiation Technologists Registration Regulation 2002</i> .	15
		16

<b>Clause 1117</b>	<b>Replacement of pt 4 (Appeals)</b>	17
	Part 4—	18
	<i>omit, insert—</i>	19

<b>‘Part 4</b>	<b>Reviews</b>	20
<b>‘50</b>	<b>Application for review</b>	21
	‘A person who is given, or is entitled to be given, a decision information notice for a decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	22
		23
		24

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<b>Clause 1118</b>	<b>Amendment of sch 4 (Dictionary)</b>	1
(1)	Schedule 4, definitions <i>decision appellant</i> , <i>decision information notice</i> and <i>initial decision</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 4—	5
	<i>insert</i> —	6
	<i>'decision information notice</i> means a notice complying with the QCAT Act, section 157(2).'. <i></i>	7
		8
<b>Part 11</b>	<b>Amendment of Nursing Act 1992</b>	9
		10
<b>Clause 1119</b>	<b>Act amended</b>	11
	This part amends the <i>Nursing Act 1992</i> .	12
<b>Clause 1120</b>	<b>Amendment of s 4 (Definitions)</b>	13
(1)	Section 4, definitions <i>chairperson</i> , <i>Nursing Tribunal</i> and <i>tribunal</i> —	14
	<i>omit.</i>	15
		16
(2)	Section 4—	17
	<i>insert</i> —	18
	<i>'president</i> means the president of the tribunal. <i></i>	19
	<i>principal registrar</i> means the principal registrar under the QCAT Act.	20
		21
	<i>tribunal</i> means QCAT'. <i></i>	22

[s 1121]

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- (3) Section 4, definition *disciplinary matter*, ‘, under section 104,’— 1  
2  
*omit.* 3

**Clause 1121 Amendment of s 42A (Minister’s power to give directions)** 4

- Section 42A(3)(h)— 5  
*omit, insert—* 6  
‘(h) referring a disciplinary matter to the tribunal.’. 7

**Clause 1122 Amendment of s 67 (Immediate suspension of registration or enrolment by council)** 8  
9

- (1) Section 67(5)(b)— 10  
*omit, insert—* 11  
‘(b) under section 104(1), refer a disciplinary matter against the suspended nurse to the tribunal for hearing and determination.’. 12  
13  
14  
(2) Section 67(6)— 15  
*omit, insert—* 16  
‘(6) If a disciplinary matter is referred under subsection (5), the suspension applies until the matter is determined by the tribunal.’. 17  
18  
19

**Clause 1123 Amendment of s 78 (Definitions for pt 4)** 20

- Section 78, definition *information notice*— 21  
*omit, insert—* 22  
‘*information notice*, about a decision of the council, means a notice— 23  
24  
(a) complying with the QCAT Act, section 157(2) about the decision; and 25  
26

- (b) if the decision is that the accreditation of a nursing course be renewed or cancelled—that also includes a direction to return the certificate of accreditation to the council within 14 days.’. 1  
2  
3  
4

**Clause 1124 Replacement of pt 5, div 1, hdg (Nursing Tribunal) 5**  
Part 5, division 1, heading— 6  
*omit, insert—* 7  
**‘Division 1 Matters referred to QCAT’. 8**

**Clause 1125 Omission of s 84 (Continuation of Professional Conduct Committee under the name Nursing Tribunal) 9**  
Section 84— 10  
*omit.* 11  
12

**Clause 1126 Amendment of s 85 (Tribunal’s functions) 13**  
(1) Section 85, after ‘tribunal’— 14  
*insert—* 15  
‘under this Act’. 16  
(2) Section 85(a), ‘charge’— 17  
*omit, insert—* 18  
‘disciplinary matter’. 19  
(3) Section 85(b), ‘charges’— 20  
*omit, insert—* 21  
‘disciplinary matters’. 22  
(4) Section 85(d) and (e)— 23  
*omit.* 24

[s 1127]

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- (5) Section 85(f)— 1  
*renumber* as section 85(d). 2

**Clause 1127 Replacement of ss 86–98** 3

Sections 86 to 98— 4

*omit, insert—* 5

**‘86 Tribunal’s constitution** 6

‘(1) The tribunal must be constituted by a judicial member. 7

‘(2) In this section— 8

*judicial member* means a judicial member under the QCAT Act. 9  
10

**‘Division 1A Assessors** 11

**‘Subdivision 1 Use of assessors in a hearing** 12

**‘87 Assessors to assist tribunal** 13

‘(1) In conducting disciplinary proceedings in relation to a nurse, 14  
midwife or other person authorised to practise nursing, the 15  
tribunal must be assisted by— 16

(a) 1 assessor chosen by the president from the public panel 17  
of assessors; and 18

(b) 2 assessors chosen by the president from the 19  
professional panel of assessors. 20

‘(2) Despite subsection (1), the tribunal may conduct a hearing 21  
under this Act without the assistance of any of the assessors 22  
required under subsection (1) if the tribunal is satisfied it is 23  
necessary because of the urgency of the matter. 24

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‘(3) In this section—	1
<i>public panel of assessors</i> see the <i>Health Practitioners (Professional Standards) Act 1999</i> , section 39.	2 3
<b>‘88 Restrictions on appointment of assessors</b>	4
‘(1) Subsection (2) applies to disciplinary proceedings relating to a complaint by—	5 6
(a) a user of a service provided by a nurse, midwife or other person authorised to practise nursing; or	7 8
(b) an entity acting on behalf of a user of a service provided by a nurse, midwife or other person authorised to practise nursing.	9 10 11
‘(2) The presiding member of the tribunal or at least 1 of the assessors appointed to assist the tribunal must be of the same gender as the user unless—	12 13 14
(a) the presiding member is conducting the hearing under section 87(2); or	15 16
(b) the complaint is a complaint accepted by the council under section 102AC(2).	17 18
‘(3) Before choosing an assessor under section 87(1), the principal registrar must be satisfied the assessor does not have a personal or professional connection with the nurse, midwife or other person authorised to practise nursing to whom the disciplinary proceedings relate that may prejudice the way in which the assessor performs the assessor’s functions.	19 20 21 22 23 24
‘(4) In this section—	25
<i>presiding member</i> see the QCAT Act, section 170.	26
<b>‘89 Council must advise president of specialist and technical issues</b>	27 28
‘(1) If the council refers a disciplinary matter to the tribunal, the council must at the time of the referral—	29 30

[s 1127]

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(a)	advise the principal registrar whether the matter is likely to raise issues of a specialist or technical nature; and	1 2
(b)	if the matter is likely to raise issues of a specialist or technical nature—advise the principal registrar of the type of professional background or skills that an assessor assisting the tribunal should have.	3 4 5 6
‘(2)	The principal registrar must have regard to the council’s advice under subsection (1) when choosing an assessor from the professional panel of assessors to assist the tribunal.	7 8 9
<b>‘90</b>	<b>Functions and powers of assessors</b>	10
‘(1)	The function of an assessor is to advise the tribunal on questions of fact arising during the hearing of a disciplinary matter.	11 12 13
‘(2)	To enable an assessor to perform the assessor’s function, the assessor may, during the hearing—	14 15
(a)	ask a witness before the tribunal a question; and	16
(b)	discuss any question of fact with a lawyer or other person appearing for a party at the hearing.	17 18
<b>‘91</b>	<b>Payment of assessors</b>	19
	‘An assessor is entitled to be paid the remuneration and allowances decided by the Governor in Council.	20 21
<b>‘Subdivision 2</b>	<b>Professional panel of assessors</b>	22
<b>‘92</b>	<b>Establishment of professional panel of assessors</b>	23
	‘There is to be a professional panel of assessors.	24

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<b>‘93</b>	<b>Appointment of individuals to panel</b>	1
‘(1)	The Governor in Council may, by gazette notice, appoint individuals as members of the professional panel of assessors.	2 3
‘(2)	The professional panel of assessors must consist of the number of members decided by the Minister having regard to—	4 5 6
	(a) the likely demand for members to assist the tribunal; and	7
	(b) the diversity of the nursing and midwifery professions.	8
‘(3)	An individual is qualified to be recommended by the Minister for appointment as a member of the professional panel of assessors only if—	9 10 11
	(a) the individual is—	12
	(i) enrolled as an enrolled nurse; or	13
	(ii) registered as a registered nurse; or	14
	(iii) authorised by the council to practise midwifery; or	15
	(iv) registered, licensed or otherwise authorised to practise the profession in another State; or	16 17
	(v) authorised by the council to practise in any other area of nursing; and	18 19
	(b) the Minister is satisfied the individual has sufficient experience, knowledge, skills and standing in the nursing or midwifery profession having regard to the functions of assessors.	20 21 22 23
<b>‘94</b>	<b>Disqualification from membership of panel</b>	24
	‘An individual must not be appointed as, or continue as, a member of a panel of assessors if—	25 26
	(a) the individual is a member of the council; or	27
	(b) the individual is a nurse, midwife or other person authorised to practise nursing—	28 29

[s 1127]

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(i) whose registration, enrolment or authorisation ceases to have effect; or	1 2
(ii) whose registration, enrolment or authorisation is subject to conditions that limit the individual's right to practise the profession; or	3 4 5
(iii) whose registration, enrolment or authorisation is subject to an undertaking with the council or tribunal; or	6 7 8
(c) the individual is registered, licensed or otherwise authorised to practise the profession in another State and—	9 10 11
(i) the registration, licence or other authorisation is cancelled or suspended; or	12 13
(ii) the registration, licence or other authorisation is subject to conditions that limit the individual's right to practise the profession; or	14 15 16
(iii) the individual has entered into an undertaking with an entity in that State that performs the same functions as a disciplinary body.	17 18 19
<b>'95 Procedure for recommending members of panels of assessors</b>	20 21
(1) Before recommending individuals as members of the professional panel of assessors, the Minister must invite nominations from—	22 23 24
(a) the council; and	25
(b) universities and training institutions that—	26
(i) are established in Queensland; and	27
(ii) are engaged in the education of students for the nursing or midwifery profession; and	28 29
(c) professional colleges established in Australia that the Minister considers are relevant to the nursing or midwifery profession; and	30 31 32

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(d)	professional associations that the Minister considers are representative of the nursing or midwifery profession; and	1 2 3
(e)	persons who are qualified as mentioned in section 93(3) and not disqualified under section 94.	4 5
‘(2)	The invitation in subsection (1)(e) must be made by advertisement in a newspaper circulating generally throughout the State.	6 7 8
‘(3)	However, subsections (1) and (2) do not apply if the Minister reasonably believes that it is necessary to urgently appoint an individual as a member of the professional panel of assessors because—	9 10 11 12
(a)	the secretary or registrar considers a disciplinary matter is likely to raise issues of a specialist or technical nature; and	13 14 15
(b)	the secretary or registrar has advised the Minister that—	16
(i)	none of the panel members have the desirable professional background or skills; or	17 18
(ii)	panel members who do have the desirable professional background or skills will not be available to hear the matter.	19 20 21
‘96	<b>Duration of appointment</b>	22
	‘A member of the professional panel of assessors may be appointed for a term not longer than 5 years.	23 24
‘97	<b>Conditions of appointment</b>	25
	‘A member of the professional panel of assessors holds office on the conditions provided in this Act and the other conditions decided by the Governor in Council.	26 27 28

[s 1128]

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<b>‘98</b>	<b>Vacation of office</b>	1
‘(1)	A member of the professional panel of assessors vacates the member’s office if—	2 3
(a)	the member can not continue as a member under section 94; or	4 5
(b)	the member resigns by signed notice of resignation given to the Minister; or	6 7
(c)	the Governor in Council, by written notice given to the member, removes the member from the panel.	8 9
‘(2)	The Governor in Council may remove a member from the panel if the member is—	10 11
(a)	incapable of properly performing the functions of an assessor; or	12 13
(b)	unfit to be a member of a panel.	14
	<i>Example of circumstances when member may be unfit to be a member of a panel—</i>	15 16
	A member of the professional panel of assessors may be considered to be unfit to hold office as a member if disciplinary action is taken against the member under this Act.’	17 18 19
<b>Clause 1128</b>	<b>Replacement of s 104 (Referral of charge to tribunal)</b>	20
	Section 104—	21
	<i>omit, insert—</i>	22
<b>‘104</b>	<b>Referral of disciplinary matter to tribunal</b>	23
‘(1)	If the council reasonably believes a disciplinary matter exists in relation to a person, the council may refer the disciplinary matter, as provided under the QCAT Act, to the tribunal for hearing and determination.	24 25 26 27
‘(2)	When referring a disciplinary matter to the tribunal, the council must give the tribunal and the person sufficient particulars to inform the tribunal and the person of the ground for disciplinary action to be taken against the person.	28 29 30 31

---

‘(3) If the council refers a disciplinary matter to the tribunal, the council must immediately give notice of the referral to the commission.’. 1  
2  
3

**Clause 1129 Omission of ss 105–113** 4  
Sections 105 to 113— 5  
*omit.* 6

**Clause 1130 Amendment of s 114 (Health assessment)** 7  
(1) Section 114(1), ‘charge has been preferred’— 8  
*omit, insert—* 9  
‘disciplinary matter has been referred’. 10  
(2) Section 114(1), ‘chairperson’— 11  
*omit, insert—* 12  
‘president’. 13  
(3) Section 114(2), ‘under section 116(4)’— 14  
*omit.* 15  
(4) Section 114(4), ‘charge’— 16  
*omit, insert—* 17  
‘disciplinary matter’. 18

**Clause 1131 Omission of s 115 (Determinations of questions before tribunal)** 19  
Section 115— 20  
*omit.* 22

**Clause 1132 Amendment of s 116 (Action by tribunal)** 23  
(1) Section 116(1) and (3), ‘charge’— 24

[s 1133]

---

*omit, insert—* 1

‘disciplinary matter’. 2

(2) Section 116(5)— 3

*omit.* 4

**Clause 1133 Amendment of s 117 (Effect of tribunal’s orders)** 5

Section 117(1)— 6

*omit.* 7

**Clause 1134 Replacement of s 118 (Notification of tribunal’s orders and reasons)** 8  
9

Section 118— 10

*omit, insert—* 11

**‘118 Notification of tribunal’s decision** 12

‘(1) The tribunal must give a copy of its final decision in the hearing in writing to— 13  
14

(a) the commission; and 15

(b) any person who made a complaint to which the decision relates. 16  
17

*Note—* 18

Under the QCAT Act, section 121 the tribunal must give a copy of its final decision to particular persons, including each party to the hearing. 19  
20

‘(2) The council may publish the decision of the tribunal in the way the council considers appropriate, subject to an order of the tribunal.’. 21  
22  
23

**Clause 1135 Replacement of pt 8, div 1, hdg (Appeals)** 24

Part 8, division 1, heading— 25

*omit, insert—* 26

**‘Division 1                      Reviews’.** 27

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<b>Clause 1136</b>	<b>Amendment of s 137 (Appeals)</b>	1
(1)	Section 137, heading, ‘Appeals’—	2
	<i>omit, insert—</i>	3
	<b>‘Review of decisions and orders’.</b>	4
(2)	Section 137(1)(c)—	5
	<i>omit.</i>	6
(3)	Section 137(2), from ‘appeal’—	7
	<i>omit, insert—</i>	8
	‘apply, as provided under the QCAT Act, to QCAT for a review of the decision or order.’	9
		10
(4)	Section 137(3) to (10)—	11
	<i>omit.</i>	12
(5)	Section 137(11)—	13
	<i>renumber</i> as section 137(3).	14
<b>Clause 1137</b>	<b>Amendment of s 138 (Holders of office to act honestly and with propriety)</b>	15
		16
(1)	Section 138(1), definition <i>person to whom this section applies</i> , paragraph (b)—	17
	<i>omit.</i>	18
		19
(2)	Section 138(1), definition <i>person to whom this section applies</i> , paragraphs (c) and (d)—	20
	<i>renumber</i> as paragraphs (b) and (c).	21
		22
(3)	Section 138(3)(b) and (4)(b), ‘, a committee of the council or the tribunal.’—	23
	<i>omit, insert—</i>	24
		25
	‘or a committee of the council.’	26

[s 1138]

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<b>Clause 1138</b>	<b>Amendment of s 139 (Confidentiality of documents and information)</b>	1 2
	(1) Section 139(1), definition <i>person to whom this section applies</i> , paragraph (b)—	3 4
	<i>omit.</i>	5
	(2) Section 139(1), definition <i>person to whom this section applies</i> , paragraphs (c) and (d)—	6 7
	<i>renumber</i> as paragraphs (b) and (c).	8
<b>Clause 1139</b>	<b>Amendment of s 139A (Executive officer or council may notify Commissioner for Children and Young People and Child Guardian about particular information)</b>	9 10 11
	Section 139A(1)(e), ‘section 117(2)’—	12
	<i>omit, insert—</i>	13
	‘section 117’.	14
<b>Clause 1140</b>	<b>Amendment of s 148 (Regulation-making power)</b>	15
	(1) Section 148(2)(c), ‘, the tribunal’—	16
	<i>omit.</i>	17
	(2) Section 148(2)(r), ‘or the tribunal’—	18
	<i>omit.</i>	19
<b>Part 12</b>	<b>Amendment of Nursing Regulation 2005</b>	20 21
<b>Clause 1141</b>	<b>Regulation amended</b>	22
	This part amends the <i>Nursing Regulation 2005</i> .	23

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<b>Clause 1142</b>	<b>Omission of s 16 and pt 4</b>	1
	Section 16 and part 4—	2
	<i>omit.</i>	3
<b>Part 13</b>	<b>Amendment of Occupational Therapists Registration Act 2001</b>	4
		5
		6
<b>Clause 1143</b>	<b>Act amended</b>	7
	This part amends the <i>Occupational Therapists Registration Act 2001</i> .	8
		9
<b>Clause 1144</b>	<b>Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)</b>	10
	Section 5(2), ‘the Health Practitioners Tribunal’—	11
	<i>omit, insert—</i>	12
	‘QCAT’.	13
		14
		15
<b>Clause 1145</b>	<b>Amendment of s 49 (Use of assessment report)</b>	16
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	17
	<i>omit, insert—</i>	18
	‘(b) a review by QCAT under part 6; or’.	19
<b>Clause 1146</b>	<b>Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	20
	Part 3, division 7, subdivision 1, heading, ‘District Court’—	21
	<i>omit, insert—</i>	22
		23



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<b>‘177 Particular matters relating to powers of QCAT</b>	1
‘(1) If on a review of an original decision QCAT decides to impose conditions on a registration, QCAT must—	2 3
(a) state the reasons for the decision; and	4
(b) for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.	5 6 7
‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.	8 9 10 11 12
‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.	13 14 15 16
 <b>Clause 1150 Amendment of sch 3 (Dictionary)</b>	 17
(1) Schedule 3, definition <i>appellant</i> —	18
<i>omit.</i>	19
(2) Schedule 3, definition <i>information notice</i> , paragraphs (c) and (d)—	20 21
<i>omit, insert—</i>	22
‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;	23 24
(d) how, and the period within which, the person may apply for the review;	25 26
(da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.	27 28
(3) Schedule 3, definition <i>review period</i> , ‘the District Court’—	29

[s 1151]

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*omit, insert—* 1  
‘QCAT’. 2

**Part 14** **Amendment of Optometrists** 3  
**Registration Act 2001** 4

**Clause 1151 Act amended** 5  
This part amends the *Optometrists Registration Act 2001*. 6

**Clause 1152 Amendment of s 5 (Board’s decisions to accord with** 7  
**decisions of certain bodies under the Health** 8  
**Practitioners (Professional Standards) Act 1999)** 9  
Section 5(2), ‘the Health Practitioners Tribunal’— 10  
*omit, insert—* 11  
‘QCAT’. 12

**Clause 1153 Amendment of s 49 (Use of assessment report)** 13  
Section 49(4), definition *stated proceedings*, paragraph (b)— 14  
*omit, insert—* 15  
‘(b) a review by QCAT under part 6; or’. 16

**Clause 1154 Amendment of pt 3, div 7, sdiv 1, hdg (Review of** 17  
**conditions imposed by the board or District Court)** 18  
Part 3, division 7, subdivision 1, heading, ‘District Court’— 19  
*omit, insert—* 20  
‘QCAT’. 21



[s 1158]

---

- ‘177 Particular matters relating to powers of QCAT** 1
- ‘(1) If on the review of an original decision QCAT decides to 2  
impose conditions on a registration, QCAT must— 3
- (a) state the reasons for the decision; and 4
- (b) for a decision to impose conditions that may be 5  
reviewed under part 3, division 7, decide and state the 6  
review period applying to the conditions. 7
- ‘(2) If QCAT decides to impose conditions on a registration 8  
because of the registrant’s mental and physical health, it must 9  
also decide whether details of the conditions must be recorded 10  
in the register for the period for which the conditions are in 11  
force. 12
- ‘(3) QCAT must decide not to record details of the conditions 13  
mentioned in subsection (2) in the register unless it reasonably 14  
believes it is in the interests of users of the registrant’s 15  
services or the public to know the details.’. 16

- Clause 1158 Amendment of sch 4 (Dictionary)** 17
- (1) Schedule 4, definition *appellant*— 18  
*omit.* 19
- (2) Schedule 4, definition *information notice*, paragraphs (c) and 20  
(d)— 21  
*omit, insert—* 22
- ‘(c) that the person to whom the notice is given has a right to 23  
have the decision reviewed by QCAT; 24
- (d) how, and the period within which, the person may apply 25  
for the review; 26
- (da) the right the person has to have the operation of the 27  
decision stayed under the QCAT Act, section 22;’ 28
- (3) Schedule 4, definition *review period*, ‘the District Court’— 29

---

*omit, insert—* 1  
‘QCAT’. 2

**Part 15** **Amendment of Osteopaths** 3  
**Registration Act 2001** 4

**Clause 1159 Act amended** 5  
This part amends the *Osteopaths Registration Act 2001*. 6

**Clause 1160 Amendment of s 5 (Board’s decisions to accord with** 7  
**decisions of certain bodies under the Health** 8  
**Practitioners (Professional Standards) Act 1999)** 9  
Section 5(2), ‘the Health Practitioners Tribunal’— 10  
*omit, insert—* 11  
‘QCAT’. 12

**Clause 1161 Amendment of s 49 (Use of assessment report)** 13  
Section 49(4), definition *stated proceedings*, paragraph (b)— 14  
*omit, insert—* 15  
‘(b) a review by QCAT under part 6; or’. 16

**Clause 1162 Amendment of pt 3, div 7, sdiv 1, hdg (Review of** 17  
**conditions imposed by the board or District Court)** 18  
Part 3, division 7, subdivision 1, heading, ‘District Court’— 19  
*omit, insert—* 20  
‘QCAT’. 21



---

<b>‘177 Particular matters relating to powers of QCAT</b>	1
‘(1) If QCAT decides to impose conditions on a registration, QCAT must—	2 3
(a) state the reasons for the decision; and	4
(b) for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.	5 6 7
‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.	8 9 10 11 12
‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.	13 14 15 16
<b>Clause 1166 Amendment of sch 2 (Dictionary)</b>	17
(1) Schedule 2, definition <i>appellant</i> —	18
<i>omit.</i>	19
(2) Schedule 2, definition <i>information notice</i> , paragraphs (c) and (d)—	20 21
<i>omit, insert—</i>	22
‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;	23 24
(d) how, and the period within which, the person may apply for the review;	25 26
(da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.	27 28

[s 1167]

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- (3) Schedule 2, definition *review period*, ‘the District Court’— 1  
*omit, insert—* 2  
‘QCAT’. 3

## **Part 16** **Amendment of Pest Management Act 2001** 4 5

**Clause 1167 Act amended** 6  
This part amends the *Pest Management Act 2001*. 7

**Clause 1168 Amendment of s 14 (Suitability of person to hold licence)** 8  
(1) Section 14(1)(d)(iii), after ‘the’— 9  
*insert—* 10  
‘repealed’. 11  
(2) Section 14(1)(d)— 12  
*insert—* 13  
‘(iv) the *Queensland Building Services Authority Act 1991*, section 91, 97B or 97C;’. 14  
15

**Clause 1169 Amendment of s 17 (Use of assessment report)** 16  
Section 17(1), ‘or appeal’— 17  
*omit.* 18

**Clause 1170 Amendment of s 80 (Dealing with forfeited things etc.)** 19  
Section 80(3)(a) and (b)— 20  
*omit, insert—* 21

- 
- (a) a review applied for under section 105 or 108; or 1  
(b) an appeal, relevant to the thing, of which the chief 2  
executive is aware.’. 3

**Clause 1171 Amendment of pt 4, hdg (Reviews and appeals)** 4  
Part 4, heading, ‘and appeals’— 5  
*omit.* 6

**Clause 1172 Amendment of s 103 (Appeal process starts with internal review)** 7  
8  
(1) Section 103, heading, ‘Appeal’— 9  
*omit, insert—* 10  
**‘Review’.** 11  
(2) Section 103(1), ‘appeal against the decision’— 12  
*omit, insert—* 13  
‘apply for review of the decision’. 14  
(3) Section 103(2), ‘appeal’— 15  
*omit, insert—* 16  
‘review’. 17

**Clause 1173 Amendment of s 106 (Review decision)** 18  
(1) Section 106(2), ‘(the *review notice*)’— 19  
*omit.* 20  
(2) Section 106(3), from ‘review notice’— 21  
*omit, insert—* 22  
‘notice must be a QCAT information notice for the review 23  
decision.’. 24

[s 1174]

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- (3) Section 106(4), after ‘notice’— 1  
*insert*— 2  
‘mentioned in subsection (2)’. 3
- (4) Section 106(5), ‘an appeal to the court’— 4  
*omit, insert*— 5  
‘a review of the review decision by QCAT’. 6
- (5) Section 106(6), ‘an appeal to the court’— 7  
*omit, insert*— 8  
‘a review of the review decision by QCAT’. 9

**Clause 1174 Omission of s 107 (Stay of operation of decision)** 10  
Section 107— 11  
*omit.* 12

**Clause 1175 Replacement of pt 4, div 2, hdg (Appeals)** 13  
Part 4, division 2, heading— 14  
*omit, insert*— 15  
**‘Division 2 External review of decisions’.** 16

**Clause 1176 Amendment of s 108 (Who may appeal)** 17

(1) Section 108, heading, ‘appeal’— 18  
*omit, insert*— 19  
**‘apply for external review’.** 20

(2) Section 108, from ‘appeal to’— 21  
*omit, insert*— 22  
‘apply, as provided under the QCAT Act, to QCAT for a 23  
review of the review decision.’. 24

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<b>Clause 1177</b>	<b>Omission of ss 109–113</b>	1
	Sections 109 to 113—	2
	<i>omit.</i>	3
<b>Clause 1178</b>	<b>Amendment of sch 3 (Dictionary)</b>	4
(1)	Schedule 3, definition <i>review notice</i> —	5
	<i>omit.</i>	6
(2)	Schedule 3—	7
	<i>insert</i> —	8
	‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	9
		10
<b>Part 17</b>	<b>Amendment of Pharmacists Registration Act 2001</b>	11
		12
<b>Clause 1179</b>	<b>Act amended</b>	13
	This part amends the <i>Pharmacists Registration Act 2001</i> .	14
<b>Clause 1180</b>	<b>Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)</b>	15
	Section 5(2), ‘the Health Practitioners Tribunal’—	16
	<i>omit, insert</i> —	17
	‘QCAT’.	18
		19
		20

[s 1181]

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<b>Clause 1181</b>	<b>Amendment of s 53 (Use of assessment report)</b>	1
	Section 53(4), definition <i>stated proceedings</i> , paragraph (b)—	2
	<i>omit, insert—</i>	3
	‘(b) a review by QCAT under part 6; or’.	4
<b>Clause 1182</b>	<b>Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	5
	Part 3, division 7, subdivision 1, heading, ‘District Court’—	6
	<i>omit, insert—</i>	7
	‘QCAT’.	8
<b>Clause 1183</b>	<b>Amendment of s 93 (How registrant may start a review)</b>	10
	Section 93(2)(b)—	11
	<i>omit, insert—</i>	12
	‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.	13
		14
<b>Clause 1184</b>	<b>Amendment of s 167 (Dealing with forfeited things etc.)</b>	15
	(1) Section 167(3)(a)—	16
	<i>omit, insert—</i>	17
	‘(a) a review by QCAT under section 181(1); or’.	18
	(2) Section 167(3)(b), ‘another’—	19
	<i>omit, insert—</i>	20
	‘an’.	21
<b>Clause 1185</b>	<b>Replacement of pt 6 (Appeals)</b>	22
	Part 6—	23
	<i>omit, insert—</i>	24

---

<b>‘Part 6</b>	<b>Reviews by QCAT</b>	1
<b>‘181</b>	<b>Who may apply for a review</b>	2
‘(1)	A person who is given, or is entitled to be given, an information notice for a decision (the <i>original decision</i> ) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	3 4 5 6
‘(2)	To help users of this Act, schedule 1 identifies the decisions for which an information notice must be given under this Act.	7 8
<b>‘182</b>	<b>Particular matters relating to powers of QCAT</b>	9
‘(1)	If on a review of an original decision QCAT decides to impose conditions on a registration, QCAT must—	10 11
(a)	state the reasons for the decision; and	12
(b)	for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.	13 14 15
‘(2)	If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.	16 17 18 19 20
‘(3)	QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.	21 22 23 24
<b>Clause 1186</b>	<b>Amendment of sch 4 (Dictionary)</b>	25
(1)	Schedule 4, definition <i>appellant</i> — <i>omit.</i>	26 27
(2)	Schedule 4, definition <i>information notice</i> , paragraphs (c) and (d)—	28 29

[s 1187]

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- omit, insert—* 1
- ‘(c) that the person to whom the notice is given has a right to 2  
have the decision reviewed by QCAT; 3
- (d) how, and the period within which, the person may apply 4  
for the review; 5
- (da) the right the person has to have the operation of the 6  
decision stayed under the QCAT Act, section 22;’ 7
- (3) Schedule 4, definition *review period*, ‘the District Court’— 8  
*omit, insert—* 9  
‘QCAT’. 10

**Part 18** **Amendment of** 11  
**Physiotherapists Registration** 12  
**Act 2001** 13

**Clause 1187 Act amended** 14  
This part amends the *Physiotherapists Registration Act 2001*. 15

**Clause 1188 Amendment of s 5 (Board’s decisions to accord with 16  
decisions of certain bodies under the Health 17  
Practitioners (Professional Standards) Act 1999)** 18  
Section 5(2), ‘the Health Practitioners Tribunal’— 19  
*omit, insert—* 20  
‘QCAT’. 21

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<b>Clause 1189</b>	<b>Amendment of s 49 (Use of assessment report)</b>	1
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	2
	<i>omit, insert—</i>	3
	‘(b) a review by QCAT under part 6; or’.	4
<b>Clause 1190</b>	<b>Amendment of pt 3, div 7, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	5
	Part 3, division 7, subdivision 1, heading, ‘District Court’—	6
	<i>omit, insert—</i>	7
	‘QCAT’.	8
<b>Clause 1191</b>	<b>Amendment of s 89 (How registrant may start a review)</b>	10
	Section 89(2)(b)—	11
	<i>omit, insert—</i>	12
	‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.	13
		14
<b>Clause 1192</b>	<b>Amendment of s 162 (Dealing with forfeited things etc.)</b>	15
	(1) Section 162(3)(a)—	16
	<i>omit, insert—</i>	17
	‘(a) a review by QCAT under section 176(1); or’.	18
	(2) Section 162(3)(b), ‘another’—	19
	<i>omit, insert—</i>	20
	‘an’.	21
<b>Clause 1193</b>	<b>Replacement of pt 6 (Appeals)</b>	22
	Part 6—	23
	<i>omit, insert—</i>	24

[s 1194]

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<b>‘Part 6</b>	<b>Reviews by QCAT</b>	1
<b>‘176</b>	<b>Who may apply for a review</b>	2
‘(1)	A person who is given, or is entitled to be given, an information notice for a decision (the <i>original decision</i> ) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	3 4 5 6
‘(2)	To help users of this Act, schedule 1 identifies the decisions for which an information notice must be given under this Act.	7 8
<b>‘177</b>	<b>Certain matters relating to powers of QCAT</b>	9
‘(1)	If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—	10 11
(a)	state the reasons for the decision; and	12
(b)	for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.	13 14 15
‘(2)	If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.	16 17 18 19 20
‘(3)	QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.	21 22 23 24
<b>Clause 1194</b>	<b>Amendment of sch 4 (Dictionary)</b>	25
(1)	Schedule 4, definition <i>appellant</i> — <i>omit.</i>	26 27
(2)	Schedule 4, definition <i>information notice</i> , paragraphs (c) and (d)—	28 29

<i>omit, insert—</i>	1
‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;	2
	3
(d) how, and the period within which, the person may apply for the review;	4
	5
(da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.	6
	7
(3) Schedule 4, definition <i>review period</i> , ‘the District Court’—	8
<i>omit, insert—</i>	9
‘QCAT’.	10

<b>Part 19</b>	<b>Amendment of Podiatrists Registration Act 2001</b>	11
		12

<b>Clause 1195</b>	<b>Act amended</b>	13
	This part amends the <i>Podiatrists Registration Act 2001</i> .	14

<b>Clause 1196</b>	<b>Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)</b>	15
	Section 5(2), ‘the Health Practitioners Tribunal’—	16
	<i>omit, insert—</i>	17
	‘QCAT’.	18
		19
		20

<b>Clause 1197</b>	<b>Amendment of s 49 (Use of assessment report)</b>	21
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	22
	<i>omit, insert—</i>	23
	‘(b) a review by QCAT under part 6; or’.	24



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apply, as provided under the QCAT Act, to QCAT for a review  
of the decision. 1  
2

‘(2) To help users of this Act, schedule 1 identifies the decisions  
for which an information notice must be given under this Act. 3  
4

**‘177 Particular matters relating to powers of QCAT 5**

‘(1) If on the review of an original decision QCAT decides to  
impose conditions on a registration, QCAT must— 6  
7  
(a) state the reasons for the decision; and 8  
(b) for a decision to impose conditions that may be 9  
reviewed under part 3, division 7, decide and state the 10  
review period applying to the conditions. 11

‘(2) If QCAT decides to impose conditions on a registration  
because of the registrant’s mental and physical health, it must  
also decide whether details of the conditions must be recorded  
in the register for the period for which the conditions are in  
force. 12  
13  
14  
15  
16

‘(3) QCAT must decide not to record details of the conditions  
mentioned in subsection (2) in the register unless it reasonably  
believes it is in the interests of users of the registrant’s  
services or the public to know the details.’. 17  
18  
19  
20

**Clause 1202 Amendment of sch 4 (Dictionary) 21**

(1) Schedule 4, definition *appellant*— 22  
*omit.* 23

(2) Schedule 4, definition *information notice*, paragraphs (c) and  
(d)— 24  
25  
*omit, insert—* 26

‘(c) that the person to whom the notice is given has a right to  
have the decision reviewed by QCAT; 27  
28

(d) how, and the period within which, the person may apply  
for the review; 29  
30

[s 1203]

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(da) the right the person has to have the operation of the  
decision stayed under the QCAT Act, section 22;’ 1  
2

(3) Schedule 4, definition *review period*, ‘the District Court’— 3  
*omit, insert—* 4  
‘QCAT’. 5

## **Part 20**                      **Amendment of Private Health** 6 **Facilities Act 1999** 7

**Clause 1203 Act amended** 8  
This part amends the *Private Health Facilities Act 1999*. 9

**Clause 1204 Amendment of s 111 (Dealing with forfeited things)** 10  
Section 111(3), from ‘review’— 11  
*omit, insert—* 12  
‘review applied for under part 9.’ 13

**Clause 1205 Amendment of pt 9, hdg (Reviews and appeals)** 14  
Part 9, heading, ‘and appeals’— 15  
*omit.* 16

**Clause 1206 Replacement of pt 9, div 1, hdg (Reviews)** 17  
Part 9, division 1, heading— 18  
*omit, insert—* 19

**‘Division 1 Internal review of decisions’.** 20

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<b>Clause 1207</b>	<b>Amendment of s 126 (Appeal process starts with internal review)</b>	1
		2
(1)	Section 126, heading, ‘Appeal’—	3
	<i>omit, insert—</i>	4
	‘Review’.	5
(2)	Section 126, ‘appeal against’—	6
	<i>omit, insert—</i>	7
	‘review of’.	8
<b>Clause 1208</b>	<b>Amendment of s 129 (Review decision)</b>	9
(1)	Section 129(2), ‘(the <i>review notice</i> )’—	10
	<i>omit.</i>	11
(2)	Section 129(3), from ‘review notice’—	12
	<i>omit, insert—</i>	13
	‘notice must comply with the QCAT Act, section 157(2).’.	14
(3)	Section 129(4), ‘review notice’—	15
	<i>omit, insert—</i>	16
	‘notice mentioned in subsection (2)’.	17
(4)	Section 129(5), ‘an appeal to the court’—	18
	<i>omit, insert—</i>	19
	‘a review of the review decision by QCAT’.	20
(5)	Section 129(6), ‘an appeal to the court’—	21
	<i>omit, insert—</i>	22
	‘a review of the review decision by QCAT’.	23

[s 1209]

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<b>Clause 1209</b>	<b>Omission of s 130 (Stay of operation of decision)</b>	1
	Section 130—	2
	<i>omit.</i>	3
<b>Clause 1210</b>	<b>Replacement of pt 9, div 2, hdg (Appeals)</b>	4
	Part 9, division 2, heading—	5
	<i>omit, insert—</i>	6
	<b>‘Division 2 External review of decisions’.</b>	7
<b>Clause 1211</b>	<b>Amendment of s 131 (Who may appeal)</b>	8
	(1) Section 131, heading, ‘appeal’—	9
	<i>omit, insert—</i>	10
	<b>‘apply for external review’.</b>	11
	(2) Section 131, from ‘appeal to’—	12
	<i>omit, insert—</i>	13
	‘apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’	14
		15
<b>Clause 1212</b>	<b>Omission of ss 132–136</b>	16
	Sections 132 to 136—	17
	<i>omit.</i>	18
<b>Clause 1213</b>	<b>Amendment of sch 3 (Dictionary)</b>	19
	Schedule 3, definition <i>review notice</i> —	20
	<i>omit.</i>	21

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<b>Part 21</b>	<b>Amendment of Psychologists Registration Act 2001</b>	1 2
<b>Clause 1214</b>	<b>Act amended</b>	3
	This part amends the <i>Psychologists Registration Act 2001</i> .	4
<b>Clause 1215</b>	<b>Amendment of s 5 (Board’s decisions to accord with decisions of certain bodies under the Health Practitioners (Professional Standards) Act 1999)</b>	5 6 7
	Section 5(2), ‘the Health Practitioners Tribunal’—	8
	<i>omit, insert—</i>	9
	‘QCAT’.	10
<b>Clause 1216</b>	<b>Amendment of s 49 (Use of assessment report)</b>	11
	Section 49(4), definition <i>stated proceedings</i> , paragraph (b)—	12
	<i>omit, insert—</i>	13
	‘(b) a review by QCAT under part 6; or’.	14
<b>Clause 1217</b>	<b>Amendment of pt 3, div 8, sdiv 1, hdg (Review of conditions imposed by the board or District Court)</b>	15 16
	Part 3, division 8, subdivision 1, heading, ‘District Court’—	17
	<i>omit, insert—</i>	18
	‘QCAT’.	19
<b>Clause 1218</b>	<b>Amendment of s 104 (How registrant may start a review)</b>	20
	Section 104(2)(b)—	21
	<i>omit, insert—</i>	22
	‘(b) while a review by QCAT of the decision to impose the conditions is pending.’.	23 24

[s 1219]

---

<b>Clause 1219</b>	<b>Amendment of s 178 (Dealing with forfeited things etc.)</b>	1
(1)	Section 178(3)(a)—	2
	<i>omit, insert—</i>	3
	‘(a) a review by QCAT under section 192(1); or’.	4
(2)	Section 178(3)(b), ‘another’—	5
	<i>omit, insert—</i>	6
	‘an’.	7
<b>Clause 1220</b>	<b>Replacement of pt 6 (Appeals)</b>	8
	Part 6—	9
	<i>omit, insert—</i>	10
<b>‘Part 6</b>	<b>Reviews by QCAT</b>	11
<b>‘192</b>	<b>Who may apply for a review</b>	12
(1)	A person who is given, or is entitled to be given, an information notice for a decision (the <i>original decision</i> ) may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	13 14 15 16
(2)	To help users of this Act, schedule 1 identifies the decisions for which an information notice must be given under this Act.	17 18
<b>‘193</b>	<b>Particular matters relating to powers of QCAT</b>	19
(1)	If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—	20 21
(a)	state the reasons for the decision; and	22
(b)	for a decision to impose conditions that may be reviewed under part 3, division 8, decide and state the review period applying to the conditions.	23 24 25

- 
- ‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force. 1  
2  
3  
4  
5
- ‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’. 6  
7  
8  
9

**Clause 1221 Amendment of sch 3 (Dictionary) 10**

- (1) Schedule 3, definition *appellant*— 11  
*omit.* 12
- (2) Schedule 3, definition *information notice*, paragraphs (c) and (d)— 13  
*omit, insert*— 14  
‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT; 16  
17  
(d) how, and the period within which, the person may apply for the review; 18  
19  
(da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’. 20  
21
- (3) Schedule 3, definition *review period*, ‘the District Court’— 22  
*omit, insert*— 23  
‘QCAT’. 24

[s 1222]

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<b>Part 22</b>	<b>Amendment of Psychologists Registration Regulation 2002</b>	1 2
<b>Clause 1222</b>	<b>Regulation amended</b>	3
	This part amends the <i>Psychologists Registration Regulation 2002</i> .	4 5
<b>Clause 1223</b>	<b>Replacement of pt 4 (Appeals)</b>	6
	Part 4—	7
	<i>omit, insert—</i>	8
<b>‘Part 4</b>	<b>Reviews</b>	9
<b>‘49</b>	<b>Application for review</b>	10
	‘A person who is given, or is entitled to be given, a decision information notice for a decision may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’	11 12 13
<b>Clause 1224</b>	<b>Amendment of sch 3 (Dictionary)</b>	14
	(1) Schedule 3, definitions <i>decision appellant, decision information notice</i> and <i>initial decision—</i>	15 16
	<i>omit.</i>	17
	(2) Schedule 3—	18
	<i>insert—</i>	19
	‘ <i>decision information notice</i> means a notice complying with the QCAT Act, section 157(2).’	20 21

---

<b>Part 23</b>	<b>Amendment of Public Health Act 2005</b>	1 2
<b>Clause 1225</b>	<b>Act amended</b>	3
	This part amends the <i>Public Health Act 2005</i> .	4
<b>Clause 1226</b>	<b>Replacement of ch 5, pt 2, div 5 (Appeals against order to close school or child care service)</b>	5 6
	Chapter 5, part 2, division 5—	7
	<i>omit, insert—</i>	8
<b>‘Division 5</b>	<b>Review of order to close school or child care service</b>	9 10
<b>‘182</b>	<b>Review of Minister’s order to close school or child care service</b>	11 12
	‘A person ordered by the Minister to close a school or child care service may apply, as provided under the QCAT Act, to QCAT for a review of the order.’	13 14 15
<b>Clause 1227</b>	<b>Replacement of s 371 (Notice about decision)</b>	16
	Section 371—	17
	<i>omit, insert—</i>	18
<b>‘371</b>	<b>Notice about decision</b>	19
	‘As soon as practicable after deciding the application, the chief executive must give the applicant a notice that—	20 21
	‘(a) for a decision by the chief executive to pay the amount of compensation applied for—states the decision and the reasons for it, including details of the amount of compensation to be paid and how the amount was assessed; or	22 23 24 25 26

(b) for a decision by the chief executive to pay 1  
compensation in an amount less than the amount applied 2  
for, or to not pay compensation—complies with the 3  
QCAT Act, section 157(2) for the decision.’ 4

**Clause 1228 Replacement of s 372 (Who may appeal) 5**

Section 372— 6

*omit, insert— 7*

**‘372 Review of decision 8**

‘An applicant for the payment of compensation under this part 9  
who is dissatisfied with the chief executive’s decision to 10  
refuse to pay compensation or about the amount of 11  
compensation to be paid may apply, as provided under the 12  
QCAT Act, to QCAT for a review of the decision.’ 13

**Clause 1229 Omission of ss 373–375 14**

Sections 373 to 375— 15

*omit. 16*

**Part 24 Amendment of Public Health 17**  
**(Infection Control for Personal 18**  
**Appearance Services) Act 2003 19**

**Clause 1230 Act amended 20**

This part amends the *Public Health (Infection Control for 21*  
*Personal Appearance Services) Act 2003. 22*

<b>Clause 1231</b>	<b>Amendment of pt 7, hdg (Reviews and appeals)</b>	1
	Part 7, heading, ‘and appeals’—	2
	<i>omit.</i>	3
<b>Clause 1232</b>	<b>Amendment of s 119 (Appeal process starts with internal review)</b>	4
	(1) Section 119, heading, ‘Appeal’—	5
	<i>omit, insert—</i>	6
	‘ <b>Review</b> ’.	7
	(2) Section 119(1), ‘appeal against the decision’—	8
	<i>omit, insert—</i>	9
	‘have the decision reviewed’.	10
	(3) Section 119(2), ‘appeal’—	11
	<i>omit, insert—</i>	12
	‘review’.	13
<b>Clause 1233</b>	<b>Amendment of s 122 (Review decision)</b>	14
	(1) Section 122(2), ‘(the <i>review notice</i> )’—	15
	<i>omit.</i>	16
	(2) Section 122(3), from ‘review notice’—	17
	<i>omit, insert—</i>	18
	‘notice must be a QCAT information notice.’.	19
	(3) Section 122(4), after ‘notice’—	20
	<i>insert—</i>	21
	‘mentioned in subsection (2)’.	22
		23

	(4) Section 122(5), ‘an appeal to the court’—	1
	<i>omit, insert—</i>	2
	‘a review of the review decision by QCAT’.	3
	(5) Section 122(6), ‘an appeal to the court’—	4
	<i>omit, insert—</i>	5
	‘a review of the review decision by QCAT’.	6
<b>Clause 1234</b>	<b>Omission of s 123 (Stay of operation of decision)</b>	7
	Section 123—	8
	<i>omit.</i>	9
<b>Clause 1235</b>	<b>Replacement of pt 7, div 2, hdg (Appeals)</b>	10
	Part 7, division 2, heading—	11
	<i>omit, insert—</i>	12
	<b>‘Division 2 External review of decisions’.</b>	13
<b>Clause 1236</b>	<b>Amendment of s 124 (Who may appeal)</b>	14
	(1) Section 124, heading, ‘appeal’—	15
	<i>omit, insert—</i>	16
	‘ <b>apply for external review</b> ’.	17
	(2) Section 124, from ‘appeal to’—	18
	<i>omit, insert—</i>	19
	‘apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’.	20 21
<b>Clause 1237</b>	<b>Omission of ss 125–130</b>	22
	Sections 125 to 130—	23
	<i>omit.</i>	24

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<b>Clause 1238</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
(1)	Schedule 2, definition <i>review notice</i> —	2
	<i>omit.</i>	3
(2)	Schedule 2—	4
	<i>insert</i> —	5
	<i>‘QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	6
		7

<b>Part 25</b>	<b>Amendment of Radiation Safety Act 1999</b>	8
		9

<b>Clause 1239</b>	<b>Act amended</b>	10
	This part amends the <i>Radiation Safety Act 1999</i> .	11

<b>Clause 1240</b>	<b>Amendment of s 136 (Dealing with forfeited things etc.)</b>	12
	Section 136(4), from ‘outcome’—	13
	<i>omit, insert</i> —	14
	‘outcome of a review applied for under part 10 of which the chief executive is aware.’.	15
		16

<b>Clause 1241</b>	<b>Amendment of pt 10, hdg (Reviews and appeals)</b>	17
	Part 10, heading, ‘and appeals’—	18
	<i>omit.</i>	19

[s 1242]

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<b>Clause 1242</b>	<b>Amendment of s 182 (Appeal process starts with internal review)</b>	1
		2
(1)	Section 182, heading, ‘Appeal’—	3
	<i>omit, insert—</i>	4
	‘Review’.	5
(2)	Section 182(1), ‘appeal against the decision’—	6
	<i>omit, insert—</i>	7
	‘apply for review of the decision’.	8
(3)	Section 182(2), ‘appeal’—	9
	<i>omit, insert—</i>	10
	‘review’.	11
<b>Clause 1243</b>	<b>Amendment of s 186 (Review decision)</b>	12
(1)	Section 186(2), ‘(the <i>review notice</i> )’—	13
	<i>omit.</i>	14
(2)	Section 186(3), from ‘review notice’—	15
	<i>omit, insert—</i>	16
	‘notice must be a QCAT information notice for the decision.’.	17
(3)	Section 186(4), after ‘notice’—	18
	<i>insert—</i>	19
	‘mentioned in subsection (2)’.	20
(4)	Section 186(5), ‘an appeal to the court’—	21
	<i>omit, insert—</i>	22
	‘a review of the review decision by QCAT’.	23
(5)	Section 186(6), ‘an appeal to the court’—	24
	<i>omit, insert—</i>	25
	‘a review of the review decision by QCAT’.	26

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<b>Clause 1244</b>	<b>Omission of s 187 (Stay of operation of decision)</b>	1
	Section 187—	2
	<i>omit.</i>	3
<b>Clause 1245</b>	<b>Replacement of pt 10, div 2, hdg (Appeals)</b>	4
	Part 10, division 2, heading—	5
	<i>omit, insert—</i>	6
	<b>‘Division 2 External review of decisions’.</b>	7
<b>Clause 1246</b>	<b>Amendment of s 188 (Who may appeal)</b>	8
	(1) Section 188, heading, ‘appeal’—	9
	<i>omit, insert—</i>	10
	<b>‘apply for external review’.</b>	11
	(2) Section 188, from ‘appeal to’—	12
	<i>omit, insert—</i>	13
	‘apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’	14
		15
<b>Clause 1247</b>	<b>Omission of ss 189–194</b>	16
	Sections 189 to 194—	17
	<i>omit.</i>	18
<b>Clause 1248</b>	<b>Amendment of sch 2 (Dictionary)</b>	19
	(1) Schedule 2, definition <i>review notice</i> —	20
	<i>omit.</i>	21
	(2) Schedule 2—	22
	<i>insert—</i>	23





[s 1256]

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<b>‘177 Particular matters relating to powers of QCAT</b>	1
‘(1) If on the review of an original decision QCAT decides to impose conditions on a registration, QCAT must—	2 3
(a) state the reasons for the decision; and	4
(b) for a decision to impose conditions that may be reviewed under part 3, division 7, decide and state the review period applying to the conditions.	5 6 7
‘(2) If QCAT decides to impose conditions on a registration because of the registrant’s mental and physical health, it must also decide whether details of the conditions must be recorded in the register for the period for which the conditions are in force.	8 9 10 11 12
‘(3) QCAT must decide not to record details of the conditions mentioned in subsection (2) in the register unless it reasonably believes it is in the interests of users of the registrant’s services or the public to know the details.’.	13 14 15 16
 <b>Clause 1256 Amendment of sch 3 (Dictionary)</b>	 17
(1) Schedule 3, definition <i>appellant</i> —	18
<i>omit.</i>	19
(2) Schedule 3, definition <i>information notice</i> , paragraphs (c) and (d)—	20 21
<i>omit, insert—</i>	22
‘(c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;	23 24
(d) how, and the period within which, the person may apply for the review;	25 26
(da) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22;’.	27 28

- 
- (3) Schedule 3, definition *review period*, ‘the District Court’— 1  
*omit, insert—* 2  
‘QCAT’. 3

**Chapter 8**                      **Department of** 4  
   **Infrastructure and Planning** 5

**Part 1**                              **Amendment of Animal** 6  
   **Management (Cats and Dogs)** 7  
   **Act 2008** 8

**Clause 1257**    **Act amended** 9  
   This part amends the *Animal Management (Cats and Dogs)* 10  
   *Act 2008*. 11

**Clause 1258**    **Amendment of s 127 (Power to destroy seized regulated dog)** 12  
   (1) Section 127(6), ‘review application’— 14  
   *omit, insert—* 15  
   ‘application for internal review’. 16  
   (2) Section 127(7), ‘for review’— 17  
   *omit, insert—* 18  
   ‘for internal review’. 19  
   (3) Section 127(7)(a), ‘the review’— 20  
   *omit, insert—* 21  
   ‘the internal review’. 22

[s 1259]

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- (4) Section 127(7)(b), ‘an appeal has been made against the order’— 1  
2  
*omit, insert*— 3  
‘external review of the order has been made’. 4
- (5) Section 127(8), ‘an appeal is made relating to the order’— 5  
*omit, insert*— 6  
‘an application for external review of the order is made’. 7
- (6) Section 127(8)(a), ‘the appeal’— 8  
*omit, insert*— 9  
‘the external review’. 10

- Clause 1259 Amendment of s 131 (Return of regulated dog to registered owner)** 11  
12  
Section 131(3)(a)— 13  
*omit, insert*— 14  
‘(a) if a destruction order has been made for the dog—an 15  
application for internal review or external review of the 16  
order is made and, as a result of the review, the order is 17  
no longer in force;’. 18

- Clause 1260 Amendment of ch 8, hdg (Reviews and appeals)** 19  
Chapter 8, heading, ‘and appeals’— 20  
*omit*. 21

- Clause 1261 Amendment of ch 8, pt 1, hdg (Review of decisions)** 22  
Chapter 8, part 1, heading, ‘Review’— 23  
*omit, insert*— 24  
‘**Internal review**’. 25

<b>Clause 1262</b>	<b>Replacement of s 180 (Appeal process starts with review)</b>	1
	Section 180—	2
	<i>omit, insert—</i>	3
<b>'180</b>	<b>Internal review process before external review</b>	4
	'Every review of an original decision must be, in the first instance, by way of an application for internal review.'	5
		6
<b>Clause 1263</b>	<b>Amendment of s 181 (Who may apply for review)</b>	7
	(1) Section 181, heading, 'review'—	8
	<i>omit, insert—</i>	9
	<b>'internal review'</b> .	10
	(2) Section 181, 'a review'—	11
	<i>omit, insert—</i>	12
	'an internal review'.	13
<b>Clause 1264</b>	<b>Amendment of s 184 (Stay of operation of original decision)</b>	14
	(1) Section 184(2)—	15
	<i>omit, insert—</i>	16
	(2) However the applicant may, immediately after being given the information notice for the original decision, apply, as provided under the QCAT Act, to QCAT for a stay of the original decision.'	17
		18
		19
		20
		21
	(2) Section 184(3)—	22
	<i>omit, insert—</i>	23
	(3) QCAT may stay the original decision to secure the effectiveness of the internal review and a later application to QCAT for external review.'	24
		25
		26
	(3) Section 184(4), 'the court'—	27
	<i>omit, insert—</i>	28

[s 1265]

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‘QCAT’. 1

(4) Section 184(5), ‘the appeal is’— 2

*omit, insert—* 3

‘the internal review and any external review and appeal are’. 4

(5) Section 184(6)(a) and (b)— 5

*omit, insert—* 6

‘(a) if the chief executive makes a PID review decision about 7  
the original decision—the chief executive makes the 8  
decision and any later period QCAT allows the applicant 9  
to enable the applicant to apply for an external review of 10  
the internal review decision; or 11

(b) if the chief executive officer of a local government 12  
makes an internal review decision about the original 13  
decision—the chief executive officer makes the decision 14  
and any later period QCAT allows the applicant to 15  
enable the applicant to apply for an external review of 16  
the internal review decision.’. 17

**Clause 1265 Amendment of s 185 (PID review decision)** 18

(1) Section 185(1)(a), ‘a review’— 19

*omit, insert—* 20

‘an internal review’. 21

(2) Section 185, ‘appeal’— 22

*omit, insert—* 23

‘application for external review’. 24

**Clause 1266 Amendment of s 186 (Other review decisions)** 25

(1) Section 186, heading, ‘review’— 26

*omit, insert—* 27

‘**internal review**’. 28

- 
- (2) Section 186(1)(a), ‘a review’— 1  
*omit, insert*— 2  
‘an internal review’. 3
- (3) Section 186(1)(b), ‘the *review decision*’— 4  
*omit, insert*— 5  
‘the *internal review decision*’. 6
- (4) Section 186(4) and (5)— 7  
*omit, insert*— 8
- ‘(4) If the internal review decision confirms the original decision, 9  
for the purpose of an application for external review, the 10  
original decision is taken to be the internal review decision. 11
- ‘(5) If the internal review decision amends the original decision, 12  
for the purpose of an application for external review, the 13  
original decision as amended is taken to be the internal review 14  
decision.’. 15

- Clause 1267 Amendment of s 187 (Notice of PID decision or review 16  
decision) 17**
- (1) Section 187, heading, ‘review’— 18  
*omit, insert*— 19  
‘**internal review**’. 20
- (2) Section 187(2) and (3)— 21  
*omit, insert*— 22
- ‘(2) The chief executive officer of a local government must, 23  
within 10 days after making an internal review decision, give 24  
the applicant notice (also the *review notice*) of the internal 25  
review decision. 26
- ‘(3) If the internal review decision or PID review decision is not 27  
the decision sought by the applicant, the review notice must 28  
include or be accompanied by a notice complying with the 29  
QCAT Act, section 157(2) for the decision.’. 30

[s 1268]

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- (3) Section 187(4) and (5), ‘review decision’— 1  
*omit, insert*— 2  
‘decision’. 3

**Clause 1268 Replacement of ch 8, pt 2 (Appeals)** 4

Chapter 8, part 2— 5

*omit, insert*— 6

**‘Part 2 External reviews** 7

**‘188 Who may apply for external review** 8

‘A person who is given, or is entitled to be given, a review 9  
notice for a decision under part 1 may apply, as provided 10  
under the QCAT Act, for an external review of the decision. 11

**‘189 Condition on stay granted by QCAT for particular 12  
decisions** 13

‘(1) This section applies if a person makes an application for 14  
external review to QCAT for a decision about a regulated dog 15  
declaration. 16

‘(2) If, under the QCAT Act, section 22(3) QCAT decides to grant 17  
a stay of the decision, QCAT must impose a condition on the 18  
stay that each of the following persons must, until the external 19  
review is decided, ensure the requirements under schedule 1, 20  
section 3 are complied with for the dog the subject of the 21  
declaration— 22

(a) the owner of the dog; 23

(b) a responsible person for the dog. 24

*Note*— 25

See schedule 1, section 3 (Muzzling and effective control in public) and 26  
also sections 66 (Prohibition on supply of restricted dog) and 67 27  
(Prohibition on supply of declared dangerous dog or menacing dog).’ 28

---

<b>Clause 1269</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
(1)	Schedule 2, definition <i>review decision</i> — <i>omit.</i>	2 3
(2)	Schedule 2— <i>insert</i> — <b>‘external review</b> , for a decision, means a review of the decision by QCAT under the QCAT Act. <b>internal review decision</b> see section 186(1)(b).’.	4 5 6 7 8
(3)	Schedule 2, definition <i>information notice</i> , paragraph (b), ‘a review against’— <i>omit, insert</i> — ‘an internal review of’.	9 10 11 12
(4)	Schedule 2, definition <i>information notice</i> , paragraph (c), ‘review’— <i>omit, insert</i> — ‘internal review’.	13 14 15 16

<b>Part 2</b>	<b>Amendment of Building Act 1975</b>	17 18
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<b>Clause 1270</b>	<b>Act amended</b>	19
	This part amends the <i>Building Act 1975</i> .	20

<b>Clause 1271</b>	<b>Amendment of s 171 (Power to amend, cancel or suspend licence)</b>	21 22
	Section 171—	23
	<i>insert</i> —	24

[s 1272]

---

‘(3) To remove any doubt, it is declared that BSA can not, under subsection (1), amend, cancel or suspend the certifier’s licence if BSA considers the building certifier is not a suitable person to hold a licence because of unsatisfactory conduct or professional misconduct. 1  
2  
3  
4  
5

*Note—* 6

For conduct mentioned in subsection (3), see part 4 (Complaints, investigations and disciplinary proceedings relating to building certifiers).’ 7  
8  
9

**Clause 1272 Amendment of s 179 (Register of building certifiers) 10**

Section 179(3)(e), ‘Commercial and Consumer Tribunal’— 11  
*omit, insert—* 12  
‘tribunal’. 13

**Clause 1273 Amendment of s 189 (Appeals to Commercial and Consumer Tribunal about decisions under pt 3) 14  
15**

(1) Section 189, heading, ‘Commercial and Consumer Tribunal’— 16  
17

*omit, insert—* 18

‘tribunal’. 19

(2) Section 189(2) and (3)— 20

*omit, insert—* 21

‘(2) The person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’ 22  
23

**Clause 1274 Amendment of s 204 (Decision after investigation or audit completed) 24  
25**

Section 204(6), ‘Commercial and Consumer Tribunal’— 26

*omit, insert* 27

‘tribunal’. 28

---

<b>Clause 1275</b>	<b>Amendment of s 205 (Review of BSA’s decision)</b>	1
(1)	Section 205(2), from ‘apply’—	2
	<i>omit, insert—</i>	3
	‘apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.	4
		5
(2)	Section 205(3)—	6
	<i>omit.</i>	7
<b>Clause 1276</b>	<b>Amendment of s 206 (Show cause notice)</b>	8
	Section 206(1), ‘Commercial and Consumer Tribunal’—	9
	<i>omit, insert—</i>	10
	‘tribunal’.	11
<b>Clause 1277</b>	<b>Amendment of s 207 (Representations and decision)</b>	12
	Section 207(2)(b), ‘Commercial and Consumer Tribunal’—	13
	<i>omit, insert—</i>	14
	‘tribunal’.	15
<b>Clause 1278</b>	<b>Amendment of s 208 (Commercial and Consumer Tribunal may conduct disciplinary proceeding)</b>	16
		17
(1)	Section 208, heading, ‘Commercial and Consumer’—	18
	<i>omit.</i>	19
(2)	Section 208(1), ‘Commercial and Consumer Tribunal’—	20
	<i>omit, insert—</i>	21
	‘tribunal’.	22
(3)	Section 208—	23
	<i>insert—</i>	24

[s 1279]

---

‘(3) An application under subsection (1) must be made as provided under the QCAT Act.’. 1  
2

**Clause 1279 Replacement of s 209 (Application of Tribunal Act to disciplinary proceeding)** 3  
4

Section 209— 5

*omit, insert—* 6

**‘209 Constitution of tribunal for disciplinary proceeding** 7

‘(1) For a proceeding under section 208, if the president of the tribunal under the QCAT Act considers it appropriate, the president may choose the following persons to constitute the tribunal— 8  
9  
10  
11

(a) 1 legally qualified member under the QCAT Act; 12

(b) 1 senior member or ordinary member who has special knowledge of the building certification industry and the administration of this Act; 13  
14  
15

(c) 1 other senior member or ordinary member. 16

‘(2) In this section— 17

*ordinary member* means an ordinary member under the QCAT Act. 18  
19

*senior member* means a senior member under the QCAT Act.’. 20  
21

**Clause 1280 Amendment of s 210 (Notification of disciplinary proceeding)** 22  
23

Section 210(3), ‘Commercial and Consumer Tribunal’— 24

*omit, insert—* 25

‘tribunal’. 26

---

<b>Clause 1281</b>	<b>Amendment of s 211 (Orders relating to current building certifier)</b>	1 2
(1)	Section 211(1), ‘Commercial and Consumer Tribunal’— <i>omit, insert—</i> ‘tribunal’.	3 4 5
(2)	Section 211(9), ‘under section 53 of the Tribunal Act’— <i>omit.</i>	6 7
<b>Clause 1282</b>	<b>Amendment of s 212 (Orders relating to former building certifier)</b>	8 9
(1)	Section 212(1), ‘Commercial and Consumer Tribunal’— <i>omit, insert—</i> ‘tribunal’.	10 11 12
(2)	Section 212(10), ‘under section 53 of the Tribunal Act’— <i>omit.</i>	13 14
<b>Clause 1283</b>	<b>Amendment of s 213 (Consequences of failure to comply with Commercial and Consumer Tribunal’s orders and directions)</b>	15 16 17
(1)	Section 213, heading, ‘Commercial and Consumer Tribunal’s’— <i>omit, insert—</i> ‘tribunal’s’.	18 19 20 21
(2)	Section 213, ‘Commercial and Consumer Tribunal’— <i>omit, insert—</i> ‘tribunal’.	22 23 24

[s 1284]

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<b>Clause 1284</b>	<b>Amendment of s 214 (Recording details of orders)</b>	1
	Section 214(b), ‘Commercial and Consumer Tribunal’—	2
	<i>omit, insert—</i>	3
	‘tribunal’.	4
<b>Clause 1285</b>	<b>Amendment of sch 2 (Dictionary)</b>	5
(1)	Schedule 2, definitions <i>Commercial and Consumer Tribunal</i> , <i>information notice</i> and <i>Tribunal Act—</i>	6
	<i>omit.</i>	7
		8
(2)	Schedule 2—	9
	<i>insert—</i>	10
	‘ <i>information notice</i> , for a decision, means—	11
(a)	if the decision may be appealed under IPA—a notice stating—	12
	(i) the decision, and the reasons for it; and	13
	(ii) all rights of appeal against the decision under IPA; and	14
	(iii) how the rights are to be exercised; or	15
(b)	if an application may be made to the tribunal for a review of the decision—a notice complying with the QCAT Act, section 157(2) for the decision.	16
	<i>tribunal</i> means QCAT.’.	17
(3)	Schedule 2, definition <i>former building certifier</i> , paragraph (b)(ii), ‘Commercial and Consumer Tribunal’—	18
	<i>omit, insert—</i>	19
	‘tribunal’.	20
		21
		22
		23
		24
		25

- 
- (4) Schedule 2, definition *professional misconduct*, paragraph (c),  
‘Commercial and Consumer Tribunal’— 1  
2  
*omit, insert—* 3  
‘tribunal’. 4

**Part 3** **Amendment of Local** 5  
**Government Act 1993** 6

**Clause 1286 Act amended** 7  
This part amends the *Local Government Act 1993*. 8

**Clause 1287 Amendment of s 939 (Decision on application for permission)** 9  
10  
Section 939— 11  
*insert—* 12  
(3) If the permission is refused or is subject to conditions, the 13  
written notice must be accompanied by a QCAT information 14  
notice for the decision. 15  
(4) A local government must give a QCAT information notice for 16  
a decision about an application only if subsection (3) so 17  
requires.’. 18

**Clause 1288 Amendment of s 940 (Issue of permit)** 19  
Section 940(3)— 20  
*omit, insert—* 21  
(3) However, if an application for review is made within the 30 22  
days, a permit may be issued only if— 23

[s 1289]

---

- (a) the decision on the application for review confirms the giving of the permission, with or without conditions, or with changed conditions, applying to the permission; or
- (b) the application for review is refused or discontinued.’.

<b>Clause 1289</b>	<b>Replacement of ch 13, pt 5, div 3 (Appeals)</b>	5
	Chapter 13, part 5, division 3—	6
	<i>omit, insert—</i>	7
	<b>‘Division 3                    Review by QCAT</b>	8
	<b>‘942    Who may apply for review</b>	9
	‘A person dissatisfied by a decision of a local government on an application may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	10 11 12
<b>Clause 1290</b>	<b>Amendment of s 996 (Amendment of land record)</b>	13
	(1) Section 996(2), ‘written notice of’—	14
	<i>omit, insert—</i>	15
	‘a QCAT information notice for’.	16
	(2) Section 996—	17
	<i>insert—</i>	18
	‘(3) A local government must give a QCAT information notice for an amendment of a land record only if subsection (2) so requires.’.	19 20 21
<b>Clause 1291</b>	<b>Replacement of ch 14, pt 4, div 2 (Appeal against amendment of land record)</b>	22 23
	Chapter 14, part 4, division 2—	24
	<i>omit, insert—</i>	25

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<b>‘Division 2</b>	<b>Review of decisions by QCAT to amend land record</b>	1 2
<b>‘999 Who may apply for review</b>		3
	‘A person dissatisfied by an amendment of a land record, other than a removal of land under section 1051A, may apply, as provided under the QCAT Act, to QCAT for a review of the amendment.	4 5 6 7
<b>‘1000 Powers of QCAT on review</b>		8
	‘In deciding the review, QCAT may—	9
	(a) confirm the amendment; or	10
	(b) set aside the amendment and order the particulars previously contained in the land record be restored.’	11 12
<b>Clause 1292 Amendment of s 1130 (Personnel practices)</b>		13
	Section 1130(2) and (3)—	14
	<i>omit.</i>	15
<b>Clause 1293 Insertion of new ch 16, pt 3A</b>		16
	Chapter 16—	17
	<i>insert—</i>	18
<b>‘Part 3A</b>	<b>Equal opportunity of employment</b>	19 20
<b>‘Division 1</b>	<b>Purpose of part and related matters</b>	21
<b>‘1137A Purpose and role of EEO</b>		22
	‘(1) The purpose of this part is to promote equality of employment opportunity in local governments.	23 24

[s 1293]

---

- ‘(2) Equality of employment opportunity enhances the capacity of local governments to achieve their objectives by—
- (a) improving organisational efficiency and productivity through the selection and employment of the best and most talented people; and
  - (b) fulfilling the social justice obligations of equity and fairness; and
- Note—*
- The social justice obligations of equity and fairness are based on the idea that all people should be able to compete for employment on the basis of the ability to do the job.
- (c) increasing the effectiveness of service delivery and decision-making by adopting an employee profile more accurately reflecting the community profile.
- ‘1137B How purpose is to be achieved**
- ‘(1) The purpose of this part is to be achieved by—
- (a) requiring each local government to develop an EEO management plan complying with subsection (2); and
  - (b) requiring each local government to implement its EEO management plan under division 3; and
  - (c) establishing procedures to monitor compliance with the requirements.
- ‘(2) An EEO management plan must be capable of—
- (a) enabling members of the target groups to do the following as effectively as people who are not members of the target groups—
    - (i) compete for recruitment, selection, promotion and transfer in the particular local government;
    - (ii) pursue careers in the particular local government; and

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(b) eliminating unlawful discrimination by the particular local government or its employees against members of the target groups in employment matters.	1 2 3
<b>‘1137C Merit principle reinforced</b>	4
‘Nothing in this part is taken to require an action incompatible with the principle that recruitment, selection, promotion and transfer are to be dealt with on the basis of merit.	5 6 7
<b>‘1137D Exemption from compliance with this part</b>	8
‘(1) The Minister may exempt a local government from complying with a requirement under this part if the Minister considers—	9 10
(a) the local government should have fewer than 40 employees; and	11 12
(b) the likely benefits to the local government of adopting and implementing an EEO management plan under this part are outweighed by the likely financial and administrative costs to the local government of adopting and implementing the plan.	13 14 15 16 17
‘(2) If the Minister, after considering the criteria set out in subsection (1), exempts the local government from complying with this part, the local government must comply with any conditions of the exemption.	18 19 20 21
<b>‘Division 2                      Development of equal employment opportunity management plan</b>	22 23
<b>‘1137E Local government to develop EEO management plan</b>	24
‘(1) A local government must develop an EEO management plan to ensure appropriate action is taken by it—	25 26
(a) to promote equal employment opportunity for members of the target groups in employment matters; and	27 28

[s 1293]

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(b) to eliminate unlawful discrimination by it against members of the target groups in employment matters.	1 2
‘(2) The EEO management plan must be developed in time for implementation of the plan to begin when the local government’s corporate plan is adopted.	3 4 5
‘(3) A regulation may prescribe how a local government must develop its EEO management plan on an ongoing basis.	6 7
<b>‘Division 3                    Implementation of plan</b>	8
<b>‘1137F Local government to give effect to EEO management plan</b>	9 10
‘A local government must take any action necessary to implement its EEO management plan.	11 12
<b>‘1137G Employment powers to be exercised having regard to EEO management plan</b>	13 14
‘A person who exercises powers relating to employment matters in a local government must have regard to the local government’s EEO management plan in exercising the powers.	15 16 17 18
<b>‘Division 4                    Supervision by chief executive</b>	19
<b>‘1137H Chief executive may take action if dissatisfied with EEO management</b>	20 21
‘(1) This section applies if the chief executive is dissatisfied with any matter relating to the action taken by a local government—	22 23 24
(a) to promote equal employment opportunity for members of the target groups; or	25 26
(b) to eliminate unlawful discrimination by the local government against members of the target groups.	27 28

- 
- ‘(2) The chief executive may, by written notice, recommend to the local government’s chief executive officer the action the local government should take to overcome the dissatisfaction. 1  
2  
3
- ‘(3) The notice must state the period within which the action the chief executive officer recommends be taken. 4  
5
- ‘1137I Local government to comply with recommendation unless chief executive notified 6  
7**
- ‘A local government must comply with a notice given to its chief executive officer under section 1137H(2) within the period stated for the action unless the chief executive officer gives the chief executive written notice of the local government’s reason for not complying with the recommendation. 8  
9  
10  
11  
12  
13
- ‘1137J Chief executive’s power if local government does not act or give satisfactory reasons 14  
15**
- ‘(1) This section applies if the chief executive is not satisfied— 16
- (a) the local government has taken the action the chief executive has recommended within the period stated for the action; or 17  
18  
19
- (b) about the local government’s reasons given in its notice for not complying with the recommendation. 20  
21
- ‘(2) The chief executive may— 22
- (a) report the matter to the Minister; or 23
- (b) refer the matter, as provided under the QCAT Act, to QCAT to give a report. 24  
25

[s 1293]

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<b>‘Division 5</b>	<b>Supervision by QCAT</b>	1
<b>‘1137K QCAT’s powers for an investigation</b>		2
‘(1)	When investigating a referral made under section 1137J(2)(b), QCAT may require the particular local government or its chief executive officer—	3 4 5
(a)	to answer a question; or	6
(b)	to give QCAT information; or	7
(c)	to produce to QCAT a document or other thing; or	8
(d)	to give QCAT a copy of a document.	9
‘(2)	A requirement under subsection (1) must—	10
(a)	be in writing; and	11
(b)	state or describe the information, document or thing required; and	12 13
(c)	state a reasonable period for compliance.	14
<b>‘1137L End of reference</b>		15
‘(1)	At the end of a referral, QCAT must give the following persons a report, with or without recommendations—	16 17
(a)	the relevant chief executive officer of the local government;	18 19
(b)	the chief executive.	20
‘(2)	The chief executive must give the Minister a copy of the report as soon as practicable after receiving it.	21 22
<b>‘1137M Recommendation may be to amend EEO management plan</b>		23 24
‘QCAT may, in its report under section 1137L, recommend that a local government amend its EEO management plan in a particular way.		25 26 27

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<b>‘1137N Local government to comply with recommendation</b>	1
‘A local government must comply with a recommendation given in a report under section 1137L(1).’	2 3
<b>‘Division 6                      Tabling of reports and review of   division</b>	4 5
<b>‘1137O Minister may table report</b>	6
‘The Minister may table in the Legislative Assembly a report given to the Minister under section 1137J(2)(a) or 1137L(2).’.	7 8
<b>Clause 1294    Amendment of sch 2 (Dictionary)</b>	9
(1) Schedule 2, definition <i>information notice</i> —	10
<i>omit.</i>	11
(2) Schedule 2—	12
<i>insert</i> —	13
‘ <i>EEO management plan</i> means an equal employment opportunity management plan required under section 1137E.	14 15
‘ <i>employment matters</i> means any matter about the employment of an employee, including the following—	16 17
(a) recruitment procedure and selection criteria, for appointment or engagement of a person as an employee;	18 19
(b) promotion and transfer of an employee;	20
(c) training and staff development for an employee;	21
(d) terms of service and separation of an employee.	22
‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).	23 24
‘ <i>target group</i> means any of the following—	25
(a) Aborigines or Torres Strait Islanders;	26

[s 1295]

---

- (b) people who have migrated to Australia and whose first language is a language other than English, and the children of those people; 1  
2  
3
- (c) people with a physical, sensory, intellectual or psychiatric disability, whether the disability presently exists or previously existed but no longer exists; 4  
5  
6
- (d) persons of the female sex, irrespective of age. 7
- unlawful discrimination* means discrimination that is unlawful under the *Anti-Discrimination Act 1991*.’ 8  
9

## **Part 4** **Amendment of Local Government Regulation 2005** 10 11

**Clause 1295 Regulation amended** 12  
This part amends the *Local Government Regulation 2005*. 13

**Clause 1296 Replacement of pt 14, div 1 (Equal opportunity of employment)** 14  
15  
Part 14, division 1— 16  
*omit, insert—* 17

### **‘Division 1 Equal opportunity of employment** 18

**‘51 Steps to be followed in ongoing development of EEO management plan—Act, s 1137E(3)** 19  
20  
‘A local government must take the following steps in developing its EEO management plan on an ongoing basis— 21  
22  
**Step 1—Issue policy statement and keep employees informed** 23  
Inform employees of the local government’s EEO policy and 24  
the results of monitoring and evaluating, under step 8, the 25

---

implementation of the local government’s EEO management plan.	1 2
<b>Step 2—Nominate person to have EEO responsibility</b>	3
Give responsibility for developing, implementing and continuous reviewing of the EEO management plan to a person who has, or persons who have, sufficient authority and status within the management of the local government to enable the person or persons to properly do so.	4 5 6 7 8
<b>Step 3—Consult with trade unions</b>	9
Consult with the trade unions that have members who are, or will be, affected by the EEO management plan about developing and implementing the plan.	10 11 12
<b>Step 4—Consult with employees</b>	13
Consult with the local government’s employees, particularly employees who are members of the target groups, about developing and implementing the EEO management plan.	14 15 16
<b>Step 5—Collect statistics</b>	17
Collect and record statistics and related information about—	18
(a) the number of employees who are members of the target groups; and	19 20
(b) the salary stream and level of the employees.	21
<b>Step 6—Review policies and practices</b>	22
Examine the local government’s policies and practices about employment matters to identify—	23 24
(a) patterns (including patterns identified statistically) of inequality of opportunity for members of the target groups; and	25 26 27
(b) policies or practices unlawfully discriminating against members of the target groups.	28 29
<b>Step 7—Set objectives and implementation strategy</b>	30
Set qualitative and quantitative objectives consistent with the purposes of this regulation and develop a strategy for	31 32

[s 1296]

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implementing the EEO management plan to achieve the objectives. 1  
2

**Step 8—Assess implementation** 3

Monitor and evaluate the implementation of the EEO management plan to assess whether the objectives have been achieved. 4  
5  
6

**‘52 Local government’s activities to implement EEO management plan** 7  
8

‘For section 534(1)(i) of the Act, the following information is prescribed— 9  
10

- (a) statistics for at least the last 3 years about the number of employees who are members of the target groups and the salary stream and level of the employees; 11  
12  
13
- (b) information about consultation with the following groups and the outcome of the consultation— 14  
15
  - (i) trade unions that have members who are, or will be, affected by the EEO management plan; 16  
17
  - (ii) the local government’s employees, particularly employees who are members of the target groups; 18  
19
- (c) information about activities undertaken by the local government during the past year to eliminate unlawful discrimination against, or harassment of, the local government’s employees; 20  
21  
22  
23
- (d) information about the local government’s forward plan for implementing its EEO management plan for the next financial year; 24  
25  
26
- (e) information about any other activities undertaken by the local government to create a positive work environment for the local government’s employees.’. 27  
28  
29

<b>Clause 1297</b>	<b>Amendment of sch 7 (Dictionary)</b>	1
	Schedule 7, definitions <i>Anti-Discrimination Tribunal</i> , <i>EEO management plan</i> , <i>employment matters</i> , <i>target group</i> and <i>unlawful discrimination</i> —	2
		3
		4
	<i>omit</i> .	5
<b>Part 5</b>	<b>Amendment of Plumbing and Drainage Act 2002</b>	6
		7
<b>Clause 1298</b>	<b>Act amended</b>	8
	This part amends the <i>Plumbing and Drainage Act 2002</i> .	9
<b>Clause 1299</b>	<b>Amendment of s 20 (Times and places of meetings)</b>	10
	Section 20(3), ‘secretary’—	11
	<i>omit, insert</i> —	12
	‘registrar’.	13
<b>Clause 1300</b>	<b>Amendment of s 29 (Officers, employees and agents)</b>	14
	Section 29, ‘secretary’—	15
	<i>omit, insert</i> —	16
	‘registrar’.	17
<b>Clause 1301</b>	<b>Amendment of s 29A (Delegation by secretary)</b>	18
	(1) Section 29A, ‘secretary’—	19
	<i>omit, insert</i> —	20
	‘registrar’.	21
	(2) Section 29A, ‘secretary’s’—	22

[s 1302]

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*omit, insert—* 1

‘registrar’s’. 2

**Clause 1302 Amendment of s 30 (Authentication of documents)** 3

Section 30, ‘secretary’— 4

*omit, insert—* 5

‘registrar’. 6

**Clause 1303 Amendment of s 55 (How licensee may start review)** 7

Section 55(2)(b), ‘the Commercial and Consumer Tribunal’— 8

*omit, insert—* 9

‘QCAT’. 10

**Clause 1304 Insertion of new pt 3, div 7, sdiv 1, hdg** 11

After part 3, division 7, heading— 12

*insert—* 13

**‘Subdivision 1 Grounds’.** 14

**Clause 1305 Amendment of s 64 (Grounds for discipline)** 15

Section 64, ‘The board’— 16

*omit, insert—* 17

‘Subject to section 70A, the board’. 18

**Clause 1306 Insertion of new pt 3, div 7, sdiv 2, hdg** 19

After section 64— 20

*insert—* 21

**‘Subdivision 2 Action by board about disciplinary matters’.** 22  
23

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<b>Clause 1307</b>	<b>Replacement of s 65 (Disciplinary action that may be taken)</b>	1
	Section 65—	2
	<i>omit, insert—</i>	3
<b>'65</b>	<b>Disciplinary action that may be taken by board</b>	4
	'In disciplining a licensee, after complying with section 66(1) the board may do any 1 or more of the following—	5
	(a) reprimand the licensee;	6
	(b) for plumbing or drainage work—order that the work be rectified to comply with the Standard Plumbing and Drainage Regulation;	7
	(c) impose new conditions, or change conditions, on the licence;	8
	(d) suspend the licensee's licence for a period of not more than 12 months;	9
	(e) require the licensee to pay to the board a stated amount of not more than the equivalent of 60 penalty units.'	10
		11
		12
		13
		14
		15
		16
		17
<b>Clause 1308</b>	<b>Amendment of s 66 (Show cause notice)</b>	18
	(1) Section 66(1)—	19
	<i>omit, insert—</i>	20
	'(1) If the board believes a ground exists to act under section 65 or to refer a disciplinary matter to QCAT under section 70A, the board must, before taking the action or making a referral under section 70A in relation to the matter, give the licensee a notice (a <i>show cause notice</i> ).'	21
		22
		23
		24
		25
	(2) Section 66(2)(a), after 'section 65(2)'—	26
	<i>insert—</i>	27
	'or refer the matter to QCAT under section 70A'.	28

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[s 1309]

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- (3) Section 66(2)(c), after ‘taken’— 1  
*insert*— 2  
‘or the referral should not be made’. 3

- Clause 1309 Amendment of s 68 (Board must decide action to be taken)** 4  
5  
Section 68— 6  
*insert*— 7  
‘(c) if section 70A applies, refer the disciplinary matter to QCAT.’. 8  
9

- Clause 1310 Amendment of s 69 (Board must advise licensee of its decision)** 10  
11  
Section 69(1)— 12  
*omit, insert*— 13  
‘(1) If the board decides to take no further action about the matter, 14  
or to refer the matter to QCAT, the board must give the 15  
licensee written notice of the decision.’. 16

- Clause 1311 Amendment of s 70 (When suspension or cancellation takes effect)** 17  
18  
(1) Section 70, heading, ‘or cancellation’— 19  
*omit*. 20  
(2) Section 70, from ‘or cancels’ to ‘or cancelled’— 21  
*omit, insert*— 22  
‘the licensee’s licence, the licence is suspended’. 23

---

<b>Clause 1312</b>	<b>Insertion of new pt 3, div 7, sdiv 3</b>	1
	After section 70—	2
	<i>insert—</i>	3
<b>‘Subdivision 3</b>	<b>Referral to QCAT of particular proposed suspensions or proposed cancellations</b>	4
		5
		6
<b>‘70A</b>	<b>Board to refer particular disciplinary matters to QCAT</b>	7
‘(1)	This section applies if, after complying with section 66(1), the board is reasonably satisfied, for a licensee, that—	8
		9
(a)	a ground exists to act under section 65; and	10
(b)	it would be reasonable in the circumstances to take the following disciplinary action—	11
		12
(i)	suspend the licensee’s licence for more than 12 months;	13
		14
(ii)	cancel the licensee’s licence.	15
‘(2)	The board must refer the matter, as provided under the QCAT Act, to QCAT to decide whether or not to make an order against the licensee in relation to the ground.	16
		17
		18
<b>‘70B</b>	<b>Constitution of QCAT</b>	19
‘(1)	For the referred matter QCAT must be constituted by 3 members.	20
		21
‘(2)	The members must include—	22
(a)	1 legally qualified member under the QCAT Act; and	23
(b)	1 member who has at least 10 years experience in the plumbing and drainage industry.	24
		25

[s 1313]

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<b>‘70C</b>	<b>Disciplinary orders by QCAT</b>	1
	‘If, after hearing the matter, QCAT decides a ground for disciplinary action against a licensee is established, it may do 1 or more of the following—	2 3 4
	(a) reprimand the licensee;	5
	(b) for plumbing or drainage work—order that the work be rectified to comply with the Standard Plumbing and Drainage Regulation;	6 7 8
	(c) impose new conditions, or change conditions, on the licence;	9 10
	(d) suspend the licensee’s licence for the period decided by QCAT;	11 12
	(e) cancel the licensee’s licence;	13
	(f) order the licensee to pay to the board a stated amount of not more than the equivalent of 165 penalty units.’.	14 15
<b>Clause 1313</b>	<b>Insertion of new pt 3, div 7, sdiv 4, hdg</b>	16
	Before section 71—	17
	<i>insert—</i>	18
	<b>‘Subdivision 4 Miscellaneous’.</b>	19
<b>Clause 1314</b>	<b>Amendment of s 71 (Returning suspended or cancelled licence to board)</b>	20 21
	Section 71(1), after ‘If the board’—	22
	<i>insert—</i>	23
	‘or QCAT’.	24
<b>Clause 1315</b>	<b>Amendment of s 129 (Applying for a review)</b>	25
	(1) Section 129(2)—	26
	<i>omit, insert—</i>	27

---

	‘(2) The applicant or licensee may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’	1 2
	(2) Section 129(3)— <i>omit.</i>	3 4
<b>Clause 1316</b>	<b>Replacement of s 130 (Review of decision)</b>	5
	Section 130— <i>omit, insert—</i>	6 7
<b>‘130</b>	<b>Requirement for particular review decision</b>	8
	‘(1) This section applies to the review of a decision by QCAT if, as part of its decision, QCAT decides to impose conditions on a licence.	9 10 11
	‘(2) QCAT must decide and state the review period applying to the conditions.’	12 13
<b>Clause 1317</b>	<b>Omission of s 131 (Powers of Commercial and Consumer Tribunal when reviewing)</b>	14 15
	Section 131— <i>omit.</i>	16 17
<b>Clause 1318</b>	<b>Amendment of s 135 (Appointments and authority)</b>	18
	Section 135, ‘secretary’— <i>omit, insert—</i> ‘registrar’.	19 20 21
<b>Clause 1319</b>	<b>Amendment of s 136 (Signatures)</b>	22
	Section 136, ‘secretary’— <i>omit, insert—</i> ‘registrar’.	23 24 25

[s 1320]

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<b>Clause 1320</b>	<b>Amendment of s 137 (Evidentiary provisions)</b>	1
	Section 137, ‘secretary’—	2
	<i>omit, insert</i> —	3
	‘registrar’.	4
<b>Clause 1321</b>	<b>Insertion of new pt 10, div 5</b>	5
	Part 10—	6
	<i>insert</i> —	7
<b>‘Division 5</b>	<b>Transitional provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009</b>	8 9 10 11 12
<b>‘174</b>	<b>Definitions for div 5</b>	13
	‘In this division—	14
	<i>commencement</i> means the commencement of this section.	15
	<i>previous</i> , if followed by a provision number, means the provision of that number in force before the commencement.	16 17
	<i>Note</i> —	18
	See also the QCAT Act, chapter 7.	19
<b>‘175</b>	<b>Application of s 70A</b>	20
	‘(1) This section applies if, immediately before the commencement, the board—	21 22
	(a) had given a show cause notice to a licensee under previous section 66; but	23 24
	(b) had not advised the licensee of its decision under previous section 69.	25 26

---

‘(2) From the commencement, the board must comply with section 70A in relation to the licensee. 1  
2

**‘176 Registrar of Plumbers and Drainers Board 3**

‘(1) This section applies to the person who was the secretary of the Plumbers and Drainers Board immediately before the commencement. 4  
5  
6

‘(2) The person is taken to have been appointed as registrar of the board under section 29(1).’ 7  
8

**Clause 1322 Amendment of schedule (Dictionary) 9**

(1) Schedule, definition *secretary*— 10  
*omit.* 11

(2) Schedule— 12  
*insert*— 13

‘*registrar* means the person holding office under an appointment made under section 29.’ 14  
15

(3) Schedule, definition *information notice*, paragraph (a)— 16  
*omit, insert*— 17

‘(a) for a decision of the board under part 3, a notice complying with the QCAT Act, section 157(2) for the decision, and stating the following— 18  
19  
20

(i) if the decision is that a person be licensed on conditions—the review period applying to the conditions; 21  
22  
23

(ii) if the decision is that a licence be renewed or restored—the review period applying to the conditions; 24  
25  
26

(iii) if the decision is that the conditions imposed on a licence be confirmed—the review period applying to the confirmed conditions; 27  
28  
29

[s 1323]

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- |      |   |             |
|------|---|-------------|
| (iv) | if the decision is that the conditions imposed on a licence be changed—   | 1<br>2      |
| (A)  | the review period applying to the changed conditions; and   | 3<br>4      |
| (B)  | a direction to the licensee to return the licence to the board within 10 business days after receiving the information notice; or’. | 5<br>6<br>7 |
| (4)  | Schedule, definition <i>review period</i> , ‘the Commercial and Consumer Tribunal’—   | 8<br>9      |
|      | <i>omit, insert—</i>  | 10          |
|      | ‘QCAT’.   | 11          |

<b>Chapter 9</b>	<b>Department of Justice and Attorney-General</b>	12 13
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<b>Part 1</b>	<b>Amendment of Acts Interpretation Act 1954</b>	14 15
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<b>Clause 1323</b>	<b>Act amended</b>	16
	This part amends the <i>Acts Interpretation Act 1954</i> .	17

<b>Clause 1324</b>	<b>Amendment of s 36 (Meaning of commonly used words and expressions)</b>	18 19
	Section 36—	20
	<i>insert—</i>	21

‘*QCAT*’ means the Queensland Civil and Administrative Tribunal established under the QCAT Act. 1  
2

*QCAT Act* means the *Queensland Civil and Administrative Tribunal Act 2009*.’ 3  
4

## Part 2 Amendment of Anti-Discrimination Act 1991 5 6

### Clause 1325 Act amended 7

This part amends the *Anti-Discrimination Act 1991*. 8

### Clause 1326 Amendment of s 113 (Tribunal) 9

Section 113(2)— 10

*omit, insert—* 11

‘(2) Before deciding an application, the tribunal must— 12

(a) give the commissioner a copy of the application and a copy of the material filed in support of the application; and 13  
14  
15

(b) have regard to any submission made by the commissioner on the application, including a submission on the process for considering the application.’ 16  
17  
18  
19

### Clause 1327 Insertion of new s 113A 20

Chapter 2, part 5— 21

*insert—* 22

#### ‘113A Appeal from tribunal decision 23

‘(1) The commissioner, or a person with a relevant interest, may appeal, as provided under the QCAT Act, against the 24  
25

[s 1328]

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tribunal's decision on an application mentioned in section 113. 1  
2

'(2) For the appeal, if the commissioner or person was not a party 3  
to the application, the commissioner or person is taken to have 4  
been a party to it.' 5

**Clause 1328 Amendment of s 124 (Unnecessary information) 6**

Section 124(2)(e), 'Anti-Discrimination Tribunal'— 7  
*omit, insert—* 8  
'tribunal'. 9

**Clause 1329 Amendment of s 125 (Act's freedom from associated 10  
highly objectionable conduct purpose and how it is to be 11  
achieved) 12**

Section 125(2)(d), after 'chapter 7'— 13  
*insert—* 14  
'and the QCAT Act'. 15

**Clause 1330 Amendment of s 140 (Commissioner may reject or stay 16  
complaints dealt with elsewhere) 17**

Section 140(1), 'or tribunal'— 18  
*omit, insert—* 19  
'or any tribunal'. 20

**Clause 1331 Amendment of s 144 (Interim orders protecting 21  
complainant's interests (before reference to tribunal)) 22**

(1) Section 144, heading, 'Interim'— 23  
*omit, insert—* 24  
'**Applications for**'. 25  
(2) Section 144(1) and (2), after 'apply'— 26

---

*insert—* 1

‘, as provided under the QCAT Act.’. 2

(3) Section 144(3) to (5)— 3

*omit, insert—* 4

‘(3) If the tribunal is satisfied it is in the interests of justice, an 5  
application for an order under subsection (1) may be heard in 6  
the absence of the respondent to the application.’. 7

**Clause 1332 Amendment of s 155 (Requirement to initiate 8  
investigation) 9**

Section 155(5), ‘is the complainant’— 10

*omit, insert—* 11

‘is, for the purposes of the QCAT Act, the applicant’. 12

**Clause 1333 Insertion of new s 164AA 13**

Chapter 7, part 1, division 3, after section 164— 14

*insert—* 15

**‘164AA Confidentiality of conciliation 16**

‘Nothing said or done in the course of conciliation of a 17  
complaint may be included in any document prepared by the 18  
commission when referring the complaint to the tribunal.’. 19

**Clause 1334 Amendment of s 164A (Right of complainant to seek 20  
referral to tribunal after conciliation conference) 21**

Section 164A— 22

*insert—* 23

‘(6) The complainant is the applicant for the purposes of the 24  
QCAT Act.’. 25

[s 1335]

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<b>Clause 1335</b>	<b>Amendment of s 166 (Complainant may obtain referral of unconciliated complaint)</b>	1 2
	Section 166—	3
	<i>insert—</i>	4
	‘(5) The complainant is the applicant for the purposes of the QCAT Act.’.	5 6
<b>Clause 1336</b>	<b>Amendment of s 167 (Complainant or respondent may seek referral after 6 months)</b>	7 8
	Section 167—	9
	<i>insert—</i>	10
	‘(7) The complainant is the applicant for the purposes of the QCAT Act.’.	11 12
<b>Clause 1337</b>	<b>Amendment of ch 7, pt 2, hdg (What the Anti-Discrimination Tribunal may do)</b>	13 14
	Chapter 7, part 2, heading, ‘Anti-Discrimination Tribunal’—	15
	<i>omit, insert—</i>	16
	‘tribunal’.	17
<b>Clause 1338</b>	<b>Insertion of new ch 7, pt 2, div 1A</b>	18
	Chapter 7, part 2, before division 1—	19
	<i>insert—</i>	20
	<b>‘Division 1A Tribunal’s functions</b>	21
	<b>‘174A Functions</b>	22
	‘The tribunal has the following functions—	23
	(a) to hear and decide complaints that this Act has been contravened;	24 25

- 
- (b) to grant exemptions from this Act; 1
  - (c) to provide opinions about the application of this Act; 2
  - (d) any other functions conferred on the tribunal under this Act; 3  
4
  - (e) to take any action incidental or conducive to the discharge of a function mentioned in paragraphs (a) to (d).’. 5  
6  
7

<b>Clause 1339</b>	<b>Replacement of ss 176–184</b>	8
	Sections 176 to 184—	9
	<i>omit, insert—</i>	10
<b>‘176</b>	<b>Constitution of tribunal</b>	11
	‘Subject to section 228A, the tribunal is constituted by 1 legally qualified member of the tribunal for the purpose of conducting a hearing. 12 13 14	
<b>‘177</b>	<b>Tribunal may join a person as a party</b>	15
	‘Without limiting the QCAT Act, section 42, the tribunal may join a person as a party to a proceeding whether or not the person was a complainant for, or respondent to, the complaint to which the proceeding relates. 16 17 18 19	
<b>‘178</b>	<b>Complaints may be amended</b>	20
	‘(1) The tribunal may allow a complainant to amend a complaint. 21	
	‘(2) Subsection (1) applies even if the amendment concerns matters not included in the complaint.’. 22 23	
<b>Clause 1340</b>	<b>Omission of ss 187, 188 and 190</b>	24
	Sections 187, 188 and 190—	25
	<i>omit.</i>	26

[s 1341]

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<b>Clause 1341</b>	<b>Amendment of s 191 (Anonymity)</b>	1
	Section 191(2), penalty—	2
	<i>omit, insert—</i>	3
	‘Maximum penalty—100 penalty units.’	4
<b>Clause 1342</b>	<b>Omission of s 192 (Publication of evidence may be restricted)</b>	5
	Section 192—	6
	<i>omit.</i>	7
<b>Clause 1343</b>	<b>Omission of ss 201–203</b>	9
	Sections 201 to 203—	10
	<i>omit.</i>	11
<b>Clause 1344</b>	<b>Amendment of s 207 (Commissioner may provide investigation reports)</b>	12
	Section 207(3)—	13
	<i>omit, insert—</i>	14
	‘(3) The tribunal must give a copy of the report to the complainant and the respondent.’	15
		16
		17
<b>Clause 1345</b>	<b>Amendment of s 208 (Evaluation of evidence)</b>	18
	Section 208(1)—	19
	<i>omit, insert—</i>	20
	‘(1) The tribunal is not bound by the rules of evidence and—	21
	(a) must have regard to the reasons for the enactment of this Act as stated in the preamble; and	22
		23
	(b) may draw conclusions of fact from any proceeding before a court or tribunal; and	24
		25

- 
- (c) may adopt any findings or decisions of a court or tribunal that may be relevant to the hearing; and 1  
2
  - (d) may receive in evidence a report of the commissioner, but only if each party to the hearing has a copy of the report; and 3  
4  
5
  - (e) may permit any person with an interest in the proceeding to give evidence; and 6  
7
  - (f) may permit the commissioner to give evidence on any issue arising in the course of a proceeding that relates to the administration of the Act.’. 8  
9  
10

**Clause 1346 Amendment of s 209 (Orders the tribunal may make if complaint is proven)** 11  
12

- (1) Section 209(2)— 13  
*omit.* 14
- (2) Section 209(3) to (6)— 15  
*renumber* as section 209(2) to (5). 16

**Clause 1347 Omission of ss 211–213** 17  
Section 211 to 213— 18  
*omit.* 19

**Clause 1348 Omission of ch 7, pt 2, divs 3A and 4 and pt 3** 20  
Chapter 7, part 2, divisions 3A and 4 and part 3— 21  
*omit.* 22

**Clause 1349 Amendment of s 220 (Improper communication of official information)** 23  
24

- (1) Section 220(1)(a)(ii) to (v)— 25  
*omit, insert—* 26

[s 1350]

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	‘(ii) a member of the former Anti-Discrimination Tribunal; or	1 2
	(iii) the registrar of the former Anti-Discrimination Tribunal; or	3 4
	(iv) a member of the staff of the commission or the former Anti-Discrimination Tribunal; or	5 6
	(v) a person acting under the direction or authority of the commissioner or a member of the former Anti-Discrimination Tribunal; or’.	7 8 9
(2)	Section 220(4)—	10
	<i>insert</i> —	11
	‘ <i>former Anti-Discrimination Tribunal</i> means the Anti-Discrimination Tribunal established under previous section 247.	12 13 14
	<i>previous section 247</i> means section 247 as in force before its repeal by the QCAT Amendment Act.	15 16
	<i>QCAT Amendment Act</i> means the <i>Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009</i> .’.	17 18 19
<b>Clause 1350</b>	<b>Amendment of ch 7, pt 4, div 3, hdg (Offences against the commissioner, the tribunal and their staff)</b>	20 21
	Chapter 7, part 4, division 3, heading, ‘, the tribunal and their’—	22 23
	<i>omit, insert</i> —	24
	‘and’.	25
<b>Clause 1351</b>	<b>Omission of ss 224 and 226B</b>	26
	Sections 224 and 226B—	27
	<i>omit</i> .	28

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<b>Clause 1352</b>	<b>Insertion of new s 228A</b>	1
	After section 228—	2
	<i>insert—</i>	3
	<b>‘228A Constitution of tribunal for this chapter</b>	4
	‘For the purpose of providing an opinion under this chapter, the tribunal must be constituted by a judicial member.’.	5 6
<b>Clause 1353</b>	<b>Amendment of s 233 (Appeal from opinion)</b>	7
	(1) Section 233, from ‘may appeal’—	8
	<i>omit, insert—</i>	9
	‘may appeal, as provided under the QCAT Act, against a tribunal opinion.’.	10 11
	(2) Section 233—	12
	<i>insert—</i>	13
	‘(2) For an appeal by a person with a relevant interest, the person is taken to have been a party to the request for the opinion.’.	14 15
<b>Clause 1354</b>	<b>Omission of ch 9, pt 2 (The Anti-Discrimination Tribunal)</b>	16
	Chapter 9, part 2—	17
	<i>omit.</i>	18
<b>Clause 1355</b>	<b>Amendment of s 263 (Arrangement to prevail)</b>	19
	Section 263, ‘245, 246 and 257’—	20
	<i>omit, insert—</i>	21
	‘245 and 246’.	22

[s 1356]

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<b>Clause 1356</b>	<b>Amendment of s 263C (General requirement for address of service)</b>	1 2
	Section 263C, ‘or the tribunal’—	3
	<i>omit.</i>	4
<b>Clause 1357</b>	<b>Omission of s 263D (Advice to tribunal of address for service)</b>	5 6
	Section 263D—	7
	<i>omit.</i>	8
<b>Clause 1358</b>	<b>Amendment of s 263E (Change of address for service)</b>	9
	Section 263E(2) and (3)—	10
	<i>omit, insert—</i>	11
	‘(2) A relevant party for a complaint must give all other relevant parties for the complaint a copy of a written notice given under subsection (1).’	12 13 14
<b>Clause 1359</b>	<b>Amendment of s 263F (Use of address for service)</b>	15
	Section 263F(1)(a), ‘or the tribunal’—	16
	<i>omit.</i>	17
<b>Clause 1360</b>	<b>Amendment of s 263G (Communication effected by giving of document)</b>	18 19
	Section 263G(1) and (2), ‘or tribunal’—	20
	<i>omit.</i>	21
<b>Clause 1361</b>	<b>Amendment of s 264 (No communication of official information to court)</b>	22 23
	Section 264(1)(a)—	24
	<i>omit, insert—</i>	25

- 
- ‘(a) who is or has been— 1
- (i) the commissioner; or 2
  - (ii) a member of the former Anti-Discrimination Tribunal; or 3  
4
  - (iii) the registrar of the former Anti-Discrimination Tribunal; or 5  
6
  - (iv) a member of the staff of the commission or the former Anti-Discrimination Tribunal; or 7  
8
  - (v) a person acting under the direction or authority of the commissioner or a member of the former Anti-Discrimination Tribunal; or 9  
10  
11
  - (vi) a person acting under a delegation under section 244; and’. 12  
13

**Clause 1362 Amendment of s 265 (Protection from civil actions—exercise of functions etc.) 14  
15**

- (1) Section 265(1)(b) to (e)— 16
- omit, insert— 17*
- ‘(b) a member of the former Anti-Discrimination Tribunal; or 18  
19
  - (c) the registrar of the former Anti-Discrimination Tribunal; or 20  
21
  - (d) a member of the staff of the commission or the former Anti-Discrimination Tribunal; or 22  
23
  - (e) a person acting under the direction or authority of the commissioner or a member of the former Anti-Discrimination Tribunal; or’. 24  
25  
26
- (2) Section 265(3)— 27
- omit. 28*

[s 1363]

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<b>Clause 1363</b>	<b>Amendment of s 266 (Protection from civil actions—complaint etc.)</b>	1
	Section 266(b), ‘or tribunal’—	2
	<i>omit, insert—</i>	3
	‘or the former Anti-Discrimination Tribunal’.	4
<b>Clause 1364</b>	<b>Omission of s 266A (Protection and immunity)</b>	5
	Section 266A—	6
	<i>omit.</i>	7
<b>Clause 1365</b>	<b>Amendment of s 267 (Regulation-making power)</b>	8
	Section 267(2)—	9
	<i>omit, insert—</i>	10
	‘(2) A regulation may make provision about—	11
	(a) the exercise of the commissioner’s powers; and	12
	(b) the fees to be paid for making a complaint to the	13
	commission under chapter 7.’.	14
<b>Clause 1366</b>	<b>Amendment of schedule (Dictionary)</b>	15
	(1) Schedule, definitions <i>member, registrar</i> and <i>tribunal</i> —	16
	<i>omit.</i>	17
	(2) Schedule—	18
	<i>insert—</i>	19
	‘ <i>former Anti-Discrimination Tribunal</i> see section 220(4).	20
	<i>registrar</i> , of the tribunal, means the principal registrar of the	21
	tribunal.	22
	<i>tribunal</i> means QCAT.’.	23
		24

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<b>Part 3</b>	<b>Repeal of Anti-Discrimination Tribunal Rule 2005</b>	1 2
<b>Clause 1367</b>	<b>Repeal</b>	3
	The Anti-Discrimination Tribunal Rule 2005, SL No. 220 is repealed.	4 5
<b>Part 4</b>	<b>Amendment of Births, Deaths and Marriages Registration Act 2003</b>	6 7 8
<b>Clause 1368</b>	<b>Act amended</b>	9
	This part amends the <i>Births, Deaths and Marriages Registration Act 2003</i> .	10 11
<b>Clause 1369</b>	<b>Amendment of s 11 (Court order relating to birth register)</b>	12
	Section 11(2), ‘has appealed to the District Court under section 49’—	13 14
	<i>omit, insert—</i>	15
	‘has, under section 49, applied to QCAT for a review of a decision of the registrar’.	16 17
<b>Clause 1370</b>	<b>Amendment of s 31 (Court order relating to registration of death)</b>	18 19
	Section 31(2), ‘has appealed to the District Court under section 49’—	20 21
	<i>omit, insert—</i>	22

[s 1371]

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‘has, under section 49, applied to QCAT for a review of a  
decision of the registrar’. 1  
2

**Clause 1371 Amendment of s 42 (Correcting the register)** 3

Section 42(1)(a), after ‘court’— 4

*insert*— 5

‘or QCAT’. 6

**Clause 1372 Replacement of s 49 (Appealing registrar’s decisions)** 7

Section 49— 8

*omit, insert*— 9

**‘49 Reviewing registrar’s decisions** 10

‘(1) A person who is dissatisfied with a decision of the registrar  
may, as provided under the QCAT Act, apply to QCAT for a  
review of the decision. 11  
12  
13

‘(2) Despite the QCAT Act, section 157, the registrar is required to  
give a person a written notice complying with that section for  
a decision only if the decision— 14  
15  
16

(a) is made on the application of the person; and 17

(b) is not the decision sought by the person. 18

*Note*— 19

The QCAT Act, sections 158 and 159 provide for a person dissatisfied  
with a decision of the registrar obtaining a written statement of reasons  
for the decision.’. 20  
21  
22

**Clause 1373 Amendment of pt 9, divs 1–3 hdgs** 23

(1) Part 9, division 1, heading, ‘Transitional provisions’— 24

*omit, insert*— 25

‘**Provisions**’. 26

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(2) Part 9, division 2, heading—	1
<i>omit, insert—</i>	2
<b>‘Division 2 Provision for Act No. 77 of 2003’.</b>	3
(3) Part 9, division 3, heading—	4
<i>omit, insert—</i>	5
<b>‘Division 3 Provisions for Act No. 37 of 2007’.</b>	6
<b>Clause 1374 Insertion of new pt 9, div 4</b>	7
Part 9—	8
<i>insert—</i>	9
<b>‘Division 4 Provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009</b>	10
	11
	12
	13
<b>‘62 Application of ss 11(2) and 31(2)</b>	14
‘(1) Sections 11(2) and 31(2) apply as if a reference in the subsections to a person having applied to QCAT under section 49 for review of a decision of the registrar includes a reference to the person having appealed to the District Court, before the commencement, under previous section 49.	15
	16
	17
	18
	19
‘(2) In this section—	20
<i>commencement</i> means the commencement of this section.	21
<i>previous section 49</i> means section 49 as in force before the commencement.	22
	23
<i>Note—</i>	24
See also the QCAT Act, chapter 7.’.	25

[s 1375]

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<b>Part 5</b>	<b>Amendment of Classification of Computer Games and Images Act 1995</b>	1 2 3
<b>Clause 1375</b>	<b>Act amended</b>	4
	<i>This part amends the Classification of Computer Games and Images Act 1995.</i>	5 6
<b>Clause 1376</b>	<b>Amendment of s 8 (Review by CCT of classification decision)</b>	7 8
	(1) Section 8, heading, ‘CCT’— <i>omit, insert—</i> ‘QCAT’.	9 10 11
	(2) Section 8, ‘under the CCT Act, to the CCT’— <i>omit, insert—</i> ‘as provided under the QCAT Act, to QCAT’.	12 13 14
	(3) Section 8— <i>insert—</i>	15 16
	‘(2) The QCAT Act, section 157 does not apply to the decision. <i>Note—</i> However, the person may obtain a written statement of the reasons for the decision under the QCAT Act, section 158 or 159.’.	17 18 19 20
<b>Clause 1377</b>	<b>Amendment of pt 7, div 3, hdg (Review by CCT of decision about approval of entity and exemption)</b>	21 22
	Part 7, division 3, heading ‘CCT’— <i>omit, insert—</i> ‘QCAT’.	23 24 25

<b>Clause 1378</b>	<b>Replacement of s 60 (Review by CCT)</b>	1
	Section 60—	2
	<i>omit, insert—</i>	3
<b>'60</b>	<b>Review by QCAT</b>	4
	'(1) This section applies if the computer games classification officer makes a decision—	5
	(a) refusing to approve an entity under section 56; or	6
	(b) revoking the approval of an entity under section 56; or	7
	(c) refusing to give an exemption under section 58 or 59.	8
	'(2) The computer games classification officer must give the entity a QCAT information notice for the decision.	9
	'(3) The entity may apply, as provided under the QCAT Act, to QCAT for a review of the decision.	10
	'(4) In this section—	11
	<i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).'	12
		13
		14
		15
		16
<b>Clause 1379</b>	<b>Amendment of sch 2 (Dictionary)</b>	17
	Schedule 2, definitions <i>CCT</i> and <i>CCT Act—</i>	18
	<i>omit.</i>	19
<b>Part 6</b>	<b>Repeal of Classification of Computer Games and Images Regulation 2005</b>	20
		21
		22
<b>Clause 1380</b>	<b>Repeal</b>	23
	The Classification of Computer Games and Images Regulation 2005, SL No. 210 is repealed.	24
		25

[s 1381]

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**Part 7** **Amendment of Classification of** 1  
**Films Act 1991** 2

**Clause 1381 Act amended** 3

This part amends the *Classification of Films Act 1991*. 4

**Clause 1382 Replacement of s 59 (Review by CCT)** 5

Section 59— 6

*omit, insert—* 7

**'59 Review by QCAT** 8

'(1) This section applies if the films classification officer makes a decision— 9  
10

(a) refusing to approve an organisation under section 56; or 11

(b) revoking the approval of an organisation under section 12  
56; or 13

(c) refusing to give an exemption under section 58. 14

'(2) The films classification officer must give the organisation a QCAT information notice for the decision. 15  
16

'(3) The organisation may apply, as provided under the QCAT Act, to QCAT for a review of the decision. 17  
18

'(4) In this section— 19

*QCAT information notice* means a notice complying with the QCAT Act, section 157(2)'. 20  
21

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<b>Part 8</b>	<b>Repeal of Classification of Films Regulation 1992</b>	1 2
<b>Clause 1383</b>	<b>Repeal</b>	3
	The Classification of Films Regulation 1992, SL No. 375 is repealed.	4 5
<b>Part 9</b>	<b>Amendment of Classification of Publications Act 1991</b>	6 7
<b>Clause 1384</b>	<b>Act amended</b>	8
	This part amends the <i>Classification of Publications Act 1991</i> .	9
<b>Clause 1385</b>	<b>Amendment of s 3 (Definitions)</b>	10
	(1) Section 3, definitions <i>CCT</i> and <i>CCT Act</i> —	11
	<i>omit</i> .	12
	(2) Section 3—	13
	<i>insert</i> —	14
	‘ <i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	15 16
<b>Clause 1386</b>	<b>Amendment of s 11 (Review by CCT of classification decision by publications classification officer)</b>	17 18
	(1) Section 11, heading, ‘CCT’—	19
	<i>omit, insert</i> —	20
	‘QCAT’.	21

[s 1387]

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- (2) Section 11, ‘under the CCT Act, to the CCT’— 1  
*omit, insert*— 2  
‘as provided under the QCAT Act, to QCAT’. 3
- (3) Section 11— 4  
*insert*— 5
- ‘(2) The QCAT Act, section 157 does not apply to the decision. 6  
*Note*— 7  
However, the person may obtain a written statement of the reasons for 8  
the decision under the QCAT Act, section 158 or 159.’. 9

- Clause 1387 Amendment of s 11C (Publications for which display 10  
order may be made) 11**
- Section 11C(4)(e)(i), ‘under the CCT Act, to the CCT’— 12  
*omit, insert*— 13  
‘as provided under the QCAT Act, to QCAT’. 14

- Clause 1388 Amendment of s 11D (Lifting of display order, and review 15  
rights and procedure) 16**
- (1) Section 11D(5), from ‘must’— 17  
*omit, insert*— 18  
‘must give the applicant a QCAT information notice for the 19  
decision to refuse the application.’. 20
- (2) Section 11D— 21  
*insert*— 22
- ‘(7) The QCAT Act, section 157 does not apply to the decision of 23  
the officer to make a display order. 24  
*Note*— 25  
However, a person may obtain a written statement of the reasons for the 26  
decision under the QCAT Act, section 158 or 159.’. 27

---

<b>Clause 1389</b>	<b>Amendment of s 37 (Exemptions)</b>	1
	Section 37(5)(a) and (b)—	2
	<i>omit, insert—</i>	3
	‘(a) the publications classification officer must give the person or body a QCAT information notice for the decision; and	4 5 6
	(b) the person or body may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	7 8
<b>Part 10</b>	<b>Repeal of Classification of Publications Regulation 1992</b>	9 10
<b>Clause 1390</b>	<b>Repeal</b>	11
	The Classification of Publications Regulation 1992, SL No. 376 is repealed.	12 13
<b>Part 11</b>	<b>Amendment of Commercial and Consumer Tribunal Act 2003</b>	14 15
<b>Clause 1391</b>	<b>Act amended</b>	16
	This part amends the <i>Commercial and Consumer Tribunal Act 2003</i> .	17 18

[s 1392]

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<b>Clause 1392</b>	<b>Amendment of s 20 (Registry established)</b>	1
	Section 20(3), ‘other tribunal’—	2
	<i>omit, insert</i> —	3
	‘other entity’.	4
<b>Clause 1393</b>	<b>Insertion of new pt 9, div 4</b>	5
	Part 9—	6
	<i>insert</i> —	7
<b>‘Division 4</b>	<b>Transitional provisions for</b>	8
	<b>Queensland Civil and</b>	9
	<b>Administrative Tribunal</b>	10
	<b>(Jurisdiction Provisions)</b>	11
	<b>Amendment Act 2009</b>	12
<b>‘170</b>	<b>Definitions for div 4</b>	13
	‘In this division—	14
	<b><i>CCT registry Act</i></b> means—	15
	(a) the <i>Fire and Rescue Service Act 1990</i> ; or	16
	(b) the <i>Misconduct Tribunals Act 1997</i> ; or	17
	(c) the <i>Nursing Act 1992</i> ; or	18
	(d) the <i>Veterinary Surgeons Act 1936</i> .	19
	<b><i>commencement</i></b> means the commencement of this section.	20
	<b><i>director function</i></b> means a function or power that,	21
	immediately after the commencement, is to be performed or	22
	exercised under a CCT registry Act by the director.	23
	<b><i>former registrar</i></b> means a person who, immediately before the	24
	commencement, was responsible under a CCT registry Act for	25
	performing a function, or exercising a power, that is a director	26
	function, and includes—	27

- 
- (a) the registrar under the *Misconduct Tribunals Act 1997*, as in force before the commencement; or 1  
2
- (b) the registrar of the Veterinary Tribunal of Queensland under the *Veterinary Surgeons Act 1936*, as in force before the commencement. 3  
4  
5
- ‘171 Former registrars and registry staff 6**
- ‘(1) At the commencement, each former registrar stops being a former registrar. 7  
8
- ‘(2) At the commencement, all staff employed under the *Misconduct Tribunals Act 1997*, section 40(2) stop being the registrar’s staff for that Act. 9  
10  
11
- ‘172 Things done by or in relation to former registrar 12**
- ‘(1) At the commencement— 13
- (a) anything done by a former registrar continues in effect and is taken to have been done by the director; and 14  
15
- (b) any application made to a former registrar that has not been decided at the commencement is taken to have been made to the director; and 16  
17  
18
- (c) any document or other thing given to or lodged with a former registrar is taken to have been given to or lodged with the director. 19  
20  
21
- ‘(2) The director must— 22
- (a) deal with any application mentioned in subsection (1)(b) under the CCT registry Act under which the application was made, as if the application were made to the director after the commencement; and 23  
24  
25  
26
- (b) deal with any document or thing mentioned in subsection (1)(c) under the CCT registry Act under which the document or thing was given or lodged, as if the document or thing were given to or lodged with the director after the commencement. 27  
28  
29  
30  
31

[s 1394]

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- ‘(3) A former registrar must take all reasonable steps to facilitate the director undertaking the director’s obligations under subsection (2). 1  
2  
3
- ‘(4) Without limiting subsection (3), the former registrar must give all documents or other things given to or lodged with the former registrar to the director as soon as practicable after the commencement. 4  
5  
6  
7
- ‘(5) In this section— 8  
*lodge* includes file. 9

**‘173 References to former registrar 10**  
‘In an Act or document, a reference to a former registrar is 11  
taken, if the context permits, to be a reference to the director.’. 12

**Part 12 Amendment of Commercial and Consumer Tribunal Regulation 2003 13  
14  
15**

**Clause 1394 Regulation amended 16**  
This part amends the *Commercial and Consumer Tribunal Regulation 2003*. 17  
18

**Clause 1395 Amendment of s 9 (Registry is registry for other tribunals) 19  
20**  
(1) Section 9, heading, ‘tribunals’— 21  
*omit, insert— 22*  
‘entities’. 23

- 
- (2) Section 9, ‘tribunals’— 1  
*omit, insert*— 2  
‘entities’. 3

**Clause 1396 Amendment of sch 3 (Registry for other tribunals)** 4

- (1) Schedule 3, heading, ‘tribunals’— 5  
*omit, insert*— 6  
‘**entities**’. 7
- (2) Schedule 3— 8  
*insert*— 9

- ‘2 a misconduct tribunal established under the *Misconduct Tribunals Act 1997*, section 11
- 3 the Nursing Tribunal as continued under the *Nursing Act 1992*, section 84
- 4 a panel of referees convened under the *Fire and Rescue Service Act 1990*, section 104SC
- 5 the Veterinary Tribunal of Queensland constituted under the *Veterinary Surgeons Act 1936*, section 15A’.

**Part 13 Amendment of Crime and Misconduct Act 2001** 10  
11

- Clause 1397 Act amended** 12  
This part amends the *Crime and Misconduct Act 2001*. 13

[s 1398]

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<b>Clause 1398</b>	<b>Amendment of s 49 (Reports about complaints dealt with by the commission)</b>	1
		2
	Section 49(3)—	3
	<i>insert</i> —	4
	‘(c) supports the start of a proceeding under section 219F or 219G against any person as a result of the report; or	5
		6
	(d) supports a defence that may be available to any person	7
	subject to a proceeding under section 219F or 219G as a	8
	result of the report.’.	9
<b>Clause 1399</b>	<b>Amendment of s 50 (Commission may prosecute official misconduct)</b>	10
		11
	(1) Section 50(1)(b), ‘a charge of a disciplinary nature of official misconduct’—	12
		13
	<i>omit, insert</i> —	14
	‘the start of a disciplinary proceeding for official misconduct’.	15
	(2) Section 50(2) and (3)—	16
	<i>omit, insert</i> —	17
	‘(2) The commission may apply, as provided under the QCAT Act, to QCAT for an order under section 219I against the prescribed person.’.	18
		19
		20
	(3) Section 50(4) and (5)—	21
	<i>renumber</i> as section 50(3) and (4).	22
	(4) Section 50(3) and (4), as renumbered, ‘the jurisdiction of a misconduct tribunal’—	23
		24
	<i>omit, insert</i> —	25
	‘QCAT’s jurisdiction’.	26

---

<b>Clause 1400</b>	<b>Amendment of s 75 (Notice to discover information)</b>	1
	Section 75(9)—	2
	<i>omit.</i>	3
<b>Clause 1401</b>	<b>Amendment of s 109 (Definitions for pt 5)</b>	4
	Section 109, definition <i>prosecution</i> —	5
	<i>omit, insert—</i>	6
	<i>‘prosecution</i> includes starting a disciplinary proceeding for official misconduct before QCAT.’.	7
		8
<b>Clause 1402</b>	<b>Amendment of s 202 (Publication of names, evidence etc.)</b>	9
	Section 202(2)(e), ‘disciplinary charge’—	10
	<i>omit, insert—</i>	11
	‘disciplinary proceeding’.	12
		13
<b>Clause 1403</b>	<b>Replacement of ch 5, hdg</b>	14
	Chapter 5, heading—	15
	<i>omit, insert—</i>	16
	<b>‘Chapter 5 Offences and disciplinary proceedings relating to misconduct’.</b>	17
		18
		19
<b>Clause 1404</b>	<b>Insertion of new ch 5, pt 1, hdg</b>	20
	Chapter 5, before section 206—	21
	<i>insert—</i>	22
	<b>‘Part 1 Offences’.</b>	23

[s 1405]

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<b>Clause 1405</b>	<b>Insertion of new ch 5, pt 2</b>	1
	Chapter 5, after section 219—	2
	<i>insert—</i>	3
<b>‘Part 2</b>	<b>Disciplinary proceedings relating to misconduct</b>	4 5
<b>‘Division 1</b>	<b>Preliminary</b>	6
<b>‘219A</b>	<b>Purposes of disciplinary proceedings</b>	7
	‘The purposes of providing for disciplinary proceedings are—	8
	(a) to protect the public; and	9
	(b) to uphold ethical standards within units of public administration and the police service; and	10 11
	(c) to promote and maintain public confidence in the public sector.	12 13
<b>‘219B</b>	<b>Definitions for pt 2</b>	14
	‘In this part—	15
	<i>disciplinary proceeding</i> means—	16
	(a) a proceeding under section 219F for official misconduct alleged to have been committed by a prescribed person; or	17 18 19
	(b) a proceeding under section 219G for a reviewable decision.	20 21
	<i>industrial matter</i> means an industrial matter within the meaning of the <i>Industrial Relations Act 1999</i> .	22 23
	<i>officer</i> means a police officer within the meaning of the <i>Police Service Administration Act 1990</i> and includes a police recruit within the meaning of that Act.	24 25 26

---

*reviewable decision* means—

- (a) a decision made in relation to an allegation of misconduct against a prescribed person, other than a decision made by a court or QCAT; or
- (b) a finding mentioned in the *Police Service Administration Act 1990*, section 7.4(2A)(b) that misconduct is proved against an officer.

## **‘Division 2                    QCAT’s jurisdiction**

### **‘219C Jurisdiction**

‘QCAT has jurisdiction to conduct disciplinary proceedings.

### **‘219D Jurisdiction relating to allegations of official misconduct against prescribed persons is exclusive**

- ‘(1) An allegation of official misconduct against a prescribed person may only be heard and decided by QCAT.
- ‘(2) Subsection (1) applies to the exclusion of authority given by law to any other person or tribunal to hear and decide, at first instance, an allegation of official misconduct made against a prescribed person.

### **‘219E Relationship with Industrial Relations Act 1999**

‘The industrial court and the industrial relations commission do not have jurisdiction in relation to a matter that QCAT may decide for this Act even though it may be, or be about, or arise out of, an industrial matter.

[s 1405]

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<b>‘Division 3</b>	<b>Proceedings</b>	1
<b>‘219F</b>	<b>Proceedings relating to official misconduct</b>	2
	‘The commission or the chief executive officer of a unit of public administration (including the commissioner of the police service) may apply, as provided under the QCAT Act, to QCAT to hear and decide an allegation of official misconduct against a prescribed person.	3 4 5 6 7
<b>‘219G</b>	<b>Proceedings relating to reviewable decisions</b>	8
	‘(1) The commission or a prescribed person against whom a reviewable decision has been made may apply, within the period mentioned in subsection (2) and otherwise as provided under the QCAT Act, to QCAT for a review of the reviewable decision.	9 10 11 12 13
	‘(2) The application must be made—	14
	(a) if the reviewable decision relates to a decision or finding mentioned in the <i>Police Service Administration Act 1990</i> , section 7.4(2A)—within 14 days after the day on which notice of the decision or finding was given; or	15 16 17 18
	(b) otherwise—within 14 days after the day on which the reviewable decision was announced.	19 20
	‘(3) The parties to a proceeding are—	21
	(a) the prescribed person; and	22
	(b) the person who made the reviewable decision; and	23
	(c) if the application is made by the commission—the commission.	24 25

---

<b>‘219H Conduct of proceedings relating to reviewable decisions</b>	1 2
‘(1) A review of a reviewable decision is by way of rehearing on the evidence ( <i>original evidence</i> ) given in the proceeding before the original decision-maker ( <i>original proceeding</i> ).	3 4 5
‘(2) However, QCAT may give leave to adduce fresh, additional or substituted evidence ( <i>new evidence</i> ) if satisfied—	6 7
(a) the person seeking to adduce the new evidence did not know, or could not reasonably be expected to have known, of its existence at the original proceeding; or	8 9 10
(b) in the special circumstances of the case, it would be unfair not to allow the person to adduce the new evidence.	11 12 13
‘(3) If QCAT gives leave under subsection (2), the review is—	14
(a) by way of rehearing on the original evidence; and	15
(b) on the new evidence adduced.	16
<b>‘Division 4                   QCAT’s powers</b>	17
<b>‘219I Powers for official misconduct</b>	18
‘(1) QCAT may, on a finding of official misconduct being proved against a prescribed person, order that the prescribed person—	19 20 21
(a) be dismissed; or	22
(b) be reduced in rank or salary level; or	23
(c) forfeit, or have deferred, a salary increment or increase to which the prescribed person would ordinarily be entitled; or	24 25 26
(d) be fined a stated amount that is to be deducted from—	27

[s 1405]

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(i)	the person’s periodic salary payment in an amount not more than an amount equal to the value of 2 penalty units per payment; or	1 2 3
(ii)	the person’s monetary entitlements, other than superannuation entitlements, on termination of the person’s service.	4 5 6
‘(2)	In deciding the amount for subsection (1)(d)(ii), QCAT may have regard to the value of any gain to the prescribed person from the person’s official misconduct.	7 8 9
<b>‘219J</b>	<b>Additional power for reviewable decisions</b>	10
‘(1)	This section applies if, after reviewing a reviewable decision, QCAT finds misconduct has been proved against a person and sets aside the decision and substitutes another decision.	11 12 13
‘(2)	QCAT may impose on the person any discipline provided for on a finding of misconduct being proved, even though the original decision-maker’s power to impose the discipline may have been restricted.	14 15 16 17
<b>‘219K</b>	<b>QCAT may refer matter for investigation</b>	18
‘(1)	QCAT may, by order, refer a matter before it for investigation, or further investigation, with a view to the taking of a criminal proceeding or for another purpose.	19 20 21
‘(2)	The matter may be referred to—	22
(a)	the commission; or	23
(b)	the public official for the unit of public administration in which the prescribed person is employed.	24 25
‘(3)	QCAT may adjourn its proceeding until the investigations are completed.	26 27
<b>‘219L</b>	<b>QCAT’s power to suspend orders</b>	28
‘(1)	This section applies if—	29

- 
- (a) QCAT makes an order under section 219I; or 1
- (b) QCAT, by order under section 219J, imposes a 2  
discipline mentioned in section 219J(2); or 3
- (c) discipline is imposed on a prescribed person by a 4  
decision-maker of a reviewable decision and an 5  
application is made to QCAT for a review of the 6  
reviewable decision. 7
- ‘(2) QCAT may suspend the order or discipline if it considers it is 8  
appropriate to do so in the circumstances. 9
- ‘(3) QCAT must state an operational period for the period of 10  
suspension and the suspension may be given on conditions. 11
- ‘(4) If the person who is subject to the order or discipline is found 12  
to have committed an act of misconduct or to have 13  
contravened a condition during the operational period, on the 14  
finding— 15
- (a) the suspension is revoked; and 16
- (b) the order or discipline has immediate effect. 17
- ‘(5) If the person is not found to have committed an act of 18  
misconduct or to have contravened a condition during the 19  
operational period, the order or discipline is taken to have 20  
been discharged or satisfied. 21
- ‘(6) Subsection (4) does not limit the person’s liability to the 22  
making of a further order for the further act of misconduct. 23

## ‘Division 5 Appeals 24

### ‘219M Appeal from QCAT exercising original jurisdiction 25

‘The following persons may appeal against a decision of 26  
QCAT exercising original jurisdiction under this part— 27

- (a) the prescribed person in relation to whom the decision 28  
was made; 29

[s 1406]

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- (b) the public official for the unit of public administration in which the prescribed person is employed; 1  
2
- (c) the commission, whether or not the commission was a party to the proceeding before QCAT.’. 3  
4

**Clause 1406 Amendment of s 318 (Parliamentary commissioner may conduct hearings in limited circumstances)** 5  
6

Section 318(9)(b), ‘a disciplinary action brought’— 7  
*omit, insert—* 8  
‘a disciplinary proceeding started’. 9

**Clause 1407 Amendment of sch 2 (Dictionary)** 10

- (1) Schedule 2, definitions *misconduct tribunal* and *officer—* 11  
*omit.* 12
- (2) Schedule 2— 13  
*insert—* 14  
*‘disciplinary proceeding*, for chapter 5, part 2, see section 15  
219B. 16  
*industrial matter*, for chapter 5, part 2, see section 219B. 17  
*officer—* 18
  - (a) for chapter 3, part 6B, division 1, see section 146Q; or 19
  - (b) for chapter 5, part 2, see section 219B. 20*prescribed person* see section 50(3) and (4). 21  
*reviewable decision*, for chapter 5, part 2, see section 219B.’. 22

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<b>Part 14</b>	<b>Amendment of Dangerous Goods Safety Management Act 2001</b>	1 2 3
<b>Clause 1408</b>	<b>Act amended</b>	4
	This part amends the <i>Dangerous Goods Safety Management Act 2001</i> .	5 6
<b>Clause 1409</b>	<b>Amendment of s 31 (Meaning of <i>major hazard facility</i> and <i>possible major hazard facility</i>)</b>	7 8
	Section 31(2), ‘section 32(5)’—	9
	<i>omit, insert</i> —	10
	‘section 32(4)’.	11
<b>Clause 1410</b>	<b>Amendment of s 32 (Chief executive may classify facility as major hazard facility)</b>	12 13
	(1) Section 32(3) and (4)—	14
	<i>omit, insert</i> —	15
	‘(3) Within 7 days after making the decision, the chief executive must give the occupier a QCAT information notice for the decision.’.	16 17 18
	(2) Section 32(5)—	19
	<i>renumber</i> as section 32(4).	20
	(3) Section 32—	21
	<i>insert</i> —	22
	‘(5) In this section—	23
	<i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	24 25

[s 1411]

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<b>Clause 1411</b>	<b>Amendment of s 37 (Obligation to notify chief executive of certain upgrades of facilities)</b>	1 2
	Section 37(1)(b), ‘section 32(5)’—	3
	<i>omit, insert</i> —	4
	‘section 32(4)’.	5
<b>Clause 1412</b>	<b>Replacement of pt 9, hdg (Appeals)</b>	6
	Part 9, heading—	7
	<i>omit, insert</i> —	8
	<b>‘Part 9                      Reviews and appeals’.</b>	9
<b>Clause 1413</b>	<b>Replacement of pt 9, div 1 (Appeals against classification as a major hazard facility)</b>	10 11
	Part 9, division 1—	12
	<i>omit, insert</i> —	13
	<b>‘Division 1                      Review of decision to classify facility as a major hazard facility</b>	14 15
	<b>‘148      Review of chief executive decision</b>	16
	‘The occupier of a facility who is aggrieved by a decision of the chief executive to classify the facility as a major hazard facility may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.	17 18 19 20
<b>Clause 1414</b>	<b>Replacement of s 154C (Application of ss 150–154 to an appeal under this division)</b>	21 22
	Section 154C—	23
	<i>omit, insert</i> —	24

---

<b>‘154C Starting appeal</b>	1
‘(1) An appeal is started by—	2
(a) filing a notice of appeal with the clerk of the court of the Magistrates Court; and	3 4
(b) serving a copy of the notice on the chief executive.	5
‘(2) The notice of appeal must be filed within 28 days after the appellant is given notice of the decision.	6 7
‘(3) The court may at any time extend the period for filing the notice of appeal.	8 9
‘(4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.	10 11
<b>‘154D Stay of operation of decisions</b>	12
‘(1) The Magistrates Court may grant a stay of the operation of the decision appealed against to secure the effectiveness of the appeal.	13 14 15
‘(2) A stay—	16
(a) may be given on conditions the court considers appropriate; and	17 18
(b) operates for the period fixed by the court; and	19
(c) may be revoked or amended by the court.	20
‘(3) The period of a stay under this section must not extend past the time when the court decides the appeal.	21 22
‘(4) An appeal against the decision affects the decision only if the decision is stayed.	23 24
<b>‘154E Hearing procedures</b>	25
‘(1) In deciding an appeal, the Magistrates Court—	26
(a) is not bound by the rules of evidence; and	27
(b) must comply with natural justice.	28

[s 1414]

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‘(2) An appeal is by way of rehearing unaffected by the chief executive’s decision, on the material before the chief executive and any further evidence allowed by the Magistrates Court. 1  
2  
3  
4

**‘154F Powers of court on appeal 5**

‘(1) In deciding an appeal, the Magistrates Court may— 6  
(a) confirm the decision appealed against; or 7  
(b) vary the decision; or 8  
(c) set aside the decision and substitute another decision; or 9  
(d) set aside the decision and return the issue to the chief executive with the directions the court considers appropriate. 10  
11  
12

‘(2) The decision as varied or substituted may be any decision that the chief executive may make. 13  
14

‘(3) If the court varies a decision or substitutes another decision, the varied or substituted decision is, for this Act other than this part, taken to be the decision of the chief executive. 15  
16  
17

**‘154G Appeals to District Court 18**

‘An appeal to the District Court from a decision of the Magistrates Court may be made only on a question of law. 19  
20

**‘154H Application of ss 154C–154G to an appeal under this division 21  
22**

‘In applying sections 154C, 154E and 154F in relation to a cost recovery notice issued by a local government, a reference to the chief executive is to be read as a reference to the local government’s chief executive officer.’. 23  
24  
25  
26

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<b>Part 15</b>	<b>Amendment of Dangerous Goods Safety Management Regulation 2001</b>	1
		2
		3
<b>Clause 1415</b>	<b>Regulation amended</b>	4
	<i>This part amends the Dangerous Goods Safety Management Regulation 2001.</i>	5
		6
<b>Clause 1416</b>	<b>Amendment of s 89 (Failure to decide application for licence)</b>	7
	Section 89(4), ‘appealed’—	8
	<i>omit, insert—</i>	9
	‘applied for internal review’.	10
		11
<b>Clause 1417</b>	<b>Replacement of pt 4, div 9, hdg (Reviews and appeals)</b>	12
	Part 4, division 9, heading—	13
	<i>omit, insert—</i>	14
	<b>‘Division 9 Internal and external review’.</b>	15
<b>Clause 1418</b>	<b>Amendment of s 111 (Appeal process starts with internal review)</b>	16
	(1) Section 111, heading, ‘Appeal’—	17
	<i>omit, insert—</i>	18
	<b>‘Review’.</b>	19
	(2) Section 111(1), ‘appeal against’—	20
	<i>omit, insert—</i>	21
	‘apply for external review of’.	22
		23

[s 1419]

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- (3) Section 111(2), ‘The appeal’— 1  
*omit, insert*— 2  
‘The application for external review’. 3

**Clause 1419 Amendment of s 112 (Application for review to be made to the chief executive officer)** 4  
5

- (1) Section 112, heading, after ‘for’— 6  
*insert*— 7  
‘**internal**’. 8
- (2) Section 112, ‘a review’— 9  
*omit, insert*— 10  
‘internal review’. 11

**Clause 1420 Amendment of s 113 (Applying for review)** 12

- (1) Section 113, heading, after ‘for’— 13  
*insert*— 14  
‘**internal**’. 15
- (2) Section 113(2), ‘the review’— 16  
*omit, insert*— 17  
‘the internal review’. 18

**Clause 1421 Amendment of s 114 (Review decision)** 19

- (1) Section 114, heading, ‘Review’— 20  
*omit, insert*— 21  
‘**Internal review**’. 22
- (2) Section 114(1), ‘the *review decision*’— 23  
*omit, insert*— 24  
‘the *internal review decision*’. 25

- 
- (3) Section 114(2) and (3)— 1  
*omit, insert—* 2
- ‘(2) The chief executive officer must immediately give the 3  
applicant written notice of the internal review decision (the 4  
***internal review notice***). 5
- ‘(3) If the internal review decision is not the decision sought by the 6  
applicant, the internal review notice must be a QCAT 7  
information notice for the decision.’. 8
- (4) Section 114(4), ‘a review’— 9  
*omit, insert—* 10  
‘an internal review’. 11
- (5) Section 114(5) and (6), ‘the review’— 12  
*omit, insert—* 13  
‘the internal review’. 14
- (6) Sections 114(5) and (6), ‘appeal to the court’— 15  
*omit, insert—* 16  
‘application for external review’. 17

**Clause 1422 Amendment of s 115 (Stay of operation of decision) 18**

- (1) Section 115(1) and (2)— 19  
*omit, insert—* 20
- ‘(1) If an application is made for an internal review of an original 21  
decision, the applicant may immediately apply, as provided 22  
under the QCAT Act, to QCAT for a stay of the decision. 23
- ‘(2) QCAT may stay the decision to secure the effectiveness of the 24  
internal review and any later application to QCAT for a review 25  
of the internal review decision.’. 26
- (2) Section 115(3), ‘the court’— 27  
*omit, insert—* 28

[s 1423]

---

‘QCAT’. 1

(3) Section 115(4)— 2

*omit, insert—* 3

‘(4) The period of the stay must not extend past the time when the 4  
chief executive officer makes an internal review decision 5  
about the original decision and any later period QCAT allows 6  
the applicant to enable the applicant to apply for a review of 7  
the internal review decision.’. 8

**Clause 1423 Replacement of pt 4, div 9, sdiv 2 (Appeals)** 9

Part 4, division 9, subdivision 2— 10

*omit, insert—* 11

**‘Subdivision 2 External review by QCAT** 12

**‘116 External review of internal review decision** 13

‘A person who is given, or is entitled to be given, a QCAT 14  
information notice about a decision under section 114(3) may 15  
apply to QCAT, as provided under the QCAT Act, for a review 16  
of the decision.’. 17

**Clause 1424 Amendment of sch 5 (Dictionary)** 18

Schedule 5— 19

*insert—* 20

‘*QCAT information notice* means a notice complying with 21  
the QCAT Act, section 157(2).’ 22

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<b>Part 16</b>	<b>Amendment of Dispute Resolution Centres Act 1990</b>	1 2
<b>Clause 1425</b>	<b>Act amended</b>	3
	This part amends the <i>Dispute Resolution Centres Act 1990</i> .	4
<b>Clause 1426</b>	<b>Amendment of s 2 (Interpretation)</b>	5
(1)	Section 2—	6
	<i>insert—</i>	7
	‘ <i>QCAT principal registrar</i> means the principal registrar under the QCAT Act.’.	8 9
(2)	Section 2, definition <i>referring order—</i>	10
	<i>insert—</i>	11
	‘(d) QCAT, or the QCAT principal registrar, under the QCAT Act, section 75.’.	12 13
<b>Part 17</b>	<b>Amendment of Dividing Fences Act 1953</b>	14 15
<b>Clause 1427</b>	<b>Act amended</b>	16
	This part amends the <i>Dividing Fences Act 1953</i> .	17
<b>Clause 1428</b>	<b>Amendment of s 6 (Definitions)</b>	18
	Section 6(1), definition <i>Small Claims Tribunal—</i>	19
	<i>omit.</i>	20

[s 1429]

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<b>Clause 1429</b>	<b>Amendment of s 9 (Proceedings consequent on notice to fence)</b>	1 2
	(1) Section 9(1), ‘Small Claims Tribunal having jurisdiction as in this Act provided’—	3 4
	<i>omit, insert—</i>	5
	‘QCAT’.	6
	(2) Section 9(1A) and (4), ‘Small Claims Tribunal’—	7
	<i>omit, insert—</i>	8
	‘QCAT’.	9
<b>Clause 1430</b>	<b>Amendment of s 10 (Proceedings on failure to carry out agreement or order)</b>	10 11
	Section 10, ‘Small Claims Tribunal’—	12
	<i>omit, insert—</i>	13
	‘QCAT’.	14
<b>Clause 1431</b>	<b>Amendment of s 11 (Cases where owner or whereabouts of owner are not known)</b>	15 16
	Section 11(1) and (3), ‘having jurisdiction as in this Act provided’—	17 18
	<i>omit.</i>	19
<b>Clause 1432</b>	<b>Amendment of s 14 (Failure to carry out an order to repair)</b>	20 21
	Section 14, ‘Small Claims Tribunal’—	22
	<i>omit, insert—</i>	23
	‘QCAT’.	24

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<b>Clause 1433</b>	<b>Amendment of s 16 (Procedure to compel contribution)</b>	1
(1)	Section 16(2A)(d) and (3), ‘Small Claims Tribunal having jurisdiction as in this Act provided’—	2
	<i>omit, insert—</i>	3
	‘QCAT’.	4
(2)	Section 16(2A)(d), ‘Small Claims Tribunal hearing’—	5
	<i>omit, insert—</i>	6
	‘QCAT hearing’.	7
(3)	Section 16(3) and (4), ‘Small Claims Tribunal upon’—	8
	<i>omit, insert—</i>	9
	‘QCAT upon’.	10
		11
<b>Clause 1434</b>	<b>Amendment of s 18 (Jurisdiction of and proceedings in Magistrates Courts or Small Claims Tribunals)</b>	12
(1)	Section 18, heading, ‘Small Claims Tribunals’—	13
	<i>omit, insert—</i>	14
	‘QCAT’.	15
(2)	Section 18(1) and (2), from ‘a Small Claims Tribunal’—	16
	<i>omit, insert—</i>	17
	‘QCAT.’.	18
		19
<b>Clause 1435</b>	<b>Amendment of s 19 (Recovery of money payable)</b>	20
	Section 19(2), ‘or Small Claims Tribunal’—	21
	<i>omit.</i>	22
<b>Clause 1436</b>	<b>Amendment of s 23 (Notices)</b>	23
(1)	Section 23(3) and (6), ‘Small Claims Tribunal’—	24
	<i>omit, insert—</i>	25



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<b>Clause 1441</b>	<b>Amendment of s 80E (Relationship with ch 7)</b>	1
	(1) Section 80E(1), first dot point, ‘101 and 109B’—	2
	<i>omit, insert—</i>	3
	‘102 and 106’.	4
	(2) Section 80E(1), sixth dot point, ‘164’—	5
	<i>omit, insert—</i>	6
	‘163’.	7
	(3) Section 80E(1), seventh dot point—	8
	<i>omit.</i>	9
<b>Clause 1442</b>	<b>Amendment of s 80F (Members constituting tribunal)</b>	10
	Section 80F(2)—	11
	<i>omit, insert—</i>	12
	‘(2) To the extent practicable, the tribunal must include the	13
	following members who have, in the president’s opinion,	14
	knowledge and experience of persons with impaired capacity	15
	for matters—	16
	(a) either—	17
	(i) a senior member who is an Australian lawyer; or	18
	(ii) an ordinary member who is an Australian lawyer;	19
	(b) a member who is a paediatrician;	20
	(c) another member.’.	21
<b>Clause 1443</b>	<b>Amendment of s 80J (Tribunal advises persons concerned of hearing)</b>	22
	Section 80J(3), ‘under section 110’—	23
	<i>omit, insert—</i>	24
	‘under the QCAT Act’.	25
		26

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[s 1444]

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<b>Clause 1444</b>	<b>Amendment of s 80ZN (Relationship with ch 7)</b>	1
(1)	Section 80ZN(1), fifth, seventh and eighth dot points— <i>omit.</i>	2 3
(2)	Section 80ZN(1)— <i>insert—</i>	4 5
	• parts 6 and 8.’.	6
<b>Clause 1445</b>	<b>Replacement of ch 6 (Guardianship and Administration Tribunal)</b>	7 8
	Chapter 6— <i>omit, insert—</i>	9 10
<b>‘Chapter 6</b>	<b>Queensland Civil and Administrative Tribunal</b>	11 12
<b>‘81</b>	<b>Tribunal’s functions for this Act</b>	13
(1)	The tribunal has the functions given to it by this Act, including the following functions—	14 15
(a)	making declarations about the capacity of an adult, guardian, administrator or attorney for a matter;	16 17
(b)	considering applications for appointment of guardians and administrators;	18 19
(c)	appointing guardians and administrators if necessary and reviewing the appointments;	20 21
(d)	making declarations, orders or recommendations, or giving directions or advice, in relation to the following—	22 23 24
	(i) guardians and administrators;	25
	(ii) attorneys;	26
	(iii) enduring documents;	27

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(iv) related matters;	1
(e) ratifying an exercise of power, or approving a proposed exercise of power, for a matter by an informal decision maker for an adult with impaired capacity for the matter;	2 3 4
(f) consenting to the withholding or withdrawal of a life-sustaining measure for adults with impaired capacity for the health matter concerned;	5 6 7
(g) subject to section 68, consenting to special health care for adults with impaired capacity for the special health matter concerned;	8 9 10
(h) consenting to the sterilisation of a child with an impairment;	11 12
(i) giving approvals under chapter 5B for the use by a relevant service provider of a restrictive practice in relation to an adult to whom the chapter applies, and reviewing the approvals;	13 14 15 16
(j) registering an order made in another jurisdiction under a provision, Act or law prescribed under a regulation for section 167;	17 18 19
(k) reviewing a matter in which a decision has been made by the registrar.	20 21
‘(2) In this section—	22
<i>attorney</i> means an attorney under an enduring document or a statutory health attorney.	23 24
<b>‘82 Jurisdiction</b>	25
‘(1) Subject to section 245, the tribunal has exclusive jurisdiction for the appointment of guardians and administrators for adults with impaired capacity for matters.	26 27 28
‘(2) The tribunal has concurrent jurisdiction with the court for enduring documents and attorneys under enduring documents.	29 30
‘(3) The tribunal has the other jurisdiction given under this Act.	31

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[s 1446]

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<b>‘83</b>	<b>Annual report by president</b>	1
	‘The president must include in the tribunal’s annual report under the QCAT Act for the previous financial year—	2 3
	(a) the number and type of limitation orders made by the tribunal during the year; and	4 5
	(b) the number of applications, approvals and orders made under chapter 5B of this Act during the year.’.	6 7
<b>Clause 1446</b>	<b>Replacement of ch 7, pt 1 (General)</b>	8
	Chapter 7, part 1—	9
	<i>omit, insert—</i>	10
<b>‘Part 1</b>	<b>General</b>	11
<b>‘99</b>	<b>Definitions for pt 1</b>	12
	‘In this part—	13
	<i>document</i> includes a photograph, drawing, model or other object.	14 15
	<i>health information</i> for a person means—	16
	(a) information about the person’s physical or mental condition; or	17 18
	(b) information about the person’s health care, including the person’s expressed wishes about the person’s health care; or	19 20 21
	(c) information about the person collected to provide, or in providing, health care to the person; or	22 23
	(d) information about the person collected in relation to the donation, or intended donation, of the person’s body parts, organs or bodily substances; or	24 25 26
	(e) genetic information about the person in a form that is, or could be, predictive about the health of the person or of a sibling, relative or descendant of the person.	27 28 29

---

*significant health detriment* to a person means significant identifiable detriment to any of the following—

- (a) the person’s physical or mental health or wellbeing;
- (b) the person’s health care;
- (c) the person’s relationship with a health provider, including the person’s willingness to fully disclose relevant information to the health provider.

**‘100 Types of limitation order** 8

‘A *limitation order* means an order of the following type— 9

- (a) an adult evidence order; 10
- (b) a closure order; 11
- (c) a non-publication order; 12
- (d) a confidentiality order. 13

**‘101 Relationship with the QCAT Act** 14

‘The following provisions of the QCAT Act do not apply in relation to proceedings under this chapter— 15  
16

- (a) section 66; 17
- (b) section 90; 18
- (c) section 99; 19
- (d) section 100; 20
- (e) section 102 (except to the extent it applies for section 103 of that Act); 21  
22
- (f) section 142(3)(a)(ii); 23
- (g) section 222. 24

[s 1446]

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<b>‘102</b>	<b>Members constituting tribunal</b>	1
	‘At a hearing, the tribunal must be constituted by 3 members unless the president considers it appropriate for the proceeding to be heard by the tribunal constituted by 2 members or a single member.	2 3 4 5
<b>‘103</b>	<b>Access</b>	6
	‘(1) Each active party in a proceeding must be given a reasonable opportunity to present the active party’s case and, in particular—	7 8 9
	(a) to access, before the start of a hearing, a document before the tribunal that the tribunal considers is relevant to an issue in the proceeding; and	10 11 12
	(b) to access, during a hearing, a document or other information before the tribunal that the tribunal considers is credible, relevant and significant to an issue in the proceeding; and	13 14 15 16
	(c) to make submissions about a document or other information accessed under this subsection.	17 18
	‘(2) Each active party in a proceeding, or person the tribunal considers has a sufficient interest in the proceeding, must be given a reasonable opportunity to access, within a reasonable time after a hearing, a document before the tribunal that the tribunal considered credible, relevant and significant to an issue in the proceeding.	19 20 21 22 23 24
	‘(3) For subsections (1) and (2), something is relevant only if it is directly relevant.	25 26
	‘(4) On request, the tribunal must give access to a document or other information in accordance with this section.	27 28
	‘(5) The tribunal may displace the right to access a document or other information only by a confidentiality order.	29 30
	‘(6) To remove any doubt, it is declared that the right to access a document or other information is not affected by an adult evidence order, a closure order or a non-publication order.	31 32 33

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<b>‘104</b>	<b>Basis of consideration for limitation order</b>	1
‘(1)	In considering whether to make a limitation order, the tribunal must take as the basis of its consideration—	2 3
(a)	that each active party in the proceeding is entitled to access a document or other information before the tribunal that is credible, relevant and significant to an issue in the proceeding; and	4 5 6 7
(b)	that it is desirable that tribunal hearings be held in public and be able to be publicly reported.	8 9
‘(2)	For subsection (1), something is relevant only if it is directly relevant.	10 11
<b>‘105</b>	<b>Open</b>	12
‘(1)	A hearing by the tribunal of a proceeding must be in public.	13
‘(2)	However, the tribunal may make an adult evidence order or a closure order.	14 15
	<i>Note—</i>	16
	See also section 101.	17
<b>‘106</b>	<b>Adult evidence order</b>	18
‘(1)	If the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person or to obtain relevant information the tribunal would not otherwise receive, the tribunal may, by order (an <i>adult evidence order</i> ), obtain relevant information from the adult concerned in the matter at a hearing in the absence of anyone else, including, for example—	19 20 21 22 23 24
(a)	members of the public; or	25
(b)	a particular person, including an active party.	26
‘(2)	To the extent relevant information is health information for a person, serious harm to the person includes significant health detriment to the person.	27 28 29

[s 1446]

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- ‘(3) For subsection (1), something is relevant only if it is directly relevant. 1  
2
- ‘(4) The tribunal may make an adult evidence order on its own initiative or on the application of an active party. 3  
4
- ‘(5) A person must not contravene an adult evidence order, unless the person has a reasonable excuse. 5  
6  
Maximum penalty for subsection (5)—200 penalty units. 7
- ‘107 Closure order 8**
- ‘(1) If the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person, the tribunal may, but only to the extent necessary, by order (a *closure order*), do either or both of the following— 9  
10  
11  
12
- (a) close the hearing or part of the hearing to all or some members of the public; 13  
14
- (b) exclude a particular person, including an active party, from a hearing or part of a hearing. 15  
16
- ‘(2) To the extent the hearing or the part of the hearing concerns health information for a person, serious harm to the person includes significant health detriment to the person. 17  
18  
19
- ‘(3) The tribunal may make a closure order on its own initiative or on the application of an active party. 20  
21
- ‘(4) A person must not contravene a closure order, unless the person has a reasonable excuse. 22  
23  
Maximum penalty for subsection (4)—200 penalty units. 24
- ‘108 Non-publication order 25**
- ‘(1) If the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person, the tribunal may, but only to the extent necessary, by order (a *non-publication order*), prohibit publication of information about a tribunal proceeding the publication of which is not prohibited under section 114A. 26  
27  
28  
29  
30

- 
- ‘(2) To the extent information about a tribunal proceeding is health information for a person, serious harm to the person includes significant health detriment to the person. 1  
2  
3
- ‘(3) The tribunal may make a non-publication order on its own initiative or on the application of an active party. 4  
5
- ‘(4) If information about a tribunal proceeding discloses information prepared or provided by an entity, the tribunal may make a non-publication order on the application of the entity. 6  
7  
8  
9
- ‘(5) If information about a tribunal proceeding discloses health information for the person— 10  
11
- (a) without limiting subsection (3) or (4), the tribunal may make a non-publication order on the application of— 12  
13
- (i) the person; or 14
- (ii) an interested person for the person; and 15
- (b) an application may be made by an interested person for the person even after the person’s death. 16  
17
- ‘(6) If a non-publication order is made prohibiting publication of information about a tribunal proceeding and the information about the tribunal proceeding discloses health information for the person, the person’s death does not affect the non-publication order. 18  
19  
20  
21  
22
- ‘(7) A person must not contravene a non-publication order, unless the person has a reasonable excuse. 23  
24
- Maximum penalty for subsection (7)—200 penalty units. 25
- Note—* 26
- See also section 101. 27
- ‘109 Confidentiality order 28**
- ‘(1) If the tribunal is satisfied it is necessary to avoid serious harm or injustice to a person, the tribunal may, but only to the extent necessary, by order (a *confidentiality order*)— 29  
30  
31

[s 1446]

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- (a) withhold from an active party or other person a document, or part of a document, before the tribunal; or 1  
2
- (b) withhold from an active party or other person other information before the tribunal. 3  
4
- ‘(2) To the extent a document or part of a document contains health information for a person, or to the extent other information is health information for a person, serious harm to the person includes significant health detriment to the person. 5  
6  
7  
8
- ‘(3) The tribunal may make a confidentiality order on its own initiative or on the application of an active party. 9  
10
- ‘(4) Also, the tribunal may make a confidentiality order in relation to a document or other information on the application of the entity who prepared or provided the document or other information. 11  
12  
13  
14
- ‘(5) A person must not contravene a confidentiality order, unless the person has a reasonable excuse. 15  
16
- Maximum penalty for subsection (5)—200 penalty units. 17
- ‘110 Non-publication or confidentiality order made before hearing** 18  
19
- ‘(1) In a proceeding, a non-publication order or confidentiality order may be made before a hearing of the proceeding starts. 20  
21
- ‘(2) However, a non-publication order or confidentiality order made before a hearing is vacated at the start of the hearing. 22  
23
- ‘(3) Sections 111 to 113 do not apply in relation to a non-publication order or confidentiality order made before the hearing of the proceeding starts. 24  
25  
26
- ‘111 Standing for limitation order** 27
- ‘Each active party, and any entity that would be adversely affected by a proposed limitation order, has standing to be heard in relation to the making of the order. 28  
29  
30

*Example—*

A journalist who would be excluded from a hearing by a proposed closure order would be an entity that would be adversely affected by the proposed order.

**‘112 Making and notifying decision for limitation order**

‘(1) The tribunal must give its decision on the making of a limitation order as soon as practicable after hearing any submissions on the making of the order.

‘(2) As soon as practicable after making its decision, the tribunal must notify, and give a copy of its decision to—

(a) the adult concerned in the matter; and

(b) each other active party in the proceeding; and

(c) each entity heard in relation to the order; and

(d) the public advocate.

‘(3) The tribunal must also give a copy of its decision to anyone else who requests a copy.

‘(4) For subsection (3), it is sufficient for the tribunal to give a copy of the decision in a form that does not contravene section 114A.

‘(5) Also, within 45 days after making its decision, the tribunal must give the public advocate all information before the tribunal in its consideration of making the limitation order, including, for a confidentiality order, the document or other information being considered as the subject of the confidentiality order.

**‘113 Written reasons for limitation order and copy of reasons**

‘(1) This section applies if the tribunal decides to make a limitation order.

[s 1446]

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- ‘(2) The tribunal must give written reasons for its decision to make the limitation order (other than an adult evidence order) and may give reasons for its decision to make an adult evidence order. 1  
2  
3  
4
- ‘(3) If the tribunal gives written reasons for its decision, it must give a copy of the reasons within 45 days after making the decision to— 5  
6  
7
- (a) the adult concerned in the matter; and 8
- (b) each other active party in the proceeding; and 9
- (c) each entity heard in relation to the order; and 10
- (d) the public advocate. 11
- ‘(4) The tribunal must also give a copy of its written reasons to anyone else who requests a copy. 12  
13
- ‘(5) For subsection (4), it is sufficient for the tribunal to give a copy of the written reasons in a form that does not contravene section 114A. 14  
15  
16
- ‘(6) The QCAT Act, sections 121 and 122 do not apply to limitation orders. 17  
18
- ‘114 Procedural directions 19**
- ‘(1) The tribunal may— 20
- (a) direct a person to undergo examination by a doctor or psychologist in the ordinary course of the doctor’s medical practice or the psychologist’s practice; or 21  
22  
23
- (b) direct the person the subject of the proceeding to be brought before the tribunal. 24  
25
- ‘(2) The tribunal may change or revoke a direction under subsection (1). 26  
27
- ‘(3) A person must comply with a direction under subsection (1), unless the person has a reasonable excuse. 28  
29
- ‘(4) If the tribunal gives a direction under subsection (1)(a), the tribunal may direct that a party pay for the examination. 30  
31

---

‘(5) In this section—	1
<i>psychologist</i> means a general registrant under the	2
<i>Psychologists Registration Act 2001</i> .	3
<b>‘114A Publication about proceeding that discloses adult’s</b>	4
<b>    identity</b>	5
‘(1) Generally, information about a guardianship proceeding may	6
be published.	7
‘(2) However, a person must not, without reasonable excuse,	8
publish information about a guardianship proceeding to the	9
public, or a section of the public, if the publication is likely to	10
lead to the identification of the relevant adult by a member of	11
the public, or by a member of the section of the public to	12
whom the information is published.	13
Maximum penalty—200 penalty units.	14
Notes—	15
• The publication of information about a tribunal proceeding may	16
also be prohibited by a non-publication order—see section 108.	17
• Also see the <i>Child Protection Act 1999</i> , section 189 (Prohibition of	18
publication of information leading to identity of children).	19
‘(3) Subsection (2) does not apply—	20
(a) to publication of information by the adult guardian, or	21
the public advocate, if the adult guardian, or the public	22
advocate, considers it is necessary in the public interest	23
to publish the information in response to a prohibited	24
publication by another entity; or	25
(b) to publication of information after the relevant adult has	26
died; or	27
(c) to publication of information authorised by an order	28
made under this section.	29

[s 1446]

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<i>Note—</i>	1
A non-publication order may prohibit publication of information about a tribunal proceeding disclosing health information about a person even after the person’s death.	2 3 4
‘(4) The court may make an order authorising publication of information about a guardianship proceeding that is otherwise prohibited under subsection (2).	5 6 7
‘(5) The tribunal may make an order authorising publication of information about a tribunal proceeding that is otherwise prohibited under subsection (2).	8 9 10
‘(6) The court or tribunal may make an order under subsection (4) or (5) authorising publication only if the court or tribunal is satisfied the publication is in the public interest or the relevant adult’s interest.	11 12 13 14
‘(7) The QCAT Act, section 125 does not apply for the purposes of this section.	15 16
‘(8) In this section—	17
<i>prohibited publication</i> means publication of information about a guardianship proceeding to the public, or a section of the public, that is likely to lead to the identification of the relevant adult by a member of the public, or by a member of the section of the public to whom the information is published.	18 19 20 21 22 23
<i>relevant adult</i> means the adult concerned in the matter, whether or not the court or tribunal decides the adult is an adult with impaired capacity.	24 25 26
<b>‘114B No filing fee payable</b>	27
‘(1) A fee is not payable to the tribunal for making an application, or filing another document, under this Act.	28 29
‘(2) Subsection (1) does not apply in relation to an appeal to the appeal tribunal under the QCAT Act chapter 2, part 8, division 1.’.	30 31 32

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<b>Clause 1447</b>	<b>Amendment of s 115 (Scope of applications)</b>	1
	Section 115(1), after ‘made’—	2
	<i>insert</i> —	3
	‘, as provided under the QCAT Act.’.	4
<b>Clause 1448</b>	<b>Omission of ss 116 and 117</b>	5
	Sections 116 and 117—	6
	<i>omit</i> .	7
<b>Clause 1449</b>	<b>Amendment of s 118 (Tribunal advises persons concerned of hearing)</b>	8
	(1) Section 118(5), ‘by direction under section 110’—	9
	<i>omit, insert</i> —	10
	‘by direction under the QCAT Act, section 62’.	11
	(2) Section 118(8)—	12
	<i>renumber</i> as section 118(9).	13
	(3) Section 118—	14
	<i>insert</i> —	15
	‘(8) The QCAT Act, section 37 does not apply for the purposes of this section.’.	16
		17
		18
<b>Clause 1450</b>	<b>Replacement of s 122 (Withdrawal by leave)</b>	19
	Section 122—	20
	<i>omit, insert</i> —	21
	<b>‘122 Withdrawal by leave</b>	22
	‘(1) This section applies if the tribunal gives leave to an applicant to withdraw an application under the QCAT Act, section 46.	23
		24

[s 1451]

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- ‘(2) The tribunal must give notice of the withdrawal to the parties to the proceeding that the tribunal considers should receive notice of the withdrawal. 1  
2  
3
- ‘(3) The QCAT Act, section 46(2) does not apply to an applicant under this Act.’. 4  
5

**Clause 1451 Amendment of s 123 (Right of active party to appear) 6**

Section 123(2)— 7  
*omit.* 8

**Clause 1452 Amendment of s 127 (Costs) 9**

- Section 127— 10  
*insert—* 11
- ‘(3) Also, the following provisions of the QCAT Act, chapter 2, part 6, division 6 in relation to costs apply to the tribunal for proceedings under this Act— 12  
13  
14
- (a) section 101; 15
- (b) sections 103 to 109. 16
- Note—* 17  
See also section 101.’. 18

**Clause 1453 Amendment of s 129 (Interim order) 19**

- Section 129(7)— 20  
*omit, insert—* 21
- ‘(7) To exercise jurisdiction under subsection (6), the tribunal must be constituted by a legal member. 22  
23

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<b>Clause 1454</b>	<b>Omission of ss 132–133</b>	1
	Sections 132 and 133—	2
	<i>omit.</i>	3
<b>Clause 1455</b>	<b>Omission of s 135 (Witnesses)</b>	4
	Section 135—	5
	<i>omit.</i>	6
<b>Clause 1456</b>	<b>Amendment of s 136 (Witness fees and expenses)</b>	7
	Section 136(2) and (3)—	8
	<i>omit, insert—</i>	9
	‘(2) Despite the QCAT Act, section 97(3), a witness is entitled to fees and expenses only if the tribunal makes an order under subsection (1).’	10 11 12
<b>Clause 1457</b>	<b>Amendment of s 137 (Offences by witnesses)</b>	13
	(1) Section 137(1) and (2)—	14
	<i>omit.</i>	15
	(2) Section 137(3), ‘Also, a’—	16
	<i>omit, insert—</i>	17
	‘A’.	18
	(3) Section 137(3)(b), ‘a notice under section 135(2)’—	19
	<i>omit, insert—</i>	20
	‘notice given by the tribunal under the QCAT Act, section 97(1)(b)’.	21 22
	(4) Section 137(6)(a)—	23
	<i>omit, insert—</i>	24
	(a) a proceeding for any of the following offences—	25

[s 1458]

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	(i) an offence against the QCAT Act, section 216 or 217;	1 2
	(ii) another offence about the falsity of the answer, document or thing; or	3 4
	(5) Section 137(3) to (6)— <i>renumber</i> as section 137(1) to (4).	5 6
<b>Clause 1458</b>	<b>Amendment of s 138 (Advice, directions and recommendations)</b>	7 8
	Section 138(1), note, ‘section 143(d)’— <i>omit, insert</i> —	9 10
	‘the QCAT Act, section 213(1)’.	11
<b>Clause 1459</b>	<b>Amendment of s 138AA (Directions to former attorney)</b>	12
	Section 138AA(1), note, ‘section 143(d)’— <i>omit, insert</i> —	13 14
	‘the QCAT Act, section 213(1)’.	15
<b>Clause 1460</b>	<b>Replacement of s 138A (Tribunal may dismiss frivolous etc. applications)</b>	16 17
	Section 138A— <i>omit, insert</i> —	18 19
	<b>‘138A Repeated applications for orders</b>	20
	‘(1) This section applies if the tribunal dismisses an application because it considers the application is frivolous, vexatious, misconceived or lacking in substance.	21 22 23
	‘(2) The QCAT Act, section 49(2) does not apply to another application of the same kind in relation to the same matter.’.	24 25

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<b>Clause 1461</b>	<b>Omission of ss 139–145</b>	1
	Sections 139 to 145—	2
	<i>omit.</i>	3
<b>Clause 1462</b>	<b>Omission of ch 7, pt 4A (Dispute resolution)</b>	4
	Chapter 7, part 4A—	5
	<i>omit.</i>	6
<b>Clause 1463</b>	<b>Amendment of s 148 (Application for entry and removal warrant)</b>	7
	Section 148(2), ‘Sections 116 and 118 do’—	8
	<i>omit, insert—</i>	9
	‘Section 118 does’.	10
		11
<b>Clause 1464</b>	<b>Replacement of ch 7, pt 6 (Decision)</b>	12
	Chapter 7, part 6—	13
	<i>omit, insert—</i>	14
<b>‘Part 6</b>	<b>Decision</b>	15
<b>‘156</b>	<b>Making and notifying decision</b>	16
‘(1)	This section does not apply in relation to the making of a limitation order.	17
		18
	<i>Note—</i>	19
	In relation to the making of a limitation order, see section 112.	20
‘(2)	Subject to section 157, as soon as practicable after making its decision, the tribunal must notify, and give a copy of its decision to, each relevant person.	21
		22
		23
‘(3)	The tribunal must also give a copy of its decision to anyone else who requests a copy.	24
		25

[s 1464]

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- ‘(4) For subsection (3), it is sufficient for the tribunal to give a copy of the decision in a form that does not contravene section 114A. 1  
2  
3
- ‘(5) If the tribunal’s decision does not include its reasons, the tribunal must give each relevant person a written notice stating that the relevant person may request the tribunal to give written reasons for its decision under the QCAT Act, section 122. 4  
5  
6  
7  
8
- ‘(6) The QCAT Act, section 122 applies to a request made by a relevant person for written reasons as if a reference in that section to a party to the proceeding were a reference to a relevant person. 9  
10  
11  
12
- ‘(7) In this section— 13  
*relevant person* means— 14
- (a) the adult concerned in the matter; or 15
- (b) another active party in the proceeding; or 16
- (c) another person given notice of the hearing of the application. 17  
18
- ‘157 Order postponing giving copy of decision 19**
- ‘(1) The tribunal may, by order (a *postponement order*), postpone notifying, and giving a copy of its decision to, a particular person under section 156. 20  
21  
22
- ‘(2) The tribunal may make a postponement order only if the tribunal is satisfied, on reasonable grounds, that making the order is necessary to avoid— 23  
24  
25
- (a) serious harm to a person; or 26
- (b) the effect of the decision being defeated. 27
- ‘(3) A postponement order has effect for the period specified in the order. 28  
29
- ‘(4) The maximum period that may be specified in a postponement order is 14 days. 30  
31

‘(5) A postponement order may be renewed, but only if the tribunal is satisfied there are exceptional circumstances justifying the renewal. 1  
2  
3

**‘158 Copy of reasons to be given 4**

‘(1) This section does not apply in relation to a decision to make a limitation order. 5  
6

*Note— 7*

In relation to a decision to make a limitation order, see section 113. 8

‘(2) This section applies if the tribunal gives written reasons for its decision on an application about a matter. 9  
10

‘(3) The tribunal must give a copy of the written reasons to— 11

(a) the adult concerned in the matter; and 12

(b) each other active party in the proceeding. 13

‘(4) The tribunal must also give a copy of its written reasons to anyone else who requests a copy. 14  
15

‘(5) For subsection (4), it is sufficient for the tribunal to give a copy of the written reasons in a form that does not contravene section 114A.’. 16  
17  
18

**Clause 1465 Omission of ch 7, pt 7 (Review of registrar’s decision) 19**

Chapter 7, part 7— 20

*omit.* 21

**Clause 1466 Replacement of ss 163–165 22**

Sections 163 to 165— 23

*omit, insert— 24*

**‘163 Appellant 25**

‘(1) An eligible person may appeal against a tribunal decision, other than a non-appellable decision, in a proceeding as 26  
27

[s 1466]

---

provided under the QCAT Act and for that purpose the person  
is taken to be a party to the proceeding. 1  
2

*Note—* 3

See also section 101. 4

‘(2) A non-appellable decision can not be appealed under the  
QCAT Act. 5  
6

‘(3) In this section— 7

***eligible person—*** 8

(a) means— 9

(i) the person whose capacity for a matter was under  
consideration in the proceeding; or 10  
11

(ii) the applicant in the proceeding; or 12

(iii) a person proposed for appointment by the  
proceeding; or 13  
14

(iv) a person whose power as guardian, administrator  
or attorney was changed or removed by the tribunal  
decision; or 15  
16  
17

(v) the adult guardian; or 18

(vi) the public trustee; or 19

(vii) the Attorney-General; or 20

(viii) a person given leave to appeal by the appeal  
tribunal under the QCAT Act; and 21  
22

(b) for a tribunal decision to make a limitation order, other  
than a non-appellable decision, also means an active  
party, or an entity adversely affected by the limitation  
order. 23  
24  
25  
26

***non-appellable decision*** means a tribunal decision to make a  
limitation order under section 110. 27  
28

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<b>‘164</b>	<b>Filing notice of appeal in particular circumstances</b>	1
	‘If the tribunal makes 1 or more orders under section 157 postponing notifying, and giving a copy of, its decision for a specified period, the notice of appeal may be filed within 28 days after the later of the following days—	2 3 4 5
	(a) the last day of the specified period or periods;	6
	(b) the date of the written reasons for the tribunal’s decision.’.	7 8
<b>Clause 1467</b>	<b>Omission of ch 7, pt 10 (Other provisions about proceedings)</b>	9 10
	Chapter 7, part 10—	11
	<i>omit.</i>	12
<b>Clause 1468</b>	<b>Amendment of s 246 (Definitions for pt 4)</b>	13
	Section 246, definition <i>relevant tribunal person</i> —	14
	<i>omit, insert—</i>	15
	<b>‘relevant tribunal person</b> means—	16
	(a) a member of the tribunal; or	17
	(b) the principal registrar or a registrar under the QCAT Act or another member of the administrative staff of the registry under that Act; or	18 19 20
	(c) an adjudicator or assessor appointed under the QCAT Act.’.	21 22
<b>Clause 1469</b>	<b>Amendment of s 247 (Whistleblowers’ protection)</b>	23
	Section 247(4), definition <i>official</i> , paragraph (a)—	24
	<i>omit, insert—</i>	25
	‘(a) the principal registrar or a registrar under the QCAT Act or another member of the administrative staff of the registry under that Act; or’.	26 27 28

[s 1470]

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<b>Clause 1470</b>	<b>Amendment of s 248 (Protection from liability if honest and not negligent)</b>	1
		2
	Section 248(4)—	3
	<i>omit, insert</i> —	4
	‘(4) In this section—	5
	<b><i>former member</i></b> , of the former tribunal, means—	6
	(a) a person who was the president, a deputy president or another tribunal member of the former tribunal; or	7
		8
	(b) a person who was the registrar, a member of the staff, or a tribunal expert, of the former tribunal.	9
		10
	<b><i>former tribunal</i></b> means the Guardianship and Administration Tribunal established under this Act before its abolition by the QCAT Act.	11
		12
		13
	<b><i>person</i></b> means—	14
	(a) the adult guardian or a member of the adult guardian’s staff; or	15
		16
	(b) a professional consulted or employed by the adult guardian or an adult guardian’s delegate for an investigation; or	17
		18
		19
	(c) the public advocate or a member of the public advocate’s staff; or	20
		21
	(d) a community visitor; or	22
	(e) a former member of the former tribunal.’.	23
<b>Clause 1471</b>	<b>Amendment of sch 4 (Dictionary)</b>	24
	(1) Schedule 4, definitions <i>adult evidence order, closure order, confidentiality order, dispute resolution, document, guardianship proceeding, health information, legal member, limitation order, non-publication order, personal experience member, prescribed non-contentious matter, presidential directions, presiding member, professional member, registrar, significant health detriment, tribunal and tribunal rules</i> —	25
		26
		27
		28
		29
		30
		31

---

<i>omit.</i>	1
(2) Schedule 4—	2
<i>insert—</i>	3
<i>‘adult evidence order</i> see section 106.	4
<i>Australian lawyer</i> has the meaning given by the <i>Legal Profession Act 2007</i> .	5 6
<i>closure order</i> see section 107.	7
<i>confidentiality order</i> see section 109.	8
<i>document</i> , for chapter 7, part 1, see section 99.	9
<i>guardianship proceeding—</i>	10
(a) means—	11
(i) a proceeding under this Act before the tribunal; or	12
(ii) a hearing, conference or interlocutory matter before the tribunal taken in connection with or incidental to a proceeding before the tribunal; or	13 14 15
(iii) a proceeding in which the court is exercising concurrent jurisdiction with the tribunal; but	16 17
(b) does not include a proceeding in which the court is exercising the powers of the tribunal under section 245.	18 19
<i>health information</i> , for chapter 7, part 1, see section 99.	20
<i>legal member</i> means a legally qualified member of the tribunal under the QCAT Act.	21 22
<i>limitation order</i> see section 100.	23
<i>member</i> , of the tribunal, means a member of the tribunal under the QCAT Act.	24 25
<i>non-publication order</i> see section 108.	26
<i>ordinary member</i> , of the tribunal, means an ordinary member of the tribunal under the QCAT Act.	27 28

[s 1472]

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*presiding member*, for a proceeding, means the member 1  
presiding at the proceeding as provided for under the QCAT 2  
Act. 3

*registrar* or *registrar of the tribunal* means the principal 4  
registrar of the tribunal under the QCAT Act. 5

*senior member*, of the tribunal, means a senior member of the 6  
tribunal under the QCAT Act. 7

*significant health detriment*, for chapter 7, part 1, see section 8  
99. 9

*tribunal* means QCAT. 10

**Part 19** **Repeal of Guardianship and** 11  
**Administration Tribunal Rule** 12  
**2004** 13

**Clause 1472** **Repeal** 14  
The Guardianship and Administration Tribunal Rule 2004, SL 15  
No. 187 is repealed. 16

**Part 20** **Amendment of Judicial Review** 17  
**Act 1991** 18

**Clause 1473** **Act amended** 19  
This part amends the *Judicial Review Act 1991*. 20

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<b>Clause 1474</b>	<b>Amendment of sch 1 (Operation of other laws)</b>	1
	Schedule 1, part 1, ‘ <i>Retail Shop Leases Act 1994</i> , section 88’	2
	and ‘ <i>Small Claims Tribunals Act 1973</i> , section 19’—	3
	<i>omit.</i>	4
<b>Clause 1475</b>	<b>Amendment of sch 2 (Decisions for which reasons need not be given)</b>	5
	Schedule 2, section 3(2), from ‘a Misconduct Tribunal’—	6
	<i>omit, insert—</i>	7
	‘QCAT under the <i>Crime and Misconduct Act 2001</i> .’.	8
		9
<b>Part 21</b>	<b>Amendment of Legal Profession Act 2007</b>	10
		11
<b>Clause 1476</b>	<b>Act amended</b>	12
	This part amends the <i>Legal Profession Act 2007</i> .	13
<b>Clause 1477</b>	<b>Amendment of s 10 (Information notices)</b>	14
	(1) Section 10(1)(a), (b) and (c)—	15
	<i>omit, insert—</i>	16
	‘(a) if the person may apply to the tribunal for a review of	17
	the decision—the matters mentioned in the QCAT Act,	18
	section 157(2); or	19
	(b) otherwise—	20
	(i) the decision; and	21
	(ii) the reasons for the decision; and	22
	(iii) if the person may appeal under this Act, that the	23
	person may appeal against the decision to the	24

[s 1478]

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	Supreme Court and the day by which the appeal must be started.’.	1 2
(2)	Section 10(3), from ‘may appeal’ to ‘right’— <i>omit, insert</i> — ‘may apply for a review, or appeal, within a number of days after the day the information notice is given to the person, a defect in the notice does not affect the person’s right to apply for review or’.	3 4 5 6 7 8
<b>Clause 1478</b>	<b>Amendment of s 13 (Inherent jurisdiction of Supreme Court)</b>	9 10
	Section 13(2)(b), from ‘making’— <i>omit, insert</i> — ‘making—	11 12 13
	(i) any order the committee may make under this Act; or	14 15
	(ii) any order or direction the tribunal may make under this Act or the QCAT Act.’.	16 17
<b>Clause 1479</b>	<b>Amendment of s 15 (Appeal period for appeal to Supreme Court or tribunal)</b>	18 19
(1)	Section 15, heading, ‘or tribunal’— <i>omit.</i>	20 21
(2)	Section 15, ‘or tribunal’— <i>omit.</i>	22 23
(3)	Section 15(1), ‘or the tribunal’— <i>omit.</i>	24 25

---

<b>Clause 1480</b>	<b>Amendment of s 26 (Associates who are disqualified or convicted persons)</b>	1
	Section 26(4)(b)—	2
	<i>omit, insert—</i>	3
	‘(b) the applicant may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’	4
		5
		6
<b>Clause 1481</b>	<b>Amendment of s 32 (Early consideration of suitability)</b>	7
	Section 32(3)(b), ‘Supreme Court’—	8
	<i>omit, insert—</i>	9
	‘tribunal’.	10
<b>Clause 1482</b>	<b>Amendment of s 33 (Involvement of Supreme Court whether by referral or on appeal)</b>	11
	(1) Section 33, heading—	12
	<i>omit, insert—</i>	13
	<b>‘33 Involvement of tribunal and Supreme Court’.</b>	14
	(2) Section 33(1)—	15
	<i>omit, insert—</i>	16
	‘(1) If an application under section 32(2) is referred to the tribunal as mentioned in section 32(3)(b), the tribunal may give a direction to the board as the tribunal considers appropriate.’	17
		18
		19
		20
<b>Clause 1483</b>	<b>Amendment of s 35 (Role of Supreme Court relating to application for admission)</b>	21
	Section 35(5)—	22
	<i>omit.</i>	23
		24

[s 1484]

---

<b>Clause 1484</b>	<b>Amendment of s 51 (Grant or renewal of local practising certificate)</b>	1
	Section 51(9)—	2
	<i>omit, insert—</i>	3
	‘(9) The applicant may apply, as provided under the QCAT Act, to the tribunal for a review of the decision to refuse to grant or renew the local practising certificate as mentioned in subsection (8).’	4
	<i>Note—</i>	5
	For matters relevant to the imposition of conditions, see section 54.’.	6
		7
		8
		9
		10
<b>Clause 1485</b>	<b>Amendment of s 54 (Applications relating to conditions)</b>	11
	(1) Section 54(2)(b)—	12
	<i>omit, insert—</i>	13
	‘(b) the applicant may apply, as provided under the QCAT Act, to the tribunal for a review of the decision to impose the condition.’.	14
		15
		16
	(2) Section 54(4)(b)—	17
	<i>omit, insert—</i>	18
	‘(b) the applicant may, within 28 days after the information notice is given to the applicant, apply, as provided under the QCAT Act, to the tribunal for a review of the decision to impose the condition.’.	19
		20
		21
		22
<b>Clause 1486</b>	<b>Amendment of s 61 (Amending, suspending or cancelling a local practising certificate)</b>	23
	Section 61(3)(b)—	24
	<i>omit, insert—</i>	25
	‘(b) the certificate holder may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.	26
		27
		28

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<b>Clause 1487</b>	<b>Amendment of s 62 (Operation of amendment, suspension or cancellation of local practising certificate)</b>	1 2
	Section 62(3)(a), ‘the Supreme Court may, on application of the certificate holder,’—	3 4
	<i>omit, insert—</i>	5
	‘the tribunal may, on application of the certificate holder as provided under the QCAT Act,’.	6 7
<b>Clause 1488</b>	<b>Amendment of s 63 (Immediate amendment or suspension of local practising certificate)</b>	8 9
	Section 63(9)—	10
	<i>omit, insert—</i>	11
	‘(9) Also—	12
	(a) the regulatory authority may apply, as provided under the QCAT Act, to the tribunal for an order extending the period of the amendment or suspension; and	13 14 15
	(b) if the tribunal considers it appropriate and the amendment or suspension has not ended under subsection (6), the tribunal may extend the period of the amendment or suspension for a further period of not more than 56 days after the date of the tribunal’s order.’.	16 17 18 19 20
<b>Clause 1489</b>	<b>Amendment of s 69 (Refusal, amendment, suspension or cancellation of local practising certificate because of failure to show cause)</b>	21 22 23
	Section 69(3)(b)—	24
	<i>omit, insert—</i>	25
	‘(b) the applicant or certificate holder may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.	26 27 28

[s 1490]

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<b>Clause 1490</b>	<b>Amendment of s 70 (Restriction on making further application)</b>	1 2
(1)	Section 70(3), from ‘appeal’— <i>omit, insert—</i> ‘apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.	3 4 5 6
(2)	Section 70(4)— <i>omit, insert—</i>	7 8
‘(4)	Subject to—	9
(a)	a successful application for review of a decision under this section; or	10 11
(b)	a successful appeal against a decision under this section (as in force before the commencement of this subsection), the <i>Legal Profession Act 2004</i> , section 65, or under a corresponding law;	12 13 14 15
	a person against whom the decision has been made is not entitled to apply for the grant of a local practising certificate during the period stated in the decision.’.	16 17 18
<b>Clause 1491</b>	<b>Amendment of s 76 (Additional condition on interstate legal practitioner engaging in legal practice in this jurisdiction)</b>	19 20 21
	Section 76(3)(b)— <i>omit, insert—</i>	22 23
	‘(b) the interstate legal practitioner may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.	24 25 26
<b>Clause 1492</b>	<b>Amendment of s 87 (Health assessment)</b>	27
	Section 87(5)— <i>omit, insert—</i>	28 29

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‘(5) The subject person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’ 1  
2

**Clause 1493 Amendment of s 91 (Use of health assessment report)** 3

Section 91(2)(b), after ‘against’— 4

*insert*— 5

‘, or on an application by the subject person for a review of,’ 6

**Clause 1494 Amendment of s 98 (Law society and bar association to notify other jurisdictions about particular matters)** 7  
8

(1) Section 98(1)(b), ‘successfully appeals against the taking of’— 9  
10

*omit, insert*— 11

‘is successful in an application to the tribunal for a review of a decision to take’ 12  
13

(2) Section 98(2) and (3)(b)(ii), ‘appeal’— 14

*omit, insert*— 15

‘review’ 16

**Clause 1495 Amendment of s 183 (Grant or renewal of local registration)** 17  
18

Section 183(4)(b)— 19

*omit, insert*— 20

‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’ 21  
22

**Clause 1496 Amendment of s 185 (Refusal to grant or renew registration)** 23  
24

Section 185(7)(b)— 25

*omit, insert*— 26

[s 1497]

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‘(b) the person may apply, as provided under the QCAT Act,  
to the tribunal for a review of the decision.’. 1  
2

<b>Clause 1497</b>	<b>Amendment of s 188 (Amending, suspending or cancelling registration)</b>	3 4
	Section 188(3)(a) and (b)—	5
	<i>omit, insert—</i>	6
	‘(a) the law society must give the person an information notice about the law society’s decision; and	7 8
	(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.	9 10
<b>Clause 1498</b>	<b>Amendment of s 189 (Operation of amendment, suspension or cancellation of registration)</b>	11 12
	Section 189(3)(a), ‘the Supreme Court may, on application of the person’—	13 14
	<i>omit, insert—</i>	15
	‘the tribunal may, on application by the person as provided under the QCAT Act’.	16 17
<b>Clause 1499</b>	<b>Amendment of s 194 (Refusal, amendment, suspension or cancellation of local registration—failure to show cause)</b>	18 19 20
	Section 194(3)(b)—	21
	<i>omit, insert—</i>	22
	‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’.	23 24

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<b>Clause 1500</b>	<b>Amendment of s 195 (Restriction on making further applications)</b>	1
		2
	Section 195(3)(b)—	3
	<i>omit, insert—</i>	4
	‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’	5
		6
<b>Clause 1501</b>	<b>Amendment of s 197 (Immediate suspension of registration)</b>	7
		8
	Section 197(8)—	9
	<i>omit, insert—</i>	10
	‘(8) Also—	11
	(a) the law society may apply, as provided under the QCAT Act, to the tribunal for an order extending the period of the suspension; and	12
		13
		14
	(b) if the tribunal considers it appropriate and the suspension has not ended under subsection (5), the tribunal may extend the period of the suspension for a further period of not more than a further 56 days after the date of the tribunal’s order.’	15
		16
		17
		18
		19
<b>Clause 1502</b>	<b>Amendment of s 208 (Additional conditions on practice of interstate-registered foreign lawyers)</b>	20
		21
	Section 208(4)(b)—	22
	<i>omit, insert—</i>	23
	‘(b) the person may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.’	24
		25

[s 1503]

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<b>Clause 1503</b>	<b>Amendment of s 278 (Disqualification of person as external examiner)</b>	1
		2
	Section 278(6), from ‘appeal’—	3
	<i>omit, insert—</i>	4
	‘apply, as provided under the QCAT Act, to the tribunal for a review of the decision to disqualify the individual.’.	5
		6
<b>Clause 1504</b>	<b>Amendment of s 328 (Setting aside costs agreements)</b>	7
	(1) Section 328(1), after ‘Supreme Court’—	8
	<i>insert—</i>	9
	‘or the tribunal’.	10
	(2) Section 328—	11
	<i>insert—</i>	12
	‘(1A) An application under subsection (1) to the tribunal must be made as provided under the QCAT Act.’.	13
		14
	(3) Section 328(2) to (8), after ‘Supreme Court’—	15
	<i>insert—</i>	16
	‘or tribunal’.	17
	(4) Section 328—	18
	<i>insert—</i>	19
	‘(9A) The tribunal may make a costs order under the QCAT Act in relation to a hearing under this section.’.	20
		21
<b>Clause 1505</b>	<b>Amendment of s 375 (Time limit for making claims)</b>	22
	(1) Section 375(1)(c)—	23
	<i>omit, insert—</i>	24
	‘(c) if, on application as provided under the QCAT Act to the tribunal for a review of a decision of the law society to refuse to allow a further period for the claim, the	25
		26
		27

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	tribunal allows a further period for making the claim—within the period allowed by the tribunal.’.	1 2
(2)	Section 375(2), ‘Supreme Court’— <i>omit, insert</i> — ‘tribunal’.	3 4 5
<b>Clause 1506</b>	<b>Amendment of s 377 (Time limit for making claims following advertisement)</b>	6 7
(1)	Section 377(2)(c)— <i>omit, insert</i> — ‘(c) if the tribunal allows a further period after the law society refuses to do so—within the period allowed by the tribunal.’.	8 9 10 11 12
(2)	Section 377(4), ‘Supreme Court’— <i>omit, insert</i> — ‘tribunal’.	13 14 15
<b>Clause 1507</b>	<b>Amendment of ch 3, pt 3.6, div 7, hdg (Appeals)</b> Chapter 3, part 3.6, division 7, heading, ‘Appeals’— <i>omit, insert</i> — ‘ <b>Review</b> ’.	16 17 18 19
<b>Clause 1508</b>	<b>Replacement of ss 392 and 393</b> Sections 392 and 393— <i>omit, insert</i> — <b>‘392 Review of decision on claim</b>	20 21 22 23
(1)	A claimant may apply, as provided under the QCAT Act, to the tribunal for a review of either of the following decisions of the law society but not a decision to limit the amount payable,	24 25 26

[s 1508]

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- or to decline to pay an amount, made under the capping and  
sufficiency provisions of this jurisdiction— 1  
2
- (a) a decision to wholly or partly disallow a claim; 3
- (b) a decision to reduce the amount allowed in relation to a  
claim. 4  
5
- ‘(2) On an application under this section (*review application*)— 6
- (a) the applicant must establish that all or part of the  
amount sought to be recovered from the fidelity fund is  
not reasonably available from other sources, unless the  
law society waives that requirement; and 7  
8  
9  
10
- (b) the tribunal may, on application by the law society, stay  
the review application pending further action being  
taken to seek recovery of that amount from other  
sources. 11  
12  
13  
14
- ‘393 Review of failure to decide claim within 1 year 15**
- ‘(1) A claimant may apply, as provided under the QCAT Act, to  
the tribunal for a review of a failure of the law society to  
decide a claim after 1 year after the claim was made. 16  
17  
18
- ‘(2) An application for a review of a failure to decide a claim may  
be made at any time after the period of 1 year after the claim  
was made and while the failure continues. 19  
20  
21
- ‘(3) On an application under this section (*review application*)— 22
- (a) the applicant must establish that the whole or part of the  
amount sought to be recovered from the fidelity fund is  
not reasonably available from other sources, unless the  
law society waives that requirement; and 23  
24  
25  
26
- (b) the tribunal may, on application by the law society, stay  
the review application pending further action being  
taken to seek recovery of that amount from other  
sources. 27  
28  
29  
30
- ‘(4) The tribunal may decide the review— 31

- 
- (a) by giving directions to the law society to decide the matter expeditiously and—
- (i) if the tribunal is satisfied that there has been unreasonable delay—ordering that interest be paid at a stated rate that is higher than the rate applicable under section 384, until further order or the decision for the claim; or
- (ii) otherwise—ordering that, if delay continues in circumstances of a stated kind, interest be paid for a stated period at a stated rate that is higher than the rate applicable under section 384, until further order or the decision for the claim; or
- (b) by deciding not to give a direction or make an order under paragraph (a).’

**Clause 1509 Amendment of s 394 (Proceedings on appeal)**

- (1) Section 394, heading, ‘appeal’—  
*omit, insert—*  
**‘review’.**
- (2) Section 394, ‘in a court’—  
*omit, insert—*  
‘before the tribunal’.

**Clause 1510 Amendment of s 396 (Caps on payments)**

- Section 396(5), after ‘appeal’—  
*insert—*  
‘, application for review’.

[s 1511]

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<b>Clause 1511</b>	<b>Amendment of s 451 (Duty to inform complainant about action taken for complaint)</b>	1
	Section 451(3), ‘section 650’—	2
	<i>omit, insert</i> —	3
	‘sections 650 and 656D’.	4
<b>Clause 1512</b>	<b>Amendment of s 454 (Joinder)</b>	5
(1)	Section 454, heading—	6
	<i>insert</i> —	7
	‘ <b>by committee</b> ’.	8
(2)	Section 454, from ‘A’ to ‘rules,’—	9
	<i>omit, insert</i> —	10
	‘The committee may’.	11
(3)	Section 454—	12
	<i>insert</i> —	13
	<i>Note</i> —	14
	See the QCAT Act, section 42 for joinders by the tribunal.’.	15
<b>Clause 1513</b>	<b>Amendment of s 455 (Variation of discipline application)</b>	16
	Section 455(1), from ‘, on the commissioner’s application,’—	17
	<i>omit</i> .	18
<b>Clause 1514</b>	<b>Amendment of s 456 (Decisions of tribunal about an Australian legal practitioner)</b>	19
(1)	Section 456(1), ‘is guilty of’—	20
	<i>omit, insert</i> —	21
	‘has engaged in’.	22
(2)	Section 456(7), ‘guilty of’—	23
		24
		25

---

*omit, insert—* 1  
'has engaged in'. 2

**Clause 1515 Replacement of s 457 (Orders to be filed in Supreme Court and information notices to be given to parties etc.)** 3  
4

Section 457— 5  
*omit, insert—* 6

**'457 Enforcement of orders etc.** 7

- '(1) This section applies to the following— 8
- (a) an order under section 456 or 462 or part 4.10 in relation 9  
to a discipline application; 10
  - (b) an order under the QCAT Act in relation to a discipline 11  
application that the tribunal dealt with on a review of the 12  
committee's decision under section 469. 13
- '(2) If the order is a compensation order— 14
- (a) the complainant may file the order in the registry of a 15  
court of competent jurisdiction; and 16
  - (b) the tribunal's principal registrar must give the Minister a 17  
copy of the order and the tribunal's reasons for making 18  
the order. 19
- '(3) If the order is not a compensation order, the tribunal's 20  
principal registrar must— 21
- (a) file the order in a Supreme Court registry; and 22
  - (b) give the Minister a copy of the order and the tribunal's 23  
reasons for making the order. 24
- '(4) On being filed under subsection (2) or (3), the order is an 25  
order of the court in whose registry it is filed and may be 26  
enforced accordingly. 27
- '(5) No charge may be made for filing an order under this section. 28
- '(6) Subsection (4) is subject to section 463.'. 29

[s 1516]

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<b>Clause 1516</b>	<b>Amendment of s 458 (Decisions of committee about discipline application)</b>	1 2
	Section 458(1), ‘is guilty of’—	3
	<i>omit, insert</i> —	4
	‘has engaged in’.	5
<b>Clause 1517</b>	<b>Amendment of s 459 (Orders to be filed in Supreme Court and information notices to be given to parties etc.)</b>	6 7
	Section 459(3), from ‘no appeal’ to ‘the appeal’—	8
	<i>omit, insert</i> —	9
	‘no application as provided under the QCAT Act to the tribunal for a review of the decision within the time allowed for making the application’.	10 11 12
<b>Clause 1518</b>	<b>Amendment of s 462 (Costs)</b>	13
(1)	Section 462(1), ‘guilty’—	14
	<i>omit, insert</i> —	15
	‘to have engaged in prescribed conduct’.	16
(2)	Section 462(2), ‘not found guilty’—	17
	<i>omit, insert</i> —	18
	‘found not to have engaged in prescribed conduct’.	19
(3)	Section 462(4)(a), ‘is not guilty’—	20
	<i>omit, insert</i> —	21
	‘has not engaged in prescribed conduct’.	22
(4)	Section 462(7)—	23
	<i>omit, insert</i> —	24
(7)	The only other circumstances in which the tribunal exercising its jurisdiction in relation to a disciplinary application may	25 26

award costs are the circumstances stated in the QCAT Act,  
section 103 or 104. 1  
2

*Note—* 3

See the QCAT Act, sections 106 to 109 for provisions about the tribunal  
awarding costs. 4  
5

‘(8) In this section— 6

*engaged in prescribed conduct* means engaged in  
unsatisfactory professional conduct or professional  
misconduct, or engaged in misconduct in relation to a relevant  
practice, as mentioned in section 456(1) or 458(1).’ 7  
8  
9  
10

**Clause 1519 Insertion of new s 462A** 11

After section 462— 12

*insert—* 13

**‘426A Institution of proceedings by the commissioner** 14

‘The commissioner may bring a proceeding under this part for  
the imposition or enforcement of a penalty.’ 15  
16

**Clause 1520 Amendment of s 468 (Appeal may be made to Court of  
Appeal from tribunal’s decision)** 17  
18

Section 468(4)— 19

*omit, insert—* 20

‘(4) To remove any doubt, it is declared that the QCAT Act,  
section 149 does not apply to a decision of the tribunal  
exercising its jurisdiction under this Act.’ 21  
22  
23

**Clause 1521 Replacement of s 469 (Appeal to tribunal against  
committee’s decision)** 24  
25

Section 469— 26

*omit, insert—* 27

[s 1522]

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<b>'469</b>	<b>Application to tribunal for review of committee's decision</b>	1 2
	'(1) A party dissatisfied with a final decision of the committee about a discipline application may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.	3 4 5
	'(2) In the proceeding before QCAT for the review—	6
	(a) the committee is not a party; and	7
	(b) the commissioner is a party.'	8
<b>Clause 1522</b>	<b>Amendment of s 471 (Definition for pt 4.11)</b>	9
	Section 471, definition <i>disciplinary action</i> , paragraph (a), 'guilty of'—	10 11
	<i>omit, insert—</i>	12
	'has engaged in'.	13
<b>Clause 1523</b>	<b>Amendment of s 477 (General provisions about disclosure of information)</b>	14 15
	Section 477(1)(c), after 'jurisdiction'—	16
	<i>insert—</i>	17
	', including the tribunal exercising jurisdiction other than jurisdiction mentioned in paragraph (a)'.	18 19
<b>Clause 1524</b>	<b>Amendment of s 491 (Confidentiality of client communications)</b>	20 21
	Section 491(1) 'part 7.2'—	22
	<i>omit, insert—</i>	23
	'the QCAT Act'.	24

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<b>Clause 1525</b>	<b>Replacement of ch 7, pt 7.2, hdg and ch 7, pt 7.2, divs 1 and 2 and div 3, hdg</b>	1 2
	Chapter 7, part 7.2, heading and chapter 7, part 7.2, divisions 1 and 2 and division 3, heading—	3 4
	<i>omit, insert—</i>	5
<b>‘Part 7.2</b>	<b>Provisions about proceedings before tribunal</b>	6 7
<b>‘Division 1</b>	<b>Constitution of tribunal</b>	8
<b>‘598</b>	<b>Constitution of tribunal</b>	9
‘(1)	For a proceeding for a matter the tribunal is empowered to deal with under this Act, the tribunal is to be constituted by a judicial member who is a Supreme Court judge.	10 11 12
‘(2)	However, if the tribunal has not been constituted for the proceeding—	13 14
	(a) the powers of the tribunal under the QCAT Act, section 47 or 48 are, and are only, exercisable by a judicial member; and	15 16 17
	(b) the following powers of the tribunal are, and are only, exercisable by a legally qualified member—	18 19
	(i) giving directions;	20
	(ii) making an order or another decision pending the final hearing of the matter, other than an order under a provision mentioned in paragraph (a);	21 22 23
	(iii) making an order under the QCAT Act, section 86.	24
‘(3)	In this section—	25
	<i>judicial member</i> means a judicial member under the QCAT Act.	26 27
	<i>legally qualified member</i> means a legally qualified member under the QCAT Act.	28 29

[s 1525]

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<b>‘Division 2</b>	<b>Panels, panel members and related matters</b>	1 2
<b>‘599</b>	<b>Panel to help the tribunal hear and decide discipline application</b>	3 4
‘(1)	This section applies for the tribunal’s hearing and deciding of a discipline application.	5 6
‘(2)	Although panel members do not constitute the tribunal, the tribunal is to be helped by 2 panel members chosen by the tribunal’s principal registrar and approved by the tribunal as constituted under section 598.	7 8 9 10
‘(3)	The panel members mentioned in subsection (2) must be—	11
	(a) 1 lay panel member; and	12
	(b) 1 of the following members—	13
	(i) if the complaint is about the conduct of a person who, at the time of performing the acts or omitting to do the acts constituting the conduct complained of, was a barrister or, in the opinion of the tribunal member, was engaged in legal practice in the manner of a barrister—a member of the practitioner panel who is a barrister;	14 15 16 17 18 19 20
	(ii) otherwise—a member of the practitioner panel who is a solicitor.	21 22
‘(4)	However, if a panel member disqualifies himself or herself as mentioned in section 612(2), the tribunal may continue with the relevant hearing if the tribunal members consider it appropriate to do so.	23 24 25 26
‘(5)	The tribunal’s principal registrar must keep a record of the names of the panel members helping the tribunal and the discipline application for which the hearing is held.’.	27 28 29

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<b>Clause 1526</b>	<b>Amendment of s 607 (Establishment of panels for helping the tribunal)</b>	1
	Section 607(3) and (4)—	2
	<i>omit.</i>	3
		4
<b>Clause 1527</b>	<b>Replacement of ch 7, pt 7.2, divs 4–6</b>	5
	Chapter 7, part 7.2, divisions 4 to 6—	6
	<i>omit, insert—</i>	7
<b>‘612</b>	<b>Disclosure of interests</b>	8
‘(1)	If a panel member helping the tribunal becomes aware that the member has a conflict of interest about a proceeding before the tribunal, the member must disclose the issue giving rise to the conflict to—	9
	(a) the president of the tribunal under the QCAT Act; and	10
	(b) the parties to the proceeding.	11
‘(2)	After making the disclosure, the panel member must disqualify himself or herself.	12
‘(3)	A panel member has a conflict of interest about a proceeding if the member has an interest, financial or otherwise, that could conflict with the proper performance of the member’s functions for the proceeding.	13
‘(4)	If a panel member is disqualified, the tribunal may decide it is appropriate to proceed with the hearing with only 1 panel member.	14
		15
		16
		17
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		21
		22
		23
<b>‘613</b>	<b>Protection of panel members</b>	24
	‘A panel member has, in the performance of the member’s duties as a panel member, the same protection and immunity as a Supreme Court judge carrying out the functions of a judge.’.	25
		26
		27
		28

[s 1528]

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<b>Clause 1528</b>	<b>Amendment of s 640 (Conduct of committee for hearing and deciding discipline applications)</b>	1
	Section 640(1), ‘the tribunal rules’—	2
	<i>omit, insert</i> —	3
	‘a regulation’.	4
<b>Clause 1529</b>	<b>Amendment of s 641 (Disclosure of interests)</b>	6
	Section 641(6) ‘tribunal rules’—	7
	<i>omit, insert</i> —	8
	‘rules under the QCAT Act’.	9
<b>Clause 1530</b>	<b>Replacement of ch 7, pt 7.4, hdg and div 1, hdg</b>	10
	Chapter 7, part 7.4, heading and division 1, heading—	11
	<i>omit, insert</i> —	12
<b>‘Part 7.4</b>	<b>Other provisions applying to committee for discipline applications</b>	13
		14
		15
<b>‘Division 1</b>	<b>Parties to proceedings before committee’.</b>	16
		17
<b>Clause 1531</b>	<b>Amendment of s 643 (Parties)</b>	18
	(1) Section 643(1), ‘in a disciplinary body’—	19
	<i>omit, insert</i> —	20
	‘before the committee’.	21
	(2) Section 643(3)(b) and (4), ‘disciplinary body’—	22
	<i>omit, insert</i> —	23
	‘committee’.	24

---

<b>Clause 1532</b>	<b>Amendment of s 644 (Public hearings)</b>	1
(1)	Section 644(1), from ‘a disciplinary body’ to ‘the disciplinary body’—	2
	<i>omit, insert—</i>	3
	‘the committee must be open to the public, unless the committee’.	4
(2)	Section 644(2), ‘A disciplinary body’—	5
	<i>omit, insert—</i>	6
	‘The committee’.	7
<b>Clause 1533</b>	<b>Amendment of s 645 (Procedure for hearing by a disciplinary body)</b>	8
(1)	Section 645, heading, ‘a disciplinary body’—	9
	<i>omit, insert—</i>	10
	‘ <b>committee</b> ’.	11
(2)	Section 645(1), ‘a disciplinary body’—	12
	<i>omit, insert—</i>	13
	‘the committee’.	14
(3)	Section 645(2), ‘disciplinary body’—	15
	<i>omit, insert—</i>	16
	‘committee’.	17
<b>Clause 1534</b>	<b>Amendment of s 646 (Recording evidence)</b>	18
	Section 646(1), ‘A disciplinary body for a discipline application’—	19
	<i>omit, insert—</i>	20
	‘The committee’.	21

[s 1535]

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<b>Clause 1535</b>	<b>Amendment of s 647 (Disciplinary body may proceed in absence of party or may adjourn hearing)</b>	1
		2
(1)	Section 647, heading, ‘Disciplinary body’—	3
	<i>omit, insert—</i>	4
	‘ <b>Committee</b> ’.	5
(2)	Section 647(1), ‘a disciplinary body’—	6
	<i>omit, insert—</i>	7
	‘the committee’.	8
(3)	Section 647(2), ‘A disciplinary body’—	9
	<i>omit, insert—</i>	10
	‘The committee’.	11
<b>Clause 1536</b>	<b>Amendment of s 648 (Matter may be decided on affidavit evidence)</b>	12
		13
(1)	Section 648, ‘a disciplinary body’—	14
	<i>omit, insert—</i>	15
	‘the committee’.	16
(2)	Section 648, ‘the disciplinary body’—	17
	<i>omit, insert—</i>	18
	‘the committee’.	19
(3)	Section 648(b)(i), ‘under the tribunal rules’—	20
	<i>omit, insert—</i>	21
	‘as prescribed under a regulation’.	22
<b>Clause 1537</b>	<b>Amendment of s 649 (Standard of proof)</b>	23
(1)	Section 649(1), ‘a disciplinary body’—	24
	<i>omit, insert—</i>	25
	‘the committee’.	26

---

	(2) Section 649(1), ‘the body’—	1
	<i>omit, insert</i> —	2
	‘the committee’.	3
<b>Clause 1538</b>	<b>Amendment of s 650 (Prohibited publication about hearing of a disciplinary application)</b>	4
		5
	(1) Section 650(1)—	6
	<i>omit, insert</i> —	7
	‘(1) The committee, either before, during or immediately after a hearing for a discipline application, may make an order prohibiting the publication of information stated in the order that relates to the discipline application, the hearing or an order of the committee.’.	8
		9
		10
		11
		12
	(2) Section 650(3) and (4), ‘disciplinary body’—	13
	<i>omit, insert</i> —	14
	‘committee’.	15
<b>Clause 1539</b>	<b>Amendment of ch 7, pt 7.4, div 3, hdg (Powers of disciplinary body)</b>	16
		17
	Chapter 7, part 7.4, division 3, heading, ‘disciplinary body’—	18
	<i>omit, insert</i> —	19
	‘committee’.	20
<b>Clause 1540</b>	<b>Amendment of s 651 (Power to disregard procedural lapses)</b>	21
		22
	(1) Section 651(1), ‘A disciplinary body’—	23
	<i>omit, insert</i> —	24
	‘The committee’.	25
	(2) Section 651(1), ‘the disciplinary body’—	26
	<i>omit, insert</i> —	27

[s 1541]

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‘the committee’. 1

(3) Section 651(3), ‘disciplinary body’s’— 2

*omit, insert*— 3

‘committee’s’. 4

**Clause 1541 Amendment of s 652 (Directions for hearings) 5**

(1) Section 652(1)— 6

*omit, insert*— 7

‘(1) The committee may issue directions in relation to a hearing  
before the committee.’. 8  
9

(2) Section 652(2), ‘disciplinary body’— 10

*omit, insert*— 11

‘committee’. 12

(3) Section 652(2)(a), ‘body’s’— 13

*omit, insert*— 14

‘committee’s’. 15

(4) Section 652(3)— 16

*omit, insert*— 17

‘(3) Subsection (1) is subject to the practices and procedures  
prescribed under a regulation for hearings before the  
committee.’. 18  
19  
20

**Clause 1542 Amendment of s 653 (Attendance notice) 21**

(1) Section 653(1), ‘A disciplinary body’— 22

*omit, insert*— 23

‘The committee’. 24

- 
- (2) Section 653(2)(b) and (3), ‘disciplinary body’— 1  
*omit, insert*— 2  
‘committee’. 3

**Clause 1543 Replacement of s 654 (Authentication of documents)** 4

Section 654— 5  
*omit, insert*— 6

**‘654 Authentication of documents** 7

- ‘(1) A document relating to a proceeding for a discipline 8  
application requiring authentication by the committee is 9  
sufficiently authenticated if it is signed by the chairperson or 10  
deputy chairperson of the committee. 11
- ‘(2) Judicial notice must be taken of the signature of the 12  
chairperson or deputy chairperson of the committee that 13  
appears on a document issued by the committee.’. 14

**Clause 1544 Insertion of new ch 7, pt 7.4A** 15

After section 656— 16  
*insert*— 17

**‘Part 7.4A Provisions applying to tribunal 18  
for discipline applications 19**

**‘656A Application of pt 7.4A 20**

‘This part applies for a proceeding before the tribunal for a 21  
discipline application. 22

*Note*— 23

The QCAT Act also applies to the proceeding. 24

[s 1544]

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<b>‘656B Entitlement to appear at hearing</b>	1
‘The complainant for a discipline application before the tribunal is entitled to appear at the hearing of the application in relation to—	2 3 4
(a) those aspects of the hearing that relate to a request by the complainant for a compensation order; and	5 6
(b) other aspects of the hearing, but only if the tribunal gives leave to the complainant to appear in relation to them.	7 8 9
<b>‘656C Standard of proof</b>	10
‘(1) If an allegation of fact is not admitted or is challenged when the tribunal is hearing a discipline application, the tribunal may act on the allegation if the body is satisfied on the balance of probabilities that the allegation is true.	11 12 13 14
‘(2) For subsection (1), the degree of satisfaction required varies according to the consequences for the relevant Australian legal practitioner or law practice employee of finding the allegation to be true.	15 16 17 18
‘(3) In this section—	19
<i>Australian legal practitioner</i> includes a person to whom chapter 4 applies as mentioned in section 417.	20 21
<b>‘656D Prohibited publication about hearing of a discipline application</b>	22 23
‘(1) The tribunal, either before, during or immediately after a hearing, may make an order prohibiting the publication of information stated in the order that relates to the discipline application, the hearing or an order of the tribunal.	24 25 26 27
‘(2) A person must not contravene an order under subsection (1). Maximum penalty—200 penalty units.	28 29
‘(3) A person must not publish or allow someone else to publish—	30

---

(a)	a question disallowed by the tribunal at the hearing; or	1
(b)	an answer given to a question disallowed by the tribunal at the hearing.	2 3
	Maximum penalty—200 penalty units.	4
‘(4)	Also, the tribunal may make an order prohibiting—	5
(a)	the issue of the entire or part of a copy of the record made under the <i>Recording of Evidence Act 1962</i> ; or	6 7
(b)	the publication of the entire or part of a copy of the record made under that Act.	8 9
‘(5)	A person must not contravene an order under subsection (4). Maximum penalty—200 penalty units.	10 11
‘(6)	In this section—	12
	<i>publish</i> includes publish on radio, television or the internet.	13
	<i>record</i> includes an audio recording.	14
<b>‘656E</b>	<b>Power to disregard procedural lapses</b>	15
‘(1)	The tribunal may order that a failure by the commissioner to observe a procedural requirement in relation to a complaint, investigation matter or discipline application is to be disregarded, if the tribunal is satisfied the parties to the hearing have not been prejudiced by the failure.	16 17 18 19 20
‘(2)	This section applies whether the failure happened—	21
(a)	before the making of the discipline application resulting from the complaint or investigation matter; or	22 23
(b)	after the making of the discipline application.	24
‘(3)	Subsection (1) does not limit the tribunal’s power to disregard a failure by another person to observe a procedural requirement.’.	25 26 27

[s 1545]

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<b>Clause 1545</b>	<b>Amendment of s 704 (Disclosure of information by commissioner, regulatory authorities and other entities)</b>	1
		2
(1)	Section 704(1)(e)—	3
	<i>renumber</i> as section 704(1)(f).	4
(2)	Section 704(1)—	5
	<i>insert</i> —	6
	‘(e) the tribunal’s principal registrar;’.	7
(3)	Section 704(1)(f), as renumbered, ‘paragraphs (a) to (d)’—	8
	<i>omit, insert</i> —	9
	‘paragraphs (a) to (e)’.	10
<b>Clause 1546</b>	<b>Amendment of s 707 (Protection from liability)</b>	11
	Section 707(4)(b)—	12
	<i>omit, insert</i> —	13
	‘(b) the committee, any member of the committee or a panel member;’.	14
		15
<b>Clause 1547</b>	<b>Amendment of s 711 (Signatures)</b>	16
(1)	Section 711(d)—	17
	<i>omit</i> .	18
(2)	Section 711(e) to (i)—	19
	<i>renumber</i> as section 711(d) to (h).	20
<b>Clause 1548</b>	<b>Amendment of s 714 (Approved forms)</b>	21
(1)	Section 714(2)(b)—	22
	<i>omit</i> .	23
(2)	Section 714(2)(c) to (f)—	24
	<i>renumber</i> as section 714(2)(b) to (e).	25

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<b>Clause 1549</b>	<b>Amendment of s 715 (Regulation-making power)</b>	1
	Section 715(2)—	2
	<i>insert</i> —	3
	‘(e) providing for the practice and procedure of the committee.’.	4
		5
<b>Clause 1550</b>	<b>Omission of ch 9, pt 9.9, hdg (Regulation-making power for transitional purposes)</b>	6
	Chapter 9, part 9.9, heading—	7
	<i>omit</i> .	8
		9
<b>Clause 1551</b>	<b>Replacement of ch 10, hdg (Other transitional provision)</b>	10
	Chapter 10, heading—	11
	<i>omit, insert</i> —	12
	<b>‘Chapter 10 Other transitional provisions</b>	13
	<b>’</b>	14
	<b>‘Part 1 Transitional provisions for the Consumer Credit (Queensland) and Other Acts Amendment Act 2008’.</b>	15
		16
		17
		18
<b>Clause 1552</b>	<b>Insertion of new s 771 and ch 10, pt 2</b>	19
	After section 770—	20
	<i>insert</i> —	21
	<b>‘771 Expiry of pt 1, hdg</b>	22
	<b>’</b>	23
	‘Part 1, heading expires on 1 January 2010.’.	23

[s 1552]

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<b>‘Part 2</b>	<b>Transitional provisions for QCAT Amendment Act</b>	1 2
<b>‘772</b>	<b>Definitions for pt 2</b>	3
	‘In this part—	4
	<i>commencement</i> means the commencement of this section.	5
	<i>former tribunal</i> means the former Legal Practice Tribunal.	6
	<i>QCAT Amendment Act</i> means the <i>Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009</i> .	7 8 9
	<i>unamended Act</i> means this Act as in force before the commencement.	10 11
<b>‘773</b>	<b>Acts Interpretation Act 1954, section 20 not limited</b>	12
	‘This part does not limit the <i>Acts Interpretation Act 1954</i> , section 20.	13 14
	<i>Note—</i>	15
	See also the QCAT Act, chapter 7.	16
<b>‘774</b>	<b>Particular court decisions continue</b>	17
	‘(1) A stay ordered by the Supreme Court under section 62 or 189 of the unamended Act continues in effect as if the QCAT Amendment Act had not been enacted.	18 19 20
	‘(2) An extension of a period of amendment of suspension by the Supreme Court under section 63 or 197 of the unamended Act continues in effect as if the QCAT Amendment Act had not been enacted.	21 22 23 24

---

<b>‘775</b>	<b>Particular notification giving requirement continues</b>	1
‘(1)	This section applies if, after the commencement, the Supreme Court decides an appeal against a decision mentioned in section 98(1)(a) in favour of an Australian lawyer.	2 3 4
‘(2)	Section 98(2) and (3) of the unamended Act continues to apply in relation to the decision in the appeal as if the QCAT Amendment Act had not been enacted.	5 6 7
<b>‘776</b>	<b>Particular orders taken to be orders of QCAT</b>	8
‘(1)	An order made by the former tribunal under section 650(1) as in force before the commencement—	9 10
(a)	is taken to be an order made by QCAT under section 656D(1); and	11 12
(b)	section 656D applies to the order accordingly.	13
‘(2)	An order made by the former tribunal under section 650(4) as in force before the commencement—	14 15
(a)	is taken to be an order made by QCAT under section 656D(4); and	16 17
(b)	section 656D applies to the order accordingly.	18
<b>‘777</b>	<b>Authentication of documents continues</b>	19
	‘Section 654 of the unamended Act continues to apply in relation to the following as if the QCAT Amendment Act had not been enacted—	20 21 22
(a)	documents relating to a proceeding before the former tribunal;	23 24
(b)	documents issued by the former tribunal.’.	25
<b>Clause 1553</b>	<b>Amendment of sch 2 (Dictionary)</b>	26
(1)	Schedule 2, definitions <i>tribunal</i> , <i>tribunal member</i> and <i>tribunal rules</i> —	27 28

[s 1554]

---

*omit.* 1

(2) Schedule 2— 2

*insert*— 3

*‘commencement*, for chapter 10, part 2, see section 772. 4

*former tribunal*, for chapter 10, part 2, see section 772. 5

*QCAT Amendment Act*, for chapter 10, part 2, see section 772. 6  
7

*tribunal* means QCAT. 8

*tribunal’s principal registrar* means the principal registrar 9  
under the QCAT Act. 10

*unamended Act*, for chapter 10, part 2, see section 772.’. 11

(3) Schedule 2, definition *panel member*, ‘division 3’— 12

*omit, insert*— 13

‘division 2’. 14

**Part 22** **Repeal of Legal Profession** 15  
**(Tribunal and Committee) Rule** 16  
**2007** 17

**Clause 1554** **Repeal** 18

The Legal Profession (Tribunal and Committee) Rule 2007, 19  
SL No. 154 is repealed. 20

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<b>Part 23</b>	<b>Amendment of Magistrates Act 1991</b>	1
		2
<b>Clause 1555</b>	<b>Act amended</b>	3
	This part amends the <i>Magistrates Act 1991</i> .	4
<b>Clause 1556</b>	<b>Amendment of s 53J (Practice direction)</b>	5
	(1) Section 53J(1)(b) and (c)—	6
	<i>omit.</i>	7
	(2) Section 53J(1)(d) and (e)—	8
	<i>renumber</i> as section 53J(1)(b) and (c).	9
<b>Clause 1557</b>	<b>Amendment of s 53K (Referring application or matter)</b>	10
	Section 53K(2), ‘section 53J(1)(e)’—	11
	<i>omit, insert—</i>	12
	‘section 53J(1)(c)’.	13
<b>Clause 1558</b>	<b>Amendment of s 53L (Decision of judicial registrar taken to be decision of magistrate)</b>	14
	(1) Section 53L(b)—	15
	<i>omit.</i>	16
	(2) Section 53L(c) and (d)—	17
	<i>renumber</i> as section 53L(b) and (c).	18
		19

[s 1559]

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<b>Part 24</b>	<b>Amendment of Magistrates Courts Act 1921</b>	1 2
<b>Clause 1559</b>	<b>Act amended</b>	3
	This part amends the <i>Magistrates Courts Act 1921</i> .	4
<b>Clause 1560</b>	<b>Amendment of s 2 (Definitions)</b>	5
	Section 2, definitions <i>minor claim</i> and <i>minor debt claim</i> —	6
	<i>omit</i> .	7
<b>Clause 1561</b>	<b>Amendment of s 45A (Limitation on appeal if minor debt claim)</b>	8 9
	(1) Section 45A, heading, ‘minor debt claim’—	10
	<i>omit, insert</i> —	11
	‘ <b>simplified procedures apply</b> ’.	12
	(2) Section 45A(1)—	13
	<i>omit</i> .	14
	(3) Section 45A(2), ‘Also, if’—	15
	<i>omit, insert</i> —	16
	‘If’.	17
<b>Clause 1562</b>	<b>Omission of s 52 (Publication of particulars of minor debt claims)</b>	18 19
	Section 52—	20
	<i>omit</i> .	21

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<b>Part 25</b>	<b>Amendment of Misconduct Tribunals Act 1997</b>	1 2
<b>Clause 1563</b>	<b>Act amended</b>	3
	This part amends the <i>Misconduct Tribunals Act 1997</i> .	4
<b>Clause 1564</b>	<b>Amendment of ss 11, 17, 18 and 19</b>	5
	Sections 11(3), 17(a), 18 and 19(1), ‘registrar’—	6
	<i>omit, insert—</i>	7
	‘director’.	8
<b>Clause 1565</b>	<b>Omission of s 40 (Registrar and tribunal staff)</b>	9
	Section 40—	10
	<i>omit.</i>	11
<b>Clause 1566</b>	<b>Amendment of s 44 (Confidentiality)</b>	12
(1)	Section 44(1)(a), both subparagraphs (ii)—	13
	<i>omit, insert—</i>	14
	‘(ii) a former registrar or former registrar staff member;	15
	or	16
	(iii) the director or another staff member of the registry	17
	under the <i>Commercial and Consumer Tribunal Act</i>	18
	<i>2003</i> ; and’.	19
(2)	Section 44—	20
	<i>insert—</i>	21
‘(4)	In this section—	22
	<i>former registrar</i> means a person appointed as the registrar of	23
	misconduct tribunals under the repealed section 40.	24

[s 1567]

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*former registrar staff member* means a person employed as a member of the registrar's staff under the repealed section 40. 1  
2

*repealed section 40* means section 40 as in force before its repeal by the *Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009*. 3  
4  
5

**Clause 1567 Amendment of schedule (Dictionary)** 6

(1) Schedule, definition *registrar*— 7  
*omit.* 8

(2) Schedule— 9  
*insert*— 10

*'director* means the director of the registry under the *Commercial and Consumer Tribunal Act 2003*.' 11  
12

**Part 26 Amendment of Powers of Attorney Act 1998** 13  
14

**Clause 1568 Act amended** 15  
This part amends the *Powers of Attorney Act 1998*. 16

**Clause 1569 Amendment of s 109A (Guardianship and Administration Tribunal also has jurisdiction and powers about enduring documents)** 17  
18  
19

Section 109A, heading, 'Guardianship and Administration Tribunal'— 20  
21

*omit, insert*— 22

**'Queensland Civil and Administrative Tribunal'**. 23

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<b>Clause 1570</b>	<b>Amendment of sch 3 (Dictionary)</b>	1
	Schedule 3, definition <i>tribunal</i> —	2
	<i>omit, insert</i> —	3
	<i>'tribunal</i> means QCAT. <i>'</i>	4
 <b>Part 27</b>		
<b>Amendment of Retail Shop Leases Act 1994</b>		5
		6
<b>Clause 1571</b>	<b>Act amended</b>	7
	This part amends the <i>Retail Shop Leases Act 1994</i> .	8
<b>Clause 1572</b>	<b>Amendment of s 14 (Continued application of certain provisions of former Act to existing retail shop leases)</b>	9
	Section 14(2)(d), 'a tribunal under this Act'—	10
	<i>omit, insert</i> —	11
	'QCAT'.	12
<b>Clause 1573</b>	<b>Amendment of s 22E (Effect of failure to comply with sections 22A–22D)</b>	13
	Section 22E(2), 'ask the tribunal'—	14
	<i>omit, insert</i> —	15
	'apply, as provided under the QCAT Act, to QCAT'.	16
<b>Clause 1574</b>	<b>Amendment of s 26 (Lessor not to disclose turnover information)</b>	17
	Section 26(2)(b)(v)—	18
		19
		20
		21

[s 1575]

---

*omit, insert—* 1

‘(v) a mediator under this Act or QCAT; or’. 2

**Clause 1575 Amendment of s 32 (Valuer to give determination to lessor and lessee)** 3  
4

Section 32(e)— 5

*omit, insert—* 6

‘(e) if a retail tenancy dispute under section 30 proceeds to mediation or QCAT under part 8—the lessor gives the lease information to the valuer as required by or under a mediation agreement made under the part, or order made by QCAT.’. 7  
8  
9  
10  
11

**Clause 1576 Amendment of s 46B (Matters tribunal may consider in deciding if a party’s conduct is unconscionable)** 12  
13

(1) Section 46B, heading, ‘tribunal’— 14

*omit, insert—* 15

‘QCAT’. 16

(2) Section 46B(1), (3) and (4), ‘the tribunal’— 17

*omit, insert—* 18

‘QCAT’. 19

(3) Section 46B(2), ‘The tribunal’— 20

*omit, insert—* 21

‘QCAT’. 22

**Clause 1577 Amendment of s 57 (Limited right of representation)** 23

Section 57(b), ‘approved agent’— 24

*omit, insert—* 25

‘agent approved by the mediator’. 26

---

<b>Clause 1578</b>	<b>Replacement of pt 8, div 3, hdg (Reference of retail tenancy disputes to tribunal)</b>	1
	Part 8, division 3, heading—	2
	<i>omit, insert—</i>	3
	<b>‘Division 3 Reference of retail tenancy disputes and applications to QCAT’.</b>	4
		5
		6
<b>Clause 1579</b>	<b>Amendment of s 63 (Reference of dispute—by mediator)</b>	7
	(1) Section 63(1)(a), all words before subparagraph (i)—	8
	<i>omit, insert—</i>	9
	‘(a) a retail tenancy dispute is within QCAT’s jurisdiction and’.	10
		11
	(2) Section 63(1)(a), after subparagraph (iii)—	12
	<i>insert—</i>	13
	‘Note—	14
	See section 103 for QCAT’s jurisdiction.’.	15
	(3) Section 63(2)—	16
	<i>omit, insert—</i>	17
	‘(2) The mediator must refer the dispute, as provided under the QCAT Act, to QCAT.	18
		19
	‘(3) The party who lodged the notice of the dispute under section 55 is the applicant in the proceeding before QCAT for the dispute.’.	20
		21
		22
<b>Clause 1580</b>	<b>Replacement of s 64 (Reference of dispute—by party)</b>	23
	Section 64—	24
	<i>omit, insert—</i>	25

---

[s 1581]

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<b>‘64</b>	<b>Application to QCAT—by party</b>	1
‘(1)	A party to a retail tenancy dispute may apply, as provided under the QCAT Act, to QCAT for an order to resolve the dispute if—	2 3 4
(a)	any of the following provisions apply—	5
(i)	the party claims that another party to a mediation agreement has not complied with the agreement within the time stated in it or, if no time is stated, within 2 months after the agreement is signed;	6 7 8 9
(ii)	a mediator refuses to refer the dispute to QCAT because the mediator is of the opinion that the dispute is not within QCAT’s jurisdiction;	10 11 12
(iii)	a court has ordered that a proceeding started in the court for the dispute be removed to QCAT or another tribunal; and	13 14 15
(b)	the retail shop lease has not ended (whether by expiry, surrender or termination) more than 1 year before the dispute notice was lodged.	16 17 18
‘(2)	In this section—	19
	<i>mediation agreement</i> includes a mediation agreement under section 26 of the former Act.’.	20 21
<b>Clause 1581</b>	<b>Omission of pt 8, div 4 (Retail tenancy disputes hearings)</b>	22
	Part 8, division 4—	23
	<i>omit.</i>	24
<b>Clause 1582</b>	<b>Replacement of pt 8, div 5, hdg (Provisions about tribunal orders)</b>	25 26
	Part 8, division 5, heading—	27
	<i>omit, insert—</i>	28
<b>‘Division 4</b>	<b>Provision about QCAT orders’.</b>	29

---

<b>Clause 1583</b>	<b>Amendment of s 83 (Tribunals' orders)</b>	1
	(1) Section 83, heading—	2
	<i>omit, insert—</i>	3
<b>'83</b>	<b>QCAT orders'.</b>	4
	(2) Section 83(1), (2) and (3), 'the tribunal'—	5
	<i>omit, insert—</i>	6
	'QCAT'.	7
	(3) Section 83(1), 'the retail'—	8
	<i>omit, insert—</i>	9
	'a retail'.	10
	(4) Section 83(4) and (5)—	11
	<i>omit.</i>	12
<b>Clause 1584</b>	<b>Omission of ss 84–88A; pt 8, div 6; and pt 8, div 7, hdg</b>	13
	(1) Sections 84 to 88A and part 8, division 6—	14
	<i>omit.</i>	15
	(2) Part 8, division 7, heading—	16
	<i>omit, insert—</i>	17
	<b>'Division 5            General'.</b>	18
<b>Clause 1585</b>	<b>Replacement of ss 91–93</b>	19
	Sections 91 to 93—	20
	<i>omit, insert—</i>	21
<b>'91</b>	<b>Withdrawal of disputes</b>	22
	'(1) A person may, by written notice given to the chief executive,	23
	withdraw a dispute notice lodged by the person for a retail	24
	tenancy dispute, unless—	25

[s 1586]

---

- (a) a mediator has referred the dispute to QCAT under section 63(2); or 1  
2
- (b) the person has made an application about the dispute to QCAT as mentioned in section 64. 3  
4

*Note—* 5

The QCAT Act, section 46 provides for the withdrawal of referrals and applications mentioned in paragraphs (a) and (b). 6  
7

- ‘(2) The notice may be given before or after a mediator has started mediating the dispute. 8  
9
- ‘(3) If the chief executive has nominated a mediator for the dispute, the chief executive must advise the mediator of the withdrawal as soon as practicable after receiving the notice.’. 10  
11  
12

**Clause 1586 Amendment of s 94 (Exclusion of other jurisdictions) 13**

(1) Section 94(2)— 14

*omit, insert—* 15

‘(2) Subsection (1) does not apply if— 16

(a) the notice of the dispute is withdrawn under section 91 or the referral of, or application for, the dispute is withdrawn under the QCAT Act; or 17  
18  
19

(b) a proceeding about the issue in dispute was started in a court before the dispute notice was lodged and the proceeding has not been removed, or transferred, to QCAT; or 20  
21  
22  
23

(c) an application for an order in the nature of an injunction about the issue in dispute is made to a court; or 24  
25

(d) a mediator or QCAT refuses to mediate or hear the dispute because the mediator or QCAT is of the opinion the dispute is not within the jurisdiction of a mediator or QCAT; or 26  
27  
28  
29

(e) the mediator can not reach a solution to the dispute and QCAT does not have jurisdiction to hear the dispute.’. 30  
31

- 
- (2) Section 94(4), ‘tribunal’— 1  
*omit, insert*— 2  
‘QCAT’. 3

**Clause 1587 Amendment of s 97 (Mediators’ jurisdiction)** 4

- Section 97(1)(c)— 5  
*omit, insert*— 6  
‘(c) under a retail shop lease for the carrying on of the 7  
business of a service station, if the *Trade Practices* 8  
*(Industry Codes—Oilcode) Regulations 2006* (Cwlth) 9  
apply to the carrying on of the business under a fuel 10  
re-selling agreement within the meaning of those 11  
regulations.’. 12

**Clause 1588 Replacement of pt 9, div 2 (Retail shop leases tribunals)** 13

- Part 9, division 2— 14  
*omit, insert*— 15

**‘Division 2 Provisions for QCAT proceedings** 16

**‘102 Constitution of QCAT** 17

- ‘(1) Subject to subsection (2), for a proceeding for a retail shop 18  
lease dispute, QCAT is to be constituted by the following 19  
persons who are QCAT members— 20  
(a) a legally qualified member; 21  
(b) a person representing lessors under retail shop leases; 22  
(c) a person representing lessees under retail shop leases. 23  
‘(2) If the amount, value or damages in dispute is less than the 24  
QCAT prescribed amount, QCAT may be constituted by— 25  
(a) a legally qualified member; or 26  
(b) a QCAT adjudicator. 27

[s 1588]

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- ‘(3) In this section— 1
- legally qualified member* means a person who is a legally 2  
qualified member under the QCAT Act. 3
- QCAT adjudicator* means an adjudicator under the QCAT 4  
Act. 5
- QCAT member* means a member under the QCAT Act. 6
- QCAT prescribed amount* means the prescribed amount 7  
under the QCAT Act. 8

**‘103 QCAT’s jurisdiction 9**

- ‘(1) QCAT has jurisdiction to hear retail tenancy disputes, other 10  
than a retail tenancy dispute— 11
- (a) about an issue between the parties that— 12
- (i) is the subject of arbitration; or 13
- (ii) has been the subject of an interim or final award in 14  
an arbitration proceeding; or 15
- (iii) is before, or has been decided by, a court; or 16
- (b) about— 17
- (i) arrears of rent under a retail shop lease; or 18
- (ii) the amount of rent payable under a retail shop 19  
lease; or 20
- (iii) the amount of a lessor’s outgoings under a retail 21  
shop lease; or 22
- (c) if the amount, value or damages in dispute is more than 23  
the monetary limit within the meaning of the *District* 24  
*Court of Queensland Act 1967*, section 68; or 25
- (d) under a retail shop lease for the carrying on of the 26  
business of a service station, if the *Trade Practices* 27  
*(Industry Codes—Oilcode) Regulations 2006* (Cwlth) 28  
apply to the carrying on of the business under a fuel 29

---

	re-selling agreement within the meaning of those regulations.	1 2
‘(2)	However, QCAT has jurisdiction to hear a retail tenancy dispute about—	3 4
	(a) the procedure for the determination of rent payable under a retail shop lease, but not the actual amount of the rent; or	5 6 7
	(b) the basis on which the lessor’s outgoings are payable by, and the procedure for charging the lessor’s outgoings to, a lessee under a retail shop lease, but not the actual amount of the outgoings; or	8 9 10 11
	(c) whether an item, or part of an item, of the lessor’s outgoings for the retail shopping centre or leased building in which a leased shop is situated was reasonably incurred in, or directly attributable to, the operations, maintenance or repair of the centre or building; or	12 13 14 15 16 17
	(d) arrears of rent payable under a retail shop lease if the dispute is also about the payment of compensation by the lessor to the lessee under the lease.	18 19 20
‘(3)	For subsection (1)(a)(i), a retail tenancy dispute is only the subject of arbitration if the arbitration proceeding has started.’.	21 22 23
<b>Clause 1589</b>	<b>Amendment of s 113 (Mediators and tribunal members to maintain secrecy)</b>	24 25
(1)	Section 113, heading, before ‘tribunal’— <i>insert—</i> <b>‘former’</b> .	26 27 28
(2)	Section 113, before ‘tribunal’— <i>insert—</i> <b>‘former’</b> .	29 30 31

---

[s 1590]

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- (3) Section 113(1), after ‘process’— 1  
*insert*— 2  
‘or the hearing of a matter under part 8, division 4 as in force 3  
before the commencement’. 4
- (4) Section 113— 5  
*insert*— 6
- ‘(3) In this section— 7  
*commencement* means the commencement of this subsection. 8  
*former tribunal member* means a member of a tribunal 9  
established under this Act before the commencement.’. 10

**Clause 1590 Amendment of s 114 (Ordinary protection and immunity 11  
allowed) 12**

- (1) Section 114(1) and (2)— 13  
*omit, insert*— 14
- ‘(1) A mediator has, in the performance of the mediator’s 15  
function, the same protection and immunity as a Supreme 16  
Court judge carrying out the functions of a judge. 17
- ‘(2) A person who is a party, or the party’s agent, appearing at a 18  
mediation process for a retail tenancy dispute has the same 19  
protection and immunity the person would have if the dispute 20  
were in the Supreme Court.’. 21
- (2) Section 114(3), ‘dispute resolution’— 22  
*omit, insert*— 23  
‘mediation’. 24

**Clause 1591 Amendment of s 115 (Admissions made during dispute 25  
resolution process) 26**

- (1) Section 115, heading, ‘dispute resolution process’— 27  
*omit, insert*— 28

---

**‘mediation conference’.**

1

(2) Section 115(1), ‘a tribunal’—

2

*omit, insert—*

3

‘tribunal’.

4

(3) Section 115(2)—

5

*omit.*

6

**Clause 1592 Amendment of s 116 (Register)**

7

(1) Section 116(1), ‘mediators, tribunal panel members’—

8

*omit, insert—*

9

‘mediators’.

10

(2) Section 116(2), after ‘for each dispute’—

11

*insert—*

12

‘for which a dispute notice is lodged under section 55’.

13

(3) Section 116(2)(e)—

14

*omit.*

15

(4) Section 116(3) and (4)—

16

*omit, insert—*

17

‘(3) The chief executive must keep the register open for inspection by members of the public during office hours on business days at a place reasonably accessible to the public.

18

19

20

‘(4) A person may inspect the register, or obtain a copy of the register or a part of it, on payment of the fee (if any) prescribed under a regulation.’

21

22

23

[s 1593]

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<b>Clause 1593</b>	<b>Amendment of s 117 (Delegations)</b>	1
	Section 117(2), after ‘executive’s’—	2
	<i>insert</i> —	3
	‘functions or’.	4
<b>Clause 1594</b>	<b>Amendment of s 119 (Chief executive’s responsibility)</b>	5
	Section 119(a), ‘department, mediators and tribunals’—	6
	<i>omit, insert</i> —	7
	‘department and mediators’.	8
<b>Clause 1595</b>	<b>Amendment of s 120 (Evidentiary provisions)</b>	9
	(1) Section 120(3)—	10
	<i>omit</i> .	11
	(2) Section 120(4)—	12
	<i>renumber</i> as section 120(3).	13
<b>Clause 1596</b>	<b>Amendment of s 121 (Regulation-making power)</b>	14
	Section 121(2)(b) and (c)—	15
	<i>omit, insert</i> —	16
	‘(b) the practices and procedures of the mediation process.’.	17
<b>Clause 1597</b>	<b>Replacement of pt 12, divs 1–3, hdgs</b>	18
	(1) Part 12, division 1, heading—	19
	<i>omit, insert</i> —	20
	<b>‘Division 1 Provision for Act No. 47 of 1994’.</b>	21
	(2) Part 12, division 2, heading—	22
	<i>omit, insert</i> —	23

---

<b>‘Division 2</b>	<b>Provisions for Act No. 19 of 2000’.</b>	1
(3)	Part 12, division 3, heading—	2
	<i>omit, insert—</i>	3
<b>‘Division 3</b>	<b>Provision for Act No. 4 of 2006’.</b>	4
<b>Clause 1598</b>	<b>Insertion of new pt 12, div 4</b>	5
	Part 12—	6
	<i>insert—</i>	7
<b>‘Division 4</b>	<b>Provisions for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009</b>	8 9 10 11
<b>‘130</b>	<b>Definitions for div 4</b>	12
	‘In this division—	13
	<i>commencement</i> means the commencement of this section.	14
	<i>former tribunal legal member</i> means a person who was a tribunal legal member within the meaning of this Act as in force before the commencement.	15 16 17
	<i>previous</i> , if followed by a section number, means the section of that number as in force before the commencement.	18 19
	<i>Note—</i>	20
	See also the QCAT Act, chapter 7.	21
<b>‘131</b>	<b>Application of s 64</b>	22
	‘(1) This section applies if, before the commencement—	23
	(a) a mediator refused to refer a retail tenancy dispute to the chief executive because the mediator was of the opinion	24 25

[s 1598]

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- that the dispute was not within a tribunal’s jurisdiction; 1  
or 2
- (b) a court ordered that a proceeding started in the court for 3  
the dispute be removed to a tribunal. 4
- ‘(2) Section 64 applies to the dispute as if the mediator refused to 5  
refer the dispute to QCAT or the court ordered that the 6  
proceeding be removed to QCAT. 7
- ‘132 Existing referrals and applications about retail 8  
tenancy disputes to chief executive 9**
- ‘(1) This section applies if, before the commencement, a retail 10  
tenancy dispute— 11
- (a) was referred to the chief executive under previous 12  
section 63(2) or previous section 64(2); and 13
- (b) had not been referred to a former tribunal legal member 14  
under previous section 65(1); and 15
- (c) had not been withdrawn. 16
- ‘(2) This section also applies if, before the commencement, an 17  
application about a retail tenancy dispute— 18
- (a) was made to the chief executive under previous section 19  
89(2); and 20
- (b) had not been renewed under previous section 90; and 21
- (c) had not been withdrawn. 22
- ‘(3) The chief executive must refer the dispute to QCAT. 23
- ‘(4) The party who lodged the notice of the dispute under section 24  
55 or made the application under previous section 89(2) is the 25  
applicant in the proceeding before QCAT for the dispute. 26

<b>‘133 Existing referrals of retail tenancy disputes to former tribunal legal member</b>	1 2
‘(1) This section applies if, before the commencement, a retail tenancy dispute—	3 4
(a) was referred to a former tribunal legal member under previous section 65; and	5 6
(b) had not been withdrawn, struck out or otherwise disposed of.	7 8
‘(2) From the commencement—	9
(a) the retail tenancy dispute is taken to be an existing tribunal proceeding for the prescribed QCAT Act provisions; and	10 11 12
(b) the party who lodged the notice of the dispute under section 55 is the applicant in the proceeding before QCAT for the dispute.	13 14 15
‘(3) Also, for applying the prescribed QCAT Act provisions in relation to the dispute, the former tribunal legal member is taken to be a former tribunal.	16 17 18
‘(4) In this section—	19
<i>prescribed QCAT Act provisions</i> means the following provisions of the QCAT Act, chapter 7—	20 21
(a) part 1;	22
(b) section 254;	23
(c) part 2, division 3;	24
(d) part 4.’.	25
<b>Clause 1599 Amendment of schedule (Dictionary)</b>	26
(1) Schedule, definitions <i>approved agent, attendance notice, chairperson, dispute resolution process, original order, renewed retail tenancy dispute, tribunal, tribunal legal member, tribunal member, tribunal panel</i> and <i>tribunal panel member</i> —	27 28 29 30 31

[s 1600]

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<i>omit.</i>	1
(2) Schedule—	2
<i>insert</i> —	3
<i>‘dispute resolution process</i> means—	4
(a) a mediation process; or	5
(b) the hearing, by QCAT, of a retail tenancy dispute under the QCAT Act.	6 7
<i>mediation process</i> —	8
(a) means the process of mediation of a retail tenancy dispute under part 8; and	9 10
(b) includes all steps taken in making arrangements for a mediation conference or in the follow-up of the mediation conference.’.	11 12 13
(3) Schedule, definition, <i>2000 amendment Act</i> —	14
<i>relocate</i> to section 13(9).	15

<b>Part 28</b>	<b>Amendment of Supreme Court of Queensland Act 1991</b>	16 17
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<b>Clause 1600 Act amended</b>	18
This part amends the <i>Supreme Court of Queensland Act 1991</i> .	19

<b>Clause 1601 Amendment of sch 1 (Subject matter for rules)</b>	20
Schedule 1, section 13(h), ‘minor debt claims and other’—	21
<i>omit, insert</i> —	22
‘particular’.	23

---

<b>Clause 1602</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
	Schedule 2, definitions <i>minor claim</i> and <i>minor debt claim</i> —	2
	<i>omit.</i>	3
 <b>Chapter 10 Department of Police</b>		4
 <b>Part 1 Amendment of Police Service Administration Act 1990</b>		5 6
<b>Clause 1603</b>	<b>Act amended</b>	7
	This part amends the <i>Police Service Administration Act 1990</i> .	8
<b>Clause 1604</b>	<b>Amendment of s 4.5 (Removal and suspension of commissioner)</b>	9 10
	(1) Section 4.5(3), after ‘office are’—	11
	<i>insert</i> —	12
	‘the following’.	13
	(2) Section 4.5(3)(c)—	14
	<i>omit, insert</i> —	15
	‘(c) a finding by QCAT of official misconduct being proved against the commissioner if QCAT orders the commissioner’s dismissal;’.	16 17 18
<b>Clause 1605</b>	<b>Amendment of s 7.4 (Disciplinary action)</b>	19
	(1) Section 7.4(1)—	20
	<i>insert</i> —	21

[s 1606]

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*‘QCAT information notice* means a notice complying with the QCAT Act, section 157(2).’ 1  
2

(2) Section 7.4(2A)— 3

*omit, insert—* 4

‘(2A) If the prescribed officer— 5

(a) decides an allegation of misconduct brought against the officer; or 6  
7

(b) when deciding an allegation of breach of discipline brought against the officer, finds that misconduct is proved against the officer; 8  
9  
10

the commissioner must give a QCAT information notice to the officer and the Crime and Misconduct Commission for the decision or finding within 14 days after the making of the decision or finding.’ 11  
12  
13  
14

(3) Section 7.4— 15

*insert—* 16

‘(5) To remove any doubt, it is declared that a reference in the QCAT Act, section 157(2) to a decision includes a reference to a finding.’ 17  
18  
19

**Clause 1606 Amendment of s 9.1 (Operation of part)** 20

Section 9.1, from ‘right of appeal’— 21

*omit, insert—* 22

‘right to seek a review of the decision in question under the *Crime and Misconduct Act 2001*, section 219G.’ 23  
24

---

<b>Part 2</b>	<b>Amendment of Prostitution Act 1999</b>	1
		2
<b>Clause 1607</b>	<b>Act amended</b>	3
	This part amends the <i>Prostitution Act 1999</i> .	4
<b>Clause 1608</b>	<b>Replacement of pt 4, divs 3–8</b>	5
	Part 4, divisions 3 to 8—	6
	<i>omit, insert—</i>	7
<b>‘Division 3</b>	<b>Review by QCAT</b>	8
<b>‘64A</b>	<b>Review of decisions about code assessment</b>	9
‘(1)	This section applies if an assessment manager decides a development application requires code assessment under the Integrated Planning Act.	10 11 12
‘(2)	The applicant for the development application may apply, as provided under the QCAT Act, to QCAT for a review of any of the following decisions of the assessment manager about the application—	13 14 15 16
(a)	a decision that the development application is required to be subject to code assessment under the Integrated Planning Act;	17 18 19
(b)	a decision to refuse, or refuse part of, the application;	20
(c)	a decision about a matter stated in a development approval, including a decision about any condition applying to the development;	21 22 23
(d)	a decision to give a preliminary approval when a development permit was applied for;	24 25
(e)	a decision about a period stated in a development approval under the Integrated Planning Act, section 3.5.21(1)(b), (2)(c) or (3)(b);	26 27 28

[s 1608]

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- (f) a decision that is taken to have happened for a deemed refusal. 1  
2
- ‘(3) For working out the period within which the application must be made under the QCAT Act, section 33, the applicant is taken to have been notified of the decision when the following is given to the applicant under the Integrated Planning Act— 3  
4  
5  
6
- (a) the decision notice for the decision; 7
- (b) if a negotiated decision notice is also given to the applicant—the negotiated decision notice. 8  
9
- Note—* 10
- Under the QCAT Act, section 157(1), the assessment manager is required to give the applicant a notice complying with that section about each decision mentioned in subsection (2). 11  
12  
13
- ‘(4) If an appeal is made to the Planning and Environment Court about a decision mentioned in subsection (2), the court must not hear or decide the appeal. 14  
15  
16
- ‘(5) This section does not prevent the making of an application under the Integrated Planning Act, section 4.1.21 for a declaration about the meaning, effect or enforcement of a condition of a development approval. 17  
18  
19  
20
- ‘64B Review of decisions about impact assessment 21**
- ‘(1) This section applies if an acknowledgment notice under the Integrated Planning Act for a development application contains a statement that an aspect of the development applied for requires impact assessment. 22  
23  
24  
25
- ‘(2) The applicant for the development application may apply, as provided under the QCAT Act, to QCAT for a review of the assessment manager’s decision that the aspect requires impact assessment. 26  
27  
28  
29
- ‘(3) For working out the period within which the application must be made under the QCAT Act, section 33, the applicant is taken to have been notified of the decision when the applicant is given the acknowledgement notice. 30  
31  
32  
33

*Note—*

Under the QCAT Act, section 157(1), the assessment manager is required to give the applicant a notice complying with that section about the decision.

- ‘(4) If an appeal is made to the Planning and Environment Court about a decision mentioned in subsection (2), the court must not hear or decide the appeal.
- ‘(5) This section does not prevent the making of an application under the Integrated Planning Act, section 4.1.21 for a declaration about the meaning, effect or enforcement of a condition of a development approval.

**‘64C Procedures for review**

- ‘(1) This section applies if, under section 64A or 64B, an applicant for a development application applies to QCAT for a review of a decision of the assessment manager.
- ‘(2) The obligation imposed on the applicant, under the QCAT Act, section 37, to give a copy of the application to the assessment manager must be complied with within 5 business days after the day the application for review is made.
- ‘(3) The obligation imposed on the assessment manager, under the QCAT Act, section 21(2), to give a statement of reasons, documents and other things to QCAT must be complied with within 10 business days after the day the assessment manager is notified of the making of the application for review.
- ‘(4) Within 10 business days after receiving material from the assessment manager under the QCAT Act, section 21(2), QCAT must—
- (a) make a preliminary assessment of the decision of the assessment manager that is the subject of the review; and
- (b) give a copy of the preliminary assessment and the reasons for the preliminary assessment to the parties to the review.

[s 1608]

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‘(5) QCAT must give the parties to the review 10 business days after receiving the preliminary assessment to make written submissions about the assessment.	1 2 3
‘(6) QCAT must decide the review within 5 business days after the end of the period for making written submissions, unless the period for deciding the review is extended under subsection (7).	4 5 6 7
‘(7) If QCAT considers it appropriate, QCAT may extend the period for deciding the review to the extent necessary.	8 9
<i>Example—</i>	10
An extension of the period for deciding the review may be necessary to allow parties to make oral submissions to QCAT or because the review is complex.	11 12 13
<b>‘64D No appeal from QCAT’s decision under the Integrated Planning Act</b>	14 15
‘(1) This section applies to a QCAT decision in a proceeding for a review under this division that, under the QCAT Act, section 24(2), is taken to be a decision of an assessment manager.	16 17 18
‘(2) The decision is not subject to appeal under the Integrated Planning Act.	19 20
<i>Note—</i>	21
However, the QCAT Act, chapter 2, part 8 (Appeals etc.) applies to QCAT’s decisions in the proceeding for the review.	22 23
<b>‘64E Development approval suspended until review decided</b>	24 25
‘A development approval is suspended until the end of any period for applying to QCAT for a review of a decision about any matter stated in the approval and any proceeding started because of the review.’.	26 27 28 29

---

<b>Clause 1609</b>	<b>Amendment of s 132 (Evidentiary provision)</b>	1
	Section 132(2) and (3), ‘, the independent assessor’—	2
	<i>omit.</i>	3
<b>Clause 1610</b>	<b>Amendment of s 133 (Disclosure of information)</b>	4
(1)	Section 133(3), definition <i>official</i> , after ‘means’—	5
	<i>insert</i> —	6
	‘a person who is or was’.	7
(2)	Section 133(3), definition <i>official</i> , paragraph (d)—	8
	<i>omit, insert</i> —	9
	‘(d) the independent assessor under this Act, as in force	10
	before the commencement of the QCAT Act, chapter 7;	11
	or’.	12
(3)	Section 133(3), definition <i>official</i> , paragraph (f)—	13
	<i>omit, insert</i> —	14
	‘(f) the assessor’s registrar under this Act, as in force before	15
	the commencement of the QCAT Act, chapter 7; or’.	16
<b>Clause 1611</b>	<b>Amendment of s 134 (Protection of officials from liability)</b>	17
(1)	Section 134(3), definition <i>official</i> , paragraph (d)—	18
	<i>omit.</i>	19
(2)	Section 134(3), definition <i>official</i> , paragraphs (e) and (f)—	20
	<i>renumber</i> as paragraphs (d) and (e).	21
<b>Clause 1612</b>	<b>Replacement of pt 9, divs 1–4, hdgs</b>	22
(1)	Part 9, division 1, heading—	23
	<i>omit, insert</i> —	24
<b>‘Division 1</b>	<b>Provision for Act No. 77 of 2001’.</b>	25

[s 1613]

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(2) Part 9, division 2, heading— 1  
*omit, insert*— 2

**‘Division 2 Provisions for Act No. 40 of 2006’.** 3

(3) Part 9, division 3, heading— 4  
*omit, insert*— 5

**‘Division 3 Provision for Act No. 59 of 2007’.** 6

(4) Part 9, division 4, heading— 7  
*omit, insert*— 8

**‘Division 4 Provision for Act No. 55 of 2008’.** 9

**Clause 1613 Insertion of new pt 9, div 5** 10  
Part 9— 11  
*insert*— 12

**‘Division 5 Provisions for Queensland Civil and  
Administrative Tribunal  
(Jurisdiction Provisions)  
Amendment Act 2009** 13  
14  
15  
16

**‘152 Definition for div 5** 17  
‘In this division— 18  
*commencement* means the commencement of section 153. 19

**‘153 Independent assessor goes out of office** 20  
‘On the commencement, the independent assessor goes out of  
office. 21  
22

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<b>‘154</b>	<b>Application of particular QCAT Act provisions to former independent assessor and former assessor’s registrar</b>	1 2 3
‘(1)	From the commencement, the following provisions of the QCAT Act apply in relation to the former independent assessor as if the former independent assessor were a former tribunal under that Act—	4 5 6 7
	• sections 250 to 253 and 254(1)(a)	8
	• chapter 7, part 2, divisions 2 to 4	9
	• chapter 7, part 4	10
	• section 276.	11
‘(2)	For applying the QCAT Act, section 276 in relation to the former independent assessor, a reference in the section to a former Act is taken to be a reference to this Act.	12 13 14
‘(3)	Also, from the commencement, the QCAT Act, section 254(1)(d) applies to the former assessor’s registrar as if the reference in the paragraph to a former registrar were a reference to the former assessor’s registrar.	15 16 17 18
‘(4)	In this section—	19
	<i>former assessor’s registrar</i> means the person holding appointment as the assessor’s registrar for this Act immediately before the commencement.	20 21 22
	<i>former independent assessor</i> means the person holding appointment as an independent assessor for this Act immediately before the commencement.’.	23 24 25
<b>Clause 1614</b>	<b>Amendment of sch 4 (Dictionary)</b>	26
	Schedule 4, definitions <i>assessor’s registrar</i> and <i>independent assessor</i> —	27 28
	<i>omit.</i>	29

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[s 1615]

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<b>Part 3</b>	<b>Amendment of Prostitution Regulation 2000</b>	1
		2
<b>Clause 1615</b>	<b>Regulation amended</b>	3
	This part amends the <i>Prostitution Regulation 2000</i> .	4
<b>Clause 1616</b>	<b>Amendment of sch 2 (Fees)</b>	5
	Schedule 2, item 19—	6
	<i>omit</i> .	7
<b>Part 4</b>	<b>Amendment of Weapons Act 1990</b>	8
		9
<b>Clause 1617</b>	<b>Act amended</b>	10
	This part amends the <i>Weapons Act 1990</i> .	11
<b>Clause 1618</b>	<b>Amendment of pt 6, hdg (Appeals and rights of review)</b>	12
	Part 6, heading—	13
	<i>omit, insert—</i>	14
<b>‘Part 6</b>	<b>Rights of review and other appeals’.</b>	15
		16
<b>Clause 1619</b>	<b>Amendment of s 142 (Right to appeal against decisions)</b>	17
	(1) Section 142, heading, from ‘appeal’—	18
	<i>omit, insert—</i>	19
	‘ <b>apply for review of decisions</b> ’.	20

- 
- (2) Section 142(2) and (3)— 1  
*omit, insert—* 2
- ‘(2) A person aggrieved by the decision may apply, as provided 3  
under the QCAT Act, to QCAT for a review of the decision.’. 4

**Clause 1620 Insertion of new s 142AA** 5

After section 142— 6  
*insert—* 7

**‘142AA Notices must be QCAT information notices** 8

- ‘(1) This section applies to a notice required to be given to a 9  
person in relation to a decision mentioned in section 142(1). 10
- ‘(2) The notice must be a QCAT information notice for the 11  
decision.’. 12

**Clause 1621 Amendment of s 142A (Particular provision for appeals 13  
against or reviews of decisions based on criminal 14  
intelligence)** 15

(1) Section 142A, heading— 16  
*omit, insert—* 17

**‘142A Confidentiality of criminal intelligence’.** 18

(2) Section 142A(1)— 19  
*omit, insert—* 20

- ‘(1) This section applies to— 21
- (a) a review, under the QCAT Act, of a relevant decision; or 22
- (b) a review, under the *Judicial Review Act 1991*, of a 23  
relevant decision; or 24
- (c) an appeal, under the QCAT Act, in relation to a relevant 25  
decision.’. 26

(3) Section 142A(2), after ‘court’— 27  
*insert—* 28

[s 1622]

---

‘or tribunal’. 1

(4) Section 142A(3), definition *review*— 2

*omit.* 3

**Clause 1622 Omission of ss 143 and 144** 4

Sections 143 and 144— 5

*omit.* 6

**Clause 1623 Amendment of s 145 (Appellant may carry on business pending appeal)** 7  
8

(1) Section 145, heading— 9

*omit, insert*— 10

**‘145 Applicant may carry on business pending review’.** 11

(2) Section 145, ‘appeals against’— 12

*omit, insert*— 13

‘applies for the review of’. 14

(3) Section 145, ‘appeal’— 15

*omit, insert*— 16

‘review’. 17

**Clause 1624 Omission of ss 146–149** 18

Sections 146 to 149— 19

*omit.* 20

**Clause 1625 Amendment of sch 2 (Dictionary)** 21

Schedule 2— 22

*insert*— 23

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

**Chapter 11 Department of the Premier and Cabinet**

**Part 1 Amendment of Public Sector Ethics Act 1994**

**Clause 1626 Act amended**

This part amends the *Public Sector Ethics Act 1994*.

**Clause 1627 Amendment of schedule (Dictionary)**

(1) Schedule, definition *tribunal*, paragraph (a), ‘a tribunal’—  
*omit, insert—*  
‘QCAT or another tribunal that is’.

(2) Schedule, definition *tribunal*, paragraph (d)—  
*omit.*

[s 1628]

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<b>Part 2</b>	<b>Amendment of Public Service Act 2008</b>	1 2
<b>Clause 1628</b>	<b>Act amended</b>	3
	This part amends the <i>Public Service Act 2008</i> .	4
<b>Clause 1629</b>	<b>Amendment of sch 2 (Statutory office holders who are not term appointees)</b>	5 6
	(1) Schedule 2, entry for the <i>Anti-Discrimination Act 1991</i> , second dot point—	7 8
	<i>omit.</i>	9
	(2) Schedule 2, entries for the <i>Children Services Tribunal Act 2000</i> , <i>Classification of Computer Games and Images Regulation 2005</i> , <i>Classification of Films Regulation 1992</i> , <i>Classification of Publications Regulation 1992</i> , <i>Fisheries Act 1994</i> and <i>Misconduct Tribunals Act 1997</i> —	10 11 12 13 14
	<i>omit.</i>	15
	(3) Schedule 2—	16
	<i>insert—</i>	17
	‘ <i>Queensland Civil and Administrative Tribunal Act 2009</i>	18
	• a member of QCAT’.	19
<b>Part 3</b>	<b>Amendment of South Bank Corporation Act 1989</b>	20 21
<b>Clause 1630</b>	<b>Act amended</b>	22
	This part amends the <i>South Bank Corporation Act 1989</i> .	23

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<b>Clause 1631</b>	<b>Amendment of s 7 (Establishment of corporation)</b>	1
	Section 7(b), after ‘jurisdiction’—	2
	<i>insert—</i>	3
	‘or tribunal’.	4
<b>Clause 1632</b>	<b>Amendment of s 83 (Power to exclude persons causing public nuisance)</b>	5
	Section 83—	6
	<i>insert—</i>	7
	‘(7) A written notice mentioned in subsection (5) must comply with the QCAT Act, section 157(2).’	8
	‘(8) For the purposes of the QCAT Act, a decision made by a security officer under subsection (5) is taken to have been made by the corporation.’	9
		10
		11
		12
		13
<b>Clause 1633</b>	<b>Amendment of s 87 (Certain exclusion directions may be reviewed)</b>	14
	(1) Section 87(1)—	15
	<i>omit, insert—</i>	16
	‘(1) A person who is given a reviewable exclusion direction may apply, as provided under the QCAT Act, to QCAT to review the reasonableness of the direction.’	17
	(2) Section 87(2), ‘The’—	18
	<i>omit, insert—</i>	19
	‘However, the’.	20
	(3) Section 87(3), ‘registrar or clerk of the court’—	21
	<i>omit, insert—</i>	22
	‘principal registrar of QCAT’.	23
		24
		25
		26

[s 1634]

---

<b>Clause 1634</b>	<b>Replacement s 89 (Procedure for review)</b>	1
	Section 89—	2
	<i>omit, insert—</i>	3
<b>'89</b>	<b>Review may be expedited hearing</b>	4
	'For section 94(1)(b) of the QCAT Act, the review of a reviewable exclusion direction is a matter for which an expedited hearing may be conducted.'	5
		6
		7
<b>Clause 1635</b>	<b>Replacement of s 90 (Decision on review)</b>	8
	Section 90—	9
	<i>omit, insert—</i>	10
<b>'90</b>	<b>Monetary decision can not be made on review</b>	11
	'QCAT, on the review of a reviewable exclusion direction, can not make a decision requiring a person to pay an amount to someone else.'	12
		13
		14
<b>Part 4</b>	<b>Amendment of Whistleblowers Protection Act 1994</b>	15
		16
<b>Clause 1636</b>	<b>Act amended</b>	17
	This part amends the <i>Whistleblowers Protection Act 1994</i> .	18
<b>Clause 1637</b>	<b>Amendment of s 55 (Preservation of confidentiality)</b>	19
	Section 55(7)—	20
	<i>insert—</i>	21
	' <i>public officer</i> includes a former member of the former misconduct tribunal established under the repealed <i>Misconduct Tribunals Act 1997</i> , section 11.'	22
		23
		24

---

<b>Clause 1638</b>	<b>Amendment of sch 6 (Dictionary)</b>	1
	(1) Schedule, definition <i>tribunal</i> , paragraph (a), ‘a tribunal’—	2
	<i>omit, insert—</i>	3
	‘QCAT or another tribunal that is’.	4
	(2) Schedule 6, definition <i>tribunal</i> , paragraph (d)—	5
	<i>omit.</i>	6
 <b>Chapter 12 Department of Public Works</b>		7
 <b>Part 1 Amendment of Architects Act 2002</b>		8
		9
<b>Clause 1639</b>	<b>Act amended</b>	10
	This part amends the <i>Architects Act 2002</i> .	11
<b>Clause 1640</b>	<b>Amendment of s 106 (Board to reimburse tribunal costs)</b>	12
	Section 106(2), definition <i>tribunal department</i> , ‘Tribunal Act’—	13
	<i>omit, insert—</i>	14
	‘QCAT Act’.	15
		16
<b>Clause 1641</b>	<b>Omission of pt 8, div 1 (Preliminary)</b>	17
	Part 8, division 1—	18
	<i>omit.</i>	19

[s 1642]

---

<b>Clause 1642</b>	<b>Renumbering of pt 8, div 2 (Reviews)</b>	1
	Part 8, division 2—	2
	<i>renumber</i> as part 8, division 1.	3
<b>Clause 1643</b>	<b>Amendment of s 121 (Review of particular decisions)</b>	4
	Section 121(2), ‘apply to’—	5
	<i>omit, insert</i> —	6
	‘apply, as provided under the QCAT Act, to’.	7
<b>Clause 1644</b>	<b>Omission of s 123 (Stay of operation of decision)</b>	8
	Section 123—	9
	<i>omit.</i>	10
<b>Clause 1645</b>	<b>Renumbering of pt 8, div 3 (Disciplinary proceedings)</b>	11
	Part 8, division 3—	12
	<i>renumber</i> as part 8, division 2.	13
<b>Clause 1646</b>	<b>Amendment of sch 2 (Dictionary)</b>	14
	(1) Schedule 2, definition <i>Tribunal Act</i> —	15
	<i>omit.</i>	16
	(2) Schedule 2, definition <i>information notice</i> —	17
	<i>omit, insert</i> —	18
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	19
		20
	(3) Schedule 2, definition <i>tribunal</i> —	21
	<i>omit, insert</i> —	22
	‘ <i>tribunal</i> means QCAT.’.	23

---

<b>Part 2</b>	<b>Amendment of Building and Construction Industry Payments Act 2004</b>	1
		2
		3
<b>Clause 1647</b>	<b>Act amended</b>	4
	This part amends the <i>Building and Construction Industry Payments Act 2004</i> .	5
		6
<b>Clause 1648</b>	<b>Amendment of s 95 (Review decision)</b>	7
	Section 95(3)—	8
	<i>omit, insert—</i>	9
	‘(3) If the review decision is not the decision sought by the applicant, the review notice must comply with the QCAT Act, section 157(2).’.	10
		11
		12
<b>Clause 1649</b>	<b>Amendment of 96 (Stay of operation of decision)</b>	13
	Section 96(1), ‘apply for’—	14
	<i>omit, insert—</i>	15
	‘apply, as provided under the QCAT Act, for’.	16
<b>Clause 1650</b>	<b>Replacement of pt 5, div 2, hdg (Review by tribunal)</b>	17
	Part 5, division 2, heading—	18
	<i>omit, insert—</i>	19
	<b>‘Division 2 External review of decisions’.</b>	20
<b>Clause 1651</b>	<b>Amendment of s 97 (Who may apply to tribunal for a review)</b>	21
	(1) Section 97, heading ‘a’—	22
		23
	<i>omit, insert—</i>	24

[s 1652]

---

‘**an external**’.

(2) Section 97, ‘apply to’—

*omit, insert*—

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

**Clause 1652 Omission of s 98 (Stay of operation of decision)** 5

Section 98— 6

*omit.* 7

**Clause 1653 Amendment of sch 2 (Dictionary)** 8

Schedule 2, definition *tribunal*— 9

*omit, insert*— 10

‘*tribunal* means QCAT.’. 11

**Part 3 Amendment of Domestic Building Contracts Act 2000** 12  
13

**Clause 1654 Act amended** 14

This part amends the *Domestic Building Contracts Act 2000*. 15

**Clause 1655 Amendment of s 18 (Effective completion date or period)** 16

Section 18(6)(b), ‘made to’— 17

*omit, insert*— 18

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

---

<b>Clause 1656</b>	<b>Amendment of s 55 (Cost plus contracts)</b>	1
	Section 55(4), ‘made to’—	2
	<i>omit, insert</i> —	3
	‘made, as provided under the QCAT Act, to’.	4
<b>Clause 1657</b>	<b>Amendment of s 60 (Effect of improper statements)</b>	5
	Section 60(3), ‘made to’—	6
	<i>omit, insert</i> —	7
	‘made, as provided under the QCAT Act, to’.	8
<b>Clause 1658</b>	<b>Amendment of s 84 (Right of building contractor to recover amount for variation)</b>	9
	(1) Section 84(2)(b), ‘made to’—	10
	<i>omit, insert</i> —	11
	‘made, as provided under the QCAT Act, to’.	12
	(2) Section 84(3)(b), ‘made to’—	13
	<i>omit, insert</i> —	14
	‘made, as provided under the QCAT Act, to’.	15
<b>Clause 1659</b>	<b>Amendment of sch 2 (Dictionary)</b>	16
	Schedule 2, definition <i>tribunal</i> —	17
	<i>omit, insert</i> —	18
	‘ <i>tribunal</i> means QCAT.’.	19
		20

[s 1660]

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<b>Part 4</b>	<b>Amendment of Professional Engineers Act 2002</b>	1
		2
<b>Clause 1660</b>	<b>Act amended</b>	3
	This part amends the <i>Professional Engineers Act 2002</i> .	4
<b>Clause 1661</b>	<b>Amendment of s 106 (Board to reimburse tribunal costs)</b>	5
	Section 106(2), definition <i>tribunal department</i> , ‘Tribunal Act’—	6
		7
	<i>omit, insert—</i>	8
	‘QCAT Act’.	9
<b>Clause 1662</b>	<b>Omission of pt 8, div 1 (Preliminary)</b>	10
	Part 8, division 1—	11
	<i>omit.</i>	12
<b>Clause 1663</b>	<b>Renumbering of pt 8, div 2 (Reviews)</b>	13
	Part 8, division 2—	14
	<i>renumber</i> as part 8, division 1.	15
<b>Clause 1664</b>	<b>Amendment of s 122 (Review of particular decisions)</b>	16
	Section 122(2), ‘apply to’—	17
	<i>omit, insert—</i>	18
	‘apply, as provided under the QCAT Act, to’.	19
<b>Clause 1665</b>	<b>Omission of s 124 (Stay of operation of decision)</b>	20
	Section 124—	21
	<i>omit.</i>	22

---

<b>Clause 1666</b>	<b>Renumbering of pt 8, div 3 (Disciplinary proceedings)</b>	1
	Part 8, division 3—	2
	<i>renumber</i> as part 8, division 2.	3
<b>Clause 1667</b>	<b>Omission of s 128 (Starting disciplinary proceeding)</b>	4
	Section 128—	5
	<i>omit</i> .	6
<b>Clause 1668</b>	<b>Amendment of sch 2 (Dictionary)</b>	7
	(1) Schedule 2, definition <i>Tribunal Act</i> —	8
	<i>omit</i> .	9
	(2) Schedule 2, definition <i>information notice</i> —	10
	<i>omit, insert</i> —	11
	‘ <i>information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	12
		13
	(3) Schedule 2, definition <i>tribunal</i> —	14
	<i>omit, insert</i> —	15
	‘ <i>tribunal</i> means QCAT.’.	16
<b>Part 5</b>	<b>Amendment of Queensland Building Services Authority Act 1991</b>	17
		18
		19
<b>Clause 1669</b>	<b>Act amended</b>	20
	This part amends the <i>Queensland Building Services Authority Act 1991</i> .	21
		22

[s 1670]

---

<b>Clause 1670</b>	<b>Amendment of s 44H (Procedure for cancellation or suspension)</b>	1 2
	Section 44H(4)—	3
	<i>omit, insert—</i>	4
	‘(4) The notice of cancellation or suspension must comply with the QCAT Act, section 157(2).’	5 6
<b>Clause 1671</b>	<b>Amendment of s 49 (Procedure for cancellation or suspension)</b>	7 8
	Section 49(4)—	9
	<i>omit, insert—</i>	10
	‘(4) The notice of cancellation or suspension must comply with the QCAT Act, section 157(2).’	11 12
<b>Clause 1672</b>	<b>Amendment of s 49A (Immediate suspension of licence)</b>	13
	Section 49A(2)—	14
	<i>omit, insert—</i>	15
	‘(2) The suspension under subsection (1) is imposed by written notice given to the licensee that complies with the QCAT Act, section 157(2) and—	16 17 18
	(a) states that licensee may make written representations for a lifting of the suspension; and	19 20
	(b) briefly explains how the suspension could lapse under subsection (3).’	21 22
<b>Clause 1673</b>	<b>Amendment of s 67 (Notice that not a fit and proper person to individual who is not a licensee)</b>	23 24
	Section 67(3)—	25
	<i>insert—</i>	26
	‘(d) how, and the period within which, the individual may apply to the tribunal for the review; and	27 28

- 
- (e) any right the individual has to have the operation of the authority's decision stayed by the tribunal.' 1  
2

<b>Clause 1674</b>	<b>Amendment of s 67AH (Notice of cancellation and that not a fit and proper person to individual who is a licensee)</b>	3 4 5
	Section 67AH(3)(c)—	6
	<i>insert—</i>	7
	‘(iii) how, and the period within which, the individual may apply to the tribunal for the review; and	8 9
	(iv) any right the individual has to have the operation of the authority's decision stayed by the tribunal.’	10 11
<b>Clause 1675</b>	<b>Amendment of s 67AI (Notice that not a fit and proper person to individual who is not a licensee)</b>	12 13
	Section 67AI(3)—	14
	<i>insert—</i>	15
	‘(d) how, and the period within which, the individual may apply to the tribunal for the review; and	16 17
	(e) any right the individual has to have the operation of the authority's decision stayed by the tribunal.’	18 19
<b>Clause 1676</b>	<b>Amendment of s 67AL (Notice of cancellation and that not a fit and proper person to director, secretary, influential person or nominee who is a licensee)</b>	20 21 22
	Section 67AL(3)(c)—	23
	<i>insert—</i>	24
	‘(iii) how, and the period within which, the director, secretary, influential person or nominee may apply to the tribunal for the review; and	25 26 27

[s 1677]

---

	(iv) any right the director, secretary, influential person or nominee has to have the operation of the authority's decision stayed by the tribunal.'	1 2 3
<b>Clause 1677</b>	<b>Amendment of s 67AM (Notice that not a fit and proper person to director, secretary, influential person or nominee who is not a licensee)</b>	4 5 6
	Section 67AM(3)—	7
	<i>insert—</i>	8
	'(d) how, and the period within which, the director, secretary, influential person or nominee may apply to the tribunal for the review; and	9 10 11
	(e) any right the director, secretary, influential person or nominee has to have the operation of the authority's decision stayed by the tribunal.'	12 13 14
<b>Clause 1678</b>	<b>Amendment of s 67AP (Relationship of this part with pt 7, div 4)</b>	15 16
	Section 67AP(3)(b), editor's note—	17
	<i>omit.</i>	18
<b>Clause 1679</b>	<b>Amendment of s 67AQ (Definitions for pt 3E)</b>	19
	Section 67AQ, definition <i>conviction</i> , paragraph (e), 'Tribunal Act'—	20 21
	<i>omit, insert—</i>	22
	'QCAT Act'.	23
<b>Clause 1680</b>	<b>Amendment of s 67AZF (Notice of cancellation and that not a fit and proper person to individual who is a licensee)</b>	24 25 26
	Section 67AZF(3)(c)—	27

---

*insert—* 1  
‘(iii) how, and the period within which, the individual 2  
may apply to the tribunal for the review; and 3  
(iv) any right the individual has to have the operation of 4  
the authority’s decision stayed by the tribunal.’. 5

**Clause 1681 Amendment of s 67AZG (Notice that not a fit and proper person to individual who is not a licensee)** 6  
7  
Section 67AZG(3)— 8  
*insert—* 9  
‘(d) how, and the period within which, the individual may 10  
apply to the tribunal for the review; and 11  
(e) any right the individual has to have the operation of the 12  
authority’s decision stayed by the tribunal.’. 13

**Clause 1682 Amendment of s 67AZJ (Notice of cancellation and that not a fit and proper person to director, secretary, influential person or nominee who is a licensee)** 14  
15  
16  
Section 67AZJ(3)(c)— 17  
*insert—* 18  
‘(iii) how, and the period within which, the director, 19  
secretary, influential person or nominee may apply 20  
to the tribunal for the review; and 21  
(iv) any right the director, secretary, influential person 22  
or nominee has to have the operation of the 23  
authority’s decision stayed by the tribunal.’. 24

**Clause 1683 Amendment of s 67AZK (Notice that not a fit and proper person to director, secretary, influential person or nominee who is not a licensee)** 25  
26  
27  
Section 67AZK(3)— 28  
*insert—* 29

[s 1684]

---

- ‘(d) how, and the period within which, the director, secretary, influential person or nominee may apply to the tribunal for the review; and 1  
2  
3
- (e) any right the director, secretary, influential person or nominee has to have the operation of the authority’s decision stayed by the tribunal.’. 4  
5  
6

<b>Clause 1684</b>	<b>Amendment of s 77 (Tribunal may decide building dispute)</b>	7 8
	Section 77(1), ‘apply to’—	9
	<i>omit, insert</i> —	10
	‘apply, as provided under the QCAT Act, to’.	11
<b>Clause 1685</b>	<b>Amendment of s 84 (Tribunal to decide about rectification or completion work)</b>	12 13
	Section 84(2) and (4), ‘apply to’—	14
	<i>omit, insert</i> —	15
	‘apply, as provided under the QCAT Act, to’.	16
<b>Clause 1686</b>	<b>Amendment of s 87 (Application for review)</b>	17
	Section 87, ‘apply to’—	18
	<i>omit, insert</i> —	19
	‘apply, as provided under the QCAT Act, to’.	20
<b>Clause 1687</b>	<b>Amendment of s 88 (Tribunal has jurisdiction to conduct disciplinary proceeding)</b>	21 22
	Section 88, ‘apply to’—	23
	<i>omit, insert</i> —	24
	‘apply, as provided under the QCAT Act, to’.	25

<b>Clause 1688</b>	<b>Replacement of s 91 (Orders for disciplinary action)</b>	1
	Section 91—	2
	<i>omit, insert—</i>	3
<b>‘91</b>	<b>Orders for disciplinary action</b>	4
‘(1)	If the tribunal decides that appropriate grounds exist for taking disciplinary action against a person, the tribunal may make 1 or more of the orders mentioned in subsections (3) to (5).	5 6 7 8
‘(2)	Also, the tribunal may, in relation to defective or incomplete tribunal work carried out by a person for a building owner—	9 10
	(a) make an order that the person rectify or complete the work; or	11 12
	(b) if the person is not appropriately licensed to rectify or complete the work—make an order that the person have the work rectified or completed by another person who is appropriately licensed; or	13 14 15 16
	(c) make an order that the person pay the building owner an amount sufficient to rectify or complete the work.	17 18
‘(3)	The tribunal may make an order imposing a penalty on the person of not more than—	19 20
	(a) for an individual—an amount equivalent to 200 penalty units; or	21 22
	(b) for a corporation—an amount equivalent to 1000 penalty units.	23 24
‘(4)	The tribunal may make an order directing the person to pay compensation to someone else who has suffered loss or damage because of the act or omission that resulted in the disciplinary action.	25 26 27 28
‘(5)	If the person is a licensee, the tribunal may make an order—	29
	(a) reprimanding the licensee; or	30
	(b) suspending the licence; or	31
	(c) imposing conditions on the licence; or	32

[s 1689]

---

(d) cancelling the licence. 1

‘(6) An order of the tribunal under subsections (3) to (5) must be published. 2  
3

‘(7) The authority may recover an amount ordered by the tribunal to be imposed as a penalty as a debt due to it in a court with jurisdiction up to the amount of the debt.’. 4  
5  
6

**Clause 1689 Insertion of new s 92A** 7

Part 7, division 5— 8

*insert—* 9

**‘92A Procedure before public examination starts** 10

‘(1) Before the start of a public examination, the tribunal must be satisfied each person to be examined has received written grounds for the public examination. 11  
12  
13

‘(2) On being satisfied under subsection (1), the tribunal must— 14

(a) decide a time and place for the public examination; and 15

(b) issue an attendance notice to each person to be examined. 16  
17

‘(3) If a person to be examined is a corporation, the tribunal must issue the attendance notice requiring the executive officer of the corporation to attend the tribunal for examination. 18  
19  
20

‘(4) The attendance notice must state— 21

(a) the time and place for the public examination decided by the tribunal; and 22  
23

(b) that the person may make oral and written submissions at the examination. 24  
25

‘(5) The authority must serve the attendance notice on the person to whom it was issued.’. 26  
27

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<b>Clause 1690</b>	<b>Replacement of pt 7, div 7 (Transfer of proceedings)</b>	1
	Part 7, division 7—	2
	<i>omit, insert—</i>	3
	<b>‘Division 7 Tribunal proceedings</b>	4
<b>‘93A</b>	<b>Representation of parties</b>	5
	‘(1) This section applies to a party in a proceeding before the tribunal relating to a matter under this Act.	6 7
	‘(2) The party may be represented by a lawyer if—	8
	(a) the proceeding relates to an application under section 93; or	9 10
	(b) the proceeding is a public examination.	11
<b>‘94</b>	<b>Transfer of proceedings between tribunal and the courts</b>	12 13
	‘If proceedings relating to a major commercial building dispute are brought in a court, the court may order that the proceeding be transferred to the tribunal only if all parties to the dispute apply for the order.’	14 15 16 17
<b>Clause 1691</b>	<b>Omission of pt 7, div 8, hdg (Expedited hearings)</b>	18
	Part 7, division 8, heading—	19
	<i>omit.</i>	20
<b>Clause 1692</b>	<b>Amendment of s 95 (Expedited hearing of domestic building disputes)</b>	21 22
	Section 95(2)(a), ‘apply to’—	23
	<i>omit, insert—</i>	24
	‘apply, as provided under the QCAT Act, to’.	25

[s 1693]

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<b>Clause 1693</b>	<b>Omission of s 97 (Judicial Review excluded for minor domestic building disputes)</b>	1 2
	Section 97—	3
	<i>omit.</i>	4
<b>Clause 1694</b>	<b>Insertion of new pt 7, div 8</b>	5
	Part 7, after section 96—	6
	<i>insert—</i>	7
<b>‘Division 8</b>	<b>Other powers of the tribunal</b>	8
<b>‘97</b>	<b>Entry and inspection of property by member of tribunal</b>	9 10
	‘(1) A member of the tribunal may, if it is necessary to do so for the purposes of a proceeding before the tribunal—	11 12
	(a) enter and inspect a building or land relevant to the proceeding accompanied by the parties to the proceeding; or	13 14 15
	(b) authorise a person in writing to take the following action and report to the tribunal on the action taken—	16 17
	(i) enter and inspect a building or land relevant to the proceeding;	18 19
	(ii) take photographs, video film or an image of the building or land or anything relevant to the proceeding;	20 21 22
	(iii) carry out tests approved by the tribunal.	23
	<i>Examples of building or land relevant to the proceeding—</i>	24
	• a display home mentioned in a contract as the model to be followed by a building contractor if the display home is occupied by a third party	25 26 27
	• land adjoining other land on which is situated building work the subject of a proceeding to better inspect the building work from the adjoining land	28 29 30

- 
- ‘(2) A person must not obstruct a member of the tribunal, or a person authorised under subsection (1)(b), in the exercise of a power mentioned in subsection (1).  
Maximum penalty—200 penalty units.
- ‘97A Procedure before entry**
- ‘(1) This section applies to entry under section 97.
- ‘(2) Before entering a building or land the member or a person authorised to enter must do or make a reasonable attempt to do the following—
- (a) give an occupier or, if there is no occupier, the owner, reasonable notice of the entry;
  - (b) on arriving at the building or land, identify himself or herself to a person present who is an occupier of the building or land by producing—
    - (i) for the member—a copy of a document that evidences the member’s appointment; or
    - (ii) for a person authorised to enter—a copy of the authorisation and evidence that the person is the person authorised;
  - (c) give the person present a copy of the things produced under subsection (2)(b);
  - (d) tell the person present the member or authorised person is permitted to enter the building or land.
- ‘97B Stop orders**
- ‘(1) This section applies if the tribunal is satisfied, on application by the authority, that something is being done, or is about to be done, in contravention of this Act.
- ‘(2) The tribunal may, by order, prohibit the person who is doing, or about to do, the thing (the *prohibited person*) from starting or continuing the thing.

[s 1694]

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- ‘(3) The tribunal may make an order under this section on application by the authority made without notice to the prohibited person but, in that case, the tribunal must allow the prohibited person a reasonable opportunity to show cause why the order should not be confirmed.
- ‘(4) If the tribunal, after considering the prohibited person’s evidence and submissions, if any, and any further evidence or submissions of the authority, is not satisfied the order should continue in force, the tribunal must rescind the order.
- ‘(5) A person must not contravene an order under this section.  
Maximum penalty—500 penalty units.

**‘97C Suspension orders**

- ‘(1) If the tribunal is satisfied, on application by the authority, that a licence should be suspended, the tribunal may, by order, suspend the licence—
- (a) for the period the tribunal considers reasonable; or
- (b) until the holder of the licence (the *suspended person*) complies with a condition imposed on the licence by the tribunal.
- ‘(2) The order may direct the suspended person to deliver the licence to the authority and include any other directions the tribunal considers necessary or convenient to give effect to the order.
- ‘(3) The tribunal may make an order under this section on application made without notice to the suspended person but, in that case, the tribunal must allow the suspended person a reasonable opportunity to show cause why the order should be rescinded.
- ‘(4) If the tribunal after considering the suspended person’s evidence and submissions, if any, and any further evidence or submissions of the authority, is not satisfied the order should continue in force, the tribunal must rescind the order.

- 
- (5) The holder of a licence who contravenes a direction under subsection (2) commits an offence. 1  
2  
Maximum penalty—80 penalty units.’. 3

**Clause 1695 Amendment of s 99 (Licensee register)** 4

- Section 99(3)(b), ‘107 of the Tribunal Act’— 5  
*omit, insert—* 6  
‘91’. 7

**Clause 1696 Amendment of s 107 (Power to enter and inspect building site)** 8  
9

- (1) Section 107(2)(c), ‘a member of’— 10  
*omit.* 11  
(2) Section 107(3), ‘apply to a member of’— 12  
*omit, insert—* 13  
‘apply, as provided under the QCAT Act, to’. 14  
(3) Section 107(4) and (5), ‘member’— 15  
*omit, insert—* 16  
‘tribunal’. 17

**Clause 1697 Amendment of sch 2 (Dictionary)** 18

- (1) Schedule 2, definition *Tribunal Act*— 19  
*omit.* 20  
(2) Schedule 2, definition *registrar*— 21  
*omit, insert—* 22  
**‘registrar—** 23  
(a) for part 3E—see section 67AQ; or 24

[s 1698]

---

(b) otherwise—means the principal registrar under the  
Tribunal Act.’. 1  
2

(3) Schedule 2, definition *tribunal*— 3  
*omit, insert*— 4  
*‘tribunal* means QCAT.’. 5

## **Chapter 13 Department of Transport and Main Roads** 6 7

### **Part 1 Amendment of Adult Proof of Age Card Act 2008** 8 9

**Clause 1698 Act amended** 10  
This part amends the *Adult Proof of Age Card Act 2008*. 11

**Clause 1699 Amendment of pt 6, hdg (Review and appeal)** 12  
Part 6, heading, ‘and appeal’— 13  
*omit, insert*— 14  
**‘of decisions’**. 15

**Clause 1700 Amendment of s 39 (Review of original decision)** 16  
(1) Section 39, heading— 17  
*omit, insert*— 18

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<b>'39</b>	<b>Internal review of decisions'</b>	1
	(2) Section 39(3)(b)(ii), 'a Magistrates Court'—	2
	<i>omit, insert</i> —	3
	'QCAT'.	4
<b>Clause 1701</b>	<b>Replacement of s 40 (Appeal against reviewed decision)</b>	5
	Section 40—	6
	<i>omit, insert</i> —	7
<b>'40</b>	<b>External review of decisions</b>	8
	'(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.	9 10 11 12
	'(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.	13 14
	<i>Note</i> —	15
	The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.	16 17 18
	'(3) In this section—	19
	<b><i>QCAT information notice</i></b> means a notice complying with the QCAT Act, section 157(2).	20 21
	<b><i>reviewed decision</i></b> means the chief executive's decision on a review under section 39.'	22 23
<b>Clause 1702</b>	<b>Amendment of s 49 (Regulation-making power)</b>	24
	Section 49(2)(c), 'or appeal'—	25
	<i>omit</i> .	26

[s 1703]

---

<b>Clause 1703</b>	<b>Amendment of schedule (Dictionary)</b>	1
(1)	Schedule, definition <i>information notice</i> , paragraph (c)—	2
	<i>omit, insert—</i>	3
	‘(c) that the person to whom the notice is given may—	4
	(i) under section 39—ask for the decision to be reviewed by the chief executive; and	5 6
	(ii) under the <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	7 8 9
	(iii) under section 40—ask for the chief executive’s decision on the review (the <b><i>reviewed decision</i></b> ) to be reviewed by QCAT; and	10 11 12
	(iv) under the QCAT Act—apply for the reviewed decision to be stayed.’.	13 14
(2)	Schedule, definition <i>review and appeal information—omit.</i>	15 16

<b>Part 2</b>	<b>Amendment of Tow Truck Act 1973</b>	17 18
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<b>Clause 1704</b>	<b>Act amended</b>	19
	This part amends the <i>Tow Truck Act 1973</i> .	20

<b>Clause 1705</b>	<b>Amendment of s 21B (Immediate suspension of authority)</b>	21 22
	Section 21B(4)(c) to (e)—	23
	<i>omit, insert—</i>	24
	‘(c) the prescribed review information for the decision.’.	25

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<b>Clause 1706</b>	<b>Amendment of s 21D (Amending, suspending or cancelling authority)</b>	1 2
	Section 21D(7)(b) and (c)—	3
	<i>omit, insert—</i>	4
	‘(b) the prescribed review information for the decision.’.	5
<b>Clause 1707</b>	<b>Amendment of pt 6, hdg (Review of and appeals against decisions)</b>	6 7
	Part 6, heading, ‘and appeals against’—	8
	<i>omit.</i>	9
<b>Clause 1708</b>	<b>Replacement of s 28 (Review of and appeals against decisions)</b>	10 11
	Section 28—	12
	<i>omit, insert—</i>	13
<b>‘28</b>	<b>Internal review of decisions</b>	14
	‘(1) A person whose interests are affected by a decision described in schedule 1 (the <i>original decision</i> ) may ask the chief executive to review the decision.	15 16 17
	‘(2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.	18 19 20 21
	‘(3) The <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—	22 23
	(a) applies to the review; and	24
	(b) provides—	25
	(i) for the procedure for applying for the review and the way it is to be carried out; and	26 27
	(ii) that the person may apply to QCAT to have the original decision stayed.	28 29

[s 1709]

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<b>‘29</b>	<b>External review of decisions</b>	1
‘(1)	If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.	2 3 4 5
‘(2)	The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.	6 7
	<i>Note—</i>	8
	The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.	9 10 11
‘(3)	In this section—	12
	<b><i>QCAT information notice</i></b> means a notice complying with the QCAT Act, section 157(2).	13 14
	<b><i>reviewed decision</i></b> means the chief executive’s decision on a review under section 28.’.	15 16
<b>Clause 1709</b>	<b>Amendment of s 43 (Regulation-making power)</b>	17
(1)	Section 43(2)(u)—	18
	<i>omit.</i>	19
(2)	Section 43(2)(v)—	20
	<i>renumber</i> as section 43(2)(u).	21
<b>Clause 1710</b>	<b>Amendment of sch 2 (Dictionary)</b>	22
	Schedule 2—	23
	<i>insert—</i>	24
	<b><i>‘prescribed review information</i></b> , for a decision, means information that a person to whom a notice about the decision is given under section 21B(1) or 21D(6) may—	25 26 27
(a)	under section 28—ask for the decision to be reviewed by the chief executive; and	28 29

- (b) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and 1  
2  
3
- (c) under section 29—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and 4  
5  
6
- (d) under the QCAT Act—apply for the reviewed decision to be stayed.’. 7  
8

### **Part 3** **Amendment of Traffic Regulation 1962** 9 10

**Clause 1711 Regulation amended** 11  
This part amends the *Traffic Regulation 1962*. 12

**Clause 1712 Amendment of ss 104A, 117 and 134A** 13  
Sections 104A(2)(b)(ii) and (3)(c)(ii), 117(6)(b)(ii) and 134A(8)(b)(ii)— 14  
omit, insert— 15  
16  
‘(ii) applying for a review of the decision under section 17  
131(1AA) of the Act.’. 18

**Clause 1713 Amendment of s 134C (Reconsideration of decision by chief executive or commissioner)** 19  
20  
Section 134C(7), from ‘appeal’— 21  
omit, insert— 22  
‘apply for a review of the decision under section 131(1AA) of the Act.’. 23  
24

[s 1714]

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<b>Part 4</b>	<b>Amendment of Transport Infrastructure Act 1994</b>	1
		2
<b>Clause 1714</b>	<b>Act amended</b>	3
	This part amends the <i>Transport Infrastructure Act 1994</i> .	4
<b>Clause 1715</b>	<b>Replacement of s 56 (Information in s 54 gazette notice about a declaration)</b>	5
	Section 56—	6
	<i>omit, insert—</i>	7
<b>'56</b>	<b>Information in s 54 gazette notice about a declaration</b>	8
		9
	'(1) A gazette notice under section 54(1) must state the reasons for the declaration.	10
		11
	'(2) The gazette notice must also state that any person whose interests are affected by the declaration may—	12
		13
	(a) under section 485—ask for the decision to make the declaration (the <i>original decision</i> ) to be reviewed by the chief executive; and	14
		15
		16
	(b) under the <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—apply for the original decision to be stayed; and	17
		18
		19
	(c) under the <i>Transport and Planning Coordination Act 1994</i> , part 5, division 3—	20
		21
	(i) appeal against the chief executive's decision on the review (the <i>reviewed decision</i> ) to the court stated in schedule 3 for the decision; and	22
		23
		24
	(ii) apply for the reviewed decision to be stayed.'	25

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<b>Clause 1716</b>	<b>Amendment of s 57 (Information in s 54 gazette notice about new or replacement policy)</b>	1
		2
	Section 57(1)(f)(i) and (ii)—	3
	<i>omit, insert—</i>	4
	‘(i) under section 485—ask for the decision about the policy to be applied (the <i>original decision</i> ) to be reviewed by the chief executive; and	5
		6
		7
	(ii) under the <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—apply for the original decision to be stayed; and	8
		9
		10
	(iii) under the <i>Transport and Planning Coordination Act 1994</i> , part 5, division 3—	11
		12
	(A) appeal against the chief executive’s decision on the review (the <i>reviewed decision</i> ) to the court stated in schedule 3 for the decision; and	13
		14
		15
	(B) apply for the reviewed decision to be stayed.’.	16
<b>Clause 1717</b>	<b>Amendment of s 58 (Amendment of policy for a limited access road in limited circumstances)</b>	17
		18
	Section 58(2)—	19
	<i>omit, insert—</i>	20
	‘(2) The written notice mentioned in subsection (1)(b) must—	21
	(a) state the notice is given under this section; and	22
	(b) state the reasons for the decision; and	23
	(c) be accompanied by an information notice for the decision.’.	24
		25
<b>Clause 1718</b>	<b>Amendment of s 67 (Notice of decision under s 62(1))</b>	26
	(1) Section 67(2)(e)—	27
	<i>omit.</i>	28

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[s 1719]

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- (2) Section 67(2)(f)— 1  
*renumber* as section 67(2)(e). 2
- (3) Section 67— 3  
*insert*— 4
- ‘(2A) If the decision is not a decision sought by the person to whom 5  
the written notice is given, the written notice must be 6  
accompanied by an information notice for the decision.’. 7

**Clause 1719 Amendment of s 289F (Decision by port authority in 8  
relation to approval) 9**

- (1) Section 289F(2)(c) and (d)— 10  
*omit*. 11
- (2) Section 289F— 12  
*insert*— 13
- ‘(3) The written notice must also state that the applicant or 14  
approval holder may— 15
- (a) under section 289G—ask for the decision (the *original 16  
decision*) to be reviewed by the port authority; and 17
- (b) under the *Transport and Planning Coordination Act 18  
1994*, part 5, division 2—apply for the original decision 19  
to be stayed; and 20
- (c) under section 289GA—ask for the port authority’s 21  
decision on the review (the *reviewed decision*) to be 22  
reviewed by QCAT; and 23
- (d) under the QCAT Act—apply for the reviewed decision 24  
to be stayed.’. 25

**Clause 1720 Replacement of s 289G (Review of and appeals against 26  
decisions) 27**

- Section 289G— 28  
*omit, insert*— 29

---

<b>‘289G Internal review of decisions</b>	1
‘(1) A person whose interests are affected by a decision mentioned in section 289F(1) (the <i>original decision</i> ) may ask the port authority to review the decision.	2 3 4
‘(2) The <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—	5 6
(a) applies to the review as if a reference in the division to the chief executive were a reference to the port authority that made the decision; and	7 8 9
(b) provides—	10
(i) for the procedure for applying for the review and the way it is to be carried out; and	11 12
(ii) that the person may apply to QCAT to have the original decision stayed.	13 14
<b>‘289GA External review of decisions</b>	15
‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the port authority that made the reviewed decision must give the applicant a QCAT information notice for the reviewed decision.	16 17 18 19
‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.	20 21
<i>Note—</i>	22
The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.	23 24 25
‘(3) In this section—	26
<i>reviewed decision</i> means the port authority’s decision on a review under section 289G.’.	27 28

[s 1721]

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<b>Clause 1721</b>	<b>Replacement of s 485 (Review of and appeals against decisions)</b>	1 2
	Section 485—	3
	<i>omit, insert—</i>	4
<b>‘485</b>	<b>Internal review of decisions</b>	5
	‘(1) A person whose interests are affected by a decision described in schedule 3 (the <i>original decision</i> ) may ask the chief executive to review the decision.	6 7 8
	‘(2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.	9 10 11 12
	‘(3) The <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—	13 14
	(a) applies to the review; and	15
	(b) provides—	16
	(i) for the procedure for applying for the review and the way it is to be carried out; and	17 18
	(ii) that the person may apply to QCAT to have the original decision stayed.	19 20
<b>‘485A</b>	<b>External review of decisions</b>	21
	‘(1) This section applies in relation to an original decision if QCAT is stated in schedule 3 for the decision.	22 23
	‘(2) If the reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.	24 25 26 27
	‘(3) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.	28 29

*Note—*

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

‘(4) In this section—

*original decision* means a decision described in schedule 3.

*reviewed decision* means the chief executive’s decision on a review under section 485.

#### **‘485B Appeals against decisions**

‘(1) This section applies in relation to an original decision if a court (the *appeal court*) is stated in schedule 3 for the decision.

‘(2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.

‘(3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—

(a) applies to the appeal; and

(b) provides—

(i) for the procedure for the appeal and the way it is to be disposed of; and

(ii) that the person may apply to the appeal court to have the original decision stayed.

‘(4) In this section—

*original decision* means a decision described in schedule 3.

*reviewed decision* means the chief executive’s decision on a review under section 485.’

[s 1722]

<b>Clause 1722</b>	<b>Amendment of sch 3 (Reviews and appeals)</b>	1
(1)	Schedule 3, heading, ‘section 485’—	2
	<i>omit, insert—</i>	3
	‘sections 485, 485A and 485B’.	4
(2)	Schedule 3, third column, heading, after ‘Court’—	5
	<i>insert—</i>	6
	<b>‘or tribunal’.</b>	7
(3)	Schedule 3, third column, ‘District’, ‘District or Magistrates’ or ‘Magistrates’—	8 9
	<i>omit, insert—</i>	10
	‘QCAT’.	11
(4)	Schedule 3, paragraph after entry for section 489—	12
	<i>omit.</i>	13
(5)	Schedule 3—	14
	<i>insert—</i>	15
‘338(2)	decision of chief executive to impose conditions on an authorisation	QCAT
338(3)	decision of chief executive not to grant an authorisation	QCAT
342(5)	decision of chief executive not to amend authorisation conditions	QCAT
343(3)	decision of chief executive to amend authorisation conditions	QCAT
344(3)	suspension or cancellation of authorisation	QCAT
344(6)	immediate cancellation of authorisation	QCAT
345(2)	immediate suspension of authorisation	QCAT
346R(1)	decision of busway safety officer	QCAT
(c)	resulting in forfeiture of seized thing to the State’.	

<b>Clause 1723</b>	<b>Amendment of sch 6 (Dictionary)</b>	1
(1)	Schedule 6, definitions <i>information notice</i> and <i>reviewed decision</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 6—	5
	<i>insert</i> —	6
	<i>‘information notice</i> , for a decision the subject of a written notice given to a person, means a written notice stating that the person may—	7
		8
		9
(a)	under section 485—ask for the decision to be reviewed by the chief executive; and	10
		11
(b)	under the <i>Transport and Planning Coordination Act 1994</i> , part 5, division 2—apply for the decision to be stayed; and	12
		13
		14
(c)	either—	15
(i)	if section 485A applies in relation to the reviewed decision—	16
		17
(A)	under that section—ask for the reviewed decision to be reviewed by QCAT; and	18
		19
(B)	under the QCAT Act—apply for the reviewed decision to be stayed; or	20
		21
(ii)	if section 485B applies in relation to the reviewed decision, under the <i>Transport and Planning Coordination Act 1994</i> , part 5, division 3—	22
		23
		24
(A)	appeal against the reviewed decision to the court stated in schedule 3 for the decision; and	25
		26
		27
(B)	apply for the reviewed decision to be stayed.	28
	<i>QCAT information notice</i> means a notice complying with the QCAT Act, section 157(2).’.	29
		30

[s 1724]

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<b>Part 5</b>	<b>Amendment of Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008</b>	1
		2
		3
<b>Clause 1724</b>	<b>Regulation amended</b>	4
	This part amends the <i>Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008</i> .	5
		6
<b>Clause 1725</b>	<b>Amendment of pt 18, hdg (Review and appeal of decisions)</b>	7
	Part 18, heading, ‘and appeal’—	8
	<i>omit.</i>	9
		10
<b>Clause 1726</b>	<b>Replacement of s 177 (Review of and appeals against decisions)</b>	11
	Section 177—	12
	<i>omit, insert—</i>	13
		14
<b>‘177</b>	<b>Internal review of decisions</b>	15
	‘(1) A person whose interests are affected by a decision described in schedule 1 (the <i>original decision</i> ) may ask the chief executive to review the decision.	16
		17
		18
	‘(2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.	19
		20
		21
		22
	‘(3) The <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—	23
		24
	(a) applies to the review; and	25
	(b) provides—	26
	(i) for the procedure for applying for the review and the way it is to be carried out; and	27
		28

- 
- (ii) that the person may apply to QCAT to have the original decision stayed. 1  
2

**‘177A External review of decisions** 3

‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision. 4  
5  
6  
7

‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision. 8  
9

*Note—* 10

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative. 11  
12  
13

‘(3) In this section— 14

*reviewed decision* means the chief executive’s decision on a review under section 177.’. 15  
16

**Clause 1727 Amendment of sch 3 (Dictionary)** 17

Schedule 3, definition *information notice*, paragraph (b)(i) and (ii)— 18  
19

*omit, insert—* 20

‘(i) under section 177—ask for the decision to be reviewed by the chief executive; and 21  
22

(ii) under the *Transport and Planning Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and 23  
24  
25

(iii) under section 177A—ask for the chief executive’s decision on the review to be reviewed by QCAT; and 26  
27  
28

(iv) under the QCAT Act—apply to QCAT for the chief executive’s decision on the review to be stayed.’. 29  
30

<b>Part 6</b>	<b>Amendment of Transport Infrastructure (Gold Coast Waterways) Management Plan 2000</b>	1 2 3 4
<b>Clause 1728</b>	<b>Waterway transport management plan amended</b>	5
	<i>This part amends the Transport Infrastructure (Gold Coast Waterways) Management Plan 2000.</i>	6 7
<b>Clause 1729</b>	<b>Amendment of s 18 (Take off and landing approval)</b>	8
	Section 18(7)—	9
	<i>omit, insert—</i>	10
	‘(7) A notice under subsection (5) or (6) must also state the prescribed review information for the decision.’.	11 12
<b>Clause 1730</b>	<b>Amendment of s 20 (Procedure for amending, suspending or cancelling approval)</b>	13 14
	Section 20(5)(b) and (c)—	15
	<i>omit, insert—</i>	16
	‘(b) the prescribed review information for the decision.’.	17
<b>Clause 1731</b>	<b>Amendment of s 21 (Procedure for urgent suspension of approval)</b>	18 19
	Section 21(2)(b) and (c)—	20
	<i>omit, insert—</i>	21
	‘(b) the prescribed review information for the decision.’.	22

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<b>Clause 1732</b>	<b>Replacement of s 22 (Section 196 of Act applies for review and appeal)</b>	1
	Section 22—	2
	<i>omit, insert—</i>	3
<b>'22</b>	<b>Act, ss 485 and 485A apply for reviews</b>	4
	'(1) Sections 485 and 485A of the Act apply to a decision mentioned in subsection (2) as if—	5
	(a) the decision were mentioned in schedule 3 of the Act; and	6
	(b) QCAT were stated opposite the decision in that schedule.	7
	'(2) For subsection (1) the decisions are as follows—	8
	(a) a decision to grant a take off and landing approval on conditions;	9
	(b) a decision to refuse to grant a take off and landing approval;	10
	(c) a decision to amend, suspend or cancel a take off and landing approval.'	11
<b>Clause 1733</b>	<b>Amendment of sch 6 (Dictionary)</b>	12
	Schedule 6—	13
	<i>insert—</i>	14
	' <i>prescribed review information</i> , for a decision, means information that a person to whom a notice about the decision is given under section 18(5) or (6), 20(4) or 21(1) may—	15
	(a) under section 485 of the Act, as applied under section 22—ask for the decision to be reviewed by the chief executive; and	16
	(b) under the <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	17
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[s 1734]

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- (c) under section 485A of the Act, as applied under section 22—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and
- (d) under the QCAT Act—apply for the reviewed decision to be stayed.’.

**Part 7** **Amendment of Transport Infrastructure (Public Marine Facilities) Regulation 2000**

- Clause 1734** **Regulation amended**
- This part amends the *Transport Infrastructure (Public Marine Facilities) Regulation 2000*.
- Clause 1735** **Amendment of s 41 (Procedure if approval refused or granted on condition)**
- Section 41(3)—  
*omit, insert—*
- ‘(3) A notice under subsection (2) must also state the prescribed review information for the decision.’.
- Clause 1736** **Amendment of pt 3, div 6, hdg (Amending, suspending or cancelling approvals and review or appeal)**
- Part 3, division 6, heading, ‘review or appeal’—  
*omit, insert—*  
‘**reviews**’.

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<b>Clause 1737</b>	<b>Amendment of s 43 (Amending suspending or cancelling approval without application)</b>	1 2
	Section 43(4)(b)—	3
	<i>omit, insert—</i>	4
	‘(b) the prescribed review information for the decision.’.	5
<b>Clause 1738</b>	<b>Replacement of pt 3, div 6, sdiv 2, hdg (Review and appeal)</b>	6 7
	Part 3, division 6, subdivision 2, heading—	8
	<i>omit, insert—</i>	9
	<b>‘Subdivision 2 Internal and external review’.</b>	10
<b>Clause 1739</b>	<b>Amendment of s 44 (Review of and appeal against decisions)</b>	11 12
	(1) Section 44, heading—	13
	<i>omit, insert—</i>	14
	<b>‘44 Internal and external review of decisions’.</b>	15
	(2) Section 44(2) and (3)—	16
	<i>omit, insert—</i>	17
	‘(2) Sections 485 and 485A of the Act apply to a decision mentioned in subsection (1) as if—	18 19
	(a) the decision were mentioned in schedule 3 of the Act; and	20 21
	(b) QCAT were stated opposite the decision in that schedule.’.	22 23
<b>Clause 1740</b>	<b>Amendment of sch 4 (Dictionary)</b>	24
	Schedule 4—	25
	<i>insert—</i>	26

[s 1741]

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- 'prescribed review information*, for a decision, means 1  
information that a person to whom a notice about the decision 2  
is given under section 41(2) or 43(3) may— 3
- (a) under section 485 of the Act, as applied under section 4  
44(2)—ask for the decision to be reviewed by the chief 5  
executive; and 6
- (b) under the *Transport Planning and Coordination Act* 7  
*1994*, part 5, division 2—apply to QCAT for the 8  
decision to be stayed; and 9
- (c) under section 485A of the Act, as applied under section 10  
44(2)—ask for the chief executive's decision on the 11  
review (the *reviewed decision*) to be reviewed by QCAT; 12  
and 13
- (d) under the QCAT Act—apply for the reviewed decision 14  
to be stayed.' 15

**Part 8** **Amendment of Transport** 16  
**Infrastructure (Sunshine Coast** 17  
**Waterways) Management Plan** 18  
**2000** 19

**Clause 1741** **Waterway transport management plan amended** 20

This part amends the *Transport Infrastructure (Sunshine* 21  
*Coast Waterways) Management Plan 2000*. 22

**Clause 1742** **Amendment of s 23 (Granting or refusing application for** 23  
**approval)** 24

Section 23(6)— 25

*omit, insert—* 26

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‘(6) A notice under subsection (3) or (4) must also state the prescribed review information for the decision.’. 1  
2

**Clause 1743 Amendment of s 25 (Procedure for amending, suspending or cancelling approval)** 3  
4

Section 25(5)(b) and (c)— 5

*omit, insert—* 6

‘(b) the prescribed review information for the decision.’. 7

**Clause 1744 Amendment of s 26 (Procedure for urgent suspension of approval of take off and landing approval)** 8  
9

Section 26(2)(b) and (c)— 10

*omit, insert—* 11

‘(b) the prescribed review information for the decision.’. 12

**Clause 1745 Replacement of s 27 (Section 196 of Act applies for review and appeal)** 13  
14

Section 27— 15

*omit, insert—* 16

**‘27 Act, ss 485 and 485A apply for reviews** 17

‘(1) Sections 485 and 485A of the Act apply to a decision mentioned in subsection (2) as if— 18  
19

(a) the decision were mentioned in schedule 3 of the Act; 20  
and 21

(b) QCAT were stated opposite the decision in that schedule. 22  
23

‘(2) For subsection (1) the decisions are as follows— 24

(a) a decision to grant an approval on conditions; 25

(b) a decision to refuse an application for an approval; 26

(c) a decision to amend, suspend or cancel an approval.’. 27

[s 1746]

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<b>Clause 1746</b>	<b>Amendment of sch 5 (Dictionary)</b>	1
	Schedule 5—	2
	<i>insert</i> —	3
	‘ <i>prescribed review information</i> , for a decision, means information that a person to whom a notice about the decision is given under section 23(3) or (4), 25(4) or 26(1) may—	4 5 6
	(a) under section 485 of the Act, as applied under section 27—ask for the decision to be reviewed by the chief executive; and	7 8 9
	(b) under the <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	10 11 12
	(c) under section 485A of the Act, as applied under section 27—ask for the chief executive’s decision on the review (the <i>reviewed decision</i> ) to be reviewed by QCAT; and	13 14 15
	(d) under the QCAT Act—apply for the reviewed decision to be stayed.’.	16 17

<b>Part 9</b>	<b>Amendment of Transport Operations (Marine Pollution) Act 1995</b>	18 19 20
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<b>Clause 1747</b>	<b>Act amended</b>	21
	This part amends the <i>Transport Operations (Marine Pollution) Act 1995</i> .	22 23

<b>Clause 1748</b>	<b>Amendment of s 115 (Recovery of discharge expenses)</b>	24
	(1) Section 115(6), from ‘written notice’—	25
	<i>omit, insert</i> —	26

‘a QCAT information notice for the decision to the security giver.’. 1  
2

(2) Section 115(7)— 3  
*omit, insert—* 4

‘(7) The QCAT information notice must enclose a copy of section 116.’. 5  
6

(3) Section 115(8)— 7  
*omit, insert—* 8

‘(8) If a QCAT information notice is given under subsection (6), the general manager must not make the demand until— 9  
10

(a) the time to apply, as provided under the QCAT Act, to QCAT for a review of the decision has ended; and 11  
12

(b) if an application for a review of the decision is made—the application is finally decided.’. 13  
14

**Clause 1749 Replacement of s 116 (Appeals)** 15

Section 116— 16  
*omit, insert—* 17

**‘116 External review of decisions under s 115** 18

‘A person whose interests are affected by a decision under section 115 may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’. 19  
20  
21

**Clause 1750 Omission of s 117 (Hearing procedures)** 22

Section 117— 23  
*omit.* 24

**Clause 1751 Insertion of new pt 13B** 25

After section 117L— 26  
*insert—* 27

[s 1751]

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<b>‘Part 13B</b>	<b>Review of decisions</b>	1
<b>‘117M Internal review of decisions</b>		2
‘(1) This section applies if—		3
(a) the general manager refuses an application for an approval, or amends, suspends or cancels an approval; or		4 5 6
(b) an authorised officer refuses an application for an approval under section 63.		7 8
‘(2) The applicant or approval holder may ask the chief executive to review the general manager’s or authorised officer’s decision (the <i>original decision</i> ).		9 10 11
‘(3) The applicant or approval holder is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.		12 13 14 15
‘(4) The <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—		16 17
(a) applies to the review as if a reference in the division to the chief executive were a reference to the general manager or authorised officer who made the decision; and		18 19 20 21
(b) provides—		22
(i) for the procedure for applying for the review and the way it is to be carried out; and		23 24
(ii) that the person may apply to QCAT to have the original decision stayed.		25 26
‘(5) In this section—		27
<b>applicant</b> , in relation to an approval, means—		28
(a) if the provision under which the approval may be applied for states that the ship’s owner may apply—the ship’s owner; or		29 30 31

- (b) if the provision under which the approval may be applied for states that the ship’s master may apply—the ship’s master.

*approval* means an approval or exemption that may be given by the general manager or an authorised officer under this Act.

**‘117N External review of decisions**

- ‘(1) If a reviewed decision is not the decision sought by the applicant for the review or an affected person, the chief executive must give the applicant a QCAT information notice for the reviewed decision.

- ‘(2) The applicant or affected person may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.

*Note—*

The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.

- ‘(3) In this section—

*affected person* means an owner or master of a ship whose interests are affected by the reviewed decision.

*reviewed decision* means the chief executive’s decision on a review under section 177M.’.

**Clause 1752 Amendment of schedule (Dictionary)**

Schedule—

*insert—*

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

[s 1753]

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<b>Part 10</b>	<b>Amendment of Transport Operations (Marine Pollution) Regulation 2008</b>	1 2 3
<b>Clause 1753</b>	<b>Regulation amended</b>	4
	<i>This part amends the Transport Operations (Marine Pollution) Regulation 2008.</i>	5 6
<b>Clause 1754</b>	<b>Omission of pt 12, div 1, sdiv 4 (Review of and appeals against particular decisions)</b>	7 8
	Part 12, division 1, subdivision 4—	9
	<i>omit.</i>	10
<b>Part 11</b>	<b>Amendment of Transport Operations (Marine Safety) Act 1994</b>	11 12 13
<b>Clause 1755</b>	<b>Act amended</b>	14
	<i>This part amends the Transport Operations (Marine Safety) Act 1994.</i>	15 16
<b>Clause 1756</b>	<b>Amendment of s 203 (Definitions for pt 16)</b>	17
	(1) Section 203, definitions <i>appropriate appeal court</i> and <i>reviewed decision</i> —	18 19
	<i>omit.</i>	20
	(2) Section 203—	21
	<i>insert</i> —	22

---

*‘reviewed decision* means the chief executive’s or general manager’s decision made, or taken to have been made, on a review under section 203B.’. 1  
2  
3

(3) Section 203, definition *delegate*, ‘manger’— 4  
*omit, insert*— 5  
‘manager’. 6

(4) Section 203, definition *original decision*, from ‘general manger’— 7  
8  
*omit, insert*— 9  
‘general manager, a harbour master or a shipping inspector, other than a reviewed decision.’. 10  
11

**Clause 1757 Amendment of s 203A (Main purposes of pt 16)** 12  
Section 203A(a), ‘and appeals from the decisions made on review’— 13  
14  
*omit.* 15

**Clause 1758 Amendment of s 203B (Review of original decision)** 16  
(1) Section 203B, heading— 17  
*omit, insert*— 18  
**‘203B Internal review of decisions’.** 19  
(2) Section 203B(2)(b)(ii)— 20  
*omit, insert*— 21  
‘(ii) that the person may apply to QCAT to have the original decision stayed.’. 22  
23  
(3) Section 203B(3), ‘manger’— 24  
*omit, insert*— 25  
‘manager’. 26

[s 1759]

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<b>Clause 1759</b>	<b>Replacement of s 203C (Appeal against reviewed decision)</b>	1
	Section 203C—	2
	<i>omit, insert—</i>	3
	<b>‘203C External review of decisions</b>	4
	‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.	5
	‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.	6
	<i>Note—</i>	7
	The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.	8
	‘(3) In this section—	9
	<i>chief executive</i> means, if the reviewed decision is made by the general manager, the general manager.’.	10
<b>Clause 1760</b>	<b>Omission of s 203E (Appropriate appeal court)</b>	11
	Section 203E—	12
	<i>omit.</i>	13
<b>Clause 1761</b>	<b>Amendment of schedule (Dictionary)</b>	14
	(1) Schedule, definition <i>appropriate appeal court—</i>	15
	<i>omit.</i>	16
	(2) Schedule, definition <i>reviewed decision</i> , ‘203C(1)’—	17
	<i>omit, insert—</i>	18
	‘203’.	19

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<b>Part 12</b>	<b>Amendment of Transport Operations (Marine Safety) Regulation 2004</b>	1
		2
		3
<b>Clause 1762</b>	<b>Regulation amended</b>	4
	This part amends the <i>Transport Operations (Marine Safety) Regulation 2004</i> .	5
		6
<b>Clause 1763</b>	<b>Amendment of s 154 (Refusal of application for authority)</b>	7
	Section 154(3)(b)—	8
	<i>omit, insert—</i>	9
	‘(b) the prescribed review information for the decision.’.	10
<b>Clause 1764</b>	<b>Amendment of s 164 (Procedure for suspension or cancellation)</b>	11
	Section 164(5)(b)—	12
	<i>omit, insert—</i>	13
	‘(b) the prescribed review information for the decision.’.	14
		15
<b>Clause 1765</b>	<b>Amendment of s 165 (Action by general manager after marine incident)</b>	16
	Section 165(3)(e)—	17
	<i>omit, insert—</i>	18
	‘(e) that the holder of the approval may—	19
	(i) under section 203B of the Act—ask for the decision to be reviewed by the general manager; and	20
		21
		22
		23
	(ii) under the <i>Transport and Planning Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	24
		25
		26

[s 1766]

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	(iii) under section 203C of the Act—ask for the general manager’s decision on the review (the <i>reviewed decision</i> ) to be reviewed by QCAT; and	1 2 3
	(iv) under the QCAT Act—apply to QCAT for the reviewed decision to be stayed.’.	4 5
<b>Clause 1766</b>	<b>Amendment of s 215 (Removal of buoy mooring on expiry, cancellation or surrender of approval)</b>	6 7
	Section 215(3)(b) and (c)—	8
	<i>omit, insert—</i>	9
	‘(b) if the approval has been cancelled and no application for review of the decision to cancel the approval ( <i>QCAT application</i> ) is made to QCAT under part 16 of the Act—within 14 days after the time for making the QCAT application ends; or	10 11 12 13 14
	(c) if the approval has been cancelled and, on a QCAT application, QCAT confirms the cancellation—within 14 days after the confirmation of the cancellation.’.	15 16 17
<b>Clause 1767</b>	<b>Amendment of sch 15 (Dictionary)</b>	18
	Schedule 15—	19
	<i>insert—</i>	20
	‘ <i>prescribed review information</i> , for a decision, means information that a person to whom a notice about the decision is given under section 154(1) or 164(3) may—	21 22 23
	(a) under section 203B of the Act—ask for the decision to be reviewed by the general manager; and	24 25
	(b) under the <i>Transport and Planning Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	26 27 28



[s 1770]

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decision is made requires that the person be given a statement of reasons for the decision.	1 2
‘(3) The <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—	3 4
(a) applies to the review; and	5
(b) provides—	6
(i) for the procedure for applying for the review and the way it is to be disposed of; and	7 8
(ii) that the person may apply to QCAT to have the original decision stayed.	9 10
<b>‘103 External review of decisions</b>	11
‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.	12 13 14 15
‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.	16 17
<i>Note—</i>	18
The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.	19 20 21
‘(3) In this section—	22
<b><i>QCAT information notice</i></b> means a notice complying with the QCAT Act, section 157(2).	23 24
<b><i>reviewed decision</i></b> means the chief executive’s decision on a review under section 102.	25 26

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<b>‘104</b>	<b>Commissioner for Children and Young People and Child Guardian</b>	1
		2
	‘(1) This section applies if—	3
	(a) a proceeding before QCAT concerns a decision of the chief executive on a review of a driver authorisation decision; and	4 5 6
	(b) a driver disqualifying offence involving a child was relevant to the driver authorisation decision.	7 8
	‘(2) The Commissioner for Children and Young People and Child Guardian is a party to the proceeding.	9 10
	‘(3) In this section—	11
	<i>driver authorisation decision</i> means a decision about driver authorisation under this Act.’.	12 13
<b>Clause 1771</b>	<b>Amendment of s 126NA (Dangerous situation notice)</b>	14
	Section 126NA(2)(e)—	15
	<i>omit, insert—</i>	16
	‘(e) that the person may—	17
	(i) under section 102—ask for the decision to be reviewed by the chief executive; and	18 19
	(ii) under the <i>Transport and Planning Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	20 21 22
	(iii) under section 103—ask for the chief executive’s decision on the review (the <i>reviewed decision</i> ) to be reviewed by QCAT; and	23 24 25
	(iv) under the QCAT Act—apply to QCAT for the reviewed decision to be stayed.’.	26 27

[s 1772]

<b>Clause 1772</b>	<b>Replacement of sch 2 (Reviewable decisions)</b>	1
	Schedule 2—	2
	<i>omit, insert—</i>	3
	<b>‘Schedule 2 Reviewable decisions</b>	4
	section 102	5

<b>Section</b>	<b>Description of decision</b>
17	refusal to grant or renew operator accreditation
20	amendment, suspension or cancellation of operator accreditation
28B	category B driver disqualifying offence—refusal to grant or renew driver authorisation or cancellation of driver authorisation
28C	category C driver disqualifying offence—refusal to grant or renew driver authorisation or suspension or cancellation of driver authorisation
29	refusal to grant or renew driver authorisation or the imposition of a condition on driver authorisation
32	amendment, suspension or cancellation of driver authorisation or the imposition of a condition on driver authorisation
36B(1)	decision to give essential infrastructure direction
36B(1)	decision to fix conditions for essential infrastructure direction
46(8)	requirement to take steps to remedy service inadequacies
46(9)	termination of service contract for failure to remedy service inadequacies

Section	Description of decision
47(1) or (3)	amendment, suspension or cancellation of a service contract
47A(3)	contract holder's performance has been unsatisfactory
62AC(4)	contract holder's performance has been unsatisfactory
75(1)	amendment of the conditions of a taxi service licence
77(2)	requirement to pay amount as condition of transfer of taxi service licence between areas
79	suspension or cancellation of a taxi service licence
88(1)	amendment of conditions of a limousine service licence
91	suspension or cancellation of a limousine service licence
126D	forfeiture of seized things
126N	decision to give dangerous situation notice'.

<b>Clause 1773</b>	<b>Amendment of sch 3 (Dictionary)</b>	1
	Schedule 3, definition <i>information notice</i> , paragraphs (a) and (b)—	2 3
	<i>omit, insert—</i>	4
	'(a) under section 102—ask for the decision to be reviewed by the chief executive; and	5 6
	(b) under the <i>Transport and Planning Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	7 8 9
	(c) under section 103—ask for the chief executive's decision on the review (the <i>reviewed decision</i> ) to be reviewed by QCAT; and	10 11 12
	(d) under the QCAT Act—apply to QCAT for the reviewed decision to be stayed.'.	13 14

[s 1774]

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<b>Part 14</b>	<b>Amendment of Transport Operations (Passenger Transport) Regulation 2005</b>	1
		2
		3
<b>Clause 1774</b>	<b>Regulation amended</b>	4
	<i>This part amends the Transport Operations (Passenger Transport) Regulation 2005.</i>	5
		6
<b>Clause 1775</b>	<b>Amendment of pt 10, hdg (Review of, and appeals against, decisions not provided for under Act, chapter 10)</b>	7
	Part 10, heading, ‘, and appeals against,’—	8
	<i>omit.</i>	9
		10
<b>Clause 1776</b>	<b>Replacement of s 134 (Review of decisions)</b>	11
	Section 134—	12
	<i>omit, insert—</i>	13
<b>‘134</b>	<b>Review of decisions</b>	14
	‘Sections 102 and 103 of the Act apply to a decision described in schedule 7 as if the decision were described in schedule 2 of the Act.’.	15
		16
		17
<b>Clause 1777</b>	<b>Replacement of sch 7 (Review and appeals against decisions)</b>	18
	Schedule 7—	19
	<i>omit, insert—</i>	20
		21

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**‘Schedule 7      Reviewable decisions** 1

section 134 2

<b>Section</b>	<b>Description of decision</b>
34(2)	imposition of condition when granting driver authorisation or amendment of driver authorisation to include a condition
74(1)	grant of substitute taxi authority with conditions or refusal to grant substitute taxi authority
77(1)	cancellation of substitute taxi authority
87(1)(a)	refusal to approve a taxi security camera system
87(1)(b)	revocation of approval of taxi security camera system
95(4)	refusal of application for membership of a taxi subsidy scheme
96	cancellation of approval under a taxi subsidy scheme
112	refusal to grant substitute limousine authority
115(1)	cancellation of substitute limousine authority
138	exclusion from free travel’.

[s 1778]

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**Part 15** **Amendment of Transport Operations (Road Use Management) Act 1995** 1  
2  
3

**Clause 1778 Act amended** 4

This part amends the *Transport Operations (Road Use Management) Act 1995*. 5  
6

**Clause 1779 Amendment of s 19 (Procedure for amending, suspending or cancelling approvals)** 7  
8

Section 19(3) to (7)— 9  
*omit, insert—* 10

‘(3) The chief executive must give the holder a written notice about the decision (*subsection (3) notice*). 11  
12

‘(4) The decision takes effect on the later of the following— 13  
(a) the day the subsection (3) notice is given to the holder; 14  
(b) the day stated in the subsection (3) notice. 15

‘(5) However, despite subsection (1), if the chief executive considers it necessary in the public interest, the chief executive may, by written notice (*immediate suspension notice*) given to the holder, immediately suspend the approval until the earliest of the following— 16  
17  
18  
19  
20

(a) the chief executive, after complying with subsections (1) and (2), gives the holder a subsection (3) notice; 21  
22  
(b) the end of 56 days after the day the immediate suspension notice is given to the holder. 23  
24

‘(6) A subsection (3) notice, or an immediate suspension notice, must state— 25  
26

(a) the reasons for the decision for which the notice is given; and 27  
28  
(b) the prescribed review information for the decision. 29

---

‘(7) If a subsection (3) notice is given about a decision to suspend an approval on the condition mentioned in subsection (2)(c)(ii), the subsection (3) notice must also state that the approval may be cancelled under section 19A if the holder fails to comply with the condition.’.

**Clause 1780 Amendment of s 19A (Cancelling suspended approval for failing to take remedial action)**

Section 19A(3)—

*omit, insert—*

‘(3) The notice must state—

(a) the reasons for the decision to cancel the approval; and

(b) the prescribed review information for the decision.’.

**Clause 1781 Amendment of s 43 (Forfeiture of seized things)**

Section 43(4)(b)—

*omit, insert—*

‘(b) the prescribed review information for the decision.’.

**Clause 1782 Amendment of ch 4, hdg (Review of and appeals against decisions)**

Chapter 4, heading, ‘and appeals against’—

*omit.*

**Clause 1783 Replacement of s 65 (Review of and appeals against decisions)**

Section 65—

*omit, insert—*

[s 1783]

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<b>‘65</b>	<b>Internal review of decisions</b>	1
‘(1)	A person whose interests are affected by a decision described in schedule 3 (the <i>original decision</i> ) may ask the chief executive to review the decision.	2 3 4
‘(2)	The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.	5 6 7 8
‘(3)	The <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—	9 10
	(a) applies to the review; and	11
	(b) provides—	12
	(i) for the procedure for applying for the review and the way it is to be carried out; and	13 14
	(ii) that the person may apply to QCAT to have the original decision stayed.	15 16
‘(4)	In this section—	17
	<i>chief executive</i> means, if the original decision is made by the commissioner, the commissioner.	18 19
<b>‘65A</b>	<b>External review of decisions</b>	20
‘(1)	If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.	21 22 23 24
‘(2)	The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.	25 26
‘(3)	If the decision is a prescribed authority decision, QCAT can not make an order staying the operation of the decision.	27 28
‘(4)	In this section—	29
	<i>chief executive</i> means, if the reviewed decision is made by the commissioner, the commissioner.	30 31

*prescribed authority decision* means a decision to withdraw a person's authority to drive on a Queensland road under a non-Queensland driver licence if the reason, or 1 of the reasons, for the decision is the person's mental or physical incapacity.

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

*reviewed decision* means the chief executive's decision on a review under section 65.'

**Clause 1784 Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)**

(1) Section 80(22C), after 'No'—

*insert—*

'review or'.

(2) Section 80(22C), second sentence, before 'an'—

*insert—*

'a review or'.

**Clause 1785 Amendment of s 87 (Issue of restricted licence to disqualified person)**

Section 87(5B)(a), after 'on'—

*insert—*

'a review or'.

**Clause 1786 Amendment of s 122E (Notice to be given about refusal or imposition of condition)**

Section 122E(3)(b)—

*omit, insert—*

'(b) the prescribed review information for the decision.'

[s 1787]

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<b>Clause 1787</b>	<b>Amendment of s 122L (Notice to be given to crossing supervisor)</b>	1 2
	Section 122L(2)(b)—	3
	<i>omit, insert—</i>	4
	‘(b) the prescribed review information for the decision.’.	5
<b>Clause 1788</b>	<b>Amendment of s 122N (Procedure for immediate suspension of authority)</b>	6 7
	Section 122N(2)(c)—	8
	<i>omit, insert—</i>	9
	‘(c) the prescribed review information for the decision.’.	10
<b>Clause 1789</b>	<b>Amendment of s 131 (Appeals with respect to issue of licences etc.)</b>	11 12
	(1) Section 131, heading, ‘Appeals’—	13
	<i>omit, insert—</i>	14
	‘ <b>Reviews and appeals</b> ’.	15
	(2) Section 131(1AA), from ‘may appeal’—	16
	<i>omit, insert—</i>	17
	‘may apply, as provided under the QCAT Act, to QCAT for a review of the refusal, suspension, cancellation or imposition.’.	18 19
	(3) Section 131(1A) and (1B)—	20
	<i>omit, insert—</i>	21
	‘(1A) Despite the QCAT Act, the decision of QCAT on the review is final and binding and without further appeal.	22 23
	‘(1B) Subsection (1BA) applies if the chief executive or commissioner suspends or cancels the applicant’s licence, unless the reason, or 1 of the reasons, for the suspension or cancellation is the mental or physical incapacity of the applicant.	24 25 26 27 28

- 
- ‘(1BA) On the making of the application for review, the cancellation or suspension is suspended pending the finalisation of the review but, subject to QCAT’s decision on the review, the cancellation or suspension takes effect from the date of the finalisation of the review for the part of the period for which it was made that had not expired when the review started. 1  
2  
3  
4  
5  
6
- ‘(1BB) If the reason, or 1 of the reasons, for the suspension or cancellation of the licence is the licence holder’s mental or physical incapacity, QCAT can not make an order staying the operation of the suspension or cancellation.’. 7  
8  
9  
10
- (4) Section 131(1C), ‘Subsections (1) to (1B) shall be read and construed so that an appeal hereunder shall’— 11  
12  
*omit, insert—* 13  
‘Subsections (1AA) to (1BB) must be read and construed so that a review does’. 14  
15
- (5) Section 131(1C)(c), ‘an appeal’— 16  
*omit, insert—* 17  
‘a review’. 18

- Clause 1790 Amendment of s 153 (Exemptions)** 19  
Section 153(5)(c)— 20  
*omit, insert—* 21  
‘(c) the prescribed review information for the decision.’. 22

- Clause 1791 Amendment of s 153E (Decision on proposed action)** 23  
Section 153E(3)(c)— 24  
*omit, insert—* 25  
‘(c) the prescribed review information for the decision.’. 26

[s 1792]

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<b>Clause 1792</b>	<b>Amendment of s 153G (Immediate suspension in the public interest)</b>	1 2
	Section 153G(3)(b)—	3
	<i>omit, insert—</i>	4
	‘(b) the prescribed review information for the decision.’.	5
<b>Clause 1793</b>	<b>Amendment of s 153H (Cancelling suspended exemption for failing to take remedial action)</b>	6 7
	Section 153H(3)(b)—	8
	<i>omit, insert—</i>	9
	‘(b) the prescribed review information for the decision.’.	10
<b>Clause 1794</b>	<b>Amendment of s 161B (Improvement notices)</b>	11
	Section 161B(4)(d)—	12
	<i>omit, insert—</i>	13
	‘(d) the prescribed review information for the decision;’.	14
<b>Clause 1795</b>	<b>Amendment of s 161H (Dangerous situation notice)</b>	15
	Section 161H(2)(e)—	16
	<i>omit, insert—</i>	17
	‘(e) the prescribed review information for the decision;’.	18
<b>Clause 1796</b>	<b>Amendment of s 168AA (Effect of other administrative action in relation to fatigue regulated heavy vehicle)</b>	19 20
	Section 168AA(7)(c), from ‘that the person may’—	21
	<i>omit, insert—</i>	22
	‘the prescribed review information for the decision.’.	23

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<b>Clause 1797</b>	<b>Replacement of sch 3 (Reviewable decisions)</b>	1
	Schedule 3—	2
	<i>omit, insert—</i>	3
	<b>‘Schedule 3 Reviewable decisions</b>	4
	section 65	5

<b>Section</b>	<b>Description of decision</b>
15	refusing to approve an alternative compliance scheme, or approving an alternative compliance scheme on conditions
19	amending, suspending or cancelling approvals or corresponding approvals
19A	cancelling suspended approvals or corresponding approvals
43	forfeiture of seized things
46B	issuing embargo notice
122C	refusing to authorise a person
122D	imposing conditions on an authority
122K(1)	amending, suspending or cancelling an authority
122M(1)	immediately suspending an authority
153	refusing to give exemption or giving an exemption on conditions
153E	amending, suspending or cancelling an exemption
153G	immediately suspending an exemption
153H	cancelling a suspended exemption
161B	giving an improvement notice
161G	giving a dangerous situation notice

[s 1798]

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Section	Description of decision
168AA	not recognising corresponding decision
168AA	imposing an additional condition on, or varying conditions applying to, accreditation or exemption the subject of a corresponding decision’.

<b>Clause 1798</b>	<b>Amendment of sch 4 (Dictionary)</b>	1
(1)	Schedule 4, definition <i>reviewed decision</i> —	2
	<i>omit.</i>	3
(2)	Schedule 4—	4
	<i>insert</i> —	5
	‘ <i>prescribed review information</i> , for a decision, means information that the person whose interests are affected by the decision may—	6
		7
		8
(a)	under section 65—ask for the decision to be reviewed by—	9
		10
(i)	if the decision was made by the commissioner, the commissioner; or	11
		12
(ii)	otherwise, the chief executive; and	13
(b)	under the <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	14
		15
		16
(c)	under section 65A—ask for the commissioner’s or chief executive’s decision on the review (the <i>reviewed decision</i> ) to be reviewed by QCAT; and	17
		18
		19
(d)	under the QCAT Act—apply for the reviewed decision to be stayed.’.	20
		21

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<b>Part 16</b>	<b>Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005</b>	1
		2
		3
		4
		5
<b>Clause 1799</b>	<b>Regulation amended</b>	6
	This part amends the <i>Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005</i> .	7
		8
		9
<b>Clause 1800</b>	<b>Amendment of s 7 (Refusing application)</b>	10
	(1) Section 7(3), ‘written notice of’—	11
	<i>omit, insert—</i>	12
	‘an information notice for’.	13
	(2) Section 7(4)—	14
	<i>omit.</i>	15
<b>Clause 1801</b>	<b>Amendment of s 41 (Notice of granting of accreditation)</b>	16
	Section 41(2)—	17
	<i>omit, insert—</i>	18
	‘(2) If the chief executive decides to impose a condition on the accreditation, the chief executive must—	19
		20
	(a) state the condition in the accreditation notice; and	21
	(b) give the applicant an information notice for the decision.’.	22
		23

<b>Clause 1802</b>	<b>Amendment of s 43 (Notice of refusal to grant accreditation)</b>	1 2
	Section 43, after ‘notice’—	3
	<i>insert</i> —	4
	‘for the decision’.	5
<b>Clause 1803</b>	<b>Amendment of s 73 (Granting registration)</b>	6
	Section 73(4)—	7
	<i>omit, insert</i> —	8
	‘(4) If the chief executive decides to impose a condition on the registration, the chief executive must also give the applicant an information notice for the decision with the registration notice.’.	9 10 11 12
<b>Clause 1804</b>	<b>Amendment of s 74 (Notice of refusal to grant registration)</b>	13 14
	Section 74, after ‘notice’—	15
	<i>insert</i> —	16
	‘for the decision’.	17
<b>Clause 1805</b>	<b>Replacement of s 112 (Review of decisions)</b>	18
	Section 112—	19
	<i>omit, insert</i> —	20
	<b>‘112 Review of decisions</b>	21
	‘(1) Sections 65 and 65A of the Act apply to a schedule 7 decision as if a reference to an original decision in the sections were a reference to the schedule 7 decision.	22 23 24
	‘(2) In this section—	25
	<i>schedule 7 decision</i> means a decision described in schedule 7.’.	26 27

---

<b>Clause 1806</b>	<b>Replacement of sch 7 (Reviewable decisions)</b>	1
	Schedule 7—	2
	<i>omit, insert</i> —	3
	<b>‘Schedule 7 Reviewable decisions</b>	4
	<b>section 112</b>	5

<b>Section</b>	<b>Description of decision</b>
7	refusing application for appointment as accredited person
39	refusing to grant accreditation or granting accreditation on a condition imposed by the chief executive
39, 45 and 46	refusing to grant renewal of accreditation or granting renewal of accreditation on a condition imposed by the chief executive
72	refusing to grant registration or granting registration on a condition imposed by the chief executive
72, 77 and 78	refusing to grant renewal of registration or granting renewal of registration on a condition imposed by the chief executive’.

<b>Clause 1807</b>	<b>Amendment of sch 9 (Dictionary)</b>	6
	Schedule 9, definition <i>information notice</i> , paragraph (d)—	7
	<i>omit, insert</i> —	8
	‘(d) the person to whom the notice is given may—	9
	(i) under section 65 of the Act—ask for the decision to be reviewed by the chief executive; and	10 11
	(ii) under the <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2—apply to QCAT for the decision to be stayed; and	12 13 14

- (iii) under section 65A of the Act—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and 1  
2  
3
- (iv) under the QCAT Act—apply for the reviewed decision to be stayed.’. 4  
5

**Part 17** **Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008** 6  
7  
8  
9

**Clause 1808 Regulation amended** 10  
This part amends the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008*. 11  
12

**Clause 1809 Amendment of pt 19, hdg (Review and appeal of decisions)** 13  
14  
Part 19, heading, ‘and appeal’— 15  
*omit.* 16

**Clause 1810 Replacement of s 220 (Review of and appeals against decisions)** 17  
18  
Section 220— 19  
*omit, insert—* 20

**‘220 Internal and external review of decisions** 21  
‘(1) Sections 65 and 65A of the Act apply to a schedule 1 decision 22  
as if a reference to an original decision in the sections were a 23  
reference to the schedule 1 decision. 24

- ‘(2) In this section— 1  
*schedule 1 decision* means a decision mentioned in schedule 2  
1.’. 3

**Clause 1811 Amendment of sch 4 (Dictionary) 4**

Schedule 4, definition *information notice*, paragraph (b)— 5

*omit, insert*— 6

‘(b) that the person may— 7

(i) under section 65 of the Act—ask for the decision 8  
to be reviewed by the chief executive; and 9

(ii) under the *Transport and Planning Coordination 10*  
*Act 1994*, part 5, division 2—apply to QCAT for 11  
the decision to be stayed; and 12

(iii) under section 65A of the Act—ask for the chief 13  
executive’s decision on the review (the *reviewed 14*  
*decision*) to be reviewed by QCAT; and 15

(iv) under the QCAT Act—apply for the reviewed 16  
decision to be stayed.’. 17

**Part 18 Amendment of Transport 18**  
**Operations (Road Use 19**  
**Management—Driver 20**  
**Licensing) Regulation 1999 21**

**Clause 1812 Regulation amended 22**

This part amends the *Transport Operations (Road Use 23*  
*Management—Driver Licensing) Regulation 1999.* 24

<b>Clause 1813</b>	<b>Amendment of s 14AJ (Taking of practical driving test to be eligible for class C P1 provisional licence)</b>	1 2
	Section 14AJ(2)(b), from ‘under’ to ‘by’—	3
	<i>omit, insert—</i>	4
	‘by the chief executive under section 38 or by QCAT or’.	5
<b>Clause 1814</b>	<b>Amendment of ss 16, 33 and 33A</b>	6
	Sections 16(4)(c)(ii), 33(6)(b)(ii) and 33A(3)(b)(ii), ‘appealing’—	7 8
	<i>omit, insert—</i>	9
	‘applying for a review of the decision’.	10
<b>Clause 1815</b>	<b>Amendment of s 30G (Persons who are eligible, or not eligible, to apply for order)</b>	11 12
	Section 30G(3)(e), after ‘on’—	13
	<i>insert—</i>	14
	‘a review by QCAT or’.	15
<b>Clause 1816</b>	<b>Amendment of s 30U (Persons who are eligible, or not eligible, to apply for order)</b>	16 17
	Section 30U(3)—	18
	<i>insert—</i>	19
	‘(h) a suspension or cancellation that was set aside on a review by QCAT.’.	20 21
<b>Clause 1817</b>	<b>Amendment of s 38 (Reconsideration of decision by chief executive)</b>	22 23
	Section 38(2) to (7)—	24
	<i>omit, insert—</i>	25

- 
- ‘(2) The person may apply, in the approved form, to the chief executive to reconsider the original decision. 1  
2
- ‘(3) The application must be made— 3
- (a) for an original decision mentioned in subsection (1)(a) to (e) or (g) to (k)—within 28 days after— 4  
5
- (i) the day the notice of the decision is given to the person; or 6  
7
- (ii) if the applicant is given oral notice of the decision and asks for written notice—the day the written notice is given to the applicant; or 8  
9  
10
- (b) for an original decision mentioned in subsection (1)(f)—within 7 days after the day notice of the requirement is given to the person under section 37A(2). 11  
12  
13
- ‘(4) After reconsidering the original decision, the chief executive may— 14  
15
- (a) confirm the decision; or 16
- (b) set aside the decision and substitute another decision. 17
- ‘(5) The chief executive must give the person a notice stating— 18
- (a) the reconsidered decision; and 19
- (b) that the person may— 20
- (i) if the original decision is a decision mentioned in subsection (1)(a), (b), (c), or (d)—under section 131(1AA) of the Act, apply to QCAT— 21  
22  
23
- (A) for a review of the reconsidered decision; 24  
and 25
- (B) unless the original decision is a prescribed licence decision—for a stay of the reconsidered decision; or 26  
27  
28
- (ii) if the original decision is a decision mentioned in subsection (1)(e), (f), (g), (h), (i), (j) or (k)—under section 65A of the Act, apply to QCAT— 29  
30  
31

[s 1817]

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- (A) for a review of the reconsidered decision; 1  
and 2
- (B) unless the original decision is a prescribed 3  
authority decision—for a stay of the 4  
reconsidered decision. 5
- ‘(6) If the original decision is a decision mentioned in subsection 6  
(1)(e), (f), (g), (h), (i), (j) or (k), section 65A of the Act applies 7  
to the reconsidered decision as if it were a reviewed decision 8  
mentioned in that section. 9
- ‘(7) In this section— 10
- original decision* means a decision mentioned in any of 11  
paragraphs (a) to (k) of subsection (1). 12
- prescribed authority decision* means a decision to withdraw a 13  
person’s authority to drive on a Queensland road under a 14  
non-Queensland driver licence if the reason, or 1 of the 15  
reasons, for the decision is the person’s mental or physical 16  
incapacity. 17
- prescribed licence decision* means a decision to suspend, 18  
cancel or immediately suspend a person’s licence if the 19  
reason, or 1 of the reasons, for the decision is the person’s 20  
mental or physical incapacity. 21
- reconsidered decision* means the chief executive’s decision on 22  
the reconsideration of an original decision.’. 23

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<b>Part 19</b>	<b>Amendment of Transport Operations (Road Use Management—Fatigue Management) Regulation 2008</b>	1
		2
		3
		4
<b>Clause 1818</b>	<b>Regulation amended</b>	5
	<i>This part amends the Transport Operations (Road Use Management—Fatigue Management) Regulation 2008.</i>	6
		7
<b>Clause 1819</b>	<b>Amendment of s 155 (Amendment, suspension or cancellation of class work and rest hours exemption)</b>	8
		9
(1)	Section 155(3)(a), ‘(6)’—	10
	<i>omit, insert—</i>	11
	‘(5)’.	12
(2)	Section 155(3)(b)—	13
	<i>omit, insert—</i>	14
	‘(b) the requirement to state, in a written notice to the holder of an approval under section 19(1), (3), (5) or (9) of the Act, information about the holder’s ability to apply for the review of particular decisions of the chief executive is taken to be a requirement to state the information in relation to a person whose interests may be affected by the chief executive’s decision;’.	15
		16
		17
		18
		19
		20
		21
(3)	Section 155(3)(c), ‘(including a notice mentioned in section 19(6)(a) of the Act informing the holder of the chief executive’s decision)’—	22
		23
		24
	<i>omit.</i>	25
(4)	Section 155(4), ‘(4)(b)’—	26
	<i>omit, insert—</i>	27
	‘(7)’.	28

<b>Clause 1820</b>	<b>Amendment of pt 7, div 4, hdg (Review and appeal of decisions)</b>	1 2
	Part 7, division 4, heading, ‘Review and appeal’—	3
	<i>omit, insert—</i>	4
	‘ <b>Internal and external review</b> ’.	5
<b>Clause 1821</b>	<b>Amendment of s 185 (Review of original decision)</b>	6
	(1) Section 185, heading—	7
	<i>omit, insert—</i>	8
	‘ <b>185 Internal review of decisions</b> ’.	9
	(2) Section 185(3)(b)(ii), ‘the Magistrates Court’—	10
	<i>omit, insert—</i>	11
	‘QCAT’.	12
<b>Clause 1822</b>	<b>Replacement of s 186 (Appeal against reviewed decision)</b>	13
	Section 186—	14
	<i>omit, insert—</i>	15
	‘ <b>186 External review of decisions</b>	16
	‘(1) If a reviewed decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a QCAT information notice for the reviewed decision.	17 18 19 20
	‘(2) The applicant may apply, as provided under the QCAT Act, to QCAT for a review of the reviewed decision.	21 22
	<i>Note—</i>	23
	The QCAT Act, section 22(3) provides that QCAT may stay the operation of the reviewed decision, either on application by a person or on its own initiative.	24 25 26
	‘(3) In this section—	27

---

*QCAT information notice* means a notice complying with the QCAT Act, section 157(2). 1  
2

*reviewed decision* means the chief executive’s decision on a review under section 185.’. 3  
4

**Clause 1823 Replacement of sch 4, hdg (Review and appeal) 5**

Schedule 4, heading— 6

*omit, insert*— 7

**‘Schedule 4 Reviewable decisions 8**

section 185’. 9

**Clause 1824 Amendment of sch 6 (Dictionary) 10**

Schedule 6, definition *information notice*, paragraph (b)(i) and (ii)— 11  
12

*omit, insert*— 13

(i) under section 185—ask for the decision to be reviewed by the chief executive; and 14  
15

(ii) under the *Transport Planning and Coordination Act 1994*, part 5, division 2—apply to QCAT for the decision to be stayed; and 16  
17  
18

(iii) under section 186—ask for the chief executive’s decision on the review (the *reviewed decision*) to be reviewed by QCAT; and 19  
20  
21

(iv) under the QCAT Act—apply for the reviewed decision to be stayed.’. 22  
23

<b>Part 20</b>	<b>Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999</b>	1 2 3 4
<b>Clause 1825</b>	<b>Regulation amended</b>	5
	<i>This part amends the Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999.</i>	6 7
<b>Clause 1826</b>	<b>Replacement of s 66 (Review of decisions)</b>	8
	Section 66—	9
	<i>omit, insert—</i>	10
<b>‘66</b>	<b>Review of decisions</b>	11
	‘(1) Sections 65 and 65A of the Act apply to a division 4 decision as if a reference to an original decision in the sections were a reference to the division 4 decision.	12 13 14
	‘(2) In this section—	15
	<i>division 4 decision</i> means a decision to which this division applies as mentioned in section 65.’.	16 17

---

<b>Part 21</b>	<b>Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999</b>	1
		2
		3
		4
		5
<b>Clause 1827</b>	<b>Regulation amended</b>	6
	This part amends the <i>Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999</i> .	7
		8
		9
<b>Clause 1828</b>	<b>Replacement of s 44 (Review of decisions)</b>	10
	Section 44—	11
	<i>omit, insert—</i>	12
<b>‘44</b>	<b>Review of decisions</b>	13
	‘(1) Sections 65 and 65A of the Act apply to an approval decision as if a reference to an original decision in the sections were a reference to the approval decision.	14
		15
		16
	‘(2) In this section—	17
	<b>approval decision</b> means a decision of the issuing authority—	18
	(a) to refuse an approval; or	19
	(b) to issue an approval on a condition.’.	20

[s 1829]

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<b>Part 22</b>	<b>Amendment of Transport Planning and Coordination Act 1994</b>	1 2 3
<b>Clause 1829</b>	<b>Act amended</b>	4
	This part amends the <i>Transport Planning and Coordination Act 1994</i> .	5 6
<b>Clause 1830</b>	<b>Amendment of s 29 (What part applies to)</b>	7
	(1) Section 29(a), after ‘review’—	8
	<i>insert</i> —	9
	‘, by the chief executive.’.	10
	(2) Section 29(a), ‘; and’—	11
	<i>omit, insert</i> —	12
	‘; or’.	13
<b>Clause 1831</b>	<b>Amendment of s 30 (Definitions)</b>	14
	(1) Section 30, definition <i>appeal court</i> , ‘29(1)’—	15
	<i>omit, insert</i> —	16
	‘29(b)’.	17
	(2) Section 30, definition <i>original decision</i> , ‘29(1)’—	18
	<i>omit, insert</i> —	19
	‘29(a)’.	20
<b>Clause 1832</b>	<b>Amendment of s 32 (Stay of operation of original decision)</b>	21 22
	(1) Section 32, ‘appeal court’—	23
	<i>omit, insert</i> —	24

‘relevant entity’. 1

(2) Section 32(2), ‘the court’— 2

*omit, insert—* 3

‘or review by the relevant entity’. 4

(3) Section 32(7), after ‘the decision’— 5

*insert—* 6

‘or apply for a review of the decision as provided under the  
QCAT Act’. 7  
8

(4) Section 32— 9

*insert—* 10

‘(9) In this section— 11

***relevant entity*** means— 12

(a) if the reviewed decision may be reviewed by  
QCAT—QCAT; or 13  
14

(b) if the reviewed decision may be appealed to the appeal  
court—the appeal court.’. 15  
16

**Clause 1833 Amendment of s 34 (Decision on review) 17**

(1) Section 34(4)— 18

*omit, insert—* 19

‘(4) If the reviewed decision is not the decision sought by the  
applicant for the review, the decision notice— 20  
21

(a) for a reviewed decision that may be reviewed by  
QCAT—must comply with the QCAT Act, section  
157(2); or 22  
23  
24

(b) for a reviewed decision that may be appealed to the  
appeal court—must state— 25  
26

(i) the reasons for the reviewed decision; and 27

[s 1834]

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	(ii) that the applicant may, within 28 days, appeal against the reviewed decision to the appeal court.’.	1 2
(2)	Section 34(6)— <i>omit, insert—</i>	3 4
‘(6)	In applying to QCAT for a review or appealing to the appeal court, the decision subject to review or appeal is the reviewed decision and not the original decision.’.	5 6 7
<b>Clause 1834</b>	<b>Insertion of new s 34A</b>	8
	Part 5, division 3— <i>insert—</i>	9 10
<b>‘34A</b>	<b>Application of div 3</b>	11
	‘This division does not apply to a reviewed decision if, under the transport Act providing for the review, a person may apply to QCAT for a review of the reviewed decision.’.	12 13 14
<b>Clause 1835</b>	<b>Omission of s 36DA (Commissioner for Children and Young People and Child Guardian)</b>	15 16
	Section 36DA— <i>omit.</i>	17 18

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<b>Chapter 14</b>	<b>Department of Treasury</b>	1
<b>Part 1</b>	<b>Amendment of Community Ambulance Cover Act 2003</b>	2 3
<b>Clause 1836</b>	<b>Act amended</b>	4
	This part amends the <i>Community Ambulance Cover Act 2003</i> .	5
<b>Clause 1837</b>	<b>Amendment of s 92B (Special provision for notification of hot water system exemption for power card arrangement instead of s 92(3) and (4))</b>	6 7 8
	Section 92B(4)(b), ‘objection or appeal’—	9
	<i>omit, insert—</i>	10
	‘objection, appeal or review’.	11
<b>Clause 1838</b>	<b>Amendment of s 131 (Notice of decision)</b>	12
	Section 131(2)—	13
	<i>omit, insert—</i>	14
	‘(2) The notice must comply with the QCAT Act, section 157(2).’.	15 16
<b>Clause 1839</b>	<b>Replacement of pt 9, div 2 (Appeals)</b>	17
	Part 9, division 2—	18
	<i>omit, insert—</i>	19

[s 1839]

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<b>‘Division 2</b>	<b>Reviews by QCAT</b>	1
<b>‘132</b>	<b>Applications for review of decisions</b>	2
	‘An objector who is dissatisfied with the commissioner’s decision on an objection may apply, within 60 days after the objector receives notice of the commissioner’s decision on the objection and as otherwise provided under the QCAT Act, to QCAT for a review of the decision.	3 4 5 6 7
<b>‘133</b>	<b>QCAT to decide review on evidence before the commissioner</b>	8 9
	‘(1) This section applies to a proceeding for a review by QCAT of a decision of the commissioner on an objection.	10 11
	‘(2) QCAT must—	12
	(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and	13 14 15 16 17
	(b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.	18 19 20
	‘(3) The grounds on which the application for review is made are limited to the grounds of the relevant objection, unless QCAT otherwise orders.	21 22 23
	‘(4) The applicant for the proceeding has the onus of proving the applicant’s case.	24 25
	‘(5) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—	26 27 28
	(a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and	29 30 31

(b) decided in accordance with the same law that applied to the making of the original decision. 1  
2

‘(6) In this section— 3

*new evidence* means evidence that was not before the commissioner when the decision on the objection was made. 4  
5

*original decision* means a matter mentioned in section 127(1)(a) to (d) that was a subject of the relevant objection. 6  
7

*relevant objection* means the objection to which the decision relates. 8  
9

**‘134 Representation of parties before QCAT 10**

‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 132. 11  
12

‘(2) The party may be represented by a lawyer.’. 13

**Clause 1840 Amendment of s 139 (Effect of a non-reviewable decision) 14**

Section 139(b), ‘objection or appeal’— 15

*omit, insert— 16*

‘objection, appeal or review’. 17

**Clause 1841 Amendment of s 148 (Evidentiary provision for statements of levy liability) 18  
19**

Section 148(1)(b)(i), ‘against’— 20

*omit, insert— 21*

‘against, or review of’. 22

[s 1842]

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<b>Part 2</b>	<b>Amendment of Debits Tax Repeal Act 2005</b>	1 2
<b>Clause 1842</b>	<b>Act amended</b>	3
	This part amends the <i>Debits Tax Repeal Act 2005</i> .	4
<b>Clause 1843</b>	<b>Amendment of s 5 (Saving provision for pre-repeal debits)</b>	5 6
	Section 5—	7
	<i>insert—</i>	8
	‘(2) Without limiting subsection (1), a person who, under the repealed <i>Debits Tax Act 1990</i> , had a right to request the commissioner to refer the commissioner’s decision relating to an objection to the Supreme Court may—	9 10 11 12
	(a) request the commissioner to refer the commissioner’s decision relating to the objection to the Supreme Court;	13 14
	or	15
	(b) apply, within 60 days after the person is given notice of the commissioner’s decision relating to the objection and as otherwise provided under the QCAT Act, to QCAT for a review of the decision of the commissioner relating to the objection.	16 17 18 19 20
	‘(3) A person may only apply to QCAT under subsection (2)(b) if the person has paid the amount of the tax payable under the assessment to which the objection relates.’.	21 22 23
<b>Clause 1844</b>	<b>Insertion of new ss 8–10</b>	24
	After section 7—	25
	<i>insert—</i>	26

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<b>‘8</b>	<b>Effect of making reassessment after review started</b>	1
‘(1)	This section applies if—	2
	(a) a person applies to QCAT for a review of the decision of the commissioner relating to an objection against an assessment of the taxpayer’s liability for tax (the <i>QCAT review</i> ); and	3 4 5 6
	(b) the commissioner makes a reassessment relevant to the assessment of the taxpayer’s liability for tax.	7 8
‘(2)	On receiving the assessment notice for the reassessment, the person to whom the reassessment applies may—	9 10
	(a) continue or withdraw the person’s application for review; or	11 12
	(b) instead of objecting to the reassessment, change the grounds of the review by filing notice of the change with the principal registrar of QCAT.	13 14 15
‘(3)	However, the person may change the grounds of the review only to the extent that the person would have a right of objection to the reassessment.	16 17 18
<b>‘9</b>	<b>Proceedings for a review by QCAT</b>	19
‘(1)	This section applies to a proceeding for a review by QCAT of a decision of the commissioner relating to an objection.	20 21
‘(2)	QCAT may not, under the QCAT Act, section 61(1), extend the period within which a person may apply to QCAT under section 5(2)(b).	22 23 24
‘(3)	QCAT must—	25
	(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and	26 27 28 29 30

[s 1844]

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- (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision. 1  
2  
3
- ‘(4) The grounds on which the application for review is made are limited to the grounds of the relevant objection, unless QCAT otherwise orders. 4  
5  
6
- ‘(5) The applicant for the proceeding has the onus of proving the applicant’s case. 7  
8
- ‘(6) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be— 9  
10  
11
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and 12  
13  
14
- (b) decided in accordance with the same law that applied to the making of the original decision. 15  
16
- ‘(7) A party to the proceeding may be represented by a lawyer. 17
- ‘(8) In this section— 18
- new evidence* means evidence that was not before the commissioner when the decision was made. 19  
20
- original decision* means assessment, of the taxpayer’s liability for tax, that was the subject of the relevant objection. 21  
22
- relevant objection* means the objection to which the commissioner’s decision relates. 23  
24
- ‘10 **Transfer of appeals from Supreme Court only with consent** 25  
26
- ‘Despite the QCAT Act, section 268(4) the court may not transfer a proceeding to QCAT without the consent of the applicant for the proceeding.’. 27  
28  
29

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<b>Part 3</b>	<b>Amendment of Duties Act 2001</b>	1
<b>Clause 1845</b>	<b>Act amended</b>	2
	This part amends the <i>Duties Act 2001</i> .	3
<b>Clause 1846</b>	<b>Amendment of s 5 (Relationship of Act with Administration Act)</b>	4
	Section 5(2)(d), ‘against’—	5
	<i>omit, insert—</i>	6
	‘against, or reviews of,’.	7
<b>Clause 1847</b>	<b>Amendment of s 411 (Application for exemption for dutiable transaction or relevant acquisition)</b>	8
	(1) Section 411(4)(d)(i)—	9
	<i>omit, insert—</i>	10
	‘(i) after the ruling is made but before the application for the exemption is decided, a legislative change takes effect, a judgment of a court is given or a decision is made by QCAT;’.	11
	(2) Section 411(4)(d)(ii), ‘change or judgment’—	12
	<i>omit, insert—</i>	13
	‘change, judgment or decision’.	14
<b>Clause 1848</b>	<b>Replacement of ch 13, hdg (Review and appeals)</b>	15
	Chapter 13, heading—	16
	<i>omit, insert—</i>	17
		18
		19
		20
		21
		22

[s 1849]

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<b>‘Chapter 13</b>	<b>Internal and external reviews’.</b>	1 2
<b>Clause 1849</b>	<b>Amendment of ch 13, pt 1, hdg (Reviews)</b>	3
	Chapter 13, part 1, heading, after ‘Reviews’—	4
	<i>insert—</i>	5
	‘by commissioner’.	6
<b>Clause 1850</b>	<b>Amendment of s 474 (Notice of review decision)</b>	7
	Section 474(2)—	8
	<i>omit, insert—</i>	9
	‘(2) The notice must comply with the QCAT Act, section 157(2).’.	10
<b>Clause 1851</b>	<b>Replacement of ch 13, pt 2 (Appeals)</b>	11
	Chapter 13, part 2—	12
	<i>omit, insert—</i>	13
<b>‘Part 2</b>	<b>Reviews by QCAT</b>	14
<b>‘475</b>	<b>Applying for review by QCAT of a review decision</b>	15
	‘The applicant for the review of the original decision who is dissatisfied with the review decision may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.’	16 17 18 19
<b>‘476</b>	<b>QCAT to decide external review on evidence given in the proceeding for the review</b>	20 21
	‘(1) This section applies to a proceeding for a review by QCAT of a review decision.’	22 23
	‘(2) QCAT must—	24

- 
- (a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and
- (b) decide the review of the decision in accordance with the same law that applied to the making of the original decision to which the proceeding for the review relates.
- ‘(3) The grounds for the review by QCAT are limited to the grounds of the review by the commissioner, unless QCAT orders otherwise.
- ‘(4) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—
- (a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and
- (b) decided in accordance with the same law that applied to the making of the original decision to which the proceeding for the review relates.
- ‘(5) In this section—
- new evidence* means evidence that was not before the commissioner when the review decision was made.
- ‘477 Representation of parties before QCAT**
- ‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 475.
- ‘(2) The party may be represented by a lawyer.’

[s 1852]

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<b>Part 4</b>	<b>Amendment of Financial Intermediaries Act 1996</b>	1
		2
<b>Clause 1852</b>	<b>Act amended</b>	3
	This part amends the <i>Financial Intermediaries Act 1996</i> .	4
<b>Clause 1853</b>	<b>Amendment of pt 12, hdg (Review of decisions and appeals)</b>	5
	Part 12, heading, ‘and appeals’—	6
	<i>omit.</i>	7
		8
<b>Clause 1854</b>	<b>Amendment of pt 12, div 1, hdg (Review of decisions)</b>	9
	Part 12, division 1, heading, after ‘decisions’—	10
	<i>insert—</i>	11
	‘by registrar’.	12
<b>Clause 1855</b>	<b>Amendment of s 203 (Affected person may apply for review)</b>	13
	Section 203, heading, after ‘review’—	14
	<i>insert—</i>	15
	‘by registrar’.	16
		17
<b>Clause 1856</b>	<b>Amendment of s 205 (Decision on review)</b>	18
	Section 205(3)—	19
	<i>omit, insert—</i>	20
	‘(3) The notice must comply with the QCAT Act, section 157(2).’.	21

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<b>Clause 1857</b>	<b>Replacement of pt 12, div 2 (Appeals against review decisions)</b>	1 2
	Part 12, division 2—	3
	<i>omit, insert—</i>	4
<b>'Division 2</b>	<b>External review of decisions by QCAT</b>	5 6
<b>'206</b>	<b>Affected person may apply for external review by QCAT</b>	7 8
	'(1) A person whose interests are affected by the review decision may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.	9 10 11
	'(2) A copy of the application must be served on the registrar within 7 days of applying to QCAT.	12 13
<b>'207</b>	<b>Tribunal to decide review on evidence before the chief executive</b>	14 15
	'(1) In a proceeding for a review of a decision of the chief executive by the tribunal, the tribunal must—	16 17
	(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the chief executive when the decision was made; and	18 19 20
	(b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.	21 22 23
	'(2) If the tribunal decides, under the QCAT Act, section 139, that a proceeding for a review of a decision should be reopened, the issues in the proceeding that are reheard must be—	24 25 26
	(a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and	27 28 29

[s 1857]

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(b)	decided in accordance with the same law that applied to the making of the original decision.	1 2
‘(3)	In this section—	3
	<i>original decision</i> means the decision of the chief executive to which the proceeding for the review relates.	4 5
<b>‘208</b>	<b>Tribunal may give leave for review to be decided on new evidence in particular circumstances</b>	6 7
‘(1)	Despite section 207, the tribunal may grant a party in a proceeding for a review of a decision of the chief executive (the <i>decision</i> ) leave to present new evidence if the tribunal is satisfied—	8 9 10 11
(a)	the party did not know, and could not reasonably be expected to have known, of the existence of the new evidence before the decision; and	12 13 14
(b)	in the circumstances, it would be unfair not to allow the party to present the new evidence.	15 16
‘(2)	If the tribunal gives leave under subsection (1), the tribunal must adjourn the proceedings for a stated reasonable time to allow the chief executive to reconsider the decision together with the new evidence and to allow for further submissions by affected persons.	17 18 19 20 21
‘(3)	In this section—	22
	<i>new evidence</i> means evidence that was not before the chief executive when the decision was made.’.	23 24

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<b>Part 5</b>	<b>Amendment of First Home Owner Grant Act 2000</b>	1 2
<b>Clause 1858</b>	<b>Act amended</b>	3
	This part amends the <i>First Home Owner Grant Act 2000</i> .	4
<b>Clause 1859</b>	<b>Amendment of s 50 (Effect of writing off liability)</b>	5
	Section 50, ‘court ordered costs’—	6
	<i>omit, insert</i> —	7
	‘costs ordered by a court or QCAT’.	8
<b>Clause 1860</b>	<b>Amendment of pt 5, hdg (Objections and appeals)</b>	9
	Part 5, heading, ‘appeals’—	10
	<i>omit, insert</i> —	11
	‘reviews’.	12
<b>Clause 1861</b>	<b>Amendment of s 58 (Notice of decision)</b>	13
	Section 58(2)—	14
	<i>omit, insert</i> —	15
	‘(2) The notice must comply with the QCAT Act, section 157(2).’.	16
<b>Clause 1862</b>	<b>Replacement of pt 5, div 2 (Appeals)</b>	17
	Part 5, division 2—	18
	<i>omit, insert</i> —	19
<b>‘Division 2</b>	<b>Review of decision on objections</b>	20

[s 1862]

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<b>‘59</b>	<b>Right of review by QCAT</b>	1
	‘An objector who is dissatisfied with the commissioner’s decision on the objection may apply, within 60 days after the objector receives notice of the commissioner’s decision on the objection and as otherwise provided under the QCAT Act, to QCAT for a review of the decision.	2 3 4 5 6
<b>‘60</b>	<b>QCAT to decide review on evidence before the commissioner</b>	7 8
	‘(1) This section applies to a proceeding for a review by QCAT of a decision of the commissioner on an objection.	9 10
	‘(2) QCAT must—	11
	(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and	12 13 14 15 16
	(b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.	17 18 19
	‘(3) The grounds on which the application for review is made are limited to the grounds of the relevant objection unless QCAT otherwise orders.	20 21 22
	‘(4) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—	23 24 25
	(a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and	26 27 28
	(b) decided in accordance with the same law that applied to the making of the original decision.	29 30
	‘(5) In this section—	31

*new evidence* means evidence that was not before the commissioner when the decision on the objection was made. 1  
2

*original decision* means the decision of the commissioner that was the subject of the relevant objection. 3  
4

*relevant objection* means the objection to which the decision of the commissioner relates. 5  
6

**‘61 Representation of parties before QCAT’ 7**

‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 59. 8  
9

‘(2) The party may be represented by a lawyer.’. 10

**Clause 1863 Amendment of s 68 (Offence to disclose confidential information) 11  
12**

Section 68(5), after ‘a court’— 13

*insert—* 14

‘or QCAT’. 15

**Part 6 Amendment of Fuel Subsidy Act 1997 16  
17**

**Clause 1864 Act amended 18**

This part amends the *Fuel Subsidy Act 1997*. 19

**Clause 1865 Amendment of ch 5, pt 4, hdg (Reviews and appeals) 20**

Chapter 5, part 4, heading, ‘and appeals’— 21

*omit.* 22

[s 1866]

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<b>Clause 1866</b>	<b>Replacement of ch 5, pt 4, div 2, hdg (Reviews and appeals under this Act)</b>	1 2
	Chapter 5, part 4, division 2, heading—	3
	<i>omit, insert—</i>	4
	<b>‘Division 2 Internal and external reviews of decisions’.</b>	5 6
<b>Clause 1867</b>	<b>Amendment of s 117 (Definitions for div 2)</b>	7
	Section 117, definition <i>court</i> —	8
	<i>omit.</i>	9
<b>Clause 1868</b>	<b>Amendment of s 120 (Who may apply for review)</b>	10
	Section 120, heading, after ‘review’—	11
	<i>insert—</i>	12
	<b>‘by commissioner’.</b>	13
<b>Clause 1869</b>	<b>Amendment of s 122 (Review decision)</b>	14
	Section 122(3)—	15
	<i>omit, insert—</i>	16
	‘(3) If the review decision is not the decision sought by the person, the notice under subsection (2) must comply with the QCAT Act, section 157(2).’.	17 18 19
<b>Clause 1870</b>	<b>Replacement of ch 5, pt 4, div 2, sdiv 3 (Appeals)</b>	20
	Chapter 5, part 4, division 2, subdivision 3—	21
	<i>omit, insert—</i>	22

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<b>‘Subdivision 3</b>	<b>External review of decision</b>	1
<b>‘123</b>	<b>Who may apply for review by QCAT</b>	2
	‘A person who has applied for the review of a decision under division 2 and is dissatisfied with the review decision may apply, as provided under the QCAT Act, to QCAT for a review of the review decision.	3 4 5 6
<b>‘124</b>	<b>No stay of operations of decisions</b>	7
	‘QCAT may not, under the QCAT Act, section 22(3), grant a stay of the operation of the review decision.	8 9
<b>‘125</b>	<b>QCAT to decide review on evidence before the commissioner</b>	10 11
	‘(1) This section applies to a proceeding for a review by QCAT of a review decision.	12 13
	‘(2) QCAT must—	14
	(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and	15 16 17 18 19
	(b) decide the review of the decision in accordance with the same law that applied to the making of the original decision to which the proceeding for the review relates.	20 21 22
	‘(3) The grounds on which the application for review is made are limited to the grounds of the application relevant to the review decision, unless QCAT otherwise orders.	23 24 25
	‘(4) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—	26 27 28

[s 1871]

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(a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and

(b) decided in accordance with the same law that applied to the making of the original decision to which the proceeding for the review relates.

‘(5) In this section—

*new evidence* means evidence that was not before the commissioner when the decision on the objection was made.

*original decision* means the decision for which the person applied to the commissioner for a review of, under part 4, division 2, subdivision 2.

**‘126 Representation of parties before QCAT**

‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 123.

‘(2) The party may be represented by a lawyer.’

**Clause 1871 Amendment of s 141A (Refusal to disclose particular information)**

Section 141A(2), after ‘a court’—

*insert*—

‘or QCAT’.

**Clause 1872 Replacement of sch 1 (Decisions subject to review and appeal)**

Schedule 1—

*omit, insert*—

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**‘Schedule 1      Decisions subject to review      1**

section 117      2

<b>Section</b>	<b>Description of decision</b>
13(2)	requiring person to refund a subsidy
19(4)	deciding anticipated annual subsidy or refusing a request to decide an anticipated annual subsidy
20(2)	deciding a different date for paying, or not to pay, a provisional subsidy to a licensed retailer
21(1)	requiring a retailer to give a written guarantee
22(3)	requiring a retailer to lodge claims on stated day
25(3)	deciding a licensed retailer has not complied with licence conditions
34A(3)	deciding chapter 3, part 2, division 1 does not apply to a bulk end user
34C(2)	deciding provisional subsidy for a bulk end user
34D(2)	deciding subsidy to which the bulk end user is entitled
34F(3)	deciding a licensed bulk end user has not complied with the licence conditions
34G(1)	deciding chapter 3, part 2, division 1 does not cease to apply to a bulk end user
35(3)	deciding a claim period for a bulk end user
36(4)	deciding a licensed bulk end user has not complied with the licence conditions
43(2)	deciding to impose conditions on a licence

[s 1873]

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<b>Section</b>	<b>Description of decision</b>
43(3)	refusing application for a licence
44(3)	fixing effective date for a licence other than as applied for
50(2)	cancelling a licence
51(2)	suspending a licence
52(2)	suspending a licence
53(1)	changing conditions of a licence
83(1)(c)	forfeiting a thing to the commissioner
133(1)	deciding records not sufficient to satisfy commissioner that subsidy amount paid was correct
135(1)	requiring a person to pay an amount under a prescribed section’.

<b>Part 7</b>	<b>Amendment of Motor Accident Insurance Act 1994</b>	1 2
<b>Clause 1873</b>	<b>Act amended</b>	3
	This part amends the <i>Motor Accident Insurance Act 1994</i> .	4
<b>Clause 1874</b>	<b>Replacement of s 68 (Appeals against the commission’s decisions)</b>	5 6
	Section 68—	7
	<i>omit, insert—</i>	8

<b>‘68</b>	<b>Review of the commission’s decisions by QCAT</b>	1
‘(1)	An insurer may apply, as provided under the QCAT Act, to QCAT for a review of a decision by the commission to withdraw or suspend the insurer’s licence.	2 3 4
‘(2)	For a proceeding of QCAT for a review under this section, QCAT must be constituted by at least 1 judicial member within the meaning of the QCAT Act.	5 6 7
‘(3)	If QCAT changes or reverses the commission’s decision, the commission must publish notice of QCAT’s decision in the gazette.’.	8 9 10

<b>Part 8</b>	<b>Amendment of Pay-roll Tax Act 1971</b>	11 12
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<b>Clause 1875</b>	<b>Act amended</b>	13
	This part amends the <i>Pay-roll Tax Act 1971</i> .	14

<b>Clause 1876</b>	<b>Amendment of s 8 (Relationship of Act with Administration Act)</b>	15 16
	Section 8(2)(d), ‘against’—	17
	<i>omit, insert—</i>	18
	‘against, or reviews of,’.	19

<b>Clause 1877</b>	<b>Amendment of s 104 (This Act as a revenue law for the Administration Act)</b>	20 21
(1)	Section 104(3)(d)—	22
	<i>omit.</i>	23
(2)	Section 104(3)(e)—	24
	<i>renumber</i> as section 104(3)(d).	25

[s 1878]

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<b>Clause 1878</b>	<b>Amendment of schedule (Dictionary)</b>	1
	Schedule, definition <i>prescribed pay-roll tax liability</i> ,	2
	paragraph (d), ‘court ordered costs’—	3
	<i>omit, insert—</i>	4
	‘costs ordered by a court or QCAT’.	5

<b>Part 9</b>	<b>Amendment of Taxation Administration Act 2001</b>	6
		7

<b>Clause 1879</b>	<b>Act amended</b>	8
	This part amends the <i>Taxation Administration Act 2001</i> .	9

<b>Clause 1880</b>	<b>Amendment of s 17 (Commissioner’s general power to make reassessments)</b>	10
	Section 17(2) and (3)—	11
	<i>omit, insert—</i>	12
	‘(2) However, the commissioner may make a reassessment of a taxpayer’s liability assessed under a compromise assessment only—	13
	(a) with the taxpayer’s written agreement; or	14
	(b) if the commissioner reasonably believes the compromise assessment was—	15
	(i) obtained by fraud; or	16
	(ii) made on the basis of a false or misleading statement or there was a failure to give material information.	17
	‘(3) The commissioner may make a reassessment under subsection (1) even if an objection or appeal against, or review of, the	18
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assessment of the taxpayer's liability for tax has started but  
not yet been decided.' 1  
2

<b>Clause 1881</b>	<b>Amendment of s 19 (When commissioner must make reassessment—objections or court decisions)</b>	3 4
(1)	Section 19, heading, 'objections or court decisions'— <i>omit, insert—</i> <b>'objections, court decisions or QCAT decisions'</b> .	5 6 7
(2)	Section 19(1), after 'or a court'— <i>insert—</i> 'or QCAT'.	8 9 10
(3)	Section 19(2), 'court's decision'— <i>omit, insert—</i> 'decision of a court or QCAT'.	11 12 13
<b>Clause 1882</b>	<b>Amendment of s 20 (Legal interpretations and practices applying to particular reassessments)</b>	14 15
	Section 20(4)(a), after 'court'— <i>insert—</i> 'or QCAT'.	16 17 18
<b>Clause 1883</b>	<b>Amendment of s 23 (Limitation period does not apply to particular reassessments)</b>	19 20
	Section 23(a)— <i>omit, insert—</i> '(a) if an appeal against, or review of, a decision on an objection to an assessment is started, the commissioner may, under section 17, make a reassessment after the limitation period and before a decision is made on the appeal or review if the taxpayer agrees; and'.	21 22 23 24 25 26 27

[s 1884]

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<b>Clause 1884</b>	<b>Amendment of s 61 (Interest on particular overpayments following court's decision)</b>	1 2
(1)	Section 61(1)—	3
	<i>insert—</i>	4
	'(c) a reassessment giving effect to a decision of QCAT on an application for review made by the taxpayer under section 69.'	5 6 7
(2)	Section 61(2), after 'court'—	8
	<i>insert—</i>	9
	'or QCAT'.	10
<b>Clause 1885</b>	<b>Amendment of pt 6, hdg (Objections and appeals against assessments)</b>	11 12
	Part 6, heading, 'Objections'—	13
	<i>omit, insert—</i>	14
	' <b>Objections, reviews</b> '.	15
<b>Clause 1886</b>	<b>Amendment of s 68 (Notice of decision)</b>	16
	Section 68(2)(a) to (c)—	17
	<i>omit, insert—</i>	18
	'(a) the decision;	19
	(b) the reasons for the decision;	20
	(c) the taxpayer has a right to—	21
	(i) appeal to the Supreme Court; or	22
	(ii) apply, as provided under the QCAT Act, to QCAT for a review of the commissioner's decision;	23 24
	(d) how, and the period within which, the taxpayer may appeal or apply for the review;	25 26

- 
- (e) any right the taxpayer has to have the operation of the  
decision stayed.’. 1  
2

**Clause 1887 Replacement of pt 6, div 2 (Appeals) 3**

Part 6, division 2— 4

*omit, insert—* 5

**‘Division 2 Appeals and reviews 6**

**‘Subdivision 1 Right of appeal or review 7**

**‘69 Right of appeal or review 8**

‘(1) This section applies to a taxpayer if— 9

(a) the taxpayer is dissatisfied with the commissioner’s  
decision on the taxpayer’s objection; and 10  
11

(b) the taxpayer has paid the whole of the amount of the tax  
and late payment interest payable under the assessment  
to which the decision relates. 12  
13  
14

‘(2) The taxpayer may, within 60 days after notice is given to the  
taxpayer of the commissioner’s decision on the objection— 15  
16

(a) appeal to the Supreme Court; or 17

(b) apply, as provided under the QCAT Act, to QCAT for a  
review of the commissioner’s decision. 18  
19

‘(3) QCAT may not, under the QCAT Act, section 61(1)(a), extend  
the period under subsection (2) within which the taxpayer  
may apply to QCAT for the review. 20  
21  
22

**‘69A Effect of making reassessment after appeal or  
review started 23  
24**

‘(1) This section applies if— 25

(a) a taxpayer— 26

[s 1887]

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- (i) appeals to the Supreme Court against the decision of the commissioner relating to an objection against an assessment of the taxpayer's liability for tax; or
    - (ii) applies to QCAT for a review of the decision of the commissioner relating to an objection against an assessment of the taxpayer's liability for tax (the *QCAT review*); and
  - (b) the commissioner makes a reassessment of the taxpayer's liability for tax after the appeal or review has started but before the appeal or review has been decided.
- '(2) On receiving the assessment notice for the reassessment, the taxpayer may—
- (a) continue or withdraw—
    - (i) the existing appeal; or
    - (ii) the taxpayer's application for review; or
  - (b) instead of objecting to the reassessment, change the grounds of the appeal or review, by filing notice of the change with—
    - (i) for an appeal—the registrar of the Supreme Court; or
    - (ii) for a review—the registrar of QCAT.
- '(3) However, the taxpayer may change the grounds of the appeal or review only to the extent that the taxpayer would have a right of objection to the reassessment.

## 'Subdivision 2 Appeals to the Supreme Court 26

### '70 How to start appeal to the Supreme Court 27

- '(1) An appeal to the Supreme Court is started by giving written notice of the appeal to the commissioner within 7 days after the notice of appeal is filed. 28  
29  
30

- 
- ‘(2) The notice of appeal must be filed within 60 days after notice is given to the taxpayer of the commissioner’s decision on the objection. 1  
2  
3
- ‘(3) The Supreme Court must not extend the time for filing the notice. 4  
5
- ‘(4) The notice of appeal must state fully the grounds of the appeal and the facts relied on. 6  
7
- ‘(5) The grounds of an appeal to the Supreme Court are limited to the grounds of objection unless the court otherwise orders. 8  
9
- ‘70A Onus on appeal 10**
- ‘On the appeal, the appellant has the onus of proving the appellant’s case. 11  
12
- ‘70B Admissibility of new evidence 13**
- ‘(1) Subsection (2) applies if— 14
- (a) the Supreme Court is satisfied evidence material to the objection was not before the commissioner when the objection was decided; and 15  
16  
17
- (b) subject to section 70(5), the court admits the evidence. 18
- ‘(2) The court must— 19
- (a) adjourn the hearing of the appeal; and 20
- (b) direct the commissioner to reconsider the objection having regard to the evidence and any other evidence obtained by the commissioner. 21  
22  
23
- ‘(3) However, subsection (2) does not apply if the commissioner asks the court to continue the hearing without the commissioner reconsidering the objection. 24  
25  
26
- ‘(4) For reconsidering the objection, the commissioner has all the powers conferred under this Act. 27  
28

[s 1887]

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<b>‘70C</b>	<b>Deciding appeal</b>	1
	‘The Supreme Court must allow the appeal completely or partly or disallow it.	2 3
<b>‘Subdivision 3</b>	<b>Reviews by QCAT</b>	4
<b>‘71</b>	<b>QCAT to decide review on evidence before the commissioner</b>	5 6
	‘(1) This section applies to a proceeding for a review by QCAT of a decision of the commissioner on an objection.	7 8
	‘(2) The grounds on which the application for review is made are limited to the grounds of the relevant objection, unless QCAT otherwise orders.	9 10 11
	‘(3) QCAT must—	12
	(a) hear and decide the review of the decision by way of a reconsideration of the evidence before the commissioner when the decision was made, unless QCAT considers it necessary in the interests of justice to allow new evidence; and	13 14 15 16 17
	(b) decide the review of the decision in accordance with the same law that applied to the making of the original decision.	18 19 20
	‘(4) If QCAT decides, under the QCAT Act, section 139, that the proceeding should be reopened, the issues in the proceeding that are reheard must be—	21 22 23
	(a) heard and decided by way of a reconsideration of the evidence given in the proceeding for the review of the decision; and	24 25 26
	(b) decided in accordance with the same law that applied to the making of the original decision.	27 28
	‘(5) In this section—	29

*new evidence* means evidence that was not before the commissioner when the decision on the objection was made. 1  
2

*original decision* means the assessment or reassessment that was the subject of the relevant objection. 3  
4

*relevant objection* means the objection to which the decision of the commissioner relates. 5  
6

**‘72 Representation of parties before QCAT** 7

‘(1) This section applies to a party in a proceeding before QCAT relating to an application under section 69(2)(b). 8  
9

‘(2) The party may be represented by a lawyer. 10

**‘73 Onus on review** 11

‘On the review, the applicant has the onus of proving the applicant’s case.’. 12  
13

**Clause 1888 Amendment of s 76 (Effect of non-reviewable decisions)** 14

Section 76(b), ‘objection or appeal’— 15

*omit, insert—* 16

‘objection, appeal or review’. 17

**Clause 1889 Amendment of s 113 (Refusal of disclosure of particular information)** 18  
19

Section 113(1), after ‘court’— 20

*insert—* 21

‘or QCAT’. 22

[s 1890]

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<b>Clause 1890</b>	<b>Amendment of s 132 (Evidentiary provisions for assessments)</b>	1 2
	Section 132(1)(b)(i), ‘against’—	3
	<i>omit, insert—</i>	4
	‘against, or review of.’	5
<b>Clause 1891</b>	<b>Amendment of s 157 (Repealed Stamp Act is revenue law for particular provisions)</b>	6 7
	Section 157(2), ‘part 6 (Objections and appeals against assessments), other than sections 75 and 76 to the extent they relate to the other provisions of this Act for the repealed Stamp Act’—	8 9 10 11
	<i>omit.</i>	12
<b>Clause 1892</b>	<b>Insertion of new pt 14</b>	13
	After section 164—	14
	<i>insert—</i>	15
<b>‘Part 14</b>	<b>Transitional provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009</b>	16 17 18 19 20
<b>‘165</b>	<b>Transfer of appeals from Supreme Court only with consent</b>	21 22
	‘Despite the QCAT Act, section 268(4) the court may not transfer a proceeding to QCAT without the consent of the applicant for the proceeding.’	23 24 25

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<b>Part 10</b>	<b>Amendment of Taxation Administration Regulation 2002</b>	1 2
<b>Clause 1893</b>	<b>Regulation amended</b>	3
	This part amends the <i>Taxation Administration Regulation 2002</i> .	4 5
<b>Clause 1894</b>	<b>Amendment of s 11 (Non-application of s 147 of Act)</b>	6
	Section 11(1)(c), ‘order’—	7
	<i>omit, insert—</i>	8
	‘order or decision of QCAT’.	9