



# ELECTORAL AND ADMINISTRATIVE REVIEW COMMISSION

## REPORT ON REVIEW OF APPEALS FROM ADMINISTRATIVE DECISIONS

VOLUME FOUR  
(APPENDICES 49 TO 73)

AUGUST 1993

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Serial No. 93/R3

**ELECTORAL AND ADMINISTRATIVE  
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**REPORT**

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Electoral and Administrative Review Commission

ISBN 0 7242 5676 8 (set)  
ISBN 0 7242 5688 1 (vol. 4)

APPENDIX 49.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE PROPOSED DEVELOPMENT, ENVIRONMENT  
AND LAND TRIBUNAL NOT INCLUDING  
DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Consumer Affairs and Corrective Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Sales Act 1984-1992, s. 8(1)(a)	Local Authority	Decision or refusal to approve a subdivisional plan of survey of freehold land before a purchaser enters into a purchase contract	None	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61), concerned at the threat to local government autonomy submitted merits review not appropriate	-
Land Sales Act 1984-1992, s. 8(1)(b)	Minister	Decision or refusal to approve a subdivision of leasehold land before a purchaser enters into a purchase contract	None	-	-
Land Sales Act 1984-1992, s.19(2)	Chief Executive	Decision or refusal to exempt a person by whom or on whose behalf land is to be subdivided into not more than five subdivisional portions, from this Act, and to impose conditions	None	-	-

APPENDIX 49.2

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Beach Protection Act 1968-1990, s.38(1) (soon to be replaced by Coastal Protection Bill)	Local Authority	Decision to declare that unoccupied Crown land in an area to which an erosion-prone area plan relates is to be a restricted access area	None	Dept Environment & Heritage (SS34) submitted require coastal management expertise to review the Department's decision and that all current legislation will be repealed by new legislation in which all administrative decisions will be appealable. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61), concerned at the threat to local government autonomy submitted merits review not necessary	Expertise may be provided to review body by experts or by expertise of members of review body
Beach Protection Act 1968-1990, s.38(2) (soon to be replaced by Coast Protection Bill)	Local Authority	Decision to regulate and control the use of unoccupied Crown land declared to be a restricted access area	None	See entry for s.38(1) of the same Act	See entry for s.38(1) of the same Act



APPENDIX 49.3

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Beach Protection Act 1968-1990, s.39(7) (soon to be replaced by Coastal Protection Bill)	Minister	Decision to give notice in writing to a Local Authority, Harbour Board, River Improvement Trust or other person to cease doing a thing contrary to a coastal management plan	None	Dept Environment & Heritage (SS34) submitted require coastal management expertise to review and all administrative decisions will be appealable under replacement legislation	See entry for s.38(1) of the same Act
Beach Protection Act 1968-1990	Beach Protection Authority	Decision as to compensation payable to a person whose estate or interest in land is injuriously affected by the refusal of the Governor in Council to (a) grant a building permit under s.44; or  (b) consent to the opening of a road or to a subdivision of land under s.45	s.46(2)(d) Planning and Environment Court	-	-

APPENDIX 49.4

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Beach Protection Act 1968-1990, s.47(1A)	Beach Protection Authority	Decision or refusal to permit a person, in a coastal management control district or in an area to which an erosion prone area plan relates to: (a) interfere with an sand, stone, gravel etc; or (b) drain or flow water or other fluid across or through land	None	See entry for s.39(7) of the same Act	See entry for s.38(1) of the same Act
Beach Protection Act 1968-1990, s.47(2)	Local Authority	Decision to serve notice on owner or occupier prohibiting (a) depasturing possession or control of any stock; (b) damaging any vegetation; (c) interfering with any sand, stone, gravel etc; on land in an area to which an erosion-prone area plan relates	None	See entry for s.38(1) of the same Act	See entry for s.38(1) of the same Act
Beach Protection Act 1968-1990, s.50	Beach Protection Authority or a Local Authority, Harbour Board or River Improvement Trust	Decision to temporarily occupy land and to take stone, gravel etc. from the land for the purposes of constructing, maintaining or repairing any works to implement a coastal management plan	None	See entry for s.38(1) of the same Act	See entry for s.38(1) of the same Act

APPENDIX 49.5

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Clean Air Act 1963-1991, s.23(3)	Chief Executive	Decision or refusal to remit a fee payable where the pollution from scheduled premises does not warrant payment	None	Dept Environment & Heritage (SS34) submitted that all administrative decisions under replacement legislation will be appealable. MIM (SS9) submitted that appropriate for merits review	-
Clean Air Act 1963-1991, s.26(2)	Chief Executive	Decision or refusal to grant an exemption to an occupier of scheduled premises from specified air impurities standards	None	See entry for s.23(3) of the same Act	-
Clean Air Act 1963-1991, s.29B	Chief Executive	Decision to direct an occupier to provide chimneys for use with an industrial plant or fuel burning equipment	None	See entry for s.23(3) of the same Act	-
Clean Air Act 1963-1991, s.31(2)	Chief Executive	Decision or refusal to exempt an occupier of an premises from not exceeding specified air impurities standards	None	See entry for s.23(3) of the same Act	-

APPENDIX 49.6

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Clean Air Act 1963-1991, s.37	Minister on report by Chief Executive	Decision to order the occupier of premises to cease conducting any trade, industry, or process or operating any fuel burning equipment or industrial plant	None	See entry for s.23(3) of the same Act	-
Clean Air Act 1963-1991	Chief Executive of the Department of Environment and Heritage	<p>(a) An application for a licence or for the renewal or transfer of a licence for any scheduled premises (including cement works, oil refineries, sugar mills) under s.39(1);</p> <p>(b) (i) An application for approval of work to be carried out on any scheduled premises under s.27;</p> <p>(ii) A notice in writing requiring work to be carried out on any scheduled premises under s.28; or</p> <p>(c) A notice in writing requiring the occupier of premises to carry out work to prevent or minimise the emission of air impurities under s.32</p>	s.39(1) District Court Judge	-	-

APPENDIX 49.7

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Clean Air Act 1963-1991, s.43(2)	Chief Executive	Decision to revoke any exemption, to extend the period of an exemption or to vary the conditions of an exemption	None	See entry for s.23(3) of the same Act	-
Clean Waters Act 1971-1990, s.27(2)	Chief Executive	Decision or refusal to grant an exemption from or refusal to grant strict compliance with licence conditions or notice under s.25	None	Dept Environment & Heritage (SS34) submitted that all administrative decisions under replacement legislation will be appealable. MIM (SS9) submitted that appropriate for merits review	-
Clean Waters Act 1971-1990, s.27(3)	Chief Executive	Decision or refusal to revoke an exemption, extend the period of an exemption or vary conditions of an exemption	None	See entry for s.27(2) of the same Act	-
Clean Waters Act 1971-1990, s.28(1) & (2)	Chief Executive with approval of Minister	Decision to cancel or suspend a licence	None	See entry for s.27(2) of the same Act	-
Clean Waters Act 1971-1990, s.30(3)	Chief Executive	Decision to remit in whole or in part the fee payable for discharge of wastes from premises	None	See entry for s.27(2) of the same Act	-

APPENDIX 49.8

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Clean Waters Act 1971-1990, s.32	Chief Executive	Decision to require alteration installation or replacement of any works or control equipment where discharge of waste is likely to be caused or increased	None	See entry for s.27(2) of the same Act	-
Clean Waters Act 1971-1990, s.34(2)	Minister	Decision to take action to prevent, abate or mitigate water pollution caused by wastes from a discontinued industry, trade or process on any land	None	See entry for s.27(2) of the same Act	-
Clean Waters Act 1971-1990, s.35(1)	Minister	Decision to authorise or prohibit, in an emergency, the discharge into any waters, or to place in or on any premises, specified wastes	None	Dept Environment & Heritage (SS34) submitted that this decision should be considered for merits review. MIM (SS9) submitted that appropriate for merits review	Refer to discussion of emergency decisions in Chapter 6 of the Report

APPENDIX 49.9

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Clean Waters Act 1971-1990	Chief Executive of the Department of Environment and Heritage	(a) Refusal to grant, renew or transfer or to grant, renew or transfer on conditions, or to revoke or vary the conditions of a licence to discharge wastes into waters under s.24; (b) Service of a notice authorising discharge of wastes upon particular conditions under s.25; or (c) Notice requiring the occupier to adopt certain practices and procedures under s.31(5)	s.41(1) District Court Judge	-	-
Contaminated Land Act 1991-1992, s.14(1)	Minister	Decision or refusal to authorise the acquisition of land for the disposal of hazardous substances	None	Dept Environment & Heritage (SS34) submitted that all administrative decisions under replacement legislation will be reviewable	-
Contaminated Land Act 1991-1992, s.14(3) & (4)	Chief Executive	Decision or refusal to approve of a place at or from which contaminated soil or a hazardous substance may be disposed	None	See entry for s.14(1) of the same Act	-

APPENDIX 49.10

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Contaminated Land Act 1991-1992	Chief Executive or Minister	Decision to give notice requiring a site investigation report, payment for a site investigation report, the taking of remediation measures, the setting of conditions etc, and payment for enforced remediation, validation etc.	s.40 Planning and Environment Court	This new legislation did not appear in Appendix B to Issues Paper No.14 and so no submissions were received	-
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.22(1)	Minister	Decision to remove a part of the Queensland Estate on or in a Designated Landscape Area to the Queensland Museum	None	Dept Environment & Heritage (SS34) submitted that all administrative decisions under replacement legislation will be reviewable	-
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.26(2)	The Crown	Decision to take or acquire private land on which Landscapes Queensland or any item of the Queensland Estate cannot be properly preserved or managed by the maintenance of the area as a Designated Landscape Area	None	See entry for s.22(1) of the same Act	-
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.27(1)(b)	Minister	Decision to authorise the removal of a part of the Queensland Estate to the Queensland Museum	None	See entry for s.22(1) of the same Act	-



APPENDIX 49.11

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.27(2) & (3) & s.29	Minister	Decision or refusal to issue or renew a permit to perform systematic field exploration to establish the existence of the Queensland Estate on any Designated Landscape Area, on Landscapes Queensland or on the Queensland Estate	None	See entry for s.22(1) of the same Act	-
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.30	Minister	Decision to: (a) revoke a permit; (b) require surrender of the permit; and (c) require the restoration of any area or to replace any object to which a permit relates	None	See entry for s.22(1) of the same Act	-
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.31(2)	Minister	Decision as to the condition to which, and the time period within which, an area should be restored	None	See entry for s.22(1) of the same Act	-
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.37(1)(a) & (1)(b)	Minister	Decision whether an item of Queensland Estate is the property of the Crown and as to ownership of an item of the Queensland Estate	None	See entry for s.22(1) of the same Act	-

APPENDIX 49.12

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.351H	Minister	Decision to suspend or cancel a permit to enter an environmental park	None	-	-
Land Act 1962-1992, s.351I	Prescribed person	Decision to seize or demolish an unauthorised building, structure or thing in an environmental park	None	-	-
Nature Conservation Act 1992, s.43(2)(a)(ii)	Minister	Decision or refusal to terminate conservation agreement over a Native Refuge or Wilderness Area where a conservation agreement is no longer needed, or is no longer capable of being used to achieve, the declared management intent for the area	None	No submission as new legislation	-
Nature Conservation Act 1992, s.44	Minister	Decision or refusal to vary a conservation agreement as to part of a Native Refuge or Wilderness Area which is no longer needed for, or capable of being used to achieve, the declared management intent for the area	None	No submission as new legislation	-

APPENDIX 49.13

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Nature Conservation Act 1992	Minister	Decision as to compensation for declaration of (a) a Nature Refuge; (b) a World Heritage Management Area; or (c) an International Agreement Area	s.62(1) Land Court	No submission as new legislation	-
Nature Conservation Act 1992, s.94	Minister	Decision or refusal to make an interim conservation order	None	No submission as new legislation	-
Nature Conservation Act 1992, s. 99	Minister	Decision or refusal to suspend the operation of a licence, permit or other authority	None	No submission as new legislation	-
Nature Conservation Act 1992	Minister	Decision as to compensation for land subject to an interim conservation plan	s.100(1) Land Court	No submission as new legislation	-
Nature Conservation Act 1992, s.103(1)	Minister	Decision or refusal to require a person to prepare a draft conservation plan	None	No submission as new legislation	-

APPENDIX 49.14

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Nature Conservation Act 1992, s.103(3)	Minister	Decision to require person to pay the reasonable costs incurred by the Minister for preparation of draft and final conservation plans and for approval of a final conservation plan	None	No submission as new legislation	-
Nature Conservation Act 1992	Chief Executive	Decision as to compensation for land within a critical habitat or area of major interest	s.115(1) Land Court	-	-
Nature Conservation Act 1992, s.153	Chief Executive	Decision to dispose of seized cultural, natural resource or protected wildlife that is the property of the State	None	No submission as new legislation	-
Noise Abatement Act 1978-1989, s.12(2)	Chief Executive	Decision or refusal to permit an excessive noise to continue where its abatement cannot be reasonably achieved	None	No submission as legislation is being repealed or replaced by new legislation in which the Dept Environment & Heritage (SS34) submits all decisions will be subject to merits review	-

APPENDIX 49.15

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Noise Abatement Act 1978-1989, s.15(1)	Chief Executive	Decision to serve a noise abatement notice on an occupier of premises	None	No submission as legislation is being repealed or replaced by new legislation in which the Dept Environment & Heritage (SS34) submits all decisions will be subject to merits review	-
Noise Abatement Act 1978-1989, s.15(2)	Chief Executive	Decision or refusal to extend the time specified in a noise abatement notice	None	No submission as legislation is being repealed or replaced by new legislation in which the Dept Environment & Heritage (SS34) submits all decisions will be subject to merits review	-
Noise Abatement Act 1978-1989, s.18B	Chief Executive	Decision to issue or revoke a temporary noise abatement order	None	Dept Environment & Heritage (SS34) submitted merits review not appropriate due to time restrictions	-
Noise Abatement Act 1978-1989, s.26A(1)	Chief Executive	Decision or refusal to issue a temporary licence and to impose conditions	None	No submission as legislation is being repealed or replaced	-

APPENDIX 49.16

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Noise Abatement Act 1978-1989, s.26A(5)	Chief Executive	Decision to revoke a temporary licence or amendment of a temporary licence	None	No submission as legislation is being repealed or replaced	-
Noise Abatement Act 1978-1989	Chief Executive of the Department of Environment and Heritage	Decision made with respect to a noise abatement order, or a licence, exemption or application under the Act	s.27(1) District Court or Magistrates Court	No submission as legislation is being repealed or replaced	-
Queensland Heritage Act 1992, s.24(4)	Queensland Heritage Council	Decision or refusal to enter a place provisionally in the Heritage Register	None	No submission as new legislation	-
Queensland Heritage Act 1992, s.25(4)	Queensland Heritage Council	Decision or refusal to propose to remove a place from the Heritage Register	None	No submission as new legislation	-
Queensland Heritage Act 1992	Queensland Heritage Council	Proposal to enter or remove a particular place in the Heritage Register on a permanent basis	s.26(1) Expert Assessor	No submission as new legislation	-
Queensland Heritage Act 1992, s.29(4)	Queensland Heritage Council	Decision to vary a proposal to enter or remove a place on or from Heritage Register, in the light of the assessor's report	None	No submission as new legislation	-

APPENDIX 49.17

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Queensland Heritage Act 1992	Queensland Heritage Council	Decision to enter or remove a "place" in or from the Heritage Register or not to proceed with a proposal for entry or removal of a "place" in or from the Heritage Register	s.30(5) Planning and Environment Court	No submission as new legislation	-
Queensland Heritage Act 1992	Local Authority or Queensland Heritage Council	Decision on an application for approval of a proposed development	s.36(1) Queensland Heritage Council or a Review Committee established by Queensland Heritage Council	No submission as new legislation	-
Queensland Heritage Act 1992, s.37(5)	Minister	Decision whether to accept or reject recommendation of the Queensland Heritage Council as to development by the Crown of a registered place	None	No submission as new legislation	-
Queensland Heritage Act 1992, s.52(1)	Minister	Decision to grant a permit authorising operations involving the destruction, damage, excavation or disturbance of a protected area	None	No submission as new legislation	-

APPENDIX 49.18

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Queensland Heritage Act 1992	Minister	Refusal of an application for a permit authorising operations involving the destruction, damage, excavation or disturbance of a protected area or the imposition of conditions on the granting of a permit	s.53(1) Planning and Environ- ment Court	No submission as new legislation	-
Queensland Heritage Act 1992, s.58(1) & (3)(b)	Minister	Decision or refusal to make a "stop" order or a decision or refusal to revoke a stop order	None	No submission as new legislation	-
Queensland Marine (Sea Dumping) Act 1985, s.17(1) *	Minister	Decision or refusal to grant a permit to dump or load wastes for dumping or to incinerate wastes at sea or to impose conditions * (Act not yet proclaimed)	None	Dept Transport (SS41) agreed in principle to merits review. Dept Environment & Heritage (SS34) submitted appropriate for specialist environment tribunal	-



APPENDIX 49.19

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Queensland Marine (Sea Dumping) Act 1985, s.18(1) *	Minister	Decision to suspend or revoke a permit to dump or incinerate * (Act not yet proclaimed)	None	Dept Transport (SS41) agreed in principle to merits review. Dept Environment & Heritage (SS34) submitted appropriate for specialist environment tribunal	-
Queensland Marine (Sea Dumping) Act 1985	Minister	Decision to vary condition imposed in a permit * (Act not yet proclaimed)	s.21(1) Minister	Dept Transport (SS41) agreed in principle to merits review. Dept Environment & Heritage (SS34) submitted appropriate for specialist environment tribunal	-
Queensland Marine (Sea Dumping) Act 1985, s.21(1) *	Minister	Application for the revocation or variation of a condition imposed in respect of a permit to dump wastes at sea * (Act not yet proclaimed)	None	No submission as legislation is being repealed or replaced	-
Queensland Marine (Sea Dumping) Act 1985 *	Minister	Application for the cancellation of the suspension of a permit to dump wastes at sea * (Act not yet proclaimed)	s.21(2) Minister	No submission as legislation is being repealed or replaced	-

APPENDIX 49.20

Portfolio: Family Services and Aboriginal and Islander Affairs

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Aborigines and Torres Strait Islanders (Land Holding) Act 1985-1991	Trustee Council	Decision relating to an (a) application for tenure of land in trust area under s.5(1); and (b) in respect of such an application, a failure to exhibit notice of the application or to notify the applicant of the determination under s.6(1).	s.7(1) Appeal Tribunal	-	-
Aborigines and Torres Strait Islanders (Land Holding) Act 1985-1991	Aboriginal Council or Island Council	Assessment of rent made by the grantees of a lease	s.33B(4) Land Court	-	-
Aboriginal Land Act 1991-1992, s.3.11(3)(b)(ii), s.5.13(3)(b)(ii) & s.5.13(4)	Minister	Decision to approve or refusal to approve the giving by a grantee of "transferred land" or of "granted land" to a person who is not an Aboriginal particularly concerned with that land, a lease, licence, sub-lease, or mortgage of that land	None	Dept Lands (SS38) agrees that merits review is appropriate	-
Aboriginal Land Act 1991-1992, s.5.13(2)(iii)(B)	Minister	Decision or refusal to consent to lease or licence by grantees of granted land	None	-	-
Aboriginal Land Act 1991-1992, s.5.13(4)	Minister	Decision or refusal to approve the sublease or mortgage of land and to impose conditions	None	Dept Land (SS38) agreed appropriate for merits review	-

APPENDIX 49.21

Portfolio: Family Services and Aboriginal and Islander Affairs

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Aboriginal Land Act 1991-1992, s.5.16	Minister	Decision whether grantees hold land for a specified group of Aboriginal people	None	-	-
Aboriginal Land Act 1991-1992, s.5.16(1)(c)	Minister	Decision or refusal to determine for whose benefit granted land is held	None	-	-
Aboriginal Land Act 1991-1992, s.9.01(1) & (3)	Minister	Decision to consent to creation of interests in transferable and claimable land	None	-	-
Torres Strait Islander Land Act 1991-1992, s.3.11(2)	Minister	Decision to approve or refusal to approve the granting of a lease or licence by a grantee or transferred land to another person, for 10 years or more	None	-	-
Torres Strait Islander Land Act 1991-1992, s.3.11(3)(b)(ii), s.5.13(3)(b)(ii) and s.5.13(4)	Minister	Decision to approve or refusal to approve the giving by a grantee of "transferred land" or of "granted land" to a person who is not a Torres Strait Islander particularly concerned with that land, a lease, licence, sub-lease, or mortgage of that land	None	No submission as this is new legislation	-

APPENDIX 49.22

Portfolio: Family Services and Aboriginal and Islander Affairs

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Torres Strait Islander Land Act 1991-1992, s.5.16	Minister	Decision whether grantees hold land for a specified Torres Strait Islander or a group of Torres Strait Islanders	None	No submission as this is new legislation	-
Torres Strait Islander Land Act 1991-1992, s.9.0(1) & (3)	Minister	Decision to consent to creation of interests in transferable land	None	No submission as this is new legislation	-

APPENDIX 49.23

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Building Act 1975-1991.	Local Authority	Notification that town planning applications must be made before building approval can be given	ss.30BA(3), (4) Planning and Environment Court	-	-
Building Act 1975-1991.	Building Advisory Committee or Building Tribunal	Determination of an appeal brought against the decision of a building tribunal on an application for variation of Standard Building By-laws under s.12 or determination of a building tribunal on an objection to a Local Authority	s.42(1) Planning and Environment Court	-	The current right of appeal is limited to a question of law
Building Act 1975-1991.	Building Advisory Committee	Notice requiring: (a) Cessation of unapproved erection; (b) Demolition of unlawful erection; (c) Demolition of dangerous or neglected building, or building unfit for occupation; and (d) Demolition of unsafe building	s.57(4) Planning and Environment Court	-	The current right of appeal is limited to a question of law
City of Brisbane Act 1924-1992	Brisbane City Council	Categorisation of land in relation to which a differential general rate is levied	s.87(1) Person so authorised	-	-

APPENDIX 49.24

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
City of Brisbane Act 1924-1992	Brisbane City Council or Chief Executive of relevant Department	Decision upon objection to categorisation of land within a rates notice	s.89 Land Court	-	-
Integrated Resort Development Act 1987-1992, s.29	Local Authority	Decision or refusal to approve a plan of subdivision for an approved scheme	None	Dept Housing (SS37) submitted general objection to merits review of Local Authority decision. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61), concerned at the threat to local government autonomy, submitted merits review not appropriate	-
Integrated Resort Development Act 1987-1992, s.33	Local Authority	Decision or refusal to approve a plan of subdivision for subdividing an initial lot within a residential precinct	None	See entry for s.29 of the same Act	-

APPENDIX 49.25

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Integrated Resort Development Act 1987-1992, s.37	Local Authority	Decision or refusal to approve a building units plan or a group titles plan for a secondary lot within a residential precinct	None	See entry for s.29 of the same Act	-
Integrated Resort Development Act 1987-1992, s.58(3) & (4)	Local Authority	Decision to approve or refuse to approve works on a primary thoroughfare	None	See entry for s.29 of the same Act	-
Integrated Resort Development Act 1987-1992, s.58(8)	Minister	Decision to determine the amount of the primary thoroughfare body corporate levy and adjustment of the levy	None	Dept Housing (SS37) submitted general objection to merits review of ministerial decisions	-
Integrated Resort Development Act 1987-1992, s.59(b)	Minister	Decision or refusal to approve the leasing of a primary thoroughfare	None	Dept Housing (SS37) submitted general objection to merits review of ministerial decisions	-
Integrated Resort Development Act 1987-1992, s.60A(2) & (5)	Local Authority	Decision to impose a condition that the primary thoroughfare body corporate or principal body corporate pay an amount fixed by the Local Authority for the preservation and maintenance of a canal	None	See entry for s.29 of the same Act	-

APPENDIX 49.26

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992	Local Authority	Liability of any land to be rated or as to right or liability of any person to be rated in respect of any land	s.27(1)(v) Two Stipendiary Magistrates	-	-
Local Government Act 1936-1992	Local Authority	Categorisation of land in rate notice	s.27(1B) Chief Executive (Valuations) or Local Authority	-	-
Local Government Act 1936-1992, s.35( 7)	Local Authority	Decision as to the opening or construction of a new road, increasing the width of a road, diverting a road, altering the level of a road or temporarily closing a road	None	Dept Housing (SS37) submitted general objection to merits review of Local Authority decision. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61). concerned at the threat to local government autonomy, submitted merits review not appropriate	-



APPENDIX 49.27

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992, s.35( 8)(iv)	Minister or an authorised surveyor appointed by Minister	Decision as to the alignment of a road after hearing objections lodged by the Local Authority or by owner of rateable land affected by the alignment	None	Dept Housing (SS37) submitted general objection to merits review of ministerial decisions	-
Local Government Act 1936-1992, s.35( 8)(ix)	Local Authority	Decision to permit alteration to or repair of buildings or structures encroaching on a road alignment	None	See entry for s.35(7) of the same Act	-
Local Government Act 1936-1992, s.35( 9)	Local Authority	Decision to acquire land for the widening of a road by colonnading	None	See entry for s.35(7) of the same Act	-
Local Government Act 1936-1992, s.35(10)	Local Authority	Decision to acquire land for realignment of a road in order to widen the road	None	See entry for s.35(7) of the same Act	-
Local Government Act 1936-1992, s.35(11)	Local Authority	Decision to open new roads through land which has been leased or granted and in which reservation has been made for the making of roads but not for a specific part	None	See entry for s.35(7) of the same Act	-
Local Government Act 1936-1992, s.35(12)	Local Authority	Decision to fix and alter a road level	None	See entry for s.35(7) of the same Act	-

APPENDIX 49.28

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992, s.35(18)	Local Authority	Decision to order an owner of land abutting a road to fence the land or to fill or cover a hazard	None	See entry for s.35(7) of the same Act	-
Local Government Act 1936-1992, s.35(24A)(a) and (d)	Local Authority with approval of Governor in Council	Decision or refusal to grant a permit to construct and use a viaduct across a road	None	See entry for s.35(7) of the same Act	-
Local Government Act 1936-1992, s.35(24A)(e)	Local Authority with approval of Governor in Council	Decision to impose further conditions on the holder of a permit to construct and use a viaduct, provided such further terms are not inconsistent with the original grant of the permit	None	See entry for s.35(7) of the same Act	-
Local Government Act 1936-1992	Local Authority	Decision as to purchase price of land severed from land of landowner during re-alignment of a road	s.35(10A)(v) Land Court	-	-
Local Government Act 1936-1992	Local Authority	Decision as to compensation for structural improvements for the realignment of a road upon land owned by a landowner	s.35(10A) (vi) (c) Land Court	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-

APPENDIX 49.29

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992	Local Authority with consent of Governor in Council	Refusal or neglect to grant a permit to construct and work a tramway on or in proximity to roads or bridges in the Local Authority area	s.35(24)(i) Minister	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Local Government Act 1936-1992	Local Authority	Any decision in respect to an application for the construction of a levee bank	s.47(24)(j) Chief Executive of Primary Industries Department	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Local Government Act 1936-1992	Building Advisory Committee	Decision as to the control or regulation of swimming pool fencing	s.49H(16)(a) Planning and Environment Court	-	-
Local Government Act 1936-1992	Local Authority	Decision as to compensation payable by a Local Authority to any person by reason of the exercise and performance of any of the functions of local government under the Act	s.51(2) Court of competent jurisdiction	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-

APPENDIX 49.30

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government (Chinatown and the Valley Malls) Act 1984-1990	Brisbane City Council	Decision on application or revocation of permit	s.39(1) Planning and Environment Court	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Local Government (Palm Beach Land) Act 1992, s.10(1)	Chief Executive or appointed person	Decision as to extent and value of damage caused by land subsidence	None	No submission as new legislation	-
Local Government (Planning and Environment) Act 1990-1992	Local Authority	Any decision for which there is a right of appeal; interim development control provision decision, decision on use of erection of a building	s.7.1(1) Planning and Environment Court	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Local Government (Planning and Environment) Act 1990-1992	Local Authority	Refusal to approve or imposing conditions on an application to modify a staged rezoning application	s.7.2 Planning and Environment Court	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-

APPENDIX 49.31

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government (Queen Street Mall) Act 1981-1990	Brisbane City Council	Decision on application or revocation of permit	s.33(1) Planning and Environment Court	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
State Housing Act 1945-1992	Chief Executive	Decision as to unimproved value of land which is the subject of a lease for land held by the Queensland Housing Commission	s.22B(4)(e) Land Court	-	-
State Housing Act 1945-1992	Chief Executive	Decision as to unimproved value of land which is the subject of a Worker's Home Perpetual Town Lease	s.24C(8) Land Court	-	-

APPENDIX 49.32

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Aboriginal Land Act 1991-1992, s.4.06	Land Claims Registrar	Decision as to whether claim duly made	None	-	-
Aboriginal Land Act 1991-1992, s.5.01(1)	Minister	Decision or refusal to grant an area of land in fee simple to a group of Aboriginal people	None	Dept Land (SS38) agreed appropriate for merits review	-
Aboriginal Land Act 1991-1992, s.5.02(1)	Minister	Decision that a lease of land should or should not be granted to a group of Aboriginal people and imposition of lease conditions	None	Dept Land (SS38) agreed appropriate for merits review	

APPENDIX 49.33

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Aboriginal Land Act 1991-1992	Land Tribunal	Decision - (i) that an area of land is or is not claimable land; (ii) that a claim is not established on a particular ground; (iii) to make or not to make a particular recommendation to the Minister in relation to a claim; (iv) as to the terms of a particular recommendation to the Minister; (v) made in or in relation to a proceeding; (vi) that a person is not a person whose interests could be affected by the grant of land as Aboriginal land; or (vii) made under s.9.02(2)(b)	ss.8.29(1), (2) & (3) Land Appeal Court	-	-

APPENDIX 49.34

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Acquisition of Land Act 1967-1992, ss.16, 17	Constructing Authority	Decision to discontinue or revoke the resumption of land before publication of the proclamation of Notice of Resumption	None	Dept Lands in Qld Govt Depts' submission (S44) identified the review provision and in (S22) & (SS38) agreed merits review appropriate. Teviot Residents Against the Dam (S14) submitted urgent need for merits review of decisions to acquire land etc	-
Acquisition of Land Act 1967-1992	Constructing Authority	Decision as to compensation for discontinuance of resumption	s.16(1) Land Court	Dept Lands in Qld Govt Depts' submission (S44) corrected the Commission's Appendix B entry.	-
Acquisition of Land Act 1967-1992	Constructing Authority	Decision as to compensation for loss resulting from revocation of notice of resumption	s.17(4) Land Court	See entry for s.16(1) of the same Act	-



APPENDIX 49.35

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Acquisition of Land Act 1967-1992, s.23	Constructing Authority	Decision or refusal to make an advance to a claimant as part of compensation for acquisition of land	None	Dept Lands (SS38) submitted that legislation repealed. Teviot Residents Against the Dam (S14) submitted urgent need for merits review of decisions to acquire land etc	The Commission considers that this section is still in force.
Acquisition of Land Act 1967-1992	Constructing Authority	Decision as to compensation for resumption of land	s.24(1) Land Court	-	-
Acquisition of Land Act 1967-1992, s.37	Constructing Authority	Decision to occupy and use land temporarily for construction, maintenance or repair works	None	Teviot Residents Against the Dam (S14) submitted urgent need for merits review of decisions to acquire land etc	-
Brigalow and Other Lands Development Act 1962-1992, s.14	Minister	Decision to permit or refuse agistment of stock on a purchase lease	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Brigalow and Other Lands Development Act 1962-1992, s.18(1)(a)	Minister	Decision that all development and improvement conditions of a lease have been performed, entitling the lessee to a grant in fee simple of the leased land	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-

APPENDIX 49.36

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Brigalow and Other Lands Development Act 1962-1992, s.23(1)	Chief Executive	Decision to make or refusal to make an advance to a lessee of a purchase lease, grazing homestead freeholding lease or grazing selection in a declared area, such advance to be used towards specified purposes	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Brigalow and Other Lands Development Act 1962-1992, s.24	Chief Executive	Decision or refusal to make a further advance to a lessee towards payment of arrears and to set the term and interest payable extend the term and/or vary the conditions	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Brigalow and Other Lands Development Act 1962-1992, s.24A	Chief Executive	Decision to extend the terms and/or vary the conditions of an advance	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Brigalow and Other Lands Development Act 1962-1992, s.24B	Chief Executive	Decision to or refusal to relieve the lessee from loan repayments for a period not exceeding two years	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Building Units and Group Titles Act 1980-1992, s. 9(3)	Minister	Decision or refusal to register a building units plan despite the Registrar's opinion that its name is undesirable	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.37

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Building Units and Group Titles Act 1980-1992, s. 9(8)(b)(iii)	Local Authority	Decision or refusal to approve a projection over a road on a leasehold building units plan	None	-	-
Building Units and Group Titles Act 1980-1992, s. 11(1)	Local Authority	Decision or refusal to approve two or more lots being amalgamated into one lot	None	-	-
Building Units and Group Titles Act 1980-1992, s. 12(1)	Local Authority	Decision or refusal to approve one or more lots being converted into common property	None	-	-
Building Units and Group Titles Act 1980-1992	Local Authority	(a)Refusal to direct the issue of a certificate approving subdivision; (b)Failure to direct the issue of a certificate or notify approval and conditions imposed; (c)Conditions imposed on subdivision; or (d)Failure to issue or endorse on a plan the certificate required for registration of the plan.	s.24(6) Planning and Environment Court	-	-

APPENDIX 49.38

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Building Units and Group Titles Act 1980-1992	Local Authority	Failure to notify approval or imposition of conditions in relation to extinguishment of a building units and group title plan	s.25(5) Planning and Environment Court	-	-
Building Units and Group Titles Act 1980-1992, s. 62	Chief Executive	Decision to cause a valuation to be made upon registration of a leasehold building unit plan	None	Dept Land (SS38) agreed merits review appropriate	-
Foreign Ownership of Land Register Act 1988-1992	Minister	Determination of Minister that the interest in land of a foreign person should be forfeited to the Crown	s.29(9) Land Appeal Court	-	-
Foreign Ownership of Land Register Act 1988-1992, s.31(2)	Minister	Decision, or refusal, to extend the time for sale of an interest in land	None	Dept Lands (SS38) agreed merits review appropriate	-
Foreign Ownership of Land Register Act 1988-1992, s.31(3)	Minister	Decision as to appropriateness of occasion to sell a person's security interest in land and determination of the nature, extent and value of that security interest	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.39

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s. 14(c)	Minister	Decision or refusal to extend the time within which any developmental or improvement condition of a lease or licence is to be performed	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s. 24(2)	Minister	Decision or refusal to approve an officer of the department being eligible to bid or apply for land offered for sale, lease or selection under this Act	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992	The Crown	Any dispute as to the boundary of any holding	s.39 Land Court	Dept Lands in Qld Govt Depts' submission (S44) submitted appropriate for merits review to a sectoral tribunal. Unclear whether appeal against the government decision or against the decision of the Land Court is favoured	-
Land Act 1962-1992, s. 56(6)	Minister	Direction to Committee of Review that an occupier of a specified lot is to have priority in obtaining a pastoral lease of that lot	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.40

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s. 57( 5)	Committee of Review	Decision that an application for a pastoral lease has not been made in good faith resulting in the Committee not being empowered to accept that application	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s. 57( 8)	Committee of Review	Decision to declare that moneys lodged with application for a pastoral lease are forfeited	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s. 57(10)	Committee of Review	Decision to repeal an application for a pastoral lease as applicant's financing means are inadequate or unsatisfactory	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s. 61B(2)	Minister	Decision or refusal to average over a number of years the valuation of a pastoral lease so as to prevent an undue increase	None	Dept Lands (SS38) disagreed with merits review of this decision	-
Land Act 1962-1992	Chief Executive	Valuation of pastoral lease land for rental purposes	s.61B(3) Land Court	-	-
Land Act 1962-1992, s. 61C	Minister	Decision or refusal to approve the use of a pastoral lease other than for grazing or agricultural	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.41

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s. 63	Minister	Decision to allow the holder of a preferential pastoral holding to agist stock in the holding	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s. 64(3)	Minister	Decision to exempt a holder of a pastoral lease from a fencing condition or to alter or cancel such an exemption	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s. 65	Minister	Decision or refusal to approve the making of improvement or developmental works on a pastoral lease (other than a preferential pastoral holding) within a specified time	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s. 67(1)	Minister	Decision to reject an application to convert a holding to a stud holding	None	Dept Lands (SS38) submitted that legislation repealed	-
Land Act 1962-1992, s. 74(2)	Minister	Decision to renew or refusal to renew a stud holding lease	None	Dept Lands (SS38) submitted that legislation redundant	-
Land Act 1962-1992, s. 79(5)	Minister	Decision to vary the rent, or determine an occupation licence by giving three months notice	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.42

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s. 90(1) & (8)	Committee of Review	Decision to reject an application for a selection owing to the applicant being ineligible or unqualified	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.100(1)	Minister	Decision to extend the time for payment of the first year's rent by a successful applicant for a selection	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.100(2)	Minister	Decision to forfeit deposit and other moneys paid by the applicant following withdrawal of an application	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.101(3)	Minister	Decision to forfeit deposit and other moneys paid, following rejection of an application by the Land Court	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.107(2) & (3)	Minister	Decision or refusal to extend time for fulfilling fencing and improvement requirements in lease	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.111	Minister	Decision to exempt from or vary fencing conditions imposed by this Act and decision to cancel or vary such exemption	None	Dept Lands (SS38) agreed merits review appropriate	-



APPENDIX 49.43

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.112	Authorised Officer	Decision or refusal to issue a special licence modifying fencing conditions and decision to revoke such a modification for 2 or more adjoining grazing homestead perpetual leases	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.118	Authorised Officer	Decision or refusal to suspend temporarily personal residence or condition of occupation imposed on a lessee	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.119	Minister	Decision or refusal to waive performance of residence or conditions of occupation and decision to revoke waiver	None	Dept Lands (S44) & (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.123(6)(b)	Minister	Decision that capitalisation of the first instalment of the purchase price of a lease of an agricultural farm would assist in the establishment and ongoing viability of the lease	None	Dept Lands (SS38) disagreed with merits review of this decision	-
Land Act 1962-1992, s.125	Minister	Decision as to whether satisfied that a lessee of an agricultural farm or grazing homestead freeholding lease has performed necessary conditions to allow conversion of the lease to freehold	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.44

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992	Minister	Annual rent for the second and subsequent rental period(s) on a grazing homestead perpetual lease	s.131(6) Land Court	-	-
Land Act 1962-1992, s.131(5)	Minister	Decision or refusal to average over a number of years the valuation of a grazing homestead perpetual lease so as to reduce rent	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.131B	Minister	Decision or refusal to permit agistment of stock on a grazing homestead perpetual lease for a period aggregating longer than six months in any twelve month period	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.131C	Minister	Decision to approve or refuse to approve the use of a grazing homestead pastoral lease for other than grazing or agricultural purposes	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.45

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.140(3)(c)	Minister	Decision to require the applicant to amend an application (for conversion of a grazing homestead perpetual lease to a grazing homestead freeholding lease) so that it relates only to part of the land in the grazing homestead perpetual lease	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992	Minister	Decision as to conversion value of grazing homestead perpetual lease land and timber	s.140(7A) Land Court	-	-
Land Act 1962-1992, s.142(3)	Minister or Chief Executive	Decision to reject a further application for conversion of a lease where a previous application has lapsed	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.147(12)	Minister	Decision as to value of commercial timber on land at date of surrender of lease	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.147D(2)(b)	Minister	Decision to determine consideration payable by a lessee for timber to gain a discharge of a Forest Entitlement Area	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.46

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.147E	Minister	Determination of the consideration to be paid for discharge of a reservation relating to a Forest Entitlement Area	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.157(1) & (2)	Minister	Decision or refusal to renew a lease and to impose conditions	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.157(4)	Minister	Decision or refusal as to whether a lessee is qualified to hold a preferential pastoral lease or a grazing homestead perpetual lease	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.159A(4)	Minister	Decision to terminate an extended lease	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.161(2)	Minister	Decision to revoke a decision to give a new lease	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.163	Minister	Decision or refusal to offer a previous lessee of an expired lease, a new lease of the same land	None	Dept Lands (SS38) submitted not appropriate for merits review	-

APPENDIX 49.47

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.164(1)	Minister	Decision or refusal to make land in an expired lease available for a preferential pastoral holding or grazing homestead perpetual lease together with other Crown Land	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.164(4)(b)	Minister	Decision or refusal to revoke a decision to make an offer of a new lease	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.173(2)	Minister	Decision or refusal to extend time for furnishing a certificate of competency	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.176(11)	Minister	Decision as to whether there has been compliance with developmental and improvement conditions	None	-	-
Land Act 1962-1992, s.177(1)	Minister	Decision to cancel the sale of land (subject to a sale notification) for non-compliance with the sale	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.48

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.188(14)	Minister	Decision or refusal to reduce rent for residential use of Auction Perpetual Lease for hardship or cancellation of reduction in rent	None	No submission as new legislation	-
Land Act 1962-1992, s.190(2), (7), (8), (9), & (10)	Chief Executive	Decision or refusal to reduce rent on review	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.191	Minister	Decision or refusal to grant an application to freehold a perpetual town lease, perpetual suburban lease, and perpetual country lease and to impose conditions	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992	Minister	Unimproved value of land upon freeholding of perpetual town leases, perpetual suburban leases and perpetual country leases	s.192(3) Land Court	-	-
Land Act 1962-1992, s.194(13)(a)	Minister	Decision as to whether satisfied that all developmental and improvement conditions have been complied with	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.194(12)	Minister	Decision or refusal to give reduction in rent or cancellation of reduction in rent	None	No submission as new legislation	-

APPENDIX 49.49

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.200(2)	Minister	Decision as to extended time for a purchaser to furnish a declaration of competency	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.200(3)	Minister	Decision as to whether moneys paid by a purchaser in respect of land are forfeited	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.204B(2)	Minister	Decision to average or refuse to average over a number of years the valuation of a special lease so as to reduce rent	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.204B(15)	Minister	Decision to set first rental period for investigation and development of a special lease	None	-	-
Land Act 1962-1992	Minister	Annual rent for second or subsequent period(s) on a special lease, if greater than \$200	s.204B(3) Land Court	-	-
Land Act 1962-1992, s.204(3) and (6)	Minister	Decision or refusal to reduce rent on a special lease or to cancel lease	None	No submission as new legislation	-

APPENDIX 49.50

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.205(a) & (b)	Minister	Decision as to whether land is abnormally costly to develop or whether special circumstances exist as to usage of the land or the usage of the locality of the land so as to enable the Governor in Council to grant a special lease of the land	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.207B	Minister	Decision to grant or refuse an application or require amendment to an application, or grant or refuse to grant an application subject to the lessee entering into an agreement to either: (a) purchase an estate in fee (b) convert the lease to a lease that is a perpetual town lease, a perpetual suburban lease or a perpetual country lease	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.208(1)(f)	Minister	Decision to fix the price at which Crown land is to be sold to the holder of adjoining land	None	Dept Lands (SS38) agreed merits review appropriate	-



APPENDIX 49.51

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992	Minister	Decision to average or refuse to average over a number of years the valuation of a perpetual town lease, a perpetual suburban lease or a perpetual country lease so as to prevent an undue increase in rent	s.212(7) Land Court	Dept Lands (SS38) submitted not appropriate for review by a sectoral tribunal	-
Land Act 1962-1992, s.212(15)	Minister	Decision or refusal to set lower rent for charity, sporting or non-profit organisation	None	No submission as new legislation	-
Land Act 1962-1992, s.212(18) and (21)	Minister	Decision or refusal to reduce rent on ground of hardship or to cancel reduction	None	No submission as new legislation	-
Land Act 1962-1992, s.214(6)	Minister	Decision as to an applicant's capacity to perform the recommended conditions for a development lease	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992	Local Authority	(a) Any decision as to the type, standard and specifications of any works to be performed by the lessee of Crown land; (b) Failure to notify of such a decision	s.216(5)(d) Minister administering Local Government Act	-	-

APPENDIX 49.52

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.216(5) & (8)	Minister	Decision or refusal to approve subdivision of a development lease and to impose conditions	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.217(1)	Minister	Decision to require a lessee of a development lease to give security of a specified nature and amount for performance of lease conditions	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.217(3)	Minister	Decision as to the nature and amount of security to be given by a lessee prior to issue of a deed of grant for an estate in fee simple	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.218(2)	Minister	Decision as to whether satisfied as to certain matters to permit the lessee of a development lease to purchase from the Crown for an estate in fee simple and permitted subdivision of the land in the development lease	None	Dept Lands (SS38) submitted not appropriate for merits review	-

APPENDIX 49.53

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.231(1)	Minister	Decision or refusal to give approval to a selector, lessee or purchaser to occupy land on which there are improvements the property of the Crown or of a predecessor in title, until payment for the improvements	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.233	Minister	Decision to require reduction in stock numbers to prevent permanent damage to land	None	Dept Lands (S44) & (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.235(4)	Minister	Decision or refusal to permit a person to acquire by transfer a preferential pastoral holding in trust for children, grandchildren or other descendants under 18 years	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992	Minister	Decision as to provisional value of improvements made by the predecessor on land leased, selected or purchased	s.236(4)(a) Land Court	-	-
Land Act 1962-1992, s.237	Minister	Decision to forfeit a lease and cancel a sale if the excess of provisional value is not paid for by the due date by incoming lessee or purchaser	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.54

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992	Minister	Annual rent payable for the first rental period of a pastoral or grazing homestead perpetual lease or studholding	s.246(1) Land Court	-	-
Land Act 1962-1992, s.248A(1) & (8)	Minister	Decision or refusal to defer or cancel any deferral of any annual rent or annual instalment or interest where a lessee is suffering hardship because of - (a) the effects of drought, flood, fire, natural disaster or artificial disaster; or (b) economic recession; or (c) a severe downturn in the level of markets related to the purpose of the lease; or (d) serious illness or accident	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.249(5)	Minister	Decision or refusal to waive a forfeiture and reinstate a lessee, following payment by the lessee of all amounts outstanding (including penalty)	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.250(4) and (14)	Chief Executive	Decision or refusal to issue tree clearing permit, imposition of conditions and cancellation of tree clearing permit	None	No submission as new legislation	-

APPENDIX 49.55

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.269(16)(g)	Minister	Decision to direct that the Crown land included in the homestead perpetual lease or pastoral lease be excluded from such lease and return to Crown Land status, for failure to comply with lease conditions	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.271(1)	Minister	Decision or refusal to permit subdivision of any holding or licence and to impose conditions	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Land Act 1962-1992, s.274(2)(d) & (6)(d) & s.278(3)	Minister	Decision to approve or refuse consent to a sublease, sub-sub-lease or mortgage of a holding or selection	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992, s.296(4)	Minister	Decision to waive forfeiture of a holding or interest in a holding	None	Dept Lands (SS38) agreed merits review appropriate	-
Land Act 1962-1992	Minister	Decision as to compensation payable on discontinuation of a resumption	s.311 Land Court	-	-
Land Act 1962-1992	Minister	Termination of lease by trustee of land for the benefit of Aboriginal or Islander inhabitants	s.347A Minister	-	-

APPENDIX 49.56

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Act 1962-1992	Minister	Decision as to erection and maintenance of a ring fence	s.328(1) Land Court	-	-
Land Act 1962-1992, s.365	Minister	Decision with respect to land comprised in a permanently closed road	None	Dept Lands, Qld Government Departments submission (S44) submitted appropriate for merits review to a sectoral tribunal	-
Miners' Homestead Leases Act 1913-1992, s.22(1)	Minister	Decision or refusal to grant exemption from the residency requirement in a miners' homestead lease or perpetual lease	None	Dept Lands (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.22(2)	Minister	Decision to impose reservations and stipulations as to the right to cut or destroy timber on a miner's homestead lease or perpetual lease	None	Dept Lands (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.23AB(3)	Minister	Decision to reduce the rent to be paid for a miners' homestead perpetual lease where hardship exists	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.57

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Miners' Homestead Leases Act 1913-1992, s.23B(1)(b) & s.23B(2)	Minister or Chief Executive	Determination of the capital value of a miners' homestead perpetual lease	None	Dept Lands (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.24(4)	Minister	Decision as to the sum to be added to the rent by way of penalty for late payment	None	Dept Lands (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.24(4)	Minister	Decision or refusal to waive forfeiture of a lease and to reinstate the lessee on payment of arrears	None	Dept Lands (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.25	Minister	Decision or refusal to approve the subleasing of a lease under this Act 94 of land offered for sale under this Act and the transfer, mortgaging, or sub-sub-leasing by a lessee of the sub-lease	None	Dept Lands (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.26	Minister	Decision or refusal to approve to the transfer of a miner's homestead lease or perpetual lease	None	Dept Lands (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.28	Minister	Decision or refusal to approve the subdivision of a miner's homestead lease or perpetual lease	None	Dept Lands (SS38) submitted not appropriate for merits review	-

APPENDIX 49.58

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Miners' Homestead Leases Act 1913-1992, s.32	Chief Executive	Decision to declare a lease forfeited for any cause other than non-payment of rent	None	Dept Lands (SS38) submitted that the Chief Executive's decision was an appeal but agreed further merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.37(1)	Minister	Decision to resume the whole or part of a miner's homestead lease or perpetual lease	None	Dept Lands (S44) & (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992	Chief Executive	Determination in respect of resumption and the payment of compensation for such resumption	s.37(8) Land Court	-	-
Miners' Homestead Leases Act 1913-1992, s.39(1)	Minister	Decision or refusal to register a person who has obtained a grant of representation in a deceased's estate as personal representative of the deceased's interest	None	Dept Lands (SS38) agreed merits review appropriate	-
Miners' Homestead Leases Act 1913-1992, s.39(7)	Minister	Decision or refusal to register a person beneficially entitled under a deceased person's will as lessee	None	Dept Lands (SS38) agreed merits review appropriate	-



APPENDIX 49.59

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mining Titles Freeholding Act 1980-1992, s. 8(2) & s.9(2)	Minister	Decision to reject an application for a grant in fee simple by the lessee of a miner's homestead lease, homestead perpetual lease or the holder of a business area, market garden area or residence area	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Mining Titles Freeholding Act 1980-1992	Chief Executive (Valuations)	Determination of unimproved value of land under s.8A or s.8B of the Act	s.11 Land Court	-	-
Mining Titles Freeholding Act 1980-1992, s.21A	Minister	Decision or refusal to reduce an instalment in cases of hardship	None	Dept Lands (SS38) agreed merits review appropriate	-
Mining Titles Freeholding Act 1980-1992, s.22, s.25 & s.29(2)	Minister	Decision or refusal to approve an application for a transfer of a lease or area, from a person claiming to be entitled to be registered as a lessee, or from the holder of - (a) a miner's homestead lease; (b) a miner's homestead perpetual lease; (c) a business area; or (d) a residence area	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.60

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Real Property Acts Amendment Act 1952-1992, s.54(2)	Registrar of Titles	Decision to reject an application for title by possession to land	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s. 89(2)	Minister	Decision or refusal to approve the bringing of a declared plant into Queensland for scientific or educational purposes and to impose conditions	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s. 90	Minister	Decision or refusal to approve the keeping of declared plants for educational or scientific purposes	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s. 94(2)	Minister	Decision to approve, approve on conditions, or to refuse approval to bring a declared animal into Queensland for scientific or educational purposes, to exhibit it or to provide entertainment	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s. 96(1)	An authorised person or inspector	Decision to serve notice requiring a person to deliver a declared animal into custody	None	Dept Lands (SS38) agreed merits review appropriate	-

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Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s. 97(2)	Minister	Decision or refusal to permit a person to keep a category A3 declared animal for scientific or educational purposes or to exhibit it or to provide entertainment and to impose conditions	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s. 99	An authorised person or inspector authorised by the Chief Executive (Lands)	Decision to serve a notice directing the destruction of a declared animal or decision to seize and destroy the declared animal	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Rural Lands Protection Act 1985-1992, s.157	Darling Downs - Moreton Rabbit Board	Decision or refusal to approve any construction within three metres of a rabbit-check fence	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.161- s.163	Minister	Decision to register or refuse to register four or more owners of adjoining land as (a) a declared plant control syndicate; (b) a declared animal control syndicate; or (c) a declared plant and animal control syndicate, and to register their land as a syndicate area	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.62

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s.164(6) & (7)	Minister	Decision to grant or refuse registration as a syndicate where only the majority of owners of adjoining parcels of land request information on the syndicate	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.165	Minister	Decision whether a member of a syndicate may retire from the syndicate or have parcels of land excluded from the syndicate	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.171	Minister	Decision whether the registration of a syndicate should be terminated	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.180	Minister	Decision to serve an order on the owner of land on the boundary of a vermin protection district or division requiring construction, alteration or maintenance of a vermin proof fence	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.186(3)	Minister	Decision that a barrier fence complies, or does not comply with an order for its construction	None	Dept Lands (SS38) agreed merits review appropriate	-

APPENDIX 49.63

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s.188(1)	Minister	Decision to grant or refuse to grant fencing materials or financial assistance to a person ordered to erect a fence	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.190	Minister	Decision or refusal to provide financial assistance, fencing materials or to carry out work to assist a person to maintain a barrier fence	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.191	Inspector or Minister	Decision to serve a notice requiring a person to carry out work on a barrier fence within a stipulated time, or to carry out such work if not done within the stipulated time	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.192	Minister	Decision to require a land owner or occupier to provide gates at certain places along a joining fence and to install such gates if the owner or occupier does not comply	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.193	Minister	Decision or refusal to approve gates or grids or other openings in barrier fences and to impose conditions	None	Dept Lands (SS38) agreed merits review appropriate	-

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Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s.200	Minister	Decision to grant or refuse to grant application, modified application or application subject to conditions, to construct a ring fence around four or more properties	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992, s.205	Minister	Decision or refusal to grant to a ring fence group an amount towards its construction cost	None	Dept Lands (SS38) agreed merits review appropriate	-
Rural Lands Protection Act 1985-1992	Local Authority	Objection by an owner of land to a requirement to establish stock-proof and declared animal-proof fencing	s.208(1) Minister	-	-
South Bank Corporation Act 1989-1991, s. 9(8)(b)(iii)	Local Authority	Decision or refusal to convert to projection or building over road	None	-	-
South Bank Corporation Act 1989-1991, s.11(1)	Local Authority	Decision or refusal to approve the amalgamation of two or more lots into one lot	None	-	-
South Bank Corporation Act 1989-1991, s.12(1)	Local Authority	Decision or refusal to approve the conversion of one or more lots into common property	None	-	-

APPENDIX 49.65

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
South Bank Corporation Act 1989-1992	Local Authority	Failure to direct the issue of a certificate under the Local Government (Planning and Environment) Act 1990 showing approval of a proposed subdivision of a parcel costs plan	Sch.7, cl.24(6) Planning & Environment Court	-	-
Torres Strait Islander Land Act 1991-1992	Land Tribunal	Decision - (i) that an area of land is or is not claimable land; (ii) that a claim is or is not established on a particular ground; (iii) to make or not to make a particular recommendation to the Minister in relation to a claim; (iv) as to the terms of a particular recommendation to the Minister; (v) made in or in relation to a proceeding; (vi) that a person is not a person whose interests could be affected by the grant of land as Islander land; (vii) made under s.9.02(2)(b)	s.8.29(1), (2) and (3) Land Appeal Court	-	

APPENDIX 49.66

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Torres Strait Islander Land Act 1991-1992, s.4.06	Land Claims Registrar	Decision as to whether claim duly made	None	-	
Torres Strait Islander Land Act 1991-1992, s.5.01(1)	Minister	Decision or refusal to grant an area of land in fee simple to a Torres Strait Islander or group of Torres Strait Islanders	None	No submission but Dept Lands (SS38) agreed to merits review of an equivalent section in Aboriginal Land Act 1991	
Torres Strait Islander Land Act 1991-1992, s.5.02(1)	Minister	Decision that a lease of land should or should not be granted to a group of Torres Strait Islanders and imposition of conditions	None	-	
Torres Strait Islander Land Act 1991-1992, s.5.13(2)(iii)(B)	Minister	Decision or refusal to consent to lease, sub-lease or mortgage on licence by grantees of granted land	None	-	
Torres Strait Islander Land Act 1991-1992, s.5.13(4)	Minister	Decision or refusal to approve the sublease or mortgage of land and to impose conditions	None	-	
Torres Strait Islander Land Act 1991-1992, s.5.16(1)(c)	Minister	Decision or refusal to determine for whose benefit granted land is held	None	-	



APPENDIX 49.67

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Valuation of Land Act 1944-1992, s.13(2)(c), (d), (f), (g), (h)(i)(iii) and (j)	Chief Executive	Decision as to whether a valuation of land has altered during the period in which any general valuation or annual valuation is in force or between the issuing of a notice of a valuation and the date of a valuation coming into force	None	Dept Lands (SS38) submitted not appropriate for merits review	-
Valuation of Land Act 1944-1992, s.13(2)(k)	Chief Executive	Decision as to whether several parcels of land should be included in one valuation	None	Dept Lands (SS38) agreed merits review appropriate	-
Valuation of Land Act 1944-1992, s.14	Chief Executive	Decision to direct that several parcels of adjoining land owned by the same person or let to the one person should not be included in the one valuation but should be valued separately	None	Dept Lands (SS38) agreed merits review appropriate	-
Valuation of Land Act 1944-1992	Chief Executive	Decision upon objection against an annual valuation of land	s.16J(1) Land Court	-	-
Valuation of Land Act 1944-1992	Chief Executive	Decision upon objection to an annual valuation of land when change of ownership occurs subsequent to issue of notice of valuation	s.16K(1) Land Court	-	-

APPENDIX 49.68

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Valuation of Land Act 1944-1992	Chief Executive	Decision upon objection to valuation when change of ownership occurs subsequent to issue of notice of valuation	s.19A(1) Land Court	-	-
Valuation of Land Act 1944-1992	Chief Executive	Decision upon objection to valuation made by the Chief Executive	s.21(1) Land Court	-	-

APPENDIX 49.69

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Electricity Act 1976-1992, s.201	Queensland Electricity Commission	Decision to consent or refuse consent to a resumption of land by an Electricity Authority	None	QEC (SS57), being a potential GOE, submitted not appropriate for merits review as would impact on its competitive commercial activities or financial responsibility	This issue is discussed in Chapter 6 of this Report
Electricity Act 1976-1992, s.208	Queensland Electricity Commission	Decision or refusal to consent to the construction of an electric line by an Electricity Authority	None	QEC (SS57), being a potential GOE, submitted not appropriate for merits review as would impact on its competitive commercial activities or financial responsibility	This issue is discussed in Chapter 6 of this Report
Electricity Act 1976-1992, s.208A	Minister administering environmental legislation	Decision or refusal to consent to construction of electricity lines or works over a protected area and the imposition of conditions	None	-	-

APPENDIX 49.70

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Electricity Act 1976-1992, s.254	Queensland Electricity Commission	Decision or refusal to require an Electricity Authority to investigate and/or report on the environmental impact of proposed works	None	QEC (SS57), being a potential GOE, submitted not appropriate for merits review as would impact on its competitive commercial activities or financial responsibility	This issue is discussed in Chapter 6 of this Report
Gas Act 1965-1990, s.51D(1)	Gas Corporation	Decision as to whether a person has made all reasonable endeavours to acquire an easement by agreement	None	Dept Minerals & Energy (SS57) agreed merits review appropriate	-
Gas Act 1965-1990, s.51E	Secretary of Mines	Decision as to compensation and expenses payable by person for whose benefit an easement has been taken over land	None	Dept Minerals & Energy (SS57) agreed merits review appropriate	-
Liquid Fuel Supply Act 1984-1988	A person acting under the Act	Decision as to the compensation payable on the acquisition of property, by virtue of the operation of any provision of the Act, otherwise than on just terms	s.49(1) Supreme Court	-	-

APPENDIX 49.71

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Liquid Fuel Supply Act 1984-1988	A person acting under the Act	Decision as to the compensation payable as a result of complying with any provision of the Act, direction etc. made under the Act, or while complying with or engaging in giving effect to any provision etc.	s.50(1) Supreme Court	-	-
Mineral Resources Act 1989-1992	Mining Registrar	(a) Refusal to grant a prospecting permit; (b) Imposition of conditions on a prospecting permit; (c) Requirement of security deposit for a prospecting permit; (d) Determination of amount due by way of penalty for breach for a prospecting permit; (e) Cancellation of a prospecting permit; (f) Utilisation of amount of security deposit towards rectification of damage caused by non-compliance with prospecting permit	s.3.22(1) Minister	-	-

APPENDIX 49.72

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 4.8	Minister	Decision to direct that a mining claim should be cancelled by the Mining Registrar on the basis that a person has an interest in more than two mining claims	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s. 4.16	Mining Registrar	Decision to treat applications for grant of a mining claim as having been lodged simultaneously so as to determine priority by ballot	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s. 4.27(1)	Minister	Decision to instruct the mining registrar to reject an application for a mining claim over a "reserve"	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) disagreed with merits review where exercise of Crown prerogative	-

APPENDIX 49.73

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 4.31(5)	Mining Registrar	Decision to utilise the whole or part of a security deposited in respect of a mining claim towards payment of a penalty	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992	Wardens Court	Compensation payable for the granting of mining claim	s.4.34(1) Land Court	-	-
Mineral Resources Act 1989-1992, s. 4.44(3)	Mining Registrar	Decision or refusal to approve the assignment or mortgage of a mining claim or an interest in a mining claim	None	Dept Minerals & Energy (SS57) agreed merits review appropriate in limited circumstances. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.74

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 4.51	Mining Registrar	Decision to correct a certificate of grant of a mining claim	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s. 4.53	Mining Registrar	Decision or refusal to approve an application by the holder of a mining claim to mine minerals not specified in the mining claim and the imposition of conditions	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s. 4.54(1)	Mining Registrar	Decision to cancel a mining claim or to impose a penalty	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-



APPENDIX 49.75

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 4.65(2)	Mining Registrar	Decision to reject an application for a mining claim for a reserve by a holder of a prospecting permit who does not have the consent of the land owner	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s. 4.65(2) & (3)	Minister	Decision or refusal to grant permission, in the absence of the consent of the owner, to prospect upon land, or to impose conditions	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s. 4.66(3)(b)	Wardens Court	Decision or refusal to consent to a variation of access to a mining claim	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) disagreed with merits review as decision by a judicial body	-

APPENDIX 49.76

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 5.2(3)	Minister	Decision or refusal to grant an exploration permit over sub-blocks of land that do not have a common boundary in the surface area of a reserve	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) disagreed with merits review where exercise of Crown prerogative	-
Mineral Resources Act 1989-1992, s. 5.4(4)	Minister	Decision or refusal to accept the withdrawal of consent by the owner of land to entry by the holder of an exploration permit on the surface of the land	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s. 5.6(3)	Minister	Decision as to which application for exploration permit for the same mineral lodged on the same day is to take priority	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.77

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 5.12(1) & (3)	Minister	Decision or refusal to grant an exploration permit on reasonable grounds	None	MIM (SS9) and Qld Mining Council (SS50) disagreed with merits review where exercise of Crown prerogative	-
Mineral Resources Act 1989-1992, s.5.14(6)	Minister	Decision to cancel an exploration permit	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.5.15(1)	Minister	Decision as to whether an exploration permit holder has complied with the conditions of a permit	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.5.16(1) & (3)	Minister	Decision as to the amount of security to be paid by an exploration permit holder and to utilise the security in the event of non-compliance with the conditions of the permit	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.78

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.5.19	Minister	Decision to renew or refusal to renew an exploration permit	None	MIM (SS9) and Qld Mining Council (SS50) disagreed with merits review where exercise of Crown prerogative	-
Mineral Resources Act 1989-1992, s.5.23(3)	Minister	Decision or refusal to approve the assignment of an exploration permit or an interest in an exploration permit	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.5.32(1)	Minister	Decision to cancel a permit or impose a penalty for the contravention of the Act	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.5.36	Minister	Decision or refusal to relieve a permit holder from surface rehabilitation of land	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.79

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.5.38	Minister	Decision to retain security deposited for purposes of a further exploration permit instead of making a refund	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.5.39	Minister	Decision to direct an exploration permit holder about activities to be carried out upon the land	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.5.41	Minister	Decision to direct the variation of the terms of an exploration permit upon the grant of a mineral development licence or mining lease for the same land	None	MIM (SS9) and Qld Mining Council (SS50) disagreed with merits review where exercise of Crown prerogative	-
Mineral Resources Act 1989-1992, s.5.42	Minister	Decision or refusal to consent to disposal of minerals, or to impose conditions	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.80

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.6.7	Minister	Decision or refusal to grant an application for a mineral development licence	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.6.15	Minister	Decision as to compliance with the conditions	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.6.16	Minister	Decision or refusal to renew a mineral development licence or an interest in such a licence	None	MIM (SS9) and Qld Mining Council (SS50) disagreed with merits review where exercise of Crown prerogative	-
Mineral Resources Act 1989-1992, s.6.17	Minister	Decision or refusal to approve the assignment or mortgage of a mineral development licence	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.81

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.6.25	Minister	Decision to correct a mineral development licence	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.6.26	Minister	Decision to cancel and replace a mineral development licence	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.6.27	Minister	Decision to cancel a mineral development licence or impose a penalty	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.6.30	Minister	Decision to relieve a mineral development licence holder from surface rehabilitation of land	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.6.33(9)	Minister	Decision to direct a mineral development licence holder about activities to be carried out on the land	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.82

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.6.35	Minister	Decision to direct a development licence holder to apply for a mining lease, to cancel the mineral development licence if the holder fails to comply with the direction and to determine the amount of security refundable	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.6.37	Minister	Decision or refusal to consent to disposal of minerals or to impose conditions	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.6.39	Minister	Decision or refusal to grant an application by a mineral development licence holder for a variation of the land used or to be used as access to the land the subject of a mineral development licence	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-



APPENDIX 49.83

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.7.17	Mining Registrar	Decision to treat applications for grant of mining leases as having been lodged simultaneously so as to determine priority by ballot	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.7.24 & s.7.28(1)(b)	Minister	Decision to reject application for the grant of a mining lease	None	Dept Minerals & Energy (SS57) submitted merits review by a general tribunal appropriate. MIM (SS9) and Qld Mining Council (SS50) disagreed with merits review where exercise of Crown prerogative to grant title	-
Mineral Resources Act 1989-1992, s.7.33(1) & (3)	Minister	Decision as to whether a mining lease holder has complied with the conditions of a lease	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.84

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.7.34	Minister	Decision as to amount of security to be provided by applicant and the use of such security	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.7.35	Minister	Decision to retain security deposited for the purposes of a further mining lease rather than making a refund	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992	Wardens Court	Decision as to compensation payable for the granting of a mining lease	s.7.39(1) Land Court	-	-
Mineral Resources Act 1989-1992, s.7.48	Minister	Decision or refusal to approve a mining plan	None	Merits review of decision suggested by Qld Mining Council (SS50)	-

APPENDIX 49.85

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.7.51	Minister	Decision to correct a mining lease	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.7.52	Minister	Decision to cancel and replace a mining lease	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.7.53	Minister	Decision or refusal to approve an application to mine minerals other than those specified in mining lease	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.86

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.7.55	Minister	Decision or refusal to approve the assignment, sublease or mortgage of mining lease or an interest in a mining lease	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.7.63	Minister	Decision to cancel leases for non-compliance with conditions or to impose penalty	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.7.64	Minister	Decision or refusal to consent the surrender of a mining lease	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.87

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.7.68	Minister	Decision or refusal to approve additional activities relating to a mining lease	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.9.1(7)	Minister	Decision whether the mineral has been mined under the one mining operation for the purpose of calculating royalties	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.9.5	Minister or Mining Registrar	Decision to use security to pay for royalty payment in certain circumstances	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.9.11	Minister	Decision to determine royalties payable	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.88

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s.9.12	Minister	Decision to reassess royalty	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.9.13	Minister	Decision as to whether non-payment of royalty will attract interest	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-
Mineral Resources Act 1989-1992, s.10.7	Mining Registrar, Field Officer or an Authorised Person	Decision to enter, drill, investigate, question, require records etc.	None	MIM (SS9) and Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	Entry is difficult to review. Arguably entry should only be with a warrant. Other actions such as requiring records may be reviewable. Refer to Chapter 6 of the Report
Mineral Resources Act 1989-1992, s.10.8	Mining Registrar, Field Officer or an Authorised Person	Decision to seize and dispose of items used in unauthorised mining	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted that appropriate for review, particularly in relation to seizure	Seizure is difficult to review but disposal is reviewable. Refer to Chapter 6 of the Report

## APPENDIX 49.89

## Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992	Mining Registrar, Field Officer or an Authorised Officer	Direction or requirement made pursuant to any authority under the Act and in respect of which no other avenue of appeal is provided by the Act	s.11.20 Minister	-	-
Mining (Fossicking) Act 1985-1990, s.20	Mining Registrar or Issuing Officer	Decision or refusal to issue a licence	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review	-
Mining (Fossicking) Act 1985-1990, s.23	Mining Registrar or Issuing Officer	Decision to cancel a licence	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review	-
Petroleum Act 1923-1991, s.9(1)(i)	Minister	Decision or refusal to issue a prospecting permit not exceeding 520 sq km	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Old Mining Council (SS50) disagreed with merits review where exercise of Crown prerogative	-
Petroleum Act 1923-1991, s.9A(1)	Minister	Decision or refusal to grant an authority to prospect and to impose conditions	None	MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-

APPENDIX 49.90

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.9B	Minister	Decision to vary conditions of an authority to prospect	None	MIM (SS9) submitted merits review by a general tribunal	-
Petroleum Act 1923-1991, s.9C	Minister	Decision or refusal to renew an authority to prospect	None	MIM (SS9) submitted merits review by a general tribunal	-
Petroleum Act 1923-1991, s.9D(3)	Minister	Decision to determine payment of rentals, fees or other moneys on surrender of an authority to prospect	None	MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.9E	Minister	Decision to cancel an authority to prospect	None	MIM (SS9) submitted merits review by a general tribunal	-
Petroleum Act 1923-1991, s.9F(1)	Minister	Decision or refusal to grant the transfer of an authority to prospect	None	MIM (SS9) submitted merits review by a general tribunal	-
Petroleum Act 1923-1991, s.16	Minister	Decision or refusal to grant any application for a permit or to approve of a petroleum permit and to impose conditions	None	MIM (SS9) disagreed with merits review where exercise of Crown prerogative. Dept Minerals & Energy (SS57) submitted will be deleted in the forthcoming amendment to the Act	-



APPENDIX 49.91

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.18	Minister	Decision or refusal to extend the period of a permit	None	See entry for s.16 of the same Act	-
Petroleum Act 1923-1991, s.22	Minister	Decision to cancel permit	None	Dept Minerals & Energy (SS57) submitted will be deleted in the forthcoming amendment to the Act. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.22A	Minister	Decision or refusal to extend the period during which the permit holder must have commenced drilling	None	See entry for s.22 of the same Act	-
Petroleum Act 1923-1991, s.26	Minister	Decision to cancel a permit	None	See entry for s.22 of the same Act	-

APPENDIX 49.92

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.30(1)	Minister	Decision as to the security payable by a lessee	None	Dept Minerals & Energy (SS57) submitted will be reviewed in the forthcoming amendment to the Act. MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-
Petroleum Act 1923-1991, s.30(2)	Crown Solicitor	Decision or refusal to approve the substitution for any security	None	Dept Minerals & Energy (SS57) submitted will be reviewed in the forthcoming amendment to the Act. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.30(4)(a)	Minister	Determination of amount of security to be forfeited in case of breach of the Act	None	See entry for s.30(2) of the same Act	-
Petroleum Act 1923-1991, s.30(4)(b)	Minister	Decision to forfeit security for the purpose of compensation	None	See entry for s.30(2) of the same Act	-

APPENDIX 49.93

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.40B	Minister	Decision as to when royalty is not payable on petroleum	None	MIM (SS9) submitted merits review by a general tribunal	-
Petroleum Act 1923-1991, s.40C	Minister	Decision as to value at the well head of any petroleum, in the absence of agreement	None	MIM (SS9) submitted merits review by a general tribunal	-
Petroleum Act 1923-1991, s.40D	Minister	Decision determining quantity of petroleum produced	None	MIM (SS9) submitted merits review by a general tribunal	-
Petroleum Act 1923-1991, s.40E(4)	Chief Executive	Decision to assess royalty payable and to direct the producer to pay the difference between the amount paid and amount payable	None	MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.41(1)	Minister	Decision or refusal to consent to the assignment, sale, lease, mortgage, et. of a permit or lease or an interest in a permit or lease	None	MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.94

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.45(4)	Minister	Decision or refusal to consent to the transfer, mortgage etc. of an interest in a refinery or a pipeline under s.45	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.45D	Chief Executive	Decision as to whether a pipeline crossing a railway or a road is acceptable	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.95

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.50	Minister	Decision or refusal to relieve a licensee from having to case each well	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.50A	Minister	Decision or refusal to give permission for the use of underground water	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.96

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.51(2)	Minister	Decision or refusal to consent to the withdrawal of any casing from a well or subject to conditions	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.51(3)	Minister	Decision or refusal to consent to, or impose conditions for, the transfer of interest in a well	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.97

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.51(4)	Minister	Decision or refusal to consent to or vary terms for the use of a well on termination of an authority or a lease	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.61A	Minister	Decision or refusal to consent to combining of two leases	None	MIM (SS9) submitted merits review by a general tribunal	-
Petroleum Act 1923-1991, s.61B	Minister	Decision or refusal to sanction an agreement between holders of authorities to prospect, permits or leases and third parties to drill and well	None	MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum Act 1923-1991, s.61C(2)	Minister	Decision or refusal to approve the entry into an agreement by the holder of an authority to prospect, permit or lease for the unit development of petroleum deposits	None	MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.98

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.63(3)	Minister	Decision or refusal to approve the issue of a prospectus for a project involving the acquisition of a permit, lease, authority or licence	None	MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989	Minister	Decision as to the apportionment of petroleum recovered from two licence areas	s.7(4), (6) and (8) Supreme Court	-	-
Petroleum (Submerged Lands) Act 1982-1989, s.32	Minister	Decision or refusal to renew an exploration permit to impose conditions on the renewal	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-



APPENDIX 49.99

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.35	Minister	Direction to a permit holder which has discovered petroleum to do such things as are necessary including testing the petroleum and determining the quantity	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.36(5) & (6)	Minister	Decision or refusal to consent to the specifying by an exploration permit holder of a discovery "block"	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.100

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.55	Minister	Decision or refusal to grant renewal of petroleum production licence	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-
Petroleum (Submerged Lands) Act 1982-1989, s.57(4)	Minister	Decision or refusal to exempt the holder of a petroleum production licence from having to carry out works to a certain value in the licence area	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.101

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.59(3)	Minister	Decision to direct or to approve a petroleum production licensee to enter into an agreement for unit development	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.60(6)	Minister	Decision or refusal to give a consent, certificate or a pipeline licence for the construction or operation of a pipeline, a secondary line or a water line	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.102

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.62	Minister	Decision to direct that alterations or movement of a pipeline, water line, pumping station, tank station, valve station or secondary line be made within a specified time to comply with the Act	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.65	Minister	Decision or refusal to grant pipeline licence and to impose conditions	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-

APPENDIX 49.103

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.67	Minister	Decision to limit grant of pipeline licence to a period less than 21 years	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-
Petroleum (Submerged Lands) Act 1982-1989, s.69	Minister	Decision or refusal to renew a pipeline licence	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-

APPENDIX 49.104

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.71	Minister	Decision or refusal to grant an application to vary a pipeline licence	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.73	Minister	Decision to direct a pipeline licensee to be a common carrier of petroleum	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.105

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.74	Minister	Decision or refusal to consent to a pipeline licensee ceasing to operate the pipeline	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.78(6)	Minister	Decision or refusal to approve the transfer of a permit, licence or pipeline licence	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.106

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.81	Minister	Decision or refusal to approve an instrument creating, assigning, affecting or dealing with a legal or equitable interest in an existing or future permit, licence, pipeline licence or access authority	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989	Minister	(a) The omission of an entry from the register of permits, licences, pipeline licences and access authorities (b) an entry made in the register without sufficient cause; (c) an entry wrongly existing in the register; or (d) an entry or defect in an entry in the register	s.88 Supreme Court	-	-
Petroleum (Submerged Lands) Act 1982-1989	Minister	Amount of fee payable on registration of a permit etc. or of an approval of a permit etc	s.91(2) Supreme Court	-	-



APPENDIX 49.107

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.96(2)	Minister	Decision or refusal to exempt the holder of a permit, licence or pipeline licence from compliance with s.96(1). (requirement to carry out works within a time limit) and to impose a new time limit	None	Dept Minerals & Energy (SS57) submitted based on technical reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.97(6)	Minister	Decision as to whether satisfied as to public liability insurance cover against the effects of the escape of petroleum	None	Dept Minerals & Energy (SS57) submitted based on technical guidelines, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.108

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.102	Minister	Decision to give a direction to a permit holder, licensee, pipeline licensee and other persons	None	Dept Minerals & Energy (SS57) submitted based on technical and safety reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.103	Minister	Decision or refusal to grant an exemption for any conditions in permit, licence, pipeline licence, special prospecting authority or access authority	None	Dept Minerals & Energy (SS57) submitted based on technical and safety reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.109

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.105	Minister	Decision to cancel a permit, licence or pipeline licence in respect of some or all of the blocks or the pipeline respectively	None	Dept Minerals & Energy (SS57) submitted based on technical and safety reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.108	Minister	Decision to direct removal and disposal of property not removed by the holder of an exploration permit, petroleum production licence or pipeline following termination or cancellation of that licence	None	Dept Minerals & Energy (SS57) submitted based on technical and safety reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.110

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.111(3)	Minister	Decision or refusal to grant a special prospecting authority for a "block" or "blocks"	None	Dept Minerals & Energy (SS57) submitted based on technical and safety reasons, appropriate for review by Department/Minister only. MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-
Petroleum (Submerged Lands) Act 1982-1989, s.112(3)	Minister	Decision or refusal to grant or to vary, an access authority	None	Dept Minerals & Energy (SS57) submitted based on technical and safety reasons, appropriate for review by Department/Minister only. MIM (SS9) disagreed with merits review where exercise of Crown prerogative	-

APPENDIX 49.111

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.112(8)	Minister	Decision to cancel an access authority	None	Dept Minerals & Energy (SS57) submitted based on technical and safety reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.128	Minister	Decision to suspend, in the public interest, the rights conferred by a permit and to extend the period of suspension of rights	None	Dept Minerals & Energy (SS57) submitted based on technical and safety reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.112

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.144	Minister	Decision or refusal to reduce the royalty rate for an uneconomic well	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Petroleum (Submerged Lands) Act 1982-1989, s.145	Minister	Decision that royalty is not payable in certain circumstances	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-

APPENDIX 49.113

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s.146 & s.147	Minister	Determination of valve station as the well-head and of value at the well-head of petroleum for royalty purposes	None	Dept Minerals & Energy (SS57) submitted based on technical and economic reasons, appropriate for review by Department/Minister only. MIM (SS9) submitted merits review by a general tribunal appropriate	-
Queensland Nickel Agreement Act 1970	Commissioner of Water Resources	Grant of licence for diversion and/or storage of water from any river or stream above any storage provided	Sch.1, Part vi, cl.3(8) Land Court	-	-

APPENDIX 49.114

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
South Bank Corporation Act 1989-1992, s.22A	South Bank Corporation	Decision or refusal to approve an application for variation of a development approval	None	Dept Premier (SS30) submitted appropriate for merits review	-
South Bank Corporation Act 1989-1992, s.22(2)(a)	South Bank Corporation	Decision to refuse a development approval	None	Dept Premier (SS30) submitted appropriate for merits review	-
South Bank Corporation Act 1989-1992, s.34A	South Bank Corporation	Decision to authorise interim use of land within the South Bank Corporation area	None	Dept Premier (SS30) submitted appropriate for merits review	-



APPENDIX 49.115

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Biological Control Act 1987	Queensland Biological Control Authority	Decisions in relation to the control of agent organisms, as specified in s.55(1)	s.55(1) Land Appeal Court	-	-
Brisbane and Area Water Board Act 1979-1991	Brisbane and Area Water Board or Local Authority	Decision as to: (a) assumption of control of headworks; (b) property to be acquired; (c) liabilities and obligations; and (d) books, documents etc to be surrendered	s.38 Minister	-	-
Dairy Adjustment Program Agreement Act 1977, Schedule s.10(a)	The Authority	Decision as to whether land owned by the applicant for reconstruction is suitable for amalgamation	None	-	-
Dairy Adjustment Program Agreement Act 1977, Schedule s.10(b)	The Authority	Decision as to whether appropriate to use land for a forestry undertaking or for any other purpose except dairying	None	-	-
Dairy Adjustment Program Agreement Act 1977, Schedule s.13(3)	Minister or an authorised person	Decision to consent or refuse consent to a person who has acquired amalgamated reconstruction land, disposing of any interest in the land	None	-	-

APPENDIX 49.116

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Forestry Act 1959-1992, s.35(1)	Primary Industries Corporation	Decision or refusal to grant an occupation permit, stock grazing permit, apiary permit or a permit to search for and collect minerals and a decision or refusal to consent to the granting of a special lease in a State Forest	None	Dept Primary Industries (SS22) agreed appropriate for merits review. MIM (SS9) submitted not appropriate for merits review where exercise of Crown prerogative	-
Forestry Act 1959-1992, s.37	Primary Industries Corporation	Decision to consent (but not the decision to refuse consent) to the granting of a mining lease, petroleum prospecting permit or coal-mining licence, in a Timber Reserve, State Forest or Forest Entitlement Area and to impose conditions	None	Dept Primary Industries (SS22) agreed appropriate for merits review. MIM submitted not appropriate for merits review where exercise of Crown prerogative	-
Irrigation Areas (Land Settlement) Act 1962-1992, s. 7(4) & s.7(5)	Minister	Decision or refusal to grant an occupation licence on Crown land and on other specified land within an Irrigation Area and to impose conditions	None	Dept Primary Industries (SS22) agreed appropriate for merits review. MIM submitted not appropriate for merits review where exercise of Crown prerogative	-
Irrigation Areas (Land Settlement) Act 1962-1992	Committee of Review	Method of application to select land open for selection	s.15(1) Committee of Review	-	-

APPENDIX 49.117

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Irrigation Areas (Land Settlement) Act 1962-1992, s.29(6)	Minister	Decision or refusal to consent to the lessee of a grazing selection agisting horses for longer than six months in one year	None	Dept Primary Industries (SS22) agreed appropriate for merits review. MIM submitted not appropriate for merits review where exercise of Crown prerogative	-
Irrigation Areas (Land Settlement) Act 1962-1992	Minister	Decision as to annual rent payable for remainder of subsisting rental period in respect of perpetual lease selection, upon reclassification of the land	s.34(1) Land Court	-	-
River Improvement Trust Act 1940-1992, s.11	River Improvement Trust	Decision to issue an "improvement notice" prohibiting a person from carrying on specified activities or requiring a person to carry out specified work	None	-	-
River Improvement Trust Act 1940-1992	River Improvement Trust	Decision as to compensation payable where damage to a cultivated crop growing on land subject to an improvement notice	s.11(5) Land Court	-	-

APPENDIX 49.118

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Soil Conservation Act 1986	Chief Executive	Determination of objection under s.21(1)	s.22(1) Land Court	-	-
Soil Conservation Act 1986	Chief Executive	Failure to admit liability to pay compensation or absence of agreement as to compensation payable for land acquired for soil conservation purposes	s.30(2) Land Court	-	-
Water Resources Act 1989-1992, s. 3.17(6)(a)	Chief Executive	Decision or refusal to permit owner of land proposed to be resumed for subdivision to retain or have retransferred so much land as will enable the carrying on of agricultural pursuits, and to receive additional area of land, where the granting of the application will not unduly adversely affect the plan or proposed plan of subdivision	None	Dept Primary Industries (SS22) agreed appropriate for merits review. MIM (SS9) submitted not appropriate for merits review where exercise of Crown prerogative	-
Water Resources Act 1989-1992	Chief Executive	Failure to agree as to the purchase price of land to be sold to a person	s.3.17(7)(a) Land Court	-	-

APPENDIX 49.119

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Water Resources Act 1989-1992	Chief Executive	(a) Application for licence, renewal of licence, transfer of licence; (b) Objection lodged to an application for a licence; (c) Amendment, variation, cancellation, revocation or suspension; or (d) Application for an authority to construct or use works on intervening land	s.4.26(1) Land Court	Dept Primary Industries (SS22) agreed appropriate for merits review	-
Water Resources Act 1989-1992	Water Supply Board or Drainage Board	Decision as to assessment of a rate or charge made or levied, or any alteration to an assessment	s.9.48(1) Land Court	-	-
Water Resources Act 1989-1992, s.10.25(1)	Chief Executive	Decision as to compensation payable for injury, loss etc. arising out of the performance of a function etc. under the Act	s.10.25(1) Land Court	-	-

APPENDIX 49.120

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Harbours Act 1955-1992	Marine Board of Queensland	Proposed reclamation of land by the Marine Board of Queensland	s.92(5) Land Court	-	-
Pollution of Waters by Oil Act 1973-1992, s.20(1)	Minister	Decision to - (a) require action to be taken in relation to a ship (including removal of ship to a specified place); (b) prohibit removal of a ship except as approved; and (c) prohibit the removal of any cargo from a ship	None	Dept Transport (SS41) agreed in principle to merits review. Dept Environment & Heritage (SS34) submitted appropriate for specialist environment tribunal	-
Pollution of Waters by Oil Act 1973-1992, s.35(b)	Harbour Board with prior approval of Minister	Decision to require the owner or occupier of premises within the harbour used as an oil terminal, depot, installation or for loading or unloading oil to provide satisfactory facilities and to make them available for enabling ships to dispose of oil residues	None	Dept Transport (SS41) agreed in principle to merits review. Dept Environment & Heritage (SS34) submitted appropriate for specialist environment tribunal	-

APPENDIX 49.121

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Pollution of Waters by Oil Act 1973-1992, s.36	Harbour Board, Harbour Master or Chairperson of the Queensland Marine Board, as the case may be	Decision or refusal to permit the transfer of oil between sunset and sunrise including the imposition of conditions for the transfer of oil	None	Dept Transport (SS41) agreed in principle to merits review. Dept Environment & Heritage (SS34) submitted appropriate for specialist environment tribunal	-
Pollution of Waters by Oil Act 1973-1992, s.38	Marine Board of Queensland	Decision to direct that compliance with a regulation made under this Act be dispensed with	None	Dept Transport (SS41) agreed in principle to merits review. Dept Environment & Heritage (SS34) submitted appropriate for specialist environment tribunal	-
Pollution of Waters by Oil Act 1973-1992, s.38(4)	Marine Board of Queensland	Decision to revoke a dispensation made under s.38	None	Dept Transport (SS41) agreed in principle to merits review. Dept Environment & Heritage (SS34) submitted appropriate for specialist environment tribunal	-

APPENDIX 49.122

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Port of Brisbane Authority Act 1976-1990	Brisbane Port Authority	Decision as to compensation payable for loss or damage by reason of the Port Authority ceasing to dredge part of the Brisbane River	s.70(3) Port of Brisbane Compensation Reference Tribunal	Dept Transport (SS41), Marine and Port Division submitted would be repealed and replaced by Management Bill. Port of Brisbane Authority (SS1) submitted merits review "... would place the Authority at a significant disadvantage in commercial transactions"	The Commission notes that merits review of this decision already exists. Refer to Chapter 6 for as discussion of the commercially competitive operations of agencies
Railways Land Acquisition Act 1977, s.5	Commissioner for Railways	Decision or refusal to approve the erection or alteration of buildings or the excavation of soil on land where the Commissioner has acquired the land or an easement in relation to that land, and to impose conditions	None	Dept Transport (SS41), Qld Railways, agreed merits review appropriate	-
Railways Land Acquisition Act 1977, s.6	Commissioner for Railways	Decision to remove buildings without compensation where building likely to affect the construction or operation of a railway	None	Dept Transport (SS41), Qld Railways, agreed merits review appropriate	-



APPENDIX 49.123

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Transport Infrastructure (Railways) Act 1991-1992	Queensland Railways	Decision as to value of land acquired or as to expense of constructing accommodation works	s.6.7(2) Land Court	-	-
Transport Infrastructure (Railways) Act 1991-1992	Queensland Railways	Decision as to amount of compensation to be paid for injurious affection to the land	s.6.12(2) Land Court	-	-
Transport Infrastructure (Railways) Act 1991-1992, s.6.20(9)	Governor in Council	Decision or refusal to allow a private railway to be constructed and operated along, or over, or under any river, stream or other water or watercourse	None	Dept Transport (SS41) submitted that appropriate for merits review	-
Transport Infrastructure (Roads) Act 1991-1992	Chief Executive	Notice of intention that a road be a declared road or that the classification of a declared road be changed	s.3.4(3) Minister	-	-
Transport Infrastructure (Roads) Act 1991-1992	Chief Executive	Decision that access to and/or from land be restricted, regulated or totally prohibited	s.3.7(3) Minister	-	-
Transport Infrastructure (Roads) Act 1991-1992, s.3. 8	Minister on recommendation of the Corporation	Decision to declare limited access to a declared road	None	Dept Transport (SS41) agreed in principle to merits review	-

APPENDIX 49.124

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Transport Infrastructure (Roads) Act 1991-1992	Chief Executive	Failure or refusal to consent to the subdivision of land contiguous to a declared road or the imposition of unreasonable requirements	s.3.16(2) Minister	-	-
Transport Infrastructure (Roads) Act 1991-1992, s.3.11	The Corporation	Decision as to location of access points to roads	None	Dept Transport (SS41) agreed appropriate for review by the Local Government (Planning and Environment) Court	-
Transport Infrastructure (Roads) Act 1991-1992, s.3.12	The Corporation	Decision or refusal to consent to construction of access to a declared road and to impose terms	None	Dept Transport (SS41) agreed appropriate for review by the Local Government (Planning and Environment) Court	-
Transport Infrastructure (Roads) Act 1991-1992	Chief Executive	Compensation payable for loss or damage where access affected	s.3.15(1) Land Court	-	-

APPENDIX 49.125

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Land Tax Act 1915-1992	Commissioner of Land Tax or of Taxes/Assistant Commissioner or any Deputy Commissioner	Any assessment with respect to land under the Act	s.27(1) Land Court	Dept Treasury (SS52) submitted legislation being reviewed	-

APPENDIX 50.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY QUEENSLAND INDUSTRIAL RELATIONS COMMISSION NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Industrial Relations Act 1990-1992	Queensland Industrial Relations Commission (constituted by a single Industrial Commissioner)	Any decision made under the Act	s.9.4(1) Queensland Industrial Relations Commission (Full Bench)	-	-
Industrial Relations Act 1990-1992	Industrial Magistrate	Subject to s.9.2(3) and s.9.4(3), any decision made in an Industrial Magistrate's jurisdiction, under s.5.3 of the Act	s.9.4(2) Queensland Industrial Relations Commission (Full Bench)	-	-
Industrial Relations Act 1990-1992	Industrial Magistrate	Decision or refusal to grant a permit for an aged or infirm person to work for less than the minimum wage	s.9.4(3) Queensland Industrial Relations Commission	-	-

APPENDIX 50.2

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Industrial Relations Act 1990-1992	Industrial Registrar	(a)Decision varying terms of an award or industrial agreement; (b)Decision in respect of an application for permit by a student to complete a period of technical training	s.9.4(4) Queensland Industrial Relations Commission	-	-
Industrial Relations Act 1990-1992	Employer (includes a Chief Executive of a department of government)	Decision to stand down an employee	s.9.8(1) Queensland Industrial Relations Commission	-	-
Industrial Relations Act 1990-1992, s.13.14(3), (6) & (7)	Industrial Registrar	Decision or refusal to grant an exemption to an industrial organisation from the requirement to conduct elections by secret postal ballot, a decision to revoke an exemption, and a determination to alter rules following revocation	None	IRCC (SS55) opposed general merits review but accepted merits review within the existing industrial relations framework. DEVETIR (SS33) submitted existing right of appeal on limited grounds. TLC (SS58) and QCI (SS48) submitted merits review not appropriate	Not appropriate for review by QICAR as an industrial matter

APPENDIX 50.3

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Industrial Relations Act 1990-1992, s.13.18(3)	Industrial Registrar	Decision or refusal to grant an extension of time to an industrial organisation for the alteration and lodging of its rules	None	See entry for s.13.14(3), (6) & (7) of the same Act	Not appropriate for review by QICAR as industrial matters
Industrial Relations Act 1990-1992, s.13.24D(1) & (2)	Industrial Registrar	Decision or refusal to exempt an industrial organisation or branch from being required to have its election conducted by the Electoral Commission or decision or refusal to revoke an exemption	None	No submission as new legislation	Not appropriate for review by QICAR as industrial matters
Industrial Relations Act 1990-1992, s.13.49	Industrial Registrar	Decision or refusal to grant an exemption certificate to an industrial organisation exempting it from requirement to file registers, and decision to revoke such a certificate	None	See entry for s.13.14(3), (6) & (7) of the same Act. QCI (SS48) submitted merits review appropriate if all decisions of the Registrar to be subject to merits review	Not appropriate for review by QICAR as industrial matters

APPENDIX 50.4

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Industrial Relations Act 1990-1992, s.13.53	Industrial Magistrate or Industrial Registrar	Decision or refusal to grant an exemption certificate to a conscientious objector	None	IRCC (SS55) opposed general merits review but accepted merits review within the existing industrial relations framework. DEVETIR (SS33) submitted not appropriate for merits review as depends on demeanour of applicant. QCI (SS48) submitted merits review not appropriate	Not appropriate for review by QICAR as industrial matters
Trading Hours Act 1990	Industrial Registrar	Refusal of application for leave to appear and be heard by the Commission on trading hours of non-exempt shops and the exhibition or display of goods	s.5.4(1) Queensland Industrial Relations Commission (Full Bench)	-	-
Trading Hours Act 1990	Industrial Registrar	Notification of intention to declare an identified order to be obsolete	s.5.10(2) Queensland Industrial Relations Commission	-	-

APPENDIX 50.5

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Public Sector Management Commission Act 1990-1992	Unit of the Public Sector or Classification Review Tribunal	Decision as to an industrial matter brought by an occupational group concerning- (a) a decision made or purportedly made applying a remuneration standard to the position or class of position held by an employee or employees represented by the occupational group; or (b) a failure to take action to apply a remuneration standard to such a position	s.5.9(2) Queensland Industrial Relations Commission	-	-
Public Sector Management Commission Act 1990-1992	Unit of the Public Sector	Decision relating to: (a) an application for reinstatement by a person who has been dismissed from the public service on disciplinary grounds; and (b) a matter that the Commissioner for Public Sector Equity or the Classification Review Tribunal would have no jurisdiction to hear on appeal because it relates to employees of the PSMC	s.5.9(4) Queensland Industrial Relations Commission	Commissioner for Public sector Equity (S16) for the PSMC submitted appeals against dismissal should go to the Queensland Industrial Relations Commission	-



APPENDIX 51.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY STIPENDIARY MAGISTRATE OR MAGISTRATES COURT NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Consumer Affairs and Corrective Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Corrective Services Act 1988-1992	Clerk of the Courts	Decision to refuse an application for a fine option order	s.203(1) Magistrates Court	-	-
Fair Trading Act 1989-1992	Inspector	Claim entitlement to goods seized and detained	s.87(3) Stipendiary Magistrate	-	-

APPENDIX 51.2

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Bail Act 1980-1992	Member of Queensland Police Service	Refusal of bail or the amount of bail fixed or any condition imposed upon release from custody	s.19(1) Court empowered under s.8 (including Magistrates Court)	-	The Commission notes that as any competent court may review this decision, this also appears in the jurisdiction of the District Court and of the Supreme Court (refer to Appendices 67 and 68)
Penalties and Sentences Act 1992	Clerk of Magistrates Court	Refusal to allow late payment of fine	s.85(1) Stipendiary Magistrate	No submission as new legislation	-

APPENDIX 51.3

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Motor Vehicles Control Act 1975-1992	Authorised Officer	Seizure, removal and detention of a vehicle in a public place or a declared area where the driver is arrested for an offence in connection with the vehicle	s.29(3) Magistrates Court	-	Continued detention should be reviewable

APPENDIX 52.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY MENTAL HEALTH  
TRIBUNAL NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mental Health Act 1974-1992, s.15(6)	Patient Review Tribunal	Decision or refusal to order the transfer or leave of absence of a patient	None	Qld Health (SS36) agreed appropriate for merits review	-
Mental Health Act 1974-1992	Patient Review Tribunal	Order to discharge or transfer a patient	s.15(9) Mental Health Tribunal	-	-
Mental Health Act 1974-1992	Patient Review Tribunal	Refusal of application, or order to discharge a patient	s.15(10) Mental Health Tribunal	-	-
Mental Health Act 1974-1992	Patient Review Tribunal	Any order, determination, finding, report or recommendation of the Patient Review Tribunal	s.37(1) Mental Health Tribunal	-	-
Mental Health Act 1974-1992, s.45	Mental Health Tribunal	Decision to order the removal of a patient from Queensland and any ancillary order	None	Qld Health (SS36) submitted not appropriate that the Patient Review Tribunal be the review body for the Mental Health Tribunal	-

APPENDIX 52.2

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mental Health Act 1974-1992, s.53	Chief Health Officer	Decision or refusal to consent to the performance or carrying out on a patient of a prescribed treatment	None	-	-

APPENDIX 53.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY PATIENT REVIEW  
TRIBUNAL NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Health Act 1937-1992	Chief Health Officer	Decision, on the recommendation of the examining medical practitioner, to continue to detain, grant leave of absence, release on parole or discharge a detained drug offender	s.131D Detention Review Tribunal	Qld Health (SS36) submitted the Detention Review Tribunal has not been reconstituted since 1971 and submitted that this Act is due for review	Refer to comments in Appendix 26 to the Report
Mental Health Act 1974-1992, s.18	Hospital Administrator	Decision or refusal to consent to a patient admitted to a public hospital being other than a public patient	None	Qld Health (SS36) agreed appropriate for merits review. Dr I Wilkey (SS6) submitted appropriate for specialist rather than general review tribunal	-
Mental Health Act 1974-1992, s.21(2)	Medical Practitioner	Decision to detain a patient in a hospital for a period not exceeding 21 days from the day of admission	None	Qld Health (SS36) agreed appropriate for merits review	-
Mental Health Act 1974-1992	Psychiatrist	Renewal of an authority for detention	s.21(6)(a) Patient Review Tribunal	-	-

APPENDIX 53.2

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mental Health Act 1974- 1992, s.41(1)	Director of Psychiatric Services	Decision to order the transfer of a person detained in a hospital from one hospital to another for suitable treatment	None	Qld Health (SS36) agreed appropriate for merits review	-
Mental Health Act 1974- 1992, s.43(1) - (4)	Hospital Administration	Decision to admit a person to a security patient's hospital where an application for such transfer has been made by an authorised person	None	Qld Health (SS36) agreed appropriate for merits review	-
Mental Health Act 1974- 1992, s.43(6)	Psychiatrist	Decision to certify that a person detained on account of mental illness does not need to be detained any longer	None	Qld Health (SS36) agreed appropriate for merits review	-
Mental Health Act 1974- 1992, s.44(1)	Medical Practitioner	Decision to make an order for the transfer of a patient from any hospital to any other hospital	None	Qld Health (SS36) submitted not appropriate for merits review as not an administrative decision	-
Mental Health Act 1974- 1992, s.44(2)	Director of Psychiatric Services	Decision to make an order for the transfer of a patient from any hospital to any other hospital	None	Qld Health (SS36) submitted not appropriate for merits review as not an administrative decision	-

APPENDIX 53.3

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mental Health Act 1974-1992	Designated Medical Practitioner	Restriction on discharge of a patient upon request of nearest relative	s.49(3) Patient Review Tribunal	-	-
Mental Health Act 1974-1992	Director of Psychiatric Services	Refusal to grant leave of absence to, or discharge, a restricted patient	s.50(9) Patient Review Tribunal	-	-
Mental Health Act 1974- 1992, s.50A	Director of Psychiatric Services	Decision to direct the removal of any person detained in a hospital as a restricted patient from the hospital to a specified place	None	-	-



APPENDIX 54.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE AMENITY AND AESTHETICS PANEL  
NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Building Act 1975-1991	Local Authority	Application for - (a) approval to carry out building work; (b) classification; (c) change of existing classification; (d) decision as to the application of Standard Building By-laws, when decided that the building will have an extremely adverse effect on the amenity of the neighbourhood or the aesthetics will be in conflict with the character of the neighbourhood	s.31(1) Amenity and Aesthetics Panel	-	The Commission recommends in Chapter 11 of the Report that this review body's jurisdiction should be transferred to QICAR after two years

APPENDIX 55.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE BUILDING ADVISORY COMMITTEE NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Building Act 1975-1991	Building Tribunal	Application for variation of Standard Building By-laws	s.12E Building Advisory Committee	-	-
Building Act 1975-1991	Building Tribunal	Decision on appeal against determination of Building Tribunal relating to: (a) Approval to carry out building work; (b) Classification of a proposed building or other structure; (c) Change of existing classification; or (d) Decision as to the application of Standard Building By-laws	s.37 Building Advisory Committee	-	-

APPENDIX 55.2

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Building Act 1975-1991	Building Tribunal	Decision on appeal against determination of Building Tribunal relating to: (a) Cessation of unapproved erection; (b) Demolition of unlawful erection; (c) Demolition of dangerous or neglected building, or building unfit for occupation; and (d) Demolition of unsafe building	s.57(4) Building Advisory Committee	-	-
Local Government Act 1936-1992	Building Tribunal	Objection to decision with respect to swimming pool fencing	s.49H(16) (a) Building Advisory Committee	-	-

APPENDIX 56.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE BUILDING TRIBUNAL  
NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Building Act 1975-1991	Local Authority	Application for: (a) building approval; (b) classification of a building or structure; (c) change of classification; or (d) decision as to application of Standard Building By-laws	s.31(1), (1A) Building Tribunal	-	-
Building Act 1975-1991	Local Authority	Failure to make a decision or to inform the applicant or a decision in relation to application for building approval	s.36A(1) Building Tribunal	-	-
Building Act 1975-1991	Local Authority	Disagreement with Commissioner of Fire Service as to compliance of special fire services with Standard Building By-laws	s.36J Building Tribunal	-	-

APPENDIX 56.2

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Building Act 1975-1991, s.42(1)(a)	Local Authority	Application for approval to erect a building of Class 1 or Class X as classified under By-law 6.1 of the Standard Building By-laws	None	Dept Housing (SS37) submitted general objection to merits review of Local Authority decision. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61), concerned at the threat to local government autonomy, submitted merits review not appropriate	-
Building Act 1975-1991	Local Authority	Application for: (a) building approval; (b) classification of a building or structure; (c) change of classification; or (d) decision as to application of Standard Building By-laws	s.57(1) Building Tribunal	-	-

APPENDIX 56.3

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992, s.40(5)	Local Authority	Decision or refusal to grant an extension of time for the alteration of a building to meet the Local Authority's standards and to close such building during alteration	None	Dept Housing (SS37) submitted general objection to merits review of Local Authority decisions. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61), concerned at the threat to local government autonomy, submitted merits review not appropriate	-
Local Government Act 1936-1992, s.40(6)	Local Authority	Decision whether roofs, platforms, balconies and other structures, constructed or secured for the purposes of any "show, entertainment, public procession, open-air meeting or other like occasion", are safe and secure for people to assemble on	None	See entry for s.40(5) of the same act	-

APPENDIX 56.4

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992	Local Authority	Decision with respect to swimming pool fencing	s.49H(16) (a) Building Tribunal	-	-
Standard Building By laws 1991, By law 3.4	Local Authority	Decision whether or not to extend the period within which a building must be commenced or completed	None	Dept Housing (SS37) submitted general objection to merits review of Local Authority decisions. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61), concerned at the threat to local government autonomy, submitted merits review not appropriate.	-

APPENDIX 56.5

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Standard Building By-Laws 1991, By-law 12.5	Director	Decision or refusal to accredit a building product suitable for use in building work for entry into the Queensland Accreditation Register	None	-	Consideration must be given to the impact of the Mutual Recognition Act 1992 (Cwlth) and so merits review may be by the Commonwealth AAT instead
Standard Building By-Laws 1991, By-law 12.8	Director	Decision to cancel or alter accreditation	None	-	See entry for By-law 12.5
Standard Building By-Laws 1991, By-law 13.6	Director	Decision by Director whether to register a building product for entry into the Building Products Register	None	-	See entry for By-law 12.5
Standard Building By-Laws 1991, By-law 13.9	Director	Decision to cancel or alter the registration of the building product as being not suitable to be used in single houses	None	-	See entry for By-law 12.5



APPENDIX 56.6

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Fire Service Act 1990-1992, s. 69(1)	Commissioner of Fire Service	Decision to require an occupier to take measures to reduce the risk of fire occurring on the premises or reduce potential danger to persons, property or the environment in the event of fire occurring on the premises	None	-	-

APPENDIX 57.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE RACING APPEALS AUTHORITY  
NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

**Portfolio: Tourism, Sport and Racing**

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Eagle Farm Racecourse Act 1955-1991, s.6(4)	Minister	Decision or refusal to consent to mortgage, lease or dealing with Eagle Farm Racecourse land by trustees, and to impose conditions	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s. 11B(2)(g) & (i)	Queensland Principal Club	Decision to register or refuse to register a galloping horse and to exclude an unregistered horse from racing	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s. 11B(2)(h)	Queensland Principal Club	Decision to disqualify a horse from participating in a race (but only where the disqualification is in addition to a penalty of \$100 or less)	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s. 11B(2)(j)	Queensland Principal Club	Decision to prohibit an owner, trainer, jockey, driver, bookmaker, bookmaker's clerk or another person associated with racing to participate at less than 4 race meetings	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.2

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s. 11B(2)(k)	Queensland Principal Club	Decision to impose a penalty of \$100 or less on a licensed person or an owner of a horse for a contravention of the Rules of Racing	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.11B(2)(r)	Queensland Principal Club	Decision to direct a race club with respect to its racecourse and its affairs	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.14(3)	Queensland Principal Club	Decision to suspend the registration of a race club until fees due and owing to the Queensland Principal Club are paid	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.18(2)	Queensland Principal Club, with the approval of the Commissioner of Stamp Duties (in certain instances)	Decision or refusal to grant approval to postpone dissolution of a race club for a period not exceeding 12 months and to postpone or refuse to postpone dissolution for further periods not exceeding 6 months	None	-	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.18(3)	Commissioner of Stamp Duties	Decision or refusal to grant an extension of time for completing the dissolution of a race club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR

APPENDIX 57.3

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.18(5)	Queensland Principal Club	Decision to distribute net assets of a dissolved club to: (a) the Queensland Principal Club; (b) a local race club; or (c) the Racing Development Fund and determination of the relevant portions payable to each	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.18(6)	Minister	Decision or refusal to approve the recovery of amounts owing to the Queensland Principal Club by a dissolved racing club out of the net assets of a later dissolved racing club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.19(1)	Queensland Principal Club	Decision to: (a) dissolve a race club committee; (b) appoint an administrator to that race club; or (c) provide for the election of a race club committee in certain circumstances	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.4

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.28(1)	Queensland Principal Club	Decision or refusal to approve the holding of a phantom meeting by a race club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.29(1)	Queensland Principal Club	Decision or refusal to approve or a decision to direct a race club to conduct, a trial on a licensed racecourse or approved course	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.30(2)	Queensland Principal Club	Decision to cancel a club's allotment of race days	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.52(3)(h) & (j)	Harness Racing Board	Decision or refusal to register a trotting horse and to exclude an unregistered horse from racing	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.52(3)(i)	Harness Racing Board	Decision to disqualify a trotting horse from participating in a trotting race (but only where the disqualification is in addition to a penalty of \$100 or less)	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.5

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.52(3)(k)	Harness Racing Board	Decision to prohibit a person from attending at or taking part in a trotting meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.52(3)(l)	Harness Racing Board	Decision to impose any penalty on a licensed person or an owner of a trotting horse for breaches of the Rules of Trotting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.52(3)(t)	Harness Racing Board	Decision to give directions to a trotting club with respect to its raceway and its affairs	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.54(3)	Harness Racing Board	Decision to suspend a trotting club until fees due and owing to the Queensland Trotting Board are paid	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.58(2)	Harness Racing Board	Decision or refusal to grant approval to postpone dissolution of a trotting club for a period not exceeding 12 months and to grant further postponements not exceeding 6 months	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.6

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.58(4)	Minister	Decision to direct the rescission of any contract, agreement or arrangement of any kind entered into by a trotting club that is contrary to or has the effect of avoiding s.58	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.58(5)	Harness Racing Board	Decision to distribute the net assets of a dissolved trotting club to: (a) the Harness Racing Board; (b) a local trotting club; or (c) the Racing Development Fund and determination of the relevant portions payable to each	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.58(6A)	Harness Racing Board	Decision to recover an amount owing to the Harness Racing Board by a dissolved trotting club out of the net assets of a later dissolved trotting club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.7

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.59	Harness Racing Board, with the approval of the Minister	Decision to: (a) dissolve the committee of a trotting club; (b) appoint an administrator to the club; or (c) provide for election of a committee for the club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.60(c)	Minister	Decision or refusal to approve the holding of a trotting meeting on a Tuesday or Thursday not being local public holidays	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.65(1) & (3)	Racing Industry Advisory Committee	Decision or refusal to approve the postponement by a trotting club of a meeting owing to adverse weather or other circumstances and the staging of additional races on the postponed day	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.65(4)	Racing Industry Advisory Committee	Decision or refusal to allot another day to that trotting club or to another trotting club to replace an abandoned meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-



APPENDIX 57.8

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.67(1) & (2)	Racing Industry Advisory Committee	Decision or refusal to approve the holding by a trotting club of a phantom meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.70(2)	Harness Racing Board	Decision to cancel an allotment of days for the holding of a trotting meeting by a trotting club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.75(1) & (4)	Harness Racing Board	Decision or refusal to approve the holding of a trotting race at a show and to impose conditions	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.95(3)	Greyhound Board	Decision to suspend the registration of a greyhound club until moneys due and owing to the Greyhound Board by that greyhound club are paid	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.99(2)	Greyhound Board and the Commissioner of Stamp Duties	Decision or refusal to grant approval to postpone dissolution of a greyhound club for a period not exceeding 12 months and to grant postponements of dissolution not exceeding 6 months	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.9

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.99(3)	Commissioner of Stamp Duties	Decision to grant a further extension of time to complete the dissolution of a greyhound club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.99(4)	Minister	Decision to direct the rescission of any contract agreement or arrangement by a greyhound club that is contrary to or has the effect of avoiding s.99	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.99(5)	Greyhound Board	Decision to distribute the net assets of a dissolved greyhound club to: (a) the Greyhound Board; (b) a local greyhound club; or (c) the Racing Development Fund and determination of the relevant portions payable to each	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.99(6A)	Greyhound Board with the approval of the Minister	Decision to recover the expenses approved in the dissolution of a particular greyhound club from the net assets of another dissolved greyhound club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.10

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.100(1)	Greyhound Board	Decision to: (a) dissolve the committee of a greyhound club; (b) appoint a person to be administrator of a greyhound club; or (c) provide for the election of a committee of a greyhound club	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.101(c)	Minister	Decision or refusal to approve the holding of a greyhound meeting on a Wednesday which is not a local holiday or public holiday	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.106(1)	Racing Industry Advisory Committee	Decision to approve the day or days on which postponed greyhound meetings are to be held	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.106(3)	Racing Industry Advisory Committee	Decision to approve the staging of additional races at the same meeting as other postponed races	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.107	Racing Industry Advisory Committee	Decision as to whether reason sufficient for a greyhound club not to hold a greyhound meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.11

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.109(1) & (2)	Racing Industry Advisory Committee	Decision or refusal to approve the holding of a phantom meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.109(5)	Minister	Direction to the Racing Industry Advisory Committee or to a greyhound club not to permit or hold a phantom meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.111(2)	Greyhound Board	Decision to cancel an allotment of days for the holding of greyhound meetings	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.115K	Racing Appeals Authority	Decision following hearing of an appeal under s.115K(1) & (2)	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.12

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992	Control Body, Racing Association or Steward of a Board	(a) Decision of a control body to refuse to grant, fail to renew or revoke a licence; (b) Decision of a racing association appeals committee made in relation to an appeal against a penalty imposed by, or any other decision or order made by, a steward; or (c) Imposition of a penalty or other decision or order made by a steward of the Harness Racing Board or the Greyhound Board.	s.115K(1) Racing Appeals Authority	Dept Tourism, Sport & Racing (SS40) submitted further review of RAA decisions unnecessary	-
Racing and Betting Act 1980-1992, s.115M(1)	Racing Appeals Authority	Decision to order that a decision appealed against: (a) must not be carried into effect; or (b) must be given only limited effect pending determination of an appeal, and to impose conditions	None	Dept Tourism, Sport & Racing (SS40) submitted further review of RAA decisions unnecessary	-
Racing and Betting Act 1980-1992, s.122	Racing Development Corporation	Decision as to security to be provided for an advance out of the Racing Development Fund	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.13

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.135(2)(c) & 3 (d) & (e)	Chief Executive	Decision to grant, refuse to grant, cancel or vary a permit to conduct a combined sports meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.136(1)	Control Body	Decision to approve the conducting by a club of a novelty event during a race meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.137(3)	A Control Body (Queensland Principal Club, Harness Racing Authority or Greyhound Board)	Decision to impose conditions on the grant of a licence for a race club venue or a decision to suspend or cancel a licence for a race club venue	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.139	Minister	Decision to direct as to whether the powers of a club are to prevail over the powers of a control body or to direct how the powers of the control body are to be exercised	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.145(1)	Control Body	Decision or refusal to authorise a licensed bookmaker's clerk to act as a bookmaker's agent for specified periods	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.14

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.146(1)	Control Body with prior approval of the Commissioner of Stamp Duties	Decision or refusal to authorise a licensed bookmaker's clerk to act as a remote clerk for a bookmaker, or to revoke such authority	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.147(1) & (2)	Commissioner for Stamp Duties	Decision or refusal to grant a permit to an athletic club to allow bookmaking at a specified athletic meeting	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.147A	Minister	Decision or refusal to approve bookmaking on a "sporting contingency" by a licensed bookmaker at a licensed racing venue	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.148(1)	Commissioner of Stamp Duties	Decision or refusal to appoint an agent or licensed persons to sell betting tickets to bookmakers	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR

APPENDIX 57.15

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.148(3)	Commissioner of Stamp Duties	Decision or refusal to grant, vary, or revoke an approval to (a) licensed persons to print betting tickets; or (b) authorise persons to hold stocks of betting tickets for bookmakers	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.148(5)	Commissioner of Stamp Duties	Decision or refusal to grant, vary or revoke an approval to use any equipment, device or service to record bets and to issue a betting ticket	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.150(2)	Commissioner of Stamp Duties	Decision or refusal to appoint an agent for the purpose of selling betting sheets to bookmakers and to impose conditions	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.150(3)	Commissioner of Stamp Duties	Decision or refusal to approve, vary or revoke an approval for the use by a bookmaker of any equipment, device or service for the recording of bets and a betting record other than that prescribed	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR



APPENDIX 57.16

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.152(1)	Commissioner of Stamp Duties	Decision or refusal to approve, vary or revoke approval for the use of equipment for the recording of betting transactions and to impose conditions	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.156	Control Body at the direction of the Commissioner of Stamp Duties	Decision to suspend a bookmaker's licence	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	The Commission considers that the current appeal rights do not cover this decision. Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.157	Control Body at the direction of the Commissioner of Stamp Duties	Decision to suspend a bookmaker's clerk's licence	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	The Commission considers that the current appeal rights do not cover this decision. Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.161	Queensland Principal Club	Decision to prohibit a person from attending a racing venue and to rescind or refuse to rescind such a prohibition	None	-	-

APPENDIX 57.17

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.169 & s.170	Commissioner of Stamp Duties	Decision to fix the amount of a bookmaker's turnover tax and club levy where bookmaker's return incomplete, false or misleading, and to impose penalties for late payment of the tax and levy	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	The Commission considers that the current appeal rights do not cover this decision. Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.174	Commissioner of Stamp Duties	Decision to withhold or delay payment of a club levy to a club and to make adjustments	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	The Commission considers that the current appeal rights do not cover this decision. Decisions of the Commissioner of Stamp Duties could alternatively be reviewed by QICAR
Racing and Betting Act 1980-1992, s.194(2)	Minister	Decision or refusal to grant, vary or revoke a totalisator licence and to impose conditions	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 57.18

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.195	Minister	Decision or refusal to approve a contract by a club for the supply, installation or operation of a totalisator, totalisator equipment or totalisator communications equipment	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.196	Totalisator Board and Minister	Decision to direct the amalgamation of totalisator pools	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing and Betting Act 1980-1992, s.209(1) & (3)	Minister	Decision or refusal to approve or revoke approval of off-course investment on an approved totalisator	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-
Racing Venues Development Act 1982-1990, s.25	Racing Development Corporation	Decision to cancel a lease granted by the trustees of a racing venue (with improvements to land to become the property of the trustees)	None	Dept Tourism, Sport & Racing (SS40) submitted that it had no objection to merits review	-

APPENDIX 58.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY PUBLIC SECTOR GRIEVANCE TRIBUNAL NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Administrative Services and Rural Communities

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Government Printing Office (Employees Appeal) Act 1945-1990	Government Printing Office	Appeal by officer employed in the Government Printing Office against promotion of another officer	s.4(1) Appeal Board	Commissioner for Public Sector Equity for the PSMC (S16) submitted that a uniform policy should be adopted for public sector employment appeals	-
Government Printing Office (Employees Appeal) Act 1945-1990	Government Printing Office	Appeal by officer of the Government Printing Office against disciplinary action	s.5(1) Appeal Board	Commissioner for Public Sector Equity for the PSMC (S16) submitted that a uniform policy should be adopted for public sector employment appeals	-

APPENDIX 58.2

Portfolio: Administrative Services and Rural Communities

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Law Courts and State Buildings Protective Security Act 1983-1990	Administrator of Protective Security Service	Decision to suspend or fine a member for taking part in industrial action	s.17(3) Minister	Old Govt Depts (S44) submitted that these appeals should go to the Commissioner for Public Sector Equity of the PSMC. Commissioner for Public Sector Equity for the PSMC (S16) submitted that a uniform policy should be adopted for public sector employment appeals	-

APPENDIX 58.3

Portfolio: Consumer Affairs and Corrective Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Corrective Services (Administration) Act 1988- 1992	Queensland Corrective Services Commission	All disciplinary action taken against an officer or employee of the Commission under s.43, promotion appeals and all suspensions imposed under s.45 where the officer or employee is not entitled to salary or wages for the period of suspension	s.49(1) Appeal Tribunal	Commissioner for Public Sector Equity for the PSMC (S16) submitted that a uniform policy should be adopted for public sector employment appeals	-

APPENDIX 58.4

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Vocational Education, Training & Employment Act 1991, s.4.4(2)	Minister or Chief Executive	Decision to direct an action to be taken by a person to resolve a possible conflict of interest and duty	None	QCI (SS48) submitted not appropriate for merits review as would create inconsistency and is question of policy. TLC (SS58) submitted merits review not appropriate. VETEC (SS44) submitted merits review appropriate	-

APPENDIX 58.5

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
City of Brisbane Act 1924-1992	Brisbane City Council	Appeal by an officer against the promotion of another officer, other than to an office in the Administrative Division	s.25C(1) Appeal Board	<p>Dept Housing in Qld Govt Depts submission (S44) submitted that merits review by the Commissioner for Public Sector Equity is an alternative to the Appeal Boards.</p> <p>Dr I Wilkey (SS6) submitted appropriate for review by specialist rather than general review tribunal. ASU (S11) submitted merits review not appropriate for local government until internal appeal system is trialled.</p> <p>Commissioner for Public Sector Equity for the PSMC (S16) submitted that the Commissioner does not have jurisdiction over local government but if appeals were made independent from the PSMC in an independent merit protection agency, the matter could be considered</p>	-



APPENDIX 58.6

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
City of Brisbane Act 1924-1992	Brisbane City Council	Appeal by an employee against disciplinary action against the employee	s.25D(2) Appeal Board	See entry for s.25C(1) of the same Act	-
Local Government Act 1936-1992	Local Authority	The dismissal of any officer on the ground of misconduct or neglect, or on any other ground or without any ground having been given or reason having been assigned	s.17B(2) Appeal Board	<p>Dept Housing in Qld Govt Depts submission (S44) submitted that merits review by the Commissioner for Public Sector Equity is an alternative to the Appeal Boards.</p> <p>ASU (S11) submitted that it would prefer these decisions to be reviewed by the Commonwealth Industrial Relations Commission or by a re-structured appeal board with an appeal to the Industrial Court.</p> <p>(cont.)</p>	-

APPENDIX 58.7

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
				<p>(cont.)</p> <p>Commissioner for Public Sector Equity for the PSMC (S16) submitted that the Commissioner does not have jurisdiction over local government but if appeals were made independent from the PSMC in an independent merit protection agency, the agency could be considered</p>	

APPENDIX 58.8

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Fire Service Act 1990-1992, s.27	Commissioner of Fire Service	Decision or refusal to authorise remuneration to an officer of the Queensland Fire Service for anything done in the course of his/her employment	None	See entry later for Public Sector Management Act 1990-1991 s.5(3)(1)	-
Fire Service Act 1990-1992	Commissioner of Fire Service	Disciplinary action taken against an officer which is . a dismissal; or . reduction in level of salary	s.36(2) Fire Service Appeal Board	-	The Commission considers that dismissals are likely to be reviewed by the Queensland Industrial Relations Commission
Fire Service Act 1990-1992	Commissioner of Fire Service	Disciplinary action against an officer (except for appeals heard by Fire Service Appeal Board)	s.36(3) Commissioner of Appeals	See entry later for Public Sector Management Act 1990-1991 s.5(3)(1)	-
Fire Service Act 1990-1992	Commissioner of Fire Service	Any appointment to an office in the Queensland Fire Service that results in the appointee's promotion, except if part-time or non-appealable appointments	s.37 Commissioner of Appeals	-	-

APPENDIX 58.9

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Police Service Administration Act 1990, s.8.3(3) & (4)	Prescribed Authority	Decision to call upon an officer to retire from the Queensland Police Service within a specified time and in the event of a failure to do so, to dismiss the officer from the service for medical reasons	None	Qld Police Service (SS39) submitted not appropriate for merits review as a current right of appeal exists against the dismissal under the Police Service (Review of Decisions) Regulation 1990 section 5(1)(d) and (f)	The Commission agrees there is a right of appeal against dismissal but not against the calling for retirement. The latter may not need an appeal right as the way to challenge the decision is to refuse to retire, be dismissed and then challenge dismissal
Police Service Administration Act 1990	Commissioner of Police	(a) Selection of a person for appointment or promotion; (b) Transfer of an officer; (c) Action taken against an officer for breach of discipline; (d) Suspension or standing down of an officer	s.9.3(1) Commissioner for Police Service Reviews	-	-

APPENDIX 58.10

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Police Service (Review of Decisions) Regulations 1990-1991	Commissioner of Police	Decision to dismiss a police officer for a reason other than misconduct or to appoint a staff member under s.8.3(5)	s.5(1)(d) & (f) Commissioner for Police Service Reviews	Old Police Service (SS39) mentioned the existence of this regulation	-

APPENDIX 58.11

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Crown Employees Act 1958, s.3	Authority or person having power to appoint (other than the Governor in Council)	Decision or refusal to re-appoint to service a former member of Police Service, Railways or the holder of any other office, position or place under the Crown, who resigned from permanent service to contest unsuccessfully a Federal or Queensland election	None	Dept Premier (SS30) and Qld Police Service (SS39) submitted appropriate for merits review	Refer to the entry for this provision in Appendix 72
Public Sector Management Commission Act 1990-1991	Authorised Officer	(a) Every action taken or purportedly taken, or failure to take action, in compliance with or pursuant to a public sector management standard (other than a remuneration standard); (b) Disciplinary action taken pursuant to the Public Service Management and Employment Act 1988-90 except dismissal of an officer; (c) Appointments on promotion (other than to excepted offices)	s.5.3(1) Commissioner for Public Sector Equity	Commissioner for Public Sector Equity for the PSMC (S16) submitted that the PSMC was recommending to Cabinet that there should only be merits review if the Commissioner comes to the positive conclusion that the original decision was inappropriate	-

APPENDIX 58.12

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Public Sector Management Commission Act 1990-1991	Commissioner for Public Sector Equity	Appeal by a public sector employee aggrieved by - (a) a decision made or purportedly made applying a remuneration standard to the position or class of position held by an employee; or (b) a failure to take action to apply a remuneration standard to such a position	s.5.4(3) Classification Review Tribunal	-	-

APPENDIX 58.13

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Harbours Act 1955-1992, s. 51(2)	Chairperson of Harbour Board or any officer or employee of the Board appointed by resolution of the Harbour Board	Decision to suspend from office or employment any officer or employee who, in the chairman's opinion is guilty of misconduct or neglect	None	PSMC (SS45) opposed merits review of decisions to remove office holders. Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill merits review not appropriate	-
Harbours Act 1955-1992, s.53(1)	Harbour Board	Decision or refusal to approve an officer of Harbour Board performing remunerative work for another employer	None	ASU (S11) submitted that officer of port authorities should have some statutory right of appeal but did not mention this section specifically. Dept Transport (SS41) submitted that Act is being replaced	-
Transport Infrastructure (Railways) Act 1991-1992	Chief Executive	Any promotion or disciplinary appeals within Queensland Railways	s.4.5(4) Promotion Appeals Review Committee	-	-



## APPENDIX 58.14

## Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Queensland Industry Development Corporation Act 1985-1991	Queensland Industry Development Corporation Board	Decision resulting in disciplinary action or denial of promotion	s.18(5) Person or review panel appointed	-	-
Queensland Industry Development Corporation Act 1985-1991	Queensland Industry Development Corporation Board	Dismissal or suspension from duty of any person who has become an officer of the Corporation	s.19(3) Queensland Industry Development Corporation Board	-	-
Suncorp Insurance and Finance Act 1985-1990	Suncorp Insurance and Finance Board	Decision resulting in disciplinary action or denial of promotion	s.15(5) Person or review panel appointed	-	-
Suncorp Insurance and Finance Act 1985-1990	Suncorp Insurance and Finance Board	Dismissal or suspension from duty of any person who has become an officer of employee of Suncorp Insurance and Finance	s.16(3) Suncorp Insurance and Finance Board	-	-

APPENDIX 59.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY AN APPEAL CENSOR NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Classification of Films Act 1991-1992	Censor	Classifying or refusing to classify a film, or approving or refusing to approve an advertisement	s.12(1) Appeal Censor	No submissions as new legislation	-
Classification of Films Act 1991-1992	Censor	Review of a previous decision confirming or setting aside a decision	s.16(1) Appeal Censor	No submissions as new legislation	-

APPENDIX 60.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE AUSTRALIAN FINANCIAL INSTITUTIONS  
APPEALS TRIBUNAL NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Australian Financial Institutions Commission Act 1992	Australian Financial Institutions Commission	Any decision of the Commission under the Act	s.21 (AFIC Code, s.65(1)) Australian Financial Institutions Appeals Tribunal	-	-
Financial Institutions (Queensland) Act 1992	Australian Financial Institutions Commission	Any decision of the Commission under the Act	s.30 (Financial Institutions Code, s.380(1)) Australian Financial Institutions Appeals Tribunal	-	-

APPENDIX 61.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE LOCAL GOVERNMENT (ABORIGINAL LANDS)  
APPEALS MAGISTRATE NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Local Government (Aboriginal Lands) Act 1978- 1992	Council of the Shire of Aurukun or the Shire of Mornington	Person refused entry to or prevented from entering upon or remaining in a Shire	s.27(2) Local Government (Aboriginal Lands) Appeals Magistrate	-	-
Local Government (Aboriginal Lands) Act 1978- 1992	Council of the Shire of Aurukun or the Shire of Mornington	Order prohibiting a person considered a threat to the community from possessing or consuming liquor and others from supplying that person with liquor	s.37(5) Local Government (Aboriginal Lands) Appeals Magistrate	-	-

APPENDIX 62.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE MISCONDUCT TRIBUNAL NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Criminal Justice Act 1989-1992	Commissioner of Police Service	Decision in respect of a disciplinary charge of misconduct made against a person	s.2.39(1) Misconduct Tribunal	-	-

APPENDIX 63.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE PARLIAMENTARY SERVICE COMMISSION NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Parliamentary Service Act 1988-1990	Clerk of the Parliament	Decision regarding disciplinary matters and promotional appointments	s.43(1) Parliamentary Service Commission	-	-

APPENDIX 64.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE QUEENSLAND BUILDING TRIBUNAL NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Queensland Building Services Authority Act 1991-1992	Queensland Building Services Authority	Decision by the Authority that is subject to review	s.99 (1) Queensland Building Tribunal	-	-

APPENDIX 65.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY A MINISTER MAKING RECOMMENDATIONS TO THE GOVERNOR IN COUNCIL NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR AND COUNCIL**

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Brisbane and Area Water Board Act 1979-1991	Brisbane and Area Water Board	Dispute as to the quantity of water to be allocated to the Local Authority or the timing, source or other aspect of supply of water	s.50 Minister recommends to Governor in Council	-	-
Brisbane and Area Water Board Act 1979-1991	Brisbane and Area Water Board	Dispute in the course of negotiating an agreement to supply water	s.61(2) Minister recommends to Governor in Council	-	-



APPENDIX 66.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE WARDENS COURT NOT INCLUDING DECISIONS  
WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Coal Mining Act 1925-1991	Coal Mines Drainage Board	Assessment as to contribution payable for raising or drainage of water	s.40 Wardens Court	-	-
Coal Mining Act 1925-1991	Inspector of Mines	Requisition to remedy a danger or a defect in a local mine	s.66(3) Wardens Court	-	-
Mineral Resources Act 1989-1992	Mining Registrar	(a) Rejection of application for grant or renewal of mining claim; (b) Grant of application for mining claim subject to conditions; (c) Requirement of security deposit or further security deposit	s.4.63(1) Wardens Court	-	-
Mineral Resources Act 1989-1992	Mining Registrar	Rejection of an application for grant of mining lease	s.7.16(4)(a) Wardens Court	-	-
Mineral Resources Act 1989-1992	Inspector of Mines	Decision to issue a requisition in regard to danger, defects or threats in or about a mine	s.25(3)(a) Wardens Court	-	-

APPENDIX 67.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE DISTRICT COURT NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Queensland Building Services Authority Act 1991-1992	Queensland Building Tribunal	Determination of the Queensland Building Tribunal under the Act	s.94(1) District Court	New legislation and so no submissions were received	The Commission notes that leave to appeal to the District Court is required from the District Court

APPENDIX 67.2

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Bail Act 1980-1992	Member of Queensland Police Service	Refusal of bail or the amount of bail fixed or any condition imposed upon release from custody	s.19(1) Court empowered under s.8 (Including District Court)	-	The Commission notes that as any competent court may review this decision, this also appears in the jurisdiction of the Magistrates Court and of the Supreme Court (refer to Appendices 51 and 68)

APPENDIX 67.3

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Minerals Resources Act 1989-1992	Wardens Court	Any determination of a Wardens Court, unless another manner of appeal is prescribed by the Act	s.10.40(1) District Court	-	The Commission considers that this appeal should be abolished and the Judicial Review Act 1991 should operate to give a right to judicial review only to the Supreme Court in accordance with Chapter 10 of the Report

APPENDIX 68.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE SUPREME COURT NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Family Services and Aboriginal and Islander Affairs

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Children's Services Act 1965-1991	Children's Court	Any decision or order made in relation to the guardianship and custody of infants	s.101(2) Judge of Supreme Court	-	-

APPENDIX 68.2

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Inebriates Institutions Act 1896-1991	Court of summary jurisdiction	Any order or conviction under the Act	s.33 Judge of Supreme Court	-	-
Mental Health Act 1974-1992	Public Trustee	Authority of Public Trustee to manage the estate of a patient	Sch. 5, cl.6 Supreme Court or Judge of Supreme Court	-	-

APPENDIX 68.3

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Anti-Discrimination Act 1991-1992	Anti-Discrimination Tribunal	Any decision of the Tribunal under the Act	s.217(1) Supreme Court	-	-
Bail Act 1980-1992	Member of Queensland Police Service	Refusal of bail or fixed, or any condition imposed upon release from custody	s.19(1) Court empowered under s.8 (including Supreme Court)	-	The Commission notes that as any competent court may review this decision, this also appears in the jurisdiction of the District Court and the Magistrates Court (refer to Appendices 51 and 67)
Criminal Justice Act 1989-1992	Misconduct Tribunal	Decision of the Misconduct Tribunal exercising original jurisdiction in regard to charges of a disciplinary nature, or of official misconduct	s.2.38(1) Judge of Supreme Court	-	-

APPENDIX 68.4

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Electoral Act 1992 s. 75(2)	Electoral Commission of Queensland	Decision cancelling the registration of a political party	None	No submission as new legislation	Since the Supreme Court is to be the review body for the decision under s.180(1)(d) of the same Act ( refusal to register political party), the Commission considers this decision should also be reviewable by the Supreme Court
Electoral Act 1992	Electoral Commission	Decision to register or refuse to register a political party	s.180(1)(d) Judge of Supreme Court	-	-
Prisoners (Interstate Transfer) Act. 1982-1990	Magistrate Court	Decision to issue order for the interstate transfer of a prisoner, or refusal to issue such an order	s.15(1) Supreme Court	-	-
Queensland Law Society Act 1952-1991	Statutory Committee of the Council of the Queensland Law Society Incorporated	Resolution passed to assume control over practitioner's trust account who is an undischarged bankrupt etc	s.10(7) Judge of Supreme Court	-	Should be left with the Supreme Court owing to the special position of legal practitioners as officers of the Court



APPENDIX 68.5

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Queensland Law Society Act 1952-1991	Statutory Committee of the Council of the Queensland Law Society Incorporated	Decision to appoint a Trustee with respect to trust accounts of deceased, mentally or physically ill or disappeared practitioner	s.11(8) Judge of Supreme Court	Qld Law Society (S5) submitted that the existing appeal to the Supreme Court should continue	-
Queensland Law Society Act 1952-1991	Statutory Committee of the Council of the Queensland Law Society Incorporated	Appointment of receiver of trust property held by practising solicitors or former solicitors	s.11A(15)(b) Judge of Supreme Court	Qld Law Society (S5) submitted that the existing appeal to the Supreme Court should continue	-
Queensland Law Society Act 1952-1991	Statutory Committee of the Council of the Queensland Law Society Incorporated	Refusal of leave to institute proceedings against the Solicitors' Fidelity Guarantee Fund in respect of a rejected claim	s.25(1) Judge of Supreme Court	Qld Law Society (S5) submitted that the Supreme Court is best able to ensure the independence of the legal profession	-
Queensland Law Society Act 1952-1991	Council of the Queensland Law Society Incorporated	Decision in respect of a claim against the Legal Practitioner's Fidelity Guarantee Fund	s.25(6) Supreme Court	Qld Law Society (S5) submitted that the Supreme Court is best able to ensure the independence of the legal profession	-

APPENDIX 68.6

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Queensland Law Society Act 1952-1991	Statutory Committee of the Council of the Queensland Law Society Incorporated	Refusal to issue practising certificate or cancellation or suspension of certificate	s.42(1) Judge of Supreme Court	-	The Mutual Recognition Act 1992 (Cwth) provides for review of decisions not to register interstate legal practitioners to be reviewable by the Commonwealth AAT
Trust Accounts Act 1973-1990	Public Trustee	Service of notice of proposed action to control operations of trust accounts where the Public Trustee is of the opinion that any trustee (other than a trustee who is a practising legal practitioner)- a) is an undischarged bankrupt; b) has stolen or fraudulently misapplied any trust moneys; or c) has a general deficiency in their trust account	s.34(10) Judge of Supreme Court	-	-
Trusts Act 1973-1992	Trustee or authorised person	Any Act omission or decision of a trustee or authorised person under the Act	s.8(1) Judge of Supreme Court	The Public Trust Office (SS14) mentioned the role of the Supreme Court in the supervision of trustees generally	-

APPENDIX 68.7

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Property Law Act 1974-1992	Master of Titles or Registrar of Titles	Refusal of application to bring land under provisions of the Real Property Act 1861	s.250(7) Judge of Supreme Court	-	-
Real Property Act 1861-1992	Registrar of Titles	Refusal of application to bring land under provisions of the Act	s.27(2) Judge of Supreme Court	-	-
Real Property Acts Amendment Act 1952-1992	Master of Titles or Registrar of Titles	Decision requiring a caveator to take proceedings to establish title to the interest or estate claimed	s.56(3) Judge of Supreme Court	-	-

APPENDIX 68.8

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Parliamentary Contributory Superannuation Act 1970- 1992	Trustees of Parliamentary Contributory Superannuation Fund	Any dispute under the Act	s.34(2) Judge of Supreme Court	-	The Commission would have recommended that review of this decision should be transferred to QICAR together with all other superannuation decisions if the decision-makers were not within the legislative arm of government

APPENDIX 68.9

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Traffic Act 1949-1992	Judge of Supreme Court, Judge of District Court or Stipendiary Magistrate	Order disqualifying person for more than two years from holding or obtaining a driver's licence	s.57(2) Judge of Supreme Court, Judge of District Court or Stipendiary Magistrate	-	-

APPENDIX 68.10

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Australian Financial Institutions Commission Act 1992	Australian Financial Institutions Appeals Tribunal	Determination by Tribunal of review of Australian Financial Institutions Commission's (AFIC's) decisions	s.21 (AFIC Code, s.96(1)) Supreme Court	-	-
Financial Institutions (Queensland) Act 1992	Australian Financial Institutions Appeals Tribunal	Determination by Tribunal of review of Commission's (AFIC's) decisions	s.30 (Financial Institutions Code, s.381(1)) Supreme Court	-	-

APPENDIX 69.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE COURT OF APPEAL NOT INCLUDING  
DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Industrial Relations Act 1990-1992	Industrial Court	Decision relating to registration of organisations	s.9.1(1) Court of Appeal	-	-

APPENDIX 69.2

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Mental Health Act 1974-1991	Mental Health Tribunal	<p>(a) Decision as to the mental condition of a person upon a reference instituted by a Crown Law Officer or the Director;</p> <p>(b) Decision that a person was suffering from unsoundness of mind at the time an alleged offence was committed upon a reference instituted by or on behalf of that person in which it was sought to show the person was suffering diminished responsibility at the time;</p> <p>(c) Decision that a person is unfit for trial;</p> <p>(d) Decision that the person to whose mental condition the decision relates was suffering from unsoundness of mind or from diminished responsibility at the time an alleged offence was committed, in a reference instituted by or on behalf of that person.</p>	s.43A(3)(c) Court of Appeal	-	-



APPENDIX 69.3

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Bail Act 1980-1992	Member of Queensland Police Force	Refusal of bail or the amount of bail fixed or any condition imposed upon release from custody	s.19(1) Court empowered under s.8 (including Court of Appeal)	-	The Commission notes that as any competent court may review this decision, this also appears in the jurisdiction of the Supreme Court, District Court and Magistrates Court (Refer to Appendices 51, 67 and 68)
Electoral Act 1992	Electoral Commission	Objection to boundaries in proposed electoral redistribution	s.57(1) Court of Appeal	-	-

APPENDIX 70.1

**RECOMMENDED JURISDICTION FOR MERITS REVIEW BY THE INDUSTRIAL COURT NOT INCLUDING DECISIONS WHERE DECISION-MAKER IS GOVERNOR IN COUNCIL**

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Industrial Relations Act 1990-1992	Queensland Industrial Relations Commission	Decision regarding an: (a) application for registration of an industrial organisation; (b) objection to an application for registration of an industrial organisation	s.9.2(1) Full Industrial Court	-	-
Industrial Relations Act 1990-1992	Queensland Industrial Relations Commission or Industrial Registrar	Subject to s.9.2(1) above, any decision made under the Act, other than a decision of a Full Bench of the Commission made on appeal from a decision of a single Commissioner	s.9.2(2) Industrial Court	-	-

APPENDIX 70.2

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Industrial Relations Act 1990-1992	Industrial Magistrate	<p>A decision made in excess of the jurisdiction:</p> <p>(a)(i) To hear and determine proceedings for offences with a maximum penalty not exceeding 40 penalty units or offences where jurisdiction is conferred on Industrial Magistrates; or for claims for wages due and payable under any award etc. or pursuant to a contract;</p> <p>(ii) To exercise powers conferred on Industrial Magistrates under s.5.3(a) and (c); or</p> <p>(b) To order an employer to make unpaid superannuation contributions under s.5.4</p>	s.9.2(3) Industrial Court	-	-
Industrial Relations Act 1990-1992	Certifying Barrister	Refusal to certify the rules, or an alteration to the rules, of an organization of the branch	s.9.2(4) Industrial Court	-	-

APPENDIX 70.3

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Coal Industry (Control) Act 1948-1991	Queensland Coal Board	Decision to suspend or exclude from employment in the coal industry a superintendent manager or other person employed in the industry	s.18(3)(k) Industrial Court	-	-

## APPENDIX 71

**DECISIONS THAT WOULD BE RECOMMENDED FOR MERITS REVIEW IF  
THE GOVERNOR IN COUNCIL WERE NOT THE DECISION-MAKER****Notes**

- 1 This Appendix 71 contains a list of 139 administrative decisions for which the Commission would have recommended merits review if the Governor in Council were not either the decision-maker or required to give approval to the recommendation of another (eg. the Governor in Council on the recommendations of the Treasurer). Sometimes the Governor is shown as an alternative decision-maker. If review is only available where the other alternative decision-maker makes the decision, it is possible to have the Governor as the decision-maker to exclude the decision from review.
- 2 No attempt has been made in this Appendix 71 to suggest which of the 23 review bodies recommended to constitute part of the proposed new administrative review system should review these decisions if they are made reviewable.
- 3 This Appendix 71 is based partly on responses supplied in August 1990 by departments and statutory authorities to an Administrative Appeals Questionnaire (Appendix 23) (and updated by the Commission) but mainly on the Commission's research.
- 4 Portfolios are listed alphabetically but where there is no relevant legislation within a portfolio, there are no entries for that portfolio. Within each portfolio, legislation is listed alphabetically. Within each legislative instrument, the order is numerical.
- 5 The column headed "**Legislative Provision Containing Decision-making Power**" records the Act or statutory instrument and the section number of the Act or statutory instrument under which the administrative decision is made.
- 6 The column headed "**Decision-maker**" records the title of the decision-maker nominated in the relevant legislative provision. Almost always the decision-maker is the Governor or the Governor in Council. Where "Chief Executive" or "Minister" is entered in the column as a person involved in the Governor's decision-making, it is the Chief Executive of or Minister responsible for, the agency in which the decision is made. Some Chief Executives of departments use the title Director-General. It should be noted that this role may be delegated to a lower level officer in the relevant agency where the relevant legislation authorises such delegation.
- 7 The column headed "**Nature of Decision**" records briefly the subject matter of the administrative decision.
- 8 The column headed "**Existing Appeal Rights**" records whether or not there is an existing statutory right of appeal. If there is, the name of the existing review body and the legislative provision which affords the right of appeal are listed. There is only one decision of the Governor in Council recommended for continued review for which an appeal right currently exists. "None" indicates the absence of an appeal right.

- 9 The column headed "**Summary of Submissions**" summarises the public submissions received on whether or not the decision should be subject to merits review or on whether the appeal right should be changed. In order to summarise the public submissions within this column briefly, the names of agencies, organisations and persons who made the submissions have been abbreviated severely. The abbreviations used in this Appendix are not necessarily the same as those used in the Report. Details of the meaning of the abbreviations used in this Appendix 71 follow the explanatory notes to Appendices 48 to 70 in the front of this Volume Three of this report.
- 10 The column headed "**Commission's Comments**" records any comment by the Commission in relation to the decision that would have been recommended for review.
- 11 The method of citing Queensland Acts used in this Appendix differs from that in section 14F(1) of the *Acts Interpretation Act 1954*. The Appendix refers not only to the year in which the Act received the Royal Assent, but also the year in which the Act was last amended. The reason for this method is to assist the reader to identify the year of the last amendment to the Act. Including this latter date is useful in view of the large volume of recent amendments to Queensland legislation.
- 12 The legislation referred to in this Appendix 71 was the law in Queensland as at 31 December 1992.

APPENDIX 71.3

**DECISIONS THAT WOULD BE RECOMMENDED FOR REVIEW IF  
GOVERNOR IN COUNCIL WERE NOT THE DECISION-MAKER**

Portfolio: Administrative Services and Rural Communities

<b>Legislative Provision Containing Decision-making Power</b>	<b>Decision-maker</b>	<b>Nature of Decision</b>	<b>Existing Appeal Rights</b>	<b>Summary of Submissions</b>	<b>Commission's Comment</b>
NIL ENTRIES					

APPENDIX 71.4

Portfolio: Auditor-General

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
NIL ENTRIES					



APPENDIX 71.5

Portfolio: Business, Industry and Regional Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Industrial Development Act 1963-1989, s.13	Minister with approval of Governor in Council	Decision or refusal to assist a person engaged in an industrial business by making or guaranteeing a loan out of The Assistance to Industries Fund	None	-	-
Retail Shop Leases Act 1984-1991, s. 5A(3)	Governor in Council by Order in Council	Decision or refusal to exempt an enterprise from the Act	None	-	-
Retail Shop Leases Act 1984-1991, s.19	Governor in Council	Decision to remove a mediator from office	None	-	-

APPENDIX 71.6

Portfolio: Consumer Affairs and Corrective Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Auctioneers and Agents Act 1971-1992, s.82(1)	Governor in Council by Order in Council	Decision or refusal to exempt a licensee, class or classes of licensee from this Act's requirements about trust accounts and the Auctioneers and Agents Fidelity Fund, and a decision to vary or revoke this exemption	None	-	-
Corrective Services Act 1988-1992, s. 20(9)	Governor in Council	Decision or refusal to award compensation to a volunteer injured while performing authorised duties	None	Prisoners' Legal Service (SS19) submitted that appropriate for merits review	-
Corrective Services Act 1988-1992, s. 60(5)	Governor in Council	Decision or refusal to award compensation to a prisoner who receives accidental personal injury while participating in an approved programme	None	Prisoners' Legal Service (SS19) submitted that appropriate for merits review	-
Corrective Services Act 1988-1992, s. 82	Governor in Council	Decision or refusal to order the discharge from prison of a prisoner	None	Prisoners' Legal Service (SS19) submitted that appropriate for merits review	-

APPENDIX 71.7

Portfolio: Consumer Affairs and Corrective Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Land Sales Act 1984-1992, s.18(1)	Governor in Council	Decision or refusal to declare that this Act does not apply to: (a) a specified miner's homestead or specified class of miner's homestead; or (b) a specified holding or specified class of holding in relation to a specified subdivision	None	-	-
Loan Fund Companies Act 1982-1990, s.4(1)	Governor in Council by Order in Council	Decision or refusal to approve a person's actuarial knowledge and experience to permit that person to be an actuary for the purposes of this Act	None	-	-
Motor Vehicles Securities Act 1986-1992, s.28(2)	Governor in Council	Decision or refusal to make an "ex gratia" payment to a person whose security interest in a vehicle has been extinguished under s.26	None	-	-
Motor Vehicles Securities Act 1986-1992, s.30(2)	Governor in Council	Decision or refusal to make an "ex gratia" payment to a purchaser to whom a certificate under s.22 was issued	None	-	-

APPENDIX 71.8

Portfolio: Consumer Affairs and Corrective Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Retirement Villages Act 1988-1992, s.12(1) & (2)	Governor in Council	Decision or refusal to grant to an organisation or a retirement village an exemption, and to impose conditions	None	-	-
Retirement Villages Act 1988-1992, s.13(2)	Governor in Council on recommendation of Minister	Decision to withdraw or vary exemption from the Act, following consideration of objections	None	-	-

APPENDIX 71.9

Portfolio: Education

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
NIL ENTRIES					

APPENDIX 71.10

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Industrial Relations Act 1990-1992, s.15.21	Governor in Council on recommendation of Minister	Decision or refusal to authorise payment in circumstances of hardship due to unpaid wages	None	DEVETIR (SS33) submitted that merits review appropriate if Treasury guidelines considered. QCI (SS48) submitted that not appropriate for merits review. IRCC (SS55) submitted decision should remain at discretion of Minister. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	-
Workplace Health and Safety Act 1989-1992, s. 8(1)	Governor in Council	Decision to declare that the Act does not apply to any workplace or part of any workplace etc; on conditions and the declaration ceasing to have effect	None	DEVETIR (SS33), WHSC (SS63), MIM (SS9) and QCI (SS48) submitted that not appropriate for merits review. Civil & Civic (SS4) submitted merits review appropriate. TLC (SS58) did not support the establishment of a general review decisions under this Act	-

APPENDIX 71.11

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Beach Protection Act 1968-1990, s.38(2)	Governor in Council	Decision to grant or refuse (a) approval of a coastal management plan as submitted; (b) approval of an altered coastal management plan; or (c) rejection of a coastal management plan	None	Dept Environment & Heritage (SS34) submitted require coastal management expertise to review	An expert's opinion would be obtainable and review could be by a member of a review body with the necessary expertise
Beach Protection Act 1968-1990, s.44(3)	Governor in Council	Decision or refusal to grant a permit for the erection or alteration of any structure on land in a coastal management control district and to impose conditions	None	Dept Environment & Heritage (SS34) submitted require coastal management expertise to review	An expert's opinion would be obtainable and review could be by a member of a review body with the necessary
Beach Protection Act 1968-1990, s.45(6)	Governor in Council	Decision or refusal to grant an application to open a road or to subdivide land in a coastal management control district and to impose conditions	None	Dept Environment & Heritage (SS34) submitted require coastal management expertise to review	An expert's opinion would be obtainable and review could be by a member of a review body with the necessary
Canals Act 1958-1992, s.5(4)	Governor in Council	Decision or refusal to grant provisional approval for an application to construct a canal	None	-	-
Canals Act 1958-1992, s.6(4)(a)	Governor in Council	Decision or refusal to approve the transfer to another person of a provisional approval to construct a canal	None	-	-

APPENDIX 71.12

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Canals Act 1958-1992, s.7(3)	Governor in Council	Decision or refusal to give final approval for construction of a canal	None	-	-
Canals Act 1958-1992, s.7(4)(a)	Governor in Council	Decision or refusal to approve the transfer to another person of a final approval to construct a canal	None	-	-
Clean Air Act 1963-1991, s.15	Governor in Council	Decision to rescind any decision, determination or order of the Chief Executive and to give directions to the Chief Executive	None	MIM (SS9) submitted that not appropriate for merits review as decision of Governor in Council	-
Clean Air Act 1963-1991, s.36	Governor in Council on recommendation of Chief Executive	Decision to prohibit the use of combustible materials, fuel burning equipment or industrial plant, or prohibit, or restrict the burning of waste in certain areas	None	Dept Environment & Heritage (SS34) submitted that not appropriate for merits review as decision of Governor in Council	-
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.42	Governor in Council	Decision to approve entry of particulars of an item of the Queensland Estate from the Register of the Queensland Estate	None	Dept Family Services & Aboriginal & Islander Affairs (SS35) submitted that appropriate for merits review	-



APPENDIX 71.13

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s.43(1)	Governor in Council	Decision to remove particulars of an item of the Queensland Estate from the Register of the Queensland Estate	None	Dept Family Services & Aboriginal & Islander Affairs (SS35) submitted that appropriate for merits review	-

APPENDIX 71.14

Portfolio: Family Services and Aboriginal and Islander Affairs

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Associations (Natural Disaster Relief) Act 1976-1990, s.5 & s.9	Governor in Council on recommendation of Treasurer	Decision to approve or refuse an application for financial assistance to an approved association for the restoration, replacement or repair of facilities damaged or lost as a result of flood or other natural disaster	None	-	-
Children's Services Act 1965-1992, s. 66(1)	Governor in Council	Decision to order discharge of a child convicted of an offence from the care and control of the Director-General, upon conviction of that child for an offence (to be repealed by Juvenile Justice Act 1992 once proclaimed)	None	Dept Family Services & Aboriginal & Islander Affairs (SS35) submitted not appropriate for merits review as decision of Governor in Council. The decision to apply for the discharge should be subject to merits review. General submissions in favour of merits review of decisions affecting children were received from Dr I O'Connor (S8) and others	-

APPENDIX 71.15

Portfolio: Family Services and Aboriginal and Islander Affairs

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Children's Services Act 1965-1992, s. 66(2)	Governor in Council or Minister	Decision to order that the Director-General or Chief Probation Officer exercise supervision over: (a) a child who has reached 17 years of age, for a specified period; or (b) any person until 18 years of age (to be repealed by Juvenile Justice Act 1992 once proclaimed)	None	Dept Family Services & Aboriginal & Islander Affairs (SS35) submitted not appropriate for merits review as decision of Governor in Council. General submissions in favour of merits review on topic of children received from Dr I O'Connor (S8) and others	-
Children's Services Act 1965-1992, s.112(4)	Governor in Council on recommendation of Minister	Decision to approve the payment of money previously paid into Consolidated Revenue, following the death of a child in care, to specified persons and to determine the proportions to be paid to each claimant, and, in the absence of such a distribution, to pay the estate to the Director-General for the benefit of children in care generally (to be repealed by Juvenile Justice Act 1992 once proclaimed)	None	-	-

APPENDIX 71.16

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Cremation Act 1913-1988, s.5(5)	Governor in Council	Decision or refusal to grant a licence authorising a legally qualified medical practitioner to sign permissions and certificates for cremation and a decision to revoke any such licence	None	Old Health (SS36) submitted not appropriate for merits review. Dr I Wilkey (SS6) submitted that merits review should not be granted as "properly discretionary and a matter of policy"	Not a matter of such high policy as to be exempt from review. Refer to Chapter 5 of the Report for a decision of policy
Health Act 1937-1992, s. 10	Governor in Council by Order in Council	Decision to prohibit the drainage or disposal of sewage and/or stormwater into a watercourse stream, canal, channel etc.	None	Old Health (SS36) submitted not appropriate for merits review. Dr I Wilkey (SS6) submitted that this section should be repealed rather than merits review provided	-
Health Act 1937-1992, s. 35(2)	Governor in Council	Decision to approve the amount of compensation payable to the owner of a place requisitioned as a temporary isolation place	None	Old Health (SS36) submitted not appropriate for merits review. Dr I Wilkey (SS6) submitted that this section "is a somewhat hypothetical provision in contemporary Queensland"	-

APPENDIX 71.17

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Health Act 1937-1992, s. 40	Governor in Council	Decision to approve the amount of compensation payable to the owner of any building or article destroyed under s.39	None	Qld Health (SS36) submitted not appropriate for merits review. Dr I Wilkey (SS6) submitted that if this were to be reviewable the Executive Council should be removed from the approval process	Directly affects interests of a person
Health Act 1937-1992, s.110(1)	Governor in Council	Decision to prohibit the advertising or sale of any drug or article	None	Qld Health (SS36) submitted not appropriate for merits review. Dr I Wilkey (SS6) submitted should not be appeal against decision of Governor in Council	Directly affects interests of a person
Health Act 1937-1992, s.113	Governor in Council	Decision to prohibit the sale of any article as a disinfectant, germicide, antiseptic, preservative or deodorant	None	Qld Health (SS36) submitted not appropriate for merits review. Dr I Wilkey (SS6) submitted should not be appeal against decision of Governor in Council	Directly affects interests of a person

APPENDIX 71.18

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Mental Health Act 1974-1992, s.16	Governor in Council	Decision or refusal to declare that any psychiatric hospital, training hospital, security patients hospital or other institution established for the purposes of the Act shall cease to be such a place and a decision revoking that declaration	None	Qld Health (SS36) submitted not appropriate for merits review. Dr I Wilkey (SS6) submitted "... a matter of Government policy and should not be open to judicial (sic) review."	Affects existing rights
Optometrists Act 1974-1992, s.35	Governor in Council	Decision or refusal to permit the legal personal representative of a deceased optometrist to continue to carry on the latter's practice for more than 12 months after the death of the registered optometrist	None	Dept Health (SS36) submitted not appropriate for merits review	Affects existing rights

APPENDIX 71.19

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Brisbane City Council Business and Procedure Act 1939-1986, s.5	Governor in Council	Decision, on application by a contractor, that a contract with the Brisbane City Council was bona fide and that expense was incurred by the contractor prior to date of rescission and that the Council pay the contractor's expenses	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	Directly affects interests of a person
Local Government Act 1936-1992	Local Authority with consent of Governor in Council	Refusal or neglect to grant a permit to construct and work a tramway on or in proximity to roads or bridges in the Local Authority area	s.35(24)(i) Minister	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level.	-
Local Government Act 1936-1992, s. 4(6)	Governor in Council	Decision that payment of money to a member of a Local Authority by the Local Authority was unnecessary, extravagant or not authorised by any legislation	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	Directly affects interests of a person

APPENDIX 71.20

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Local Government Act 1936-1992, s.24(9)	Governor in Council	Decision as to rateable value of a specified mining claim	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	Directly affects interests of a person
Local Government Act 1936-1992, s.35(13)	Governor in Council	Decision to open or close a road after hearing of objections from the Local Authority	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-
Local Government Act 1936-1992, s.35(14)(ii)	Governor in Council	Decision to declare part of a road a tree reserve	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-
Local Government Act 1936-1992, s.35(22)(vi)	Governor in Council	Decision to cancel a licence under s.35(22)(ii), to impose special conditions or to exclude a road or licensed public gate from the operation of s.35(22)	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-



APPENDIX 71.21

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Local Government Act 1936-1992, s.35(24)	Local Authority with consent of Governor in Council	Decision to permit the construction of a light tramway upon, along, across, under or over any road or bridge	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Local Government Act 1936-1992, s.35(24AA)(a)	Local Authority with consent of Governor in Council	Decision or refusal to grant, or renew a permit to construct, manage or operate a private railway	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Local Government Act 1936-1992, s.35(24B)(i)(q)	Governor in Council	Decision or refusal to terminate the trial period of a pedestrian mall	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's	-

APPENDIX 71.22

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Local Government Act 1936-1992, s.35(24B)(i)(r)	Governor in Council	Decision or refusal to extend or further extend the trial period of a pedestrian mall	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-
Local Government Act 1936-1992, s.35(24B)(iii)(a)	Governor in Council	Decision to proclaim a permanent pedestrian mall	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-
Local Government Act 1936-1992, s.35(24B)(iii)(q)	Governor in Council	Decision to alter the conditions affecting the operation of a permanent pedestrian mall	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-
Local Government Act 1936-1992, s.35(24B)(v)	Governor in Council	Decision to terminate the operation of a permanent pedestrian mall	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-
Local Government Act 1936-1992, s.44(2)	Governor in Council	Decision or refusal to approve a longer term than 10 years for the grant of use and occupation rights over wharfs and jetties	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-

APPENDIX 71.23

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Local Government Act 1936-1992, s.47	Governor in Council	Decision or refusal to apply s.47(24) of the Act to an Area with the result that the permission of the Local Authority is required prior to construction of levee	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-
Local Government Act 1936-1992, s.49	Governor in Council	Decision or refusal to approve a plan permitting a Local Authority to construct a harbour for small vessels	None	Dept Housing (SS37) submitted general objection to merits review of Governor in Council's decision	-

APPENDIX 71.24

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Criminal Code 1899-1992, s.663C(4)	Governor in Council	Decision or refusal to approve payment by the Treasurer out of Consolidated Revenue as compensation to the victim of a crime	None	Dept Attorney-General (SS31) submitted appropriate for merits review	-
Criminal Code 1899-1992, s.663D(1)	Minister with approval of Governor in Council	Decision or refusal to make an "ex gratia" payment out of Consolidated Revenue to a person injured in specified circumstances	None	-	-
Jury Act 1929-1992, s.21B(5)	Governor in Council	Decision or refusal to grant an "ex gratia" payment to compensate for financial loss to juror on a long trial	None	-	-
Justices of the Peace and Commissioners for Declarations Act 1991-1992, s.3.02	Governor in Council	Decision that a person is not a fit and proper person to be appointed a justice of the peace or a commissioner for declarations	None	-	-
Justices of the Peace and Commissioners for Declarations Act 1991-1992, s.3.09(1)	Governor in Council	Decision to revoke an appointment as a justice of the peace or a commissioner for declarations	None	Dept Attorney-General (SS31) submitted appropriate for merits review, but the tribunal should include a Magistrate	-

APPENDIX 71.25

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Justices of the Peace and Commissioners for Declarations Act 1991-1992, s.3.10(1)	Governor in Council	Decision to prohibit an appointed justice of the peace or commissioner for declarations from acting in office for a specified period	None	Dept Attorney-General (SS31) submitted appropriate for merits review, but the tribunal should include a Magistrate	-
Printing and Newspapers Act 1981-1989, s.15	Governor in Council by Order in Council	Decision or refusal to exempt a newspaper or a specified class of publication from this Act, and a decision to vary or revoke this exemption	None	-	-
Trustee Companies Act 1968-1992, s.64A(5)	Governor in Council	Decision to direct that cost of any audit or review not be payable by a trustee company	None	-	-

APPENDIX 71.26

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Cemetery Act 1865, s. 4	Governor in Council or Cemetery Trustees	Decision to permit or refusal to permit the setting apart of a portion of the cemetery for a religious denomination	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Cemetery Act 1865, s.16 & s.17	Governor in Council or Cemetery Trustees	Decision to permit or refusal to permit the erection of a headstone or tombstone according with an approved plan	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Cemetery Act 1865, s.22	Governor in Council or Cemetery Trustees	Decision to remove any tombstone etc. built contrary to the conditions of approval	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Cemetery Act 1865, s.23	Governor in Council or Cemetery Trustees	Decision to permit or refuse to permit members of a religious denomination to build a mortuary church according to approved specifications	None	Dept Lands (SS38) submitted Act to be repealed by 1994	-
Cemetery Trustees (Declaratory) Act 1966, s.2	Governor in Council or Cemetery Trustees	Decision to repair, remove and dispose of any structure in a cemetery	None	-	-
Land Act 1962-1992, s. 70(3)	Governor in Council	Decision to grant or refusal of an application for conversion to a stud holding	None	Dept Lands (SS38) submitted that provision is redundant	-

APPENDIX 71.27

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Coal Mining Act 1925-1991, s.47	Governor in Council	Decision to declare a lease forfeited for non-payment of contribution towards cost of mine drainage works	None	Dept Minerals & Energy (SS57) submitted that there was a right of appeal against cost of drainage work done by the Department under s.40 of this Act. MIM (SS9) and Qld Mining Council (SS50) submitted that appropriate for merits review by a general tribunal. The decision is "truly administrative in nature" and so need not "be taken at that level" in addition to current appeal right against cost of drainage work	Merits review of the requirement to carry out the work appropriate but merits review should not be available for emergency work required. Mine owner will only retain current appeal right under s.40 of the Act
Electricity Act 1976-1992, s.281	Governor in Council	Decision to authorise an order prohibiting the sale, hire, advertising or use of a non-prescribed electrical article	None	QEC (SS57) submitted that merits review inappropriate as a matter of safety and part of a national scheme. SWQEB (SS25) submitted general merits review appropriate	This is not the type of commercial activity of a GOE which needs to be exempt as it is regulatory not commercial in nature

APPENDIX 71.28

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Electricity Act 1976-1992, s.293(2)	Governor in Council	Decision to require the removal of electric lines or works that are not used according to prescribed conditions	None	QEC (SS57) submitted merits review not appropriate as corporate management decision	-
Electricity Act 1976-1992, s.299	Governor in Council	Decision to declare private plant to be subject to the Electricity Act	None	QEC (SS57) submitted merits review not appropriate as matter of public safety and are existing remedies	-
Gas Suppliers (Shareholdings) Act 1972, s.23	Governor in Council	Decision or refusal to appoint an administrator to a gas supplier investigated under the Act	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review	-
Liquid Fuel Supply Act 1984-1988, s.35A	Governor in Council	Decision to direct the production, purchase or sale of ethanol or of an ethanol blend spirit blend	None	Dept Minerals & Energy (SS57) submitted appropriate for merits review	-



APPENDIX 71.29

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Mineral Resources Act 1989-1992, s. 4.31(2)(a)	Governor in Council	Decision to determine the amount of security to be deposited when consenting to the grant of a mining claim over reserved land	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as decision of Governor in Council	-
Mineral Resources Act 1989-1992, s. 4.57	Governor in Council	Decision to declare approved or prohibited equipment or methods for prospecting or mining	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as decision of Governor in Council	-
Mineral Resources Act 1989-1992, s. 5.4(8)	Governor in Council	Decision or refusal to grant consent to enter and remain on land comprised in the exploration permit, and to vary or impose conditions	None	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as decision of Governor in Council	-

APPENDIX 71.30

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Mineral Resources Act 1989-1992, s. 6. 3 (3)(b)(ii) & s.6.3(9)	Governor in Council	Decision or refusal to consent to entry by the holder of a mineral development licence and any authorised person on the surface of a reserve	None	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as decision of Governor in Council	-
Mineral Resources Act 1989-1992, s. 7.69	Governor in Council	Decision or refusal to declare an activity such as the carrying of ore over, through or under land as an activity associated with or arising from mining	None	Dept Minerals & Energy (SS57) submitted not appropriate for merits review, MIM (SS9) and Qld Mining Council (SS50) submitted appropriate for merits review	-
Petroleum Act 1923-1991, s.40F	Governor in Council	Decision or refusal to reduce the royalty rate for an uneconomic well	None	MIM (SS9) submitted that appropriate for merits review. Dept Minerals & Energy (SS57) submitted not appropriate for merits review as based on technical and economic evaluation	-

APPENDIX 71.31

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comments
Public Safety Preservation Act 1986, s.11	Governor in Council	Decision or refusal to approve a claim for an "ex gratia" payment to a claimant as compensation for use of, or damage to, property used in an emergency situation	None	Qld Police Service (SS39) agreed that appropriate for merits review	-

APPENDIX 71.32

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Crown Employees Act 1958, s.3	Governor in Council or Authority or person having power to appoint	Decision or refusal to re-appoint a former member of the police force, railways or the holder of any other office, position or place under the Crown, who resigned from permanent service to contest unsuccessfully a Federal or Queensland election, to that service	None	Dept Premier (SS30) and Qld Police Service (SS39) submitted that appropriate for merits review	-

APPENDIX 71.33

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Agricultural Standards Act 1952-1992, s.93	Governor in Council by Order in Council	Decision or refusal to exempt an agricultural requirement from this Act or a decision to revoke or vary this exemption	None	-	-
Apiaries Act 1982, s.10	Governor in Council	Decision or refusal to exempt the operation of this Act in any part of Queensland or to revoke or vary an exemption	None	-	-
Apiaries Act 1982, s.13(5)	Governor in Council by Order in Council	Decision to exclude any bee product or appliance from import permit requirement	None	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Dairy Industry Act 1989, s. 90(1)	Governor in Council on recommendation of Minister	Decision or refusal to authorise a person to establish or maintain a pasteurisation plant	None	-	-
Dairy Industry Act 1989, s. 90(3)	Governor in Council	Decision to renew, suspend, cancel or vary an authorisation to establish or maintain a pasteurisation plant	None	-	-
Fisheries Act 1976-1992, s.29	Governor in Council by Order in Council	Decision to declare an area to be a prohibited area for oyster operations	None	-	-

APPENDIX 71.34

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Fisheries Act 1976-1992, s.35(3)(b)	Governor in Council	Decision or refusal to grant an exclusive licence to take in a specified area, coral, coral limestone, shell-grit or star sand for up to 25 years	None	Dept Primary Industries (SS22) submitted that appropriate for merits review	-
Fisheries Act 1976-1992, s.37(3)	Governor in Council	Decision or refusal to approve the grant for 15 years a licence under Part 7 of the Act (Processing of Marine Products)	None	Dept Primary Industries (SS22) submitted that appropriate for merits review	-
Fisheries Act 1976-1992, s.68(1) & s.69(1)	Minister with approval of Governor in Council	Decision or refusal to grant a permit for releasing non-indigenous fish and to impose conditions	None	Dept Primary Industries (SS22) submitted that appropriate for merits review	-
Forestry Act 1959-1992, s.69	Governor in Council or other Authority by whom the lease, licence, permit, or other authority is granted	Decision to forfeit a lease or a licence, permit or other authority or cancel an agreement	None	Dept Primary Industries (SS22) and MIM (SS9) submitted that appropriate for merits review	-
Gladstone Area Water Board Act 1984-1992, s. 39	Gladstone Area Water Board with consent of Governor in Council	Decision to take water from any river, creek or stream in the "operational" area	None	-	-

APPENDIX 71.35

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Gladstone Area Water Board Act 1984-1992, s.127(4)	Governor in Council	Decision or refusal to direct Gladstone Area Water Board to pay to a contractor expenses incurred prior to rescission of a resolution that authorised the entry into the contract	None	-	-
Meat Industry Act 1965-1989, s.58(4)	Governor in Council	Decision or refusal to approve the provision, maintenance and carrying on of a district abattoir in local private meat killing facility	None	Dept Primary Industries (SS22) submitted that not appropriate for merits review as public health matter	Many public health matters can be reviewed
Primary Producers' Co-operative Associations Act 1923-1991, s.22(4)	Governor in Council	Decision or refusal to exempt any corporation from the operation of s.22 and impose conditions	None	-	-
Primary Producers' Co-operative Associations Act 1923-1991, s.25A(4)	Governor in Council	Decision or refusal to consent to the conversion of an association into a company	None	-	-
Primary Producers' Co-operative Associations Act 1923-1991, s.25C(6)	Governor in Council	Decision or refusal to consent to the conversion of a society into an association and to impose conditions	None	-	-
Primary Producers' Co-operative Associations Act 1923-1991, s.25D(3)	Governor in Council	Decision or refusal to consent to the amalgamation of societies and associations and to impose conditions	None	-	-

APPENDIX 71.36

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Soil Conservation Act 1986, s.34	Governor in Council	Decision or refusal to alter covenants of leases under the Land Act where compliance with a covenant would cause soil erosion	None	Dept Primary Industries (SS22) submitted that appropriate for merits review	-
South East Queensland Water Board Act, 1979-1992, s.139(4)	Governor in Council	Decision to direct the Board to pay a contractor's expenses incurred prior to rescission of the resolution to enter the contract	None	-	-
Water Resources Act 1989-1992, s. 3.17(6)(b)	Governor in Council	Decision to sell resumed land to its previous owner, where the Commissioner of Water Resources is of the opinion that the plan or proposed plan of subdivision would be unduly affected by the granting of an application under s.3.17(6)(a)	None	Dept Primary Industries (SS22) and MIM (SS9) submitted that appropriate for merits review	-
Water Resources Act 1989-1992, s. 6.4	Governor in Council on recommendation of Minister	Decision or refusal to approve a proposal to construct special works	None	Dept Primary Industries (SS22) submitted that appropriate for merits review	-
Water Resources Act 1989-1992, s. 8.3	Governor in Council	Decision or refusal to approve a proposal for an irrigation undertaking	None	Dept Primary Industries (SS22) submitted that appropriate for merits review	-



APPENDIX 71.37

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Water Resources Act 1989- 1992, s. 9.3	Governor in Council on recommendation of Minister	Decision or refusal to approve a proposal for an area to be a water supply or drainage area	None	Dept Primary Industries (SS22) submitted that appropriate for merits review	-

APPENDIX 71.38

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Lang Park Trust Act 1962-1988, s.11(2)(a)	Governor in Council	Decision to approve or refuse approval of a lease or agreement to lease of Trust land	None	-	-
Racing and Betting Act 1980-1992, s.93(3)(h)	Governor in Council	Decision or refusal to register a greyhound	None	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-
Racing and Betting Act 1980-1992, s.93(3)(j)	Governor in Council	Decision to exclude an unregistered greyhound from participating in a race	None	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-
Racing and Betting Act 1980-1992, s.93(3)(k)	Governor in Council	Decision to prohibit a person from attending or taking part in a greyhound meeting	None	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-
Racing and Betting Act 1980-1992, s.93(3)(l)	Governor in Council	Decision to impose a penalty on a licensed person or on a greyhound owner	None	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-

APPENDIX 71.39

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Racing and Betting Act 1980-1992, s.93(3)(1)	Governor in Council	Decision to direct a greyhound club with respect to its greyhound course and its affairs	None	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-
Racing and Betting Act 1980-1992, s.118(4)	Governor in Council	Decision or refusal to approve the making of an advance from the Racing Development Fund to a club, a control body, trustees appointed under the Racing Venues Development Act 1982, Totalisator Board or other person	None	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-
Racing and Betting Act 1980-1992, s.119	Governor in Council	Decision to: (a) charge interest on an advance at specified rates; or (b) vary the interest rate charged on moneys owing	None	Dept Tourism, Sport & Racing (SS40) submitted it had no objection to decision being subject to merits review	-
Racing Venues Development Act 1982-1990, s.20	Governor in Council	Decision or refusal to approve the lease of land under the control of trustees	None	Dept Tourism, Sport & Racing (SS40) submitted it had no objection to decision being subject to merits review	-

APPENDIX 71.40

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Racing Venues Development Act 1982-1990, s.26	Governor in Council	Decision to rescind the Order in Council placing land under the control of trustees resulting in the trustees ceasing to hold office	None	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-
Sporting Bodies' Loans Guarantee Act 1973-1989, s.5(2)	Governor in Council	Decision to refuse an application for guarantee of a loan to a sporting body	None	Dept Tourism, Sport & Racing (SS40) submitted it had no objection to decision being subject to merits review	-

APPENDIX 71.41

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Harbours Act 1955-1992, s. 47(1)	Governor in Council	Decision or refusal to direct a Harbour Board to pay a contractor for expenses incurred prior to date of rescission by Governor in Council of a Harbour Board resolution rescinding a contractor's contract	None	Dept Transport (SS41), Marine and Ports Division and Port of Brisbane Authority (SS1) submitted will be repealed and replaced by a new Port Management Bill	-
Harbours Act 1955-1992, s. 64(10)	Governor in Council by Order in Council	Decision to terminate a licence of land required for public purposes and decision as to whether to pay compensation for termination	None	Dept Transport (SS41), Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill. MIM (SS9) submitted that appropriate for merits review "... even though this is a decision of the Governor in Council ..."	-
Harbours Act 1955-1992, s. 68	Harbour Board with "sanction" of Governor in Council	Decision to require the owner of water frontage land to take water erosion protection measures	None	Dept Transport (SS41), Marine and Ports Division and Port of Brisbane Authority (SS1) submitted will be repealed and replaced by a new Port Management Bill	-

APPENDIX 71.42

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Harbours Act 1955-1992, s.136	Governor in Council by Order in Council	Decision or refusal to suspend the collection and payment of harbour dues upon goods	None	Dept Transport (SS41), Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill	-
Harbours Act 1955-1992, s.141(1)	Governor in Council	Decision to revoke a grant, endorsement, lease, reservation or conveyance made by a Harbour Board which has failed to perform its duties or been dissolved	None	Dept Transport (SS41), Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill	-
Harbours Act 1955-1992, s.142	Governor in Council on joint recommendation of Minister of Transport and Minister administering the Land Act	Decision to revoke dedication of land for a public purpose free of trusts, mortgages, obligations, claims etc. and to vest the land in a Harbour Board or Harbour Corporation	None	Dept Transport (SS41), Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill	-
Queensland Marine Act 1958-1990, s.111(4)(b)	Governor in Council by Order in Council	Decision or refusal to exempt a ship of any specified class or classes from the requirement to have a valid certificate of survey or a relevant permit	None	Dept Transport (SS41) submitted that appropriate for merits review	-

APPENDIX 71.43

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Queensland Marine Act 1958-1990, s.219(7)	Governor in Council by Order in Council	Decision or refusal to exempt ship or class or description of a ship from dues	None	Dept Transport (SS41) submitted that appropriate for merits review	-
Queensland Marine Act 1958-1990, s.223	Governor in Council	Decision to declare or vary proclamation of prohibited areas in a port	None	Dept Transport (SS41) submitted that appropriate for merits review	-
State Transport (People-movers) Act 1989-1990, s.15	Governor in Council on recommendation of Minister	Decision to approve or reject proposal for the construction and operation of a people-mover system	None	Dept Transport (SS41) submitted that appropriate for merits review	-
Transport Infrastructure (Roads) Act 1991-1992 s.5.7	Governor in Council on recommendation of Corporation	Decision to create or widen a reservation for a declared road through land	None	Dept Transport (SS41) disagreed with proposed merits review as issues for Government to resolve	-
Transport Infrastructure (Railways) Act 1991-1992, s.6.16	Governor in Council on recommendation of Minister by Order in Council	Decision to close a road or part of road	None	Dept Transport (SS41) submitted that not appropriate for merits review as existing mechanisms sufficient	-

APPENDIX 71.44

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Urban Passenger Service Proprietors Assistance Act 1975-1990, s.13(1)	Governor in Council	Decision or refusal to approve the giving of a guarantee by the Minister to a person lending to a bus proprietor and the imposition of conditions	None	Dept Transport (SS41) submitted that appropriate for merits review	-
Urban Public Passenger Transport Act 1984-1990, s.28	Governor in Council	Decision to declare an urban passenger transport scheme	None	-	-



APPENDIX 71.45

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Casino Control Act 1982-1992, s.31(15)	Governor in Council	Decision to cancel or suspend a casino licence or direct the termination of the casino lease or casino management agreement	None	Dept Treasury (SS52) submitted that not appropriate for merits review as "... would detract from the overall aim of the Act ...". CJC (SS67) agreed that merits review appropriate provided "... adequate protection of confidential sources ..."	Significant financial interests would be affected. Merits review is appropriate
Casino Control Act 1982-1992, s.31(17)	Governor in Council on recommendation of Minister	Decision to cancel the balance of or reduce the period of suspension of a casino licence	None	Dept Treasury (SS52) submitted that not appropriate for merits review as "... would detract from the overall aim of the Act ...". CJC (SS67) agreed that merits review appropriate provided "... adequate protection of confidential	Significant financial interests would be affected. Merits review is appropriate

APPENDIX 71.46

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Casino Control Act 1982-1992, s.32(2)	Governor in Council	Decision or refusal to approve identity of the person (a) to whom the casino licence and other rights, benefits and obligations may be assigned by a mortgagee enforcing his security; or (b) who is a receiver and manager appointed by mortgagee enforcing his security	None	Dept Treasury (SS52) submitted that not appropriate for merits review as "... would detract from the overall aim of the Act ...". CJC (SS67) agreed that merits review appropriate provided "... adequate protection of confidential source ... "	Significant financial interests would be affected. Merits review is appropriate
Mortgages (Secondary Market), Act 1984-1990, s.19	Governor in Council on recommendation of Mortgage Secondary Market Board	Decision or refusal to approve an application to be: (a) a registered trustee; (b) a registered issuer of marketable securities; or (c) a registered packager of mortgages	None	-	-
Stamp Act 1894-1992, s.42B(4)	Governor in Council	Decision to declare a cardholder's bank to be a non-compliant cardholder's bank	None	Dept Treasury (SS52) submitted legislation being reviewed	-

APPENDIX 71.47

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Existing Appeal Rights	Summary of Submissions	Commission's Comment
Superannuation (State Public Sector) Act 1990-1991, s.3.4(1) & 3.4(3)	Governor in Council by Order in Council	Decision to declare that any person who is an employee or engaged by a unit of the State Public Sector is eligible for membership	None	Dept Treasury (SS52) submitted that not appropriate for merits review as decision "...of a Government policy nature."	Not a matter of major government policy
Superannuation (State Public Sector) Act 1990-1991, s.3.4(2)	Governor in Council by Order in Council	Decision to declare whether a person is or is not an employee of or engaged by a unit of the State Public Sector	None	Dept Treasury (SS52) submitted that not appropriate for merits review as decision "...of a Government policy nature."	Not a matter of major government policy
Superannuation (State Public Sector) Act 1990-1991, s.3.4(4)	Governor in Council by Order in Council	Decision or refusal to declare that any person who is an employee of, or engaged by a unit of the State Public Sector is excepted from the Act	None	Dept Treasury (SS52) submitted that not appropriate for merits review as decision "...of a Government policy nature."	Not a matter of major government policy

## APPENDIX 72

**ADMINISTRATIVE DECISIONS ON WHICH THE COMMISSION  
HAS RECEIVED PUBLIC SUBMISSIONS BUT NOT  
RECOMMENDED FOR MERITS REVIEW****Notes**

- 1 This Appendix 72 contains a list of 522 administrative decisions not recommended for merits review. They represent part of the overall number of decisions the Commission recommended as not appropriate for merits review. They have been included in this Appendix 72 on the basis that public submissions have been received by the Commission and the Commission wished to record and respond to these submissions. Despite not being recommended for merits review, these decisions may still be subject to judicial review under the *Judicial Review Act 1991*.
- 2 Portfolios are listed alphabetically but where there is no relevant legislation within a portfolio, there is a sheet showing nil entries for that portfolio. Within each portfolio, legislation is listed alphabetically. Within each legislative instrument, the order is numerical.
- 3 The column headed "**Legislative Provision Containing Decision-making Power**" records the Act or statutory instrument and the section number of the Act or statutory instrument under which the administrative decision is made.
- 4 The column headed "**Decision-maker**" records the title of the decision-maker nominated in the relevant legislative provision. Almost always the decision-maker is the Governor or the Governor in Council. Where "Chief Executive" or "Minister" is entered in the column as a person involved in the Governor's decision-making, it is the Chief Executive of or Minister responsible for, the agency in which the decision is made. Some Chief Executives of departments use the title Director-General. It should be noted that this role may be delegated to a lower level officer in the relevant agency where the relevant legislation authorises such delegation.
- 5 The column headed "**Nature of Decision**" records briefly the subject matter of the administrative decision.
- 6 The column headed "**Summary of Submissions**" summarises extremely briefly the public submissions received on whether or not the decision should be subject to merits review or on whether the appeal right should be changed. In order to summarise the public submissions within this column briefly, the names of agencies, organisations and persons who made the submissions and the names of some concepts (such as Government Business Enterprise - GBE) have been abbreviated severely. The abbreviations used in this Appendix 72 are not necessarily the same as those used in the Report but are the same as those used in Appendices 48 to 73. Details of the meaning of the abbreviations used in this Appendix 72 follow the explanatory notes to Appendices 48 to 70 in the front of this Volume Three of this report.

- 7 The column headed "**Commission's Response**" records any comment by the Commission in relation to the decision that would have been recommended for review.
- 8 The method of citing Queensland Acts used in this Appendix differs from that in section 14F(1) of the *Acts Interpretation Act 1954*. The Appendix refers not only to the year in which the Act received the Royal Assent, but also the year in which the Act was last amended. The reason for this method is to assist the reader to identify the year of the last amendment to the Act. Including this latter date is useful in view of the large volume of recent amendments to Queensland legislation.
- 9 The Queensland legislation referred to this Appendix 72 was the law in Queensland as at 31 December 1992.

APPENDIX 72.3

**ADMINISTRATIVE DECISIONS ON WHICH THE COMMISSION HAS RECEIVED  
PUBLIC SUBMISSIONS BUT NOT RECOMMENDED FOR MERITS REVIEW**

**Portfolio: Administrative Services and Rural Communities**

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Libraries and Archives Act 1988-1991, s.55(2) & s.56	State Archivist or a person acting on the State Archivist's behalf	Decision to enter and examine any place where public records are held, to inspect and take possession of public records	Dept Premier (SS30) disagreed except where taking possession of public records for archives	-
Libraries and Archives Act 1988-1991, s.66	Director and State Librarian	Decision or refusal to exempt a publisher from providing a copy of particular material (or a class of material) published in Queensland, to the Queensland State Library and the Queensland Parliamentary Library	Dept Premier (SS30) agreed with the Commission's recommendation that "No review recommended"	-
Professional Engineers Act 1988-1992, s.14	Governor in Council	Decision to remove a member from The Board of Professional Engineers of Queensland	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.4

Portfolio: Auditor-General

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
NIL ENTRIES				

APPENDIX 72.5

Portfolio: Business, Industry and Regional Development

<b>Legislative Provision Containing Decision-making Power</b>	<b>Decision-maker</b>	<b>Nature of Decision</b>	<b>Summary of Submissions</b>	<b>Commission's Comments</b>
NIL ENTRIES				



APPENDIX 72.6

Portfolio: Consumer Affairs and Corrective Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Corrective Services (Administration) Act 1988-1992, s.14(2)	Governor in Council	Decision to remove a Commissioner (other than the Commissioner ex officio) from the Queensland Corrective Services Commission	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Corrective Services Act 1988-1992, s. 18(2) and Corrective Services Regulations 1989	Chairperson of Queensland Corrective Services Commission ("QCSC"), Chief Executive, Director of Custodial Corrections or any person authorised by the QCSC	Decision to rescind or vary an order of a general manager of a prison or make any new order, decision or rule that the general manager could have made	Prisoners' Legal Service (SS19) submitted that merits review should be available for these decisions (not all regulations were not identified by the Commission in Issue Paper No. 18). Examples were given in SS19	This constitutes internal review of the original decision (refer to Chapter 7 of the Report for a discussion of internal review)
Corrective Services Act 1988-1992, s.108(4)	Custodial Correctional Officer	Decision to remove from a prison a visitor who is prohibited from remaining in a prison	Prisoners' Legal Service (SS19) submitted that merits review should be available for this decision	Irreversible decision having effect before review possible (refer to guidelines for reviewability in Chapter 6 of the Report)
Corrective Services Act 1988-1992, s.180(1) & (3)	Queensland Corrective Services Commission	Decision or refusal to suspend a prisoner's parole for not more than seven days where it is believed on reasonable grounds that a prisoner has committed an offence, or decision to cancel such an order	Prisoners' Legal Service (SS19) submitted that merits review should be available for these decisions	-

APPENDIX 72.7

Portfolio: Consumer Affairs and Corrective Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Rental Bond Act 1989-1991, s.10(1)(e)	Governor in Council	Decision as to whether a member of the Rental Bond Authority (RBA) is "unfit ... to be a member of the Authority"	RBA (SS24) submitted that it would be a matter of government policy whether decisions should be reviewable or not. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Rental Bond Act 1989-1991, s.45(3)	Rental Bond Authority	Decision to make a grant or loan out of the rental bond interest account for certain purposes	RBA (SS24) submitted appropriate for merits review	Merits review not appropriate as decision involves apportioning a finite resource (refer to guidelines for reviewability in Chapter 6 of the Report)

APPENDIX 72.8

Portfolio: Education

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Education (General Provisions) Act 1989-1991, s.76	Governor in Council	Decision or refusal to approve the enrolment and instruction of a person from overseas in a State educational institution, who is enrolling to receive instruction on a fee paying basis, and to impose conditions	Dept Education (SS53) agreed with recommendation of no review recommended. Dr I O'Connor (S8) and others submitted that decisions involving children and youths should be reviewable very quickly	-
Education (Teacher Registration) Act 1988-1991, s.11(b)	Minister	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification as a member of the Board of Teacher Registration from office	Board of Teacher Registration (S10) submitted merits review not appropriate as existing informal review arrangements satisfactory but submitted that if implemented it should be cheaper and quicker than District Court	-
Education (Teacher Registration) Act 1988-1991, s.12(f) & s.14	Governor in Council	Decision to remove a member from the Board of Teacher Registration	Board of Teacher Registration (S10) submitted merits review not appropriate as existing review satisfactory but submitted that if implemented it should be cheaper and quicker than District Court	Merits review for removal of office holders not appropriate

APPENDIX 72.9

Portfolio: Education

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Education (Teacher Registration) Act 1988-1991, s.38(a)	Board of Teacher Registration	Decision to remove the name of a registered teacher from Register of Teachers as a result of failure to apply for the retention of the name in the Register	Board of Teacher Registration (S10) submitted merits review not appropriate as existing review satisfactory but submitted that if implemented it should be cheaper and quicker than District Court	-
Griffith University Act 1971-1991, s.9(1)(b)	Council of the University	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification from office	Griffith Uni (SS66) submitted that the Council's decision is subject to judicial review and appeal to the Ombudsman and in (S51) submitted that universities be initially exempt from a merits review system	-
Queensland University of Technology Act 1988-1992, s.20(1)(b)	Council of the Queensland University of Technology	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification from office as a member of the Council of the University	QUT (S50) submitted merits review not appropriate as existing appeal arrangements satisfactory	-
University of Southern Queensland Act 1989-1991, s.20(1)(b)	Council of the University of Southern Queensland	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification of a member of the Council of the University from office	USQ (S52) submitted merits review not appropriate as existing appeal arrangements satisfactory	-

APPENDIX 72.10

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Building and Construction Industry (Portable Long Service Leave) Act 1991, s.10(2)	Governor in Council	Decision to remove a member from the Building and Construction Industry (Portable Long Service Leave) Board	PSMC (SS45) opposed merits review of decisions to remove office holders. QCI (SS48) submitted there should be clearer criteria for removal of office holders. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Merits review for removal of office holders not appropriate
Industrial Relations Act 1990-1992, s.13.24	Minister	Decision to refuse financial assistance by the State, or determination of amount of such assistance, to a member of an industrial organisation with respect to the cost of proceedings under s.13.22 or s.13.23 of the Act	IRCC (SS55) submitted decisions should remain at Minister's discretion as did QCI (SS48). Dept Employment submitted Treasury guidelines must be taken into account (SS33). TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Not appropriate that QICAR review on merits industrial relations matters
Industrial Relations Act 1990-1992, s.13.39	Minister	Decision or refusal to authorise payment by the State of the costs and expenses of a person who applied for an electoral inquiry	IRCC (SS55) submitted decisions should remain at Minister's discretion as did QCI (SS48). DEVETIR (SS33) submitted Treasury guidelines must be taken into account. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Not appropriate that QICAR review on merits industrial relations matters

APPENDIX 72.11

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Pastoral Workers' Accommodation Act 1980, s.12(1) & (5)	Chief Inspector	Decision or refusal to permit the provision of temporary accommodation for pastoral workers and a decision to extend a temporary permit	QCI (SS48) opposed merits review as this is part of industrial disputation and merits review could not occur quickly. DEVETIR (SS33) submitted not appropriate for merits review, judicial review available	-
Pastoral Workers' Accommodation Act 1980, s.17	Inspector	Decision or refusal to approve construction of structural alterations or additions to any building to be used for accommodation of pastoral workers	QCI (SS48) opposed merits review as this is part of industrial disputation and merits review could not occur quickly. DEVETIR (SS33) submitted not appropriate for merits review, judicial review available	-
Pastoral Workers' Accommodation Act 1980, s.18(1)	Inspector	Decision to direct occupier to comply with the Act	QCI (SS48) opposed merits review as this is part of industrial disputation and merits review could not occur quickly. DEVETIR (SS33) submitted not appropriate for merits review, judicial review available	-

APPENDIX 72.12

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Pastoral Workers' Accommodation Act 1980, s.18(3)	Chief Inspector	Decision to extend or refuse to extend time specified in the notice under s.18(1)	QCI (SS48) opposed merits review as this is part of industrial disputation and merits review could not occur quickly. DEVETIR (SS33) submitted not appropriate for merits review, judicial review available	-
Pastoral Workers' Accommodation Act 1980, s.18(4)	Chief Inspector	Decision or refusal to revoke a notice under s.18(1)	QCI (SS48) opposed merits review as this is part of industrial disputation and merits review could not occur quickly. DEVETIR (SS33) submitted not appropriate for merits review, judicial review available	-
Rural Training Schools Act 1965-1992, s.5(4)	Governor in Council	Decision to remove member from the Board of Trustees	QCI (SS48) submitted there should be clearer criteria for removal of officeholders. PSMC (SS45) opposed merits review of decisions to remove office holders. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Merits review for removal of office holders not appropriate

APPENDIX 72.13

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Trading Hours Act 1990, s.5.11	Minister or Chief Industrial Inspector	Decision or refusal to grant a permit authorising the conduct of an event for a religious, charitable, educational or other purpose freed from the operation of all or any of the terms of an order made under s.5.1 or s.5.2	QCI (SS48) submitted review may not be practicable in view of time constraints. DEVETIR (SS33) submitted not appropriate for merits review, judicial review available. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	-
Vocational Education, Training and Employment Act 1991, s.2.17(2)	Governor in Council	Decision to remove an appointed member from the Vocational Education, Training & Employment Commission	QCI (SS48) submitted there should be a clearer criteria for removal of office holders. PSMC (SS45) opposed merits review of decisions to remove office holders. VETEC (SS44) submitted merits review appropriate. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Merits review for removal of office holders not appropriate



APPENDIX 72.14

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Vocational Education, Training and Employment Act 1991, s.2.51	Minister	Decision to remove a member from the State College Council	QCI (SS48) submitted there should be a clearer criteria for removal of office holders. PSMC (SS45) opposed merits review of decisions to remove office holders. VETEC (SS44) submitted merits review appropriate. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Merits review for removal of office holders not appropriate
Vocational Education, Training and Employment Act 1991, s.3.34(9)	State Training Council	Decision as to annual leave entitlement of apprentice in the event of a disagreement	QCI (SS48) opposed merits review as for State Training Council to determine. VETEC (SS44) submitted merits review not practicable due to timing and nature of decision. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	-

APPENDIX 72.15

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Workers' Accommodation Act 1952-1980, s.14(1) & (5)	Chief Inspector	Decision or refusal to permit the provision of temporary accommodation for workers and decision to extend temporary permit	QCI (SS48) submitted that the government agreed with unions in 1983 that the legislation would be repealed; and unsuitable for merits review as quick response required and often part of an industrial dispute. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act DEVETIR (SS33) submitted not appropriate for merits review, judicial review available	-

APPENDIX 72.16

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Workers' Accommodation Act 1952-1980, s.16(1) & s.20	Inspector	Decision to require compliance with the Act	QCI (SS48) submitted that the government agreed with unions in 1983 that the legislation would be repealed; and unsuitable for merits review as quick response required and often part of an industrial dispute. DEVETIR (SS33) submitted not appropriate for merits review, judicial review available. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	-
Workers' Compensation Act 1990-1992, s. 3.5	Minister	Decision or refusal to certify that circumstances do not warrant disqualification from membership of the Workers' Compensation Board	Workers' Compensation Board (SS13) submitted it had no objection to merits review of this decision. PSMC (SS45) opposed merits review of decisions to remove office holders. QCI (SS48) submitted there should be clearer criteria for removal of office holders. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Merits review for removal of office holders not appropriate

APPENDIX 72.17

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Workers' Compensation Act 1990-1992, s. 3.6(2)	Governor in Council	Decision to remove a member from the Workers' Compensation Board	Workers' Compensation Board (SS13) submitted appropriate merits review not as decisions of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders. QCI (SS48) submitted there should be clearer criteria for removal of office holders. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Merits review for removal of office holders not appropriate
Workplace Health and Safety Act 1989-1992, s. 41	Governor in Council	Decision to remove a member from the Workplace Health and Safety Council	MIM (SS9) submitted merits review should not be provided as decision-maker is the Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders. WHSC (SS63) submitted additional review not necessary. DEVETIR (SS53) submitted merits review not appropriate. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Merits review for removal of office holders not appropriate

APPENDIX 72.18

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Workplace Health and Safety Act 1989-1992, s. 51	Minister	Decision to remove a member from an Industry Workplace Health and Safety Committee	MIM (SS9) submitted merits review should be by a general tribunal. PSMC (SS45) opposed merits review of decisions to remove office holders. See also QCI (SS48). WHSC (SS63) submitted additional review not necessary. DEVETIR (SS53) submitted merits review not appropriate. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	Merits review for removal of office holders not appropriate
Workplace Health and Safety Act 1989-1992, s. 81	Inspector	Decision to enter premises restrict movement, make enquiry, require production of documents take samples and survey, etc	QCI (SS48) submitted merits review not appropriate as necessary for the operation of the Act. WHSC (SS63) submitted additional review unnecessary. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	-

APPENDIX 72.19

Portfolio: Employment, Vocational Education, Training and Industrial Relations

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Workplace Health and Safety Act 1989-1992, s. 96(2)	Governor in Council	Decision to remove a member from the Appeals Tribunal	QCI (SS48) submitted merits review not appropriate. WHSC (SS63) submitted additional review unnecessary. TLC (SS58) did not support the establishment of a general review tribunal to review decisions under this Act	-

APPENDIX 72.20

Portfolio: Environment and Heritage

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Beach Protection Act 1968-1990, s. 9(1)(f) (soon to be replaced by Coastal Protection Bill)	Governor in Council	Decision to remove a member from the Beach Protection Authority	Dept Environment & Heritage (SS34) submitted that decisions of the Governor in Council should not be reviewable. PSMC (SS45) opposed merits review of decisions to remove office holders.	Merits review for removal of office holders not appropriate
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991, s. 9(2)(b)	Governor in Council	Decision to terminate the tenure of a Landscapes Queensland Protector	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.21

Portfolio: Family Services and Aboriginal and Islander Affairs

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Aboriginal Land Act 1991-1992, s.3.02(2)(a) & s.5.03(2)(a)	Minister	Decision to remove or suspend trustees of Aboriginal land	Dept Lands (SS38) agreed that the decision is suitable for merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Children's Services Act 1965-1992, s.118(1)	Chief Executive or Authorised Officer	Decision to enter, search and make investigations about a child being employed or used in premises	General submission in favour of merits review on topic of children received from Dr I O'Connor (S8), Children's IB (S40) and others	-
Community Services (Aborigines) Act 1984-1992, s.71(1)	Chief Executive	Decision to grant or refuse aid to an Aboriginal and to impose terms and conditions	Dept Family Services & Aboriginal & Islander Affairs (SS35) submitted that the views of the Aboriginal community towards merits review should be obtained	The Commission wrote to Aboriginal Councils seeking their views but has not received a reply
Community Services (Torres Strait) Act 1984-1992, s.69	Chief Executive	Decision to grant or refuse aid to a Torres Strait Islander and to impose terms and conditions	Dept Family Services & Aboriginal & Islander Affairs (SS35) submitted that the views of the Torres Strait Islander community towards merits review should be obtained	The Commission wrote to Torres Island Councils seeking their views but has not received a reply



APPENDIX 72.22

Portfolio: Family Services and Aboriginal and Islander Affairs

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Family Services Act 1987-1991, s.28	Chief Executive with the approval of the Minister	Decision or refusal to make a grant to assist a licensee to provide temporary care of children	Dept Family Services & Aboriginal & Islander Affairs (SS35) submitted that the section not yet proclaimed and likely to be replaced	-
Intellectually Disabled Citizens Act 1985-1991, s.32(1)	The Intellectually Disabled Citizens Council of Queensland	Decision to notify Public Trustee that an assisted citizen needs protection	IDCC (S33) submitted appeals from its decisions only appropriate on questions of law	-
Intellectually Disabled Citizens Act 1985-1991, s.32(1A)	Legal Friend with prior approval of the Chairman	Decision to notify Public Trustee that an intellectually disabled citizen needs protection	IDCC (S33) submitted appeals from its decisions only appropriate on questions of law	-

APPENDIX 72.23

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Chiropractors and Osteopaths Act 1979-1992, s. 9(3)(f)	Governor in Council	Decision to remove a member from the Chiropractors and Osteopaths Board	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review	Merits review for removal of office holders not appropriate
Dental Act 1971-1992, s. 9(3)(f)	Governor in Council	Decision to remove a member from the Dental Board of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Dental Technicians and Dental Prosthetists Act 1991-1992, s.12(1)	Governor in Council	Decision to remove a member from the Dental Technicians and Dental Prosthetists Board	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Health Act 1937-1992, s. 22(6) & s.23	Chief Health Officer	Decision or refusal to approve or decision to order the removal of a medical officer of health, analyst, inspector or other officer or a reduction in remuneration	Dr I Wilkey (SS6) doubted the need for this legislation to continue. Qld Health (SS36) submitted that this section is expected to be "withdrawn" and moved to the Local Government Act	Not appropriate that QICAR review on merits industrial relations matters

APPENDIX 72.24

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Health Act 1937-1992, s. 23	Chief Health Officer	Decision or refusal to approve the reappointment or reduction in remuneration of a person removed under s.23	Dr I Wilkey (SS6) doubted the need for this legislation to continue. Qld Health (SS36) submitted that this section is expected to be "withdrawn" and moved to the Local Government Act	Not appropriate that QICAR review on merits industrial relations matters
Health Act 1937-1992, s. 39(2)	Local Authority or Chief Health Officer	Decision to direct the destruction of any building or structure infected with any notifiable disease and certified as being incapable of being disinfected	Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended"	This decision-making power should be restructured to allow review (refer to Chapter 6 of the Report)
Health Act 1937-1992, s. 47(6)	Chief Health Officer, upon confirmation by the Minister	Decision to order the closing of a school for the purpose of the prevention or suppression of any disease	Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended". Dr I Wilkey (SS6) submitted that this section is a relic of an earlier time	This decision-making power should be restructured to allow review (refer to Chapter 6 of the Report)

APPENDIX 72.25

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Health Act 1937-1992, s.127(5)	Officer (being a health officer or a medical officer of health, an analyst or an inspector or any other person appointed to discharge the duties of an officer under the Health Act)	Decision to remove for examination or analysis a sample or samples of any paint that has been applied or is being applied to any building or structure	Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended". Dr I Wilkey (SS6) submitted that merits review should not be granted	Decision irreversible and so merits review inappropriate
Health Act 1937-1992, s.131C(2)	Governor in Council	Decision to remove a member from the Detention Review Tribunal	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Health Act 1937-1992, s.131V	Authorised Inspector	Decision, with respect to a pest control operator, to: (a) enter and inspect any premises; (b) inspect any apparatus, equipment or pesticides; ... and (d) remove any substance being used for examination	Dr I Wilkey (SS6) submitted that these powers impact on rights as much as some other powers for which merits review has been recommended. Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended".	-

APPENDIX 72.26

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Health Act 1937-1992, s.131WB	Authorised Inspector	<p>Decision, with respect to application of agricultural chemicals, to:</p> <p>(a) enter and inspect -</p> <ul style="list-style-type: none"> <li>(i) any aircraft;</li> <li>(ii) any ground equipment;</li> <li>(iii) whether any aerial or ground spraying application has been, is, or is going to be carried out;</li> <li>(iv) any contamination; and</li> </ul> <p>(b) take samples; and</p> <p>(c) require production of records</p>	<p>Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended". Dr I Wilkey (SS6) submitted powers impact on rights as much as some other powers for which merits review has been recommended</p>	-
Health Act 1937-1992, s.131WF	Authorised Inspector	<p>Decision, with respect to any Hazardous Substance, to:</p> <p>(a) inspect any place, vehicle or vessel;</p> <p>(b) remove for examination anything suspected of being contaminated; and</p> <p>(c) require the production of records</p>	<p>Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended". Dr I Wilkey (SS6) submitted powers impact on rights as much as some other powers for which merits review has been recommended</p>	-

APPENDIX 72.27

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Health Act 1937-1992, s.132	Authorised Officer	Decision, with respect to a drug, poison drug, poison or biological preparation to: (a) enter and inspect any place; (b) inspect any article being conveyed by transport; (c) examine and remove samples from any such article; (d) inspect any appliance; and (e) seize any article, appliance or utensil	Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended". Dr I Wilkey (SS6) submitted powers impact on rights as much as some other powers for which merits review has been recommended	-
Health Act 1937-1992, s.133(1)	Officer (being a health officer or a medical officer of health, an analyst or an inspector or any other person appointed to discharge the duties of an officer under the Health Act)	Decision to demand and select and take or obtain samples of any drug or article following payment for the article at current market sales	Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended". Dr I Wilkey (SS6) submitted powers impact on rights as much as some other powers for which merits review has been recommended	-
Health Act 1937-1992, s.150	Chief Health Officer	Decision to require information to be produced which deals with the reception, possession, purchase, sale or delivery of any drug or article	Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended". Dr I Wilkey (SS6) submitted powers impact on rights as much as some other powers for which merits review has been recommended	-

APPENDIX 72.28

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Health Act 1937-1992, s.151(1)	Chief Health Officer	Decision to notify the names of offenders convicted of offences against the Health Act by publication in the Gazette and also to post a notice of the conviction on the place of business of the person convicted	Qld Health (SS36) agreed with the Commission's preliminary assessment of "No review recommended". Dr I Wilkey (SS6) submitted powers impact on rights as much as some other powers for which merits review has been recommended	-
Health Act 1937-1992, s.154(1)(e)	Governor in Council	Decision or refusal to approve any hospital or other institution as a hospital or institution for the treatment of cancer	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review	-
Health Act 1937-1992, s.154M	Governor in Council by Order in Council	Decision or refusal to authorise a person to conduct scientific research and studies into the reduction of morbidity or mortality	Dr I Wilkey (SS6) submitted that merits review not appropriate. Qld Health (SS36) decisions of Governor in Council should not be subject to merits review	-
Health Rights Commission Act 1991-1992, s. 18(1)	Governor in Council	Decision to remove a person from the Health Rights Commission	Dr I Wilkey (SS6) submitted that merits review not appropriate. Qld Health (SS6) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.29

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Health Rights Commission Act 1991-1992, s. 18(2)	Governor in Council	Decision to suspend a person as the Health Rights Commissioner	Dr I Wilkey (SS6) submitted that merits review not appropriate. Qld Health (SS6) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Health Rights Commission Act 1991-1992, s. 47	Minister	Decision to remove a member from the Health Rights Advisory Council	Dr I Wilkey (SS6) submitted that merits review not appropriate. Qld Health (SS6) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Health Rights Commission Act 1991-1992, s. 49(1)	Minister	Decision to remove the President from the Health Rights Advisory Council	Dr I Wilkey (SS6) submitted that merits review not appropriate. Qld Health (SS6) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate



APPENDIX 72.30

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Health Rights Commission Act 1991-1992, s. 91	Authorised Person	Decision to keep a record produced under s.89	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended". Dr I Wilkey (SS6) submitted that merits review would be appropriate	-
Health Rights Commission Act 1991-1992, s.108(2)	Authorised Person	Decision to seize and keep evidence	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended". Dr I Wilkey (SS6) submitted that merits review would be appropriate	-
Health Services Act 1991- 1992, s.2.5	Inspector or officer authorised by Minister	Decision to: (a) make investigations and reports; (b) enter any premises of a Regional Health Authority or any public sector health service and inquire into its affairs, and (c) inspect and make copies of any record, contract or other document	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended"	-
Health Services Act 1991- 1992, s.2.9	Minister	Decision or refusal to declare that a specified committee established by a Regional Health Authority, public sector health service, establishment, college, association or other prescribed body is an approved quality assurance committee and a decision to revoke that declaration	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended"	-

APPENDIX 72.31

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Health Services Act 1991-1992, s.3.14(e)	Governor in Council	Decision to remove a member from a Regional Health Authority	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Health Services Act 1991-1992, s.3.15(1)	Governor in Council	Decision to remove any member or all members of a Regional Health Authority	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Hospitals Foundations Act 1982-1992, s. 6(3)	Minister	Decision to refuse or accept an application to establish a body corporate	Qld Health (SS36) submitted that merits review not appropriate	-
Hospitals Foundations Act 1982-1992, s. 7(1)	Governor in Council	Decision to declare a body corporate to be established under the Act	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review	-
Hospitals Foundations Act 1982-1992, s.11(3)	Minister	Decision or refusal to approve an alteration to the object or objects of a body corporate	Qld Health (SS36) submitted that merits review not appropriate	-

APPENDIX 72.32

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Hospitals Foundations Act 1982-1992, s.24(f) & s.27	Governor in Council	Decision to remove an appointed member of a body corporate from office	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review	-
Hospitals Foundations Act 1982-1992, s.41(2)	Minister	Decision or refusal to exempt a body corporate from a requirement under s.41(1) to effect insurance	Qld Health (SS36) submitted that no review recommended	-
Hospitals Foundations Act 1982-1992, s.52(2)	Minister	Decision to approve or refusal to approve a body corporate carrying out a condition of a gift, grant, bequest, etc.	Qld Health (SS36) submitted that no review recommended	-
Hospitals Foundations Act 1982-1992, s.55	Governor in Council	Decision to approve or refusal to approve the sale or disposal of certain property vested in a body corporate subject to any condition or trust	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review	-
Hospitals Foundations Act 1982-1992, s.56	Governor in Council	Decision to order the entry of a body corporate in the Register be removed	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review	-

APPENDIX 72.33

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Hospitals Foundations Act 1982-1992, s.58(2)	Governor in Council	Decision or refusal where the body corporate is a trustee, to constitute or nominate any other person as trustee, nominate any other use to which the property should be held or applied, terminate a trust or make such other order	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review	-
Hospitals Foundations Act 1982-1992, s.59	Governor in Council	Decision to dissolve a body corporate	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended"	-
Inebriates Institutions Act 1896-1991, s.22	Governor in Council	Decision to remove a person appointed as the Inspector of Retreats	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Medical Act 1939-1992, s. 8(4)	Governor in Council	Decision to remove a member from the Medical Board of Queensland	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.34

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Medical Act 1939-1992, s.28(3)	Medical Board of Queensland	Decision to direct registrar to enter particulars of a suspension order in the register	Medical Board of Qld (SS72) submitted not appropriate for merits review, although agreeing with merits review in principle considered that satisfactory appeal rights exist	-
Medical Act 1939-1992, s.67(5)	Inspector appointed under the Medical Act and Other Acts (Administration) Acts 1966-1991	Decision to enter any place and seize and take into possession medical records	Medical Board of Qld (SS72) submitted not appropriate for merits review, although agreeing with merits review in principle considered that satisfactory appeal rights exist	-
Medical Act 1939-1992, s.68(1)	Medical Board of Queensland	Decision to impose conditions on a person who has actual possession of medical records and a decision to vary those conditions	Medical Board of Qld (SS72) submitted not appropriate for merits review, although agreeing with merits review in principle considered that satisfactory appeal rights exist	-
Medical Act 1939-1992, s.69(1)	Medical Board of Queensland	Decision to order the delivery of medical records to a medical practitioner or other person	Medical Board of Qld (SS72) submitted not appropriate for merits review, although agreeing with merits review in principle considered that satisfactory appeal rights exist	-

APPENDIX 72.35

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Medical Act 1939-1992, s.71	Medical Board of Queensland	Decision to cancel an order made in respect of medical records in the Board's possession and order delivery to the claimant	Medical Board of Qld (SS72) submitted not appropriate for merits review, although agreeing with merits review in principle considered that satisfactory appeal rights exist	-
Medical Act and Other Acts (Administration) Act 1966-1992, s.14	An Inspector appointed for the administration of the Acts referred to in s.4	Decision, with respect to prescribed medical professions, to: (a) enter any place; (b) inspect, examine, seize and detain any equipment, books, records, etc; (c) require assistance from any member of the police force or other person; (d) make examination and inquiry; (e) question any occupier, owner or other person; and (f) require production of certificates of registration	-	-
Mental Health Act 1974-1992, s.14(6)(e)	Governor in Council	Decision to remove a member from a Patient Review Tribunal	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.36

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mental Health Act 1974-1992, s.17(1)	Hospital	Decision to refuse to make arrangements to admit a patient to or keep a patient in a hospital after the patient has been examined and his mental condition assessed	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended"	-
Mental Health Act 1974-1992, s.25(3)(b)	Medical Practitioner or a designated authorised person	Decision that a person in respect of whom a warrant is issued is not mentally ill or that it is not necessary that the person in respect of whom the warrant is issued be removed to a place of safety	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended". Dr I Wilkey (SS6) submitted that many relatives of patients would like merits review of this decision	-
Mental Health Act 1974-1992, s.27(4)	Medical Practitioner	Decision to certify that a person is not mentally ill or does not need to be detained on the ground of mental illness	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended". Dr I Wilkey (SS6) submitted that many relatives of patients would like merits review of this decision	-
Mental Health Act 1974-1992, s.28B(5)(b)(iii)	Governor in Council	Decision to remove a member from the Mental Health Tribunal	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review.	-

APPENDIX 72.37

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mental Health Act 1974-1992, s.28E	Mental Health Tribunal	Decision whether to order psychiatric, medical and other examinations of a person suspected of being mentally ill at the time an alleged offence has been committed	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	Not appropriate for merits review owing to the nature of the decision-maker and the decision-making process
Mental Health Act 1974-1992, s.31(2)	Medical Practitioner	Decision as to whether a person charged with an indictable offence, and awaiting examination of witnesses with respect to that offence, should be admitted to a security patient's hospital	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	-
Mental Health Act 1974-1992, s.31(3)	Psychiatrist	Decision as to whether a patient admitted to a security patient's hospital, pursuant to s.31(2), is suffering from mental illness so that it warrants his detention in hospital and the patient ought to be detained	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	-
Mental Health Act 1974-1992, s.32	Medical Practitioner	Decision whether a person who has been committed for trial upon an indictable offence and who is in custody, be removed from his place of custody and admitted to a security patients' hospital	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	-



APPENDIX 72.38

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mental Health Act 1974-1992, s.33	Mental Health Tribunal	Decision whether a person is fit for trial	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	Not appropriate for merits review owing to the nature of the decision-maker and the decision-making process
Mental Health Act 1974-1992, s.34(3)	Governor in Council	Decision that proceedings against a person be discontinued, or that the question of fitness for trial be deferred, where the Patient Review Tribunal has found that the person will not be fit for trial within a reasonable time	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review.	Not appropriate for merits review owing to the nature of the decision-maker and the decision-making process
Mental Health Act 1974-1992, s.34(5)	Governor in Council	Decision, where the question of fitness for trial has been deferred, to order that proceedings against the person be discontinued or continued	Qld Health (SS36) submitted that decision of Governor in Council should not be subject to merits review.	Not appropriate for merits review owing to the nature of the decision-maker and the decision-making process
Mental Health Act 1974-1992, s.41(2)	Director of Psychiatric Services	Decision to order the removal of any person detained in a hospital to a clinic, dental hospital, court, etc.	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	-
Mental Health Act 1974-1992, s.42	Director of Psychiatric Services with the consent of the Corrective Services Commission	Decision or refusal to grant leave and the period of leave	Qld Health (SS36) agreed with Commission's preliminary assessment "No review recommended".	-

APPENDIX 72.39

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mental Health Act 1974-1992, s.46(1)	Medical Practitioner	Decision or refusal to grant leave of absence from a hospital and to impose conditions	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	-
Mental Health Act 1974-1992, s.46A	Governor in Council on recommendation of two psychiatrists	Decision to release a person on leave of absence and to impose conditions thereon	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	-
Mental Health Act 1974-1992, s.47	Hospital Administrator, Designated Medical Practitioner, or Director Psychiatric Services	Decision to require that a person who has absented themselves without leave, or has breached a term of leave of absence, be taken into custody and returned to hospital	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	-
Nursing Act 1992, s. 78	Queensland Nursing Council	Decision or refusal to accredit a school of nursing on conditions or provisionally, and decision to cancel or vary such accreditation	Qld Health (SS36) submitted that no review recommended under equivalent section of Nursing Studies Act 1976-1991	-
Occupational Therapists Act 1979-1992, s. 9(3)(f)	Governor in Council	Decision to remove a member from the Occupational Therapists Board of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.40

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Optometrists Act 1974-1992, s.10(3)(f)	Governor in Council	Decision to remove a member from the Optometrists Board of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Pharmacy Act 1976-1992, s.10(3)(f)	Governor in Council	Decision to remove a member from the Pharmacy Board of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Psychologists Act 1977-1992, s. 9(3)(f)	Governor in Council	Decision to remove a member from the Psychologists Board of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Physiotherapists Act 1964-1992, s.7(3)(b)(vi)	Governor in Council	Decision to remove a member from the Physiotherapists Board of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.41

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Podiatrists Act 1969-1992, s. 8(2)(f)	Governor in Council	Decision to remove a member from the Podiatrists Board of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Queensland Institute of Medical Research Act 1945-1991, s. 6	Governor in Council	Decision to remove a member from the Council of the Queensland Institute of Medical Research	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Queensland Institute of Medical Research Act 1945-1991, s. 8D	Governor in Council	Decision to remove a member from the Queensland Institute of Medical Research Trust	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Queensland Institute of Medical Research Act 1945-1991, s.11	Council of the Queensland Institute of Medical Research	Decision to remove the Secretary from the Queensland Institute of Medical Research	Qld Health (SS36) submitted that merits review appropriate. PSMC (SS45) opposed merits review of decisions to remove office holders. Dr I Wilkey (SS6) submitted secretary is employee and shouldn't have different rights	Merits review for removal of office holders not appropriate

APPENDIX 72.42

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Radioactive Substances Act 1958-1978, s. 6	Governor in Council	Decision to remove a member from the Radiological Advisory Council of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Speech Pathologists Act 1979-1992, s. 9	Governor in Council	Decision to remove a member from the Speech Pathologists Board of Queensland	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Transplantation and Anatomy Act 1979-1991, s. 5	Governor in Council	Decision to declare that a hospital is a hospital for the purposes of this Act, or decision to revoke such a declaration	Qld Health (SS36) submitted that decisions of Governor in Council should not be subject to merits review.	-
Transplantation and Anatomy Act 1979-1991, s.24	Coroner	Decision to allow removal of tissue from the body of a deceased person where the death of the deceased is required to be reported under the Coroners Act	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended".	-
Transplantation and Anatomy Act 1979-1991, s.26	Designated Officer	Decision to authorise a post-mortem examination of the body of a deceased person	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended"	-

APPENDIX 72.43

Portfolio: Health

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Transplantation and Anatomy Act 1979-1991, s.28	Coroner	Decision to consent to a post-mortem where the death of the deceased is required to be reported under the Coroners Act	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended"	-
Transplantation and Anatomy Act 1979-1991, s.31	Designated Officer	Decision to authorise the retention of a body for anatomical examination or study	Qld Health (SS36) agreed with the Commission's preliminary assessment "No review recommended"	-
Transplantation and Anatomy Act 1979-1991, s.34	Coroner	Decision to consent to the retention of a body for anatomical examination or study where the death of the deceased is required to be reported under the Coroners Act	Dr I Wilkey (SS6) submitted that the reason for providing an appeal is unclear	-
Transplantation and Anatomy Act 1979-1991, s.40	Minister	Decision or refusal to authorise a person to buy tissue or take tissue from the body of another person and to impose conditions on such authorisation or to cancel such authorisation	Qld Health (SS36) submitted that merits review by a sectoral tribunal appropriate. Dr I Wilkey (SS6) submitted that sale of body parts is contrary to government policy	-
Transplantation and Anatomy Act 1979-1991, s.41	Minister	Decision or refusal to authorise advertising relating to the buying of tissue or the right to take tissue from the bodies of persons	Qld Health (SS36) submitted that merits review by a sectoral tribunal appropriate. Dr I Wilkey (SS6) submitted that sale of body parts is contrary to government policy	-

APPENDIX 72.44

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Brisbane Tramway Trust Act 1922-1974, s. 6(2)	Governor in Council	Decision to remove a member or chairman from the Brisbane Tramway Trust	Dept Housing (SS37) submitted general objections to merits review of Governor in Council's decision. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Integrated Resort Development Act 1987-1992, s. 9	Governor in Council	Decision or refusal to approve integrated resort development scheme and to impose conditions	Dept Housing (SS37) submitted general objections to merits review of Governor in Council's decision	-
Integrated Resort Development Act 1987-1992, s.16	Governor in Council	Decision or refusal to approve the amendment of an approved scheme and to impose conditions	Dept Housing (SS37) submitted general objections to merits review of Governor in Council's decision	-
Integrated Resort Development Act 1987-1992, s.23	Governor in Council	Decision or refusal to revoke the approved scheme and to impose conditions	Dept Housing (SS37) submitted general objections to merits review of Governor in Council's decision	-
Integrated Resort Development Act 1987-1992, s.24B	Governor in Council	Decision or refusal to grant provisional approval for a future development area	Dept Housing (SS37) submitted general objections to merits review of Governor in Council's decision	-

APPENDIX 72.45

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Integrated Resort Development Act 1987-1992, s.24C(6)	Governor in Council	Decision or refusal to revoke provisional approval for a future development area	Dept Housing (SS37) submitted general objections to merits review of Governor in Council's decision	-
Integrated Resort Development Act 1987-1992, s.24D	Governor in Council	Decision or refusal to approve a subsequent application for a future development area	Dept Housing (SS37) submitted general objections to merits review of Governor in Council's decision	-
Integrated Resort Development Act 1987-1992, s.60(1)	Local Government an the Governor in Council	Decision or refusal to approve the dedication of a primary thoroughfare as a road and to impose conditions	Dept Housing (SS37) submitted general objections to merits review of Governor in Council's decision	-
Local Government (Aboriginal Lands) Act 1978-1992, s.16	Governor in Council	Decision to dissolve a Council, appoint an administrator, direct the holding of a fresh election and order the preparation of a fresh voters' roll	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	-
Local Government (Aboriginal Lands) Act 1978-1992, s.32	Governor in Council	Decision or refusal to approve the subleasing, sale, transfer, mortgage, subdivision or acquisition of land by the Council	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	-
Local Government Act 1936-1992, s. 4(9)	Governor in Council	Decision to dissolve a council, appoint an administrator, direct the holding of a fresh election and order the preparation of a fresh voters' roll	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	-



APPENDIX 72.46

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992, s. 8	Governor in Council	Decision to declare a fresh election of chairman or members be held, the date of election and whether or not the chairman and any and which of the existing members shall go out of office and on what date	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	-
Local Government Act 1936-1992, s. 8A	Governor in Council	Decision to extend the term of a council elected at a fresh election beyond the next triennial election date	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	-
Local Government Act 1936-1992, s. 17(4)	Chairman of a Local Authority or an officer appointed to exercise the power of suspension	Decision to suspend from office any officer of a Local Authority	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61) concerned at the threat to local government autonomy, submitted merits review not appropriate	-
Local Government Act 1936-1992, s. 17(4)	Local Authority	Decision to reinstate or dismiss a suspended officer of a Local Authority	See above entry for s.17(4) of the same Act	-
Local Government Act 1936-1992, s.17(5)(iii)	Local Authority	Decision to approve or refuse to approve the engagement of an officer of a Local Authority in work outside the service of the Local Authority	See entry for s.17(4) of the same Act	-

APPENDIX 72.47

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992, s.21(1B)	Local Authority	Power to make levy and impose a minimum general rate levy on certain mining tenements	Qld Mining Council (SS75) submitted appropriate for merits review as subject to misuse	-
Local Government Act 1936-1992, s.24(5)	Local Authority	Decision to adjust rates following changes in the valuation of the unimproved value of the land	See entry for s.17(4) of the same Act	-
Local Government Act 1936-1992, s.24(8)	Local Authority	Deeming provision that each mining claim, dredging claim, mining tenements or residence area is a separate portion of rateable land	Qld Mining Council (SS75) submitted appropriate for merits review as subject to misuse	-
Local Government Act 1936-1992, s.32(13)	Local Authority alone within the Area and with the approval of the Minister outside the Area	Decision to enter land and take materials from unimproved land for construction purposes	See entry for s.17(4) of the same Act	-
Local Government Act 1936-1992, s.35(24A)(a)	Local Authority with approval of Governor in Council	Decision to grant or refuse permit to construct and maintain, use etc a viaduct across (over or under) a road	See entry for s.17(4) of the same Act	-
Local Government Act 1936-1992, s.40(3)	Officer Authorised by the Chairman of the Local Authority	Decision to enter any building to check on safety of construction and of safety of entries and exists	See entry for s.17(4) of the same Act	-

APPENDIX 72.48

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Local Government Act 1936-1992, s.42	Chairman of the Local Authority	Decision to destroy an animal where an impounded animal is "by reason of disease, injury, starvation or other cause too infirm to be of further service or if offered for sale, there would be no reasonable prospect of selling it"	See entry for s.17(4) of the same Act	-
Local Government Act 1936-1992, s.42B(2)	Local Authority	Decision to seize an animal found at large or depasturing in a road, reserve or land under the control of a Local Authority, and to impound that animal	See entry for s.17(4) of the same Act	-
Local Government Act 1936-1992, s.44(3)	Local Authority, with the approval of the Governor in Council	Decision to acquire land and lease it to a person to construct a wharf	See entry for s.17(4) of the same Act	-
Local Government (Chinatown and the Valley Malls) Act 1984-1990, s. 23	Brisbane City Council, with the Minister's prior approval	Decision to remove a nominated local member from the Chinatown and the Valley Malls Advisory Committee	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61) concerned at the threat to local government autonomy, submitted merits review not appropriate	Merits review for removal of office holders not appropriate

APPENDIX 72.49

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Local Government Grants Commission Act 1976-1990, s.8(1)(e)	Governor in Council	Decision to remove a member from the Local Government Grants Commission	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	Merits review for removal of office holders not appropriate
Local Government (Queen Street Mall) Act 1984-1990, s. 17	Brisbane City Council, with the Minister's prior approval	Decision to remove a nominated local member from the Queens Street Mall Advisory Committee	Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Boonah Shire Council (SS61) concerned at the threat to local government autonomy, submitted merits review not appropriate	Merits review for removal of office holders not appropriate
Local Government Superannuation Act 1985- 1990, s.20	Governor in Council	Decision to remove a member from the Local Government Superannuation Board	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	Merits review for removal of office holders not appropriate

APPENDIX 72.50

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Queensland Building Services Authority Act 1991-1992, s.10(6)(g)	Governor in Council	Decision to remove a member from the Queensland Building Services Board	Dept Housing (SS37) submitted general objections to merits review of Governor in Councils' decision. PSMC (SS45) opposed merits review of decisions to remove office holders. Qld Building Services Authority (SS16) and Builders Registration Board (SS27) submitted merits review not appropriate	Merits review for removal of office holders not appropriate
Queensland Building Services Authority Act 1991, s.77(4)	Governor in Council	Decision to remove a member from the Queensland Building Tribunal	Dept Housing (SS37) submitted general objections to merits review of Governor in Councils' decision. PSMC (SS45) opposed merits review of decisions to remove office holders. Qld Building Services Authority (SS16) and Builders Registration Board (SS27) submitted merits review not appropriate	Merits review for removal of office holders not appropriate
State Housing Act 1945-1992, s.10B	Governor in Council	Decision to terminate an agency of the Queensland Housing Commission	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed	-

APPENDIX 72.51

Portfolio: Housing, Local Government and Planning

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Townsville City Council (Sale of Land) Act, 1973-1976 s.6(1) & (2)	Governor in Council	Decision to approve or withhold hold approval for the sale of lots and to impose terms and conditions on the sale	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	-
Townsville City Council (Sale of Land) Act, 1973-1976 s.6(3)	Governor in Council	Decision to vary the terms and conditions imposed under s.6(2) or to revoke the approval	Dept Housing (SS37) submitted no need for merits review as Act to be reviewed and also as decision of Governor in Council	-

APPENDIX 72.52

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Departmental Submission	Commission's Comments
Anti-Discrimination Act 1991-1992, s.243(1)	Governor in Council	Decision to terminate the appointment of the Anti-Discrimination Commissioner	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision	Merits review for removal of office holders not appropriate
Anti-Discrimination Act 1991-1992, s.255(1)	Governor in Council	Decision to terminate the appointment of a member of the Anti-Discrimination Tribunal	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision	Merits review for removal of office holders not appropriate
Courts of Conciliation Act 1892-1988, s.4	Governor in Council	Decision to remove a Stipendiary Magistrate from office	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision	Merits review for removal of office holders not appropriate
Director of Prosecutions Act 1984-1990, s. 6(2) & s.6(3)	Governor in Council	Decision to remove Director of Prosecutions	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision	Merits review for removal of office holders not appropriate
Director of Prosecutions Act 1984-1990, s.22(1)	Governor in Council	Decision to remove Deputy Director of Prosecutions or Crown Prosecutor, to reduce salary, to require that a sum be paid or to direct that person be reprimanded or cautioned	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision	Merits review for removal of office holders not appropriate

APPENDIX 72.53

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Departmental Submission	Commission's Comments
Law Reform Commission Act 1968-1991, s.7	Governor in Council	Decision to remove a member from the Law Reform Commission	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision	Merits review for removal of office holders not appropriate
Legal Aid Act 1978-1991, s.11(3)	Legal Aid Commission of Queensland	Decision or refusal to grant financial assistance to voluntary legal aid bodies	Legal Aid Office (SS21) agreed merits review not appropriate	-
Legal Aid Act 1978-1991, s.27(4B)(a) & s.29(2A)	Legal Aid Commission of Queensland	Decision or refusal to grant legal aid and the imposition of conditions	Legal Aid Office (SS21) agreed merits review not appropriate	-
Legal Aid Act 1978-1991, s.27(4B)(b) & s.29(2A)	Legal Aid Commission of Queensland	Decision to (i) suspend legal aid pending the completion of relevant investigations; (ii) terminate legal aid; (iii) alter the nature and extent of legal aid; (iv) impose conditions; or (v) alter any condition	Legal Aid Office (SS21) agreed merits review not appropriate	-
Legal Aid Act 1978-1991, s.31(2)	Legal Aid Commission of Queensland	Decision to require a legally aided person to pay a charge determined by the Commission	Legal Aid Office (SS21) agreed merits review not appropriate	-



APPENDIX 72.54

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Departmental Submission	Commission's Comments
Legal Aid Act 1978-1991, s.31(3)	Legal Aid Commission of Queensland	Decision as to special circumstances in which legal aid shall not be provided to a person	Legal Aid Office (SS21) agreed merits review not appropriate	-
Legal Aid Act 1978-1991, s.34A(3)	Legal Aid Commission of Queensland	Decision that interest shall be payable on amount that a legally assisted person is liable to pay to the Commission	Legal Aid Office (SS21) agreed merits review not appropriate	-
Legal Aid Act 1978-1991, s.54(1)	Governor in Council	Decision to remove a Commissioner from the Legal Aid Commission of Queensland	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision. Legal Aid Office (SS21) agreed merits review appropriate	Merits review for removal of office holders not appropriate
Legal Aid Act 1978-1991, s.55(3)	Minister	Decision to terminate the appointment of Acting Chairman of the Legal Aid Commission of Queensland	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision. Legal Aid Office (SS21) agreed merits review appropriate	Merits review for removal of office holders not appropriate
Legal Aid Act 1978-1991, s.59(2)	Governor in Council	Decision to remove a statutory officer from the Legal Aid Commission of Queensland	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision. Legal Aid Office (SS21) agreed merits review appropriate	Merits review for removal of office holders not appropriate

APPENDIX 72.55

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Departmental Submission	Commission's Comments
Legal Aid Act 1978-1991, s.61(3)	Governor in Council	Decision to terminate the appointment of a person to act in the office of a statutory officer of the Legal Aid Commission of Queensland	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision. Legal Aid Office (SS21) agreed merits review appropriate	Merits review for removal of office holders not appropriate
Legal Aid Act 1978-1991, s.67(1)	Legal Aid Commission of Queensland	Decision to remove a member from a Legal Aid Committee	Legal Aid Office (SS21) agreed merits review appropriate	Merits review for removal of office holders not appropriate
Legal Aid Act 1978-1991, s.67(1)	Legal Aid Commission of Queensland	Decision to remove a member from a Review Committee	Legal Aid Office (SS21) agreed merits review appropriate	Merits review for removal of office holders not appropriate
Public Trustee Act 1978-1991, s.50(1)	Public Trustee	Decision or refusal to pay or apply trust moneys for the maintenance, education or benefit of an infant beneficiary	Public Trust Office (SS14) submitted that as a commercial competitive activity it should be exempt and review by the courts available	Refer to the discussion of the decisions of certain decision-makers not being reviewable in Chapter 6 of the Report
Public Trustee Act 1978-1991, s.51	Public Trustee	Decision to retain on trust, property of a mentally incapable beneficiary	Public Trust Office (SS14) submitted that as a commercial competitive activity it should be exempt and review by the courts available	See entry for s.50(1) of the same Act

APPENDIX 72.56

Portfolio: Justice and Attorney-General and The Arts

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Departmental Submission	Commission's Comments
Public Trustee Act 1978-1991, s.54(1)	Public Trustee	Decision or refusal to pay, or transfer residue of an intestate estate not exceeding \$5000, to spouse of intestate	Public Trust Office (SS14) submitted that as a commercial competitive activity it should be exempt and review by the courts available	-
Public Trustee Act 1978-1991, s.54(2)	Public Trustee	Decision or refusal to pay or transfer to the spouse the next-of-kin's share of an intestate estate where three years have lapsed since death and existence of next-of-kin has not been established	Public Trust Office (SS14) submitted that as a commercial competitive activity it should be exempt and review by the courts available	-
Royal Queensland Theatre Company Act 1970-1990, s.12(2)	Governor in Council	Decision to remove a member of the Board	PSMC (SS45) opposed merits review of decisions to remove office holders. Dept Premier (SS30) submitted appropriate for merits review	Merits review for removal of office holders not appropriate
Special Prosecutor Act 1988-1990 s.5(2)	Governor in Council	Decision to terminate the appointment of the Special Prosecutor	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision	Merits review for removal of office holders not appropriate
Solicitor-General Act 1985-1990 s.17(3) & s.17(4)	Governor in Council	Decision to terminate the appointment of the Solicitor-General	Dept Attorney-General (SS31) submitted that not appropriate for merits review as important policy decision	Merits review for removal of office holders not appropriate

APPENDIX 72.57

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Aboriginal Land Act 1991-1992, s.5.03(2)(a), 3.02(2)(a)	Minister	Decision to remove or suspend trustees of Aboriginal land	Dept Lands (SS38) agreed appropriate for merits review. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Aboriginal Land Act 1991-1992, s.8.05	Governor in Council	Decision to terminate the appointment of a member of the Land Tribunal	Dept Lands (SS38) disagreed with this being reviewable on the merits. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Acquisition of Land Act 1967-1992, s.8	Constructing Authority	Decision as to objection to notice of intention to resume land	Qld Govt Depts' (S44) submitted this decision for inclusion as an appeal right	The Commission considers the objection process to be part of the original decision-making process
Acquisition of Land Act 1967-1992, s. 9(6)	Governor in Council	Decision to acquire land required by the Crown or by a constructing authority other than the Brisbane City Council or an approved Local Authority, following the lodgements of an objection to acquisition	Dept Lands (SS38) disagreed with this being reviewable on the merits. Teviot Residents against the Dam (S14) submitted urgent need for merits review of decisions to acquire land	

APPENDIX 72.58

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Acquisition of Land Act 1967-1992, s.10(2) & (5)	Brisbane City Council or a Local Authority with approval of Governor in Council	Decision to acquire land required by the Brisbane City Council or by a Local Authority, following the lodgement of an objection to an acquisition	Dept Lands (SS38) disagreed with this being reviewable on the merits. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level. Teviot Residents against the Dam (S14) submitted urgent need for merits review of decisions to acquire land	-
Brigalow and Other Lands Development Act 1962-1992, s.5(1)	Governor in Council	Decision to acquire land in a declared area for purposes of the Act	Dept Lands (SS39) submitted Act to be repealed by 1994	-
Building Units and Group Titles Act 1980-1992, s. 9(11)	Registrar of Titles	Decision to require proof as to the time of commencement of construction of the building	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Building Units and Group Titles Act 1980-1992, s.106	Referee	Order under Part V relating to a dispute under the Act	Dept Lands in Qld Govt Depts' submission (S44), S McCracken (SS62) and S Hughes (SS60) suggested the inclusion of this appeal right which had been omitted from Appendix B	The Commission does not consider this to be a review of an administrative decision but rather a review of an adjudicative decision

APPENDIX 72.59

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s. 7	Governor in Council	Decision to issue or refusal to issue in the name of a deceased person, a Crown grant or a Crown lease, where deceased would have been so entitled if still alive	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s. 9(1)	Governor in Council	Decision to reserve the right to resume for public purposes an area equal to the area of a closed road on payment of a specified amount per hectare	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s. 24(4)	Minister, member of the Land Commission or Authorised Person	Decision to enter any land including freehold land and make inspections	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended"	-
Land Act 1962-1992, s. 33	Governor in Council	Decision to suspend a member of the Land Court	PSMC (SS45) opposed merits review of decisions to remove office holders. Dept Lands (SS38) disagreed with this being reviewable on the merits	Merits review for removal of office holders not appropriate
Land Act 1962-1992, s. 78(2) & (3)	Minister	Decision or refusal to grant an occupation licence and to impose conditions	Dept Lands (SS38) disagreed with this being reviewable on the merits. MIM (SS9) submitted not suitable for merits review as an exercise of Crown prerogative	-

APPENDIX 72.60

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.101(1)	Land Court	Decision to approve or reject an application accepted by the Committee of Review to select land	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended"	-
Land Act 1962-1992, s.147A(5)	Governor in Council	Decision or refusal to consent to transfer of a deed of grant in fee simple of grazing homestead freeholding lease land to a corporation or to a natural person in trust for a corporation	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.157(3)	Minister	Decision to offer new lease as: (a) a pastoral holding, a preferential pastoral holding or a pastoral development holding; or (b) a grazing homestead perpetual lease, or (c) a special lease	Dept Lands (SS38) disagreed with this being reviewable on the merits. MIM (SS9) submitted not suitable for merits review as an exercise of Crown prerogative	-
Land Act 1962-1992, s.159A(1)	Minister with approval of Governor in Council	Decision to extend an expired lease for up to nine months and to impose conditions	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.193(1)	Minister	Decision to extend time for lessee to notify the Minister	Dept Lands (SS38) disagreed with this being reviewable on the merits	-

APPENDIX 72.61

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.204	Minister with approval of Governor in Council	Decision to issue a person a special lease of (a) Crown Land; (b) Land reserved for public purposes, and to impose conditions	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.207K	Governor in Council	Decision to sell to a special lease lessee an estate in fee simple	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.207N	Governor in Council	Decision to grant a perpetual lease to a lessee of a special lease	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.208(1)(f) & (g)	Governor in Council	Decision to sell and grant in fee simple certain Crown Land or to grant a perpetual town lease, a perpetual suburban lease or perpetual country lease of Crown land in special cases	Dept Lands (SS38) disagreed with this being reviewable on the merits	-



APPENDIX 72.62

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.210(1)	Governor in Council	Decision or refusal to issue a perpetual town lease, perpetual suburban lease or perpetual country lease of Crown Land to a person who has effected or proposes to effect substantial improvement for manufacturing or industry or for accommodating and providing recreational and other facilities for tourists and to impose conditions	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.210(5)	Minister	Decision as to whether a site needs investigation and development by the lessee (resulting in the setting of the first rental period and a decision to determine the annual rent)	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.211	Governor in Council	Decision as to whether the area of land sold is too small to warrant the issue of a deed of grant, to accept surrender of a deed of grant and that there be issued for land sold plus land surrendered a fresh deed of grant	Dept Lands (SS38) disagreed with this being reviewable on the merits	-

APPENDIX 72.63

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.214	Governor in Council	Decision or refusal to grant a development lease of land above, below or partly above or below the high water mark for a term not exceeding 30 years and to impose conditions	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.214A	Minister with approval of Governor in Council	Decision or refusal to extend the term of a development lease for a term of not more than 75 years	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.215	Governor in Council	Decision to impose conditions of specified types on a development lease	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.217(2)	Governor in Council	Decision or refusal to reduce the amount recoverable on the security to that sufficient to cover performance of the unperformed conditions of the lease	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.219	Authorised Person	Decision to enter, inspect and examine any land comprised in a development lease	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended"	-

APPENDIX 72.64

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Land Act 1962-1992, s.220	Minister and Local Authority	Decision as to whether satisfied as to the maintenance of any road, bridge, viaduct or other works by a lessee of a development lease	Dept Lands (SS38) disagreed with this being reviewable on the merits. MIM (SS9) submitted appropriate for merits review	-
Land Act 1962-1992, s.269	Governor in Council	Decision or refusal to issue a lease of Crown Land (other than land that constitutes or exceeds a living area) under grazing, homestead, perpetual lease or pastoral lease tenure, as an additional area to a subsisting grazing homestead, perpetual lease or pastoral lease	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.302	Governor in Council	Decision to forfeit all holdings of a person owing to evasion or fraud in acquiring one holding	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.333	Minister	Decision to approve or refusal to approve the surrender of a lease	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Land Act 1962-1992, s.363(3)	Governor in Council	Decision to refuse or approve an application to close a public road	Dept Lands (SS38) disagreed with this being reviewable on the merits	-

APPENDIX 72.65

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Miners' Homestead Leases Act 1913-1992, s.21	Governor in Council	Decision or refusal to approve the issue of a miner's perpetual lease or a miner's homestead lease and to impose conditions	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Miners' Homestead Leases Act 1913-1992, s.32(2)	Governor in Council	Decision to declare a lease forfeited for non-payment of rent	Dept Land (SS38) disagreed with this being reviewable on the merits as there is a right of appeal for forfeiture for any cause other than non-payment of rent	-
Mining Titles Freeholding Act 1980-1992, s.5	Governor in Council	Decision or refusal to grant in fee simple, land comprised in a miner's homestead lease, or grant in fee simple, or by way of lease, land comprised in a miner's homestead perpetual lease, business area or residence area	Dept Lands (SS38) submitted not appropriate for merits review	-
Rural Lands Protection Act 1985-1992, s. 15	Governor in Council	Decision to declare any road to be a stock route	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s. 22(2)(c) & s.23(2)(c)	Governor in Council	Decision to remove the chairman or a member from the Rural Lands Protection Board	Dept Lands (SS38) disagreed with this being reviewable on the merits. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.66

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s. 38(2)(c)	Governor in Council	Decision to remove a member from the Darling Downs-Moreton Rabbit Board	Dept Lands (SS38) disagreed with this being reviewable on the merits. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Rural Lands Protection Act 1985-1992, s. 63(1)	Authorised Person or the Local Authority	Decision to direct the mustering of stock to determine whether a stock route paddock is overstocked	Dept Lands (SS38) disagreed with this being reviewable on the merits. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Rural Lands Protection Act 1985-1992, s. 63(2)	Local Authority	Decision to enter and muster stock following non-compliance with a direction to muster	Dept Lands (SS38) disagreed with this being reviewable on the merits. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Rural Lands Protection Act 1985-1992, s. 81	Local Authority, Authorised Person or inspector	Decision to serve on the occupier or the owner of land, or both a notice directing that declared plants or declared animals on the land be controlled	Dept Lands (SS38) disagreed with this being reviewable on the merits. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-

APPENDIX 72.67

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s. 83	Local Authority or Executive Director	Decision to enter land and to endeavour to carry out the requirements of the direction	Dept Lands (SS38) disagreed with this being reviewable on the merits. Pine Rivers Shire Council (SS71) submitted additional rights of review not justified at the Local Authority level	-
Rural Lands Protection Act 1985-1992, s. 85A	Executive Director	Decision to direct any person to enter any land to carry out necessary work to control declared animals where a plague exists or is likely to occur	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended"	-
Rural Lands Protection Act 1985-1992, s. 93(1)	An authorised person or inspector	Decision to seize a declared plant and other items	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s. 93(2) & (3)	Executive Director	Decision to direct that declared plant and other items be destroyed or otherwise dealt with	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s.102	An authorised person or inspector authorised by the Executive Director	Decision to stop, search and inspect any transport to ascertain evidence of the transporting of any declared plant or animal	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended"	-

APPENDIX 72.68

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s.103	An authorised person or inspector authorised by the Executive Director	Decision to require spraying or sterilisation of any land, premises or transport	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s.106	Inspector	Decision to direct an occupier of land to destroy extraordinarily noxious plants	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s.108	An authorised person authorised by the Executive Director	Decision to enter land and carry out the requirements of a notice to destroy any extraordinarily noxious plants	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s.112	Minister on recommendation of Rural Lands Protection Board	Decision to prohibit removal of materials from land infested by an extraordinarily noxious plant	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s.116	Inspector	Decision to seize materials from, or require return of materials to, land infested by extraordinarily noxious plants	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s.117	Inspector	Decision to enter any land and inspect such land	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended"	-

APPENDIX 72.69

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s.118	Inspector	Decision to search a vehicle to ascertain whether it contains material removed from land containing an extraordinarily noxious plant or whether any extraordinarily noxious plant is on that vehicle	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended"	-
Rural Lands Protection Act 1985-1992, s.119	Inspector	Decision to require a person in control of land, premises or transport in which material from land containing an extraordinarily noxious plant or in which the extraordinarily noxious plant is located, to spray, wash or sterilise that location	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s.150	Darling Downs - Moreton Rabbit Board	Decision to serve notice on an owner or occupier of land requiring action to be taken to make land free from rabbits by a specified date	Dept Lands (SS38) disagreed with this being reviewable on the merits	-
Rural Lands Protection Act 1985-1992, s.152	A person authorised by the Darling Downs-Moreton Rabbit Board	Decision to enter land and carry out requirements of notice under s.150 to remove rabbits from the land	Dept Lands (SS38) disagreed with this being reviewable on the merits	-



APPENDIX 72.70

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Rural Lands Protection Act 1985-1992, s.159	Rabbit Control Officer	Decision to enter land with or without a warrant to check for rabbits	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended"	-
Rural Lands Protection Act 1985-1992, s.236	Member of the Police Service, Officer of the Lands Department or an Officer of a Local Authority	Decision to destroy a stray dog not in custody, protection or control of a person	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended". Qld Police Service (SS39) submitted appropriate for merits review	-
Rural Lands Protection Act 1985-1992, s.237(5)	Member of the Police Service, Officer of the Lands Department or an Officer of a Local Authority	Decision to destroy an unregistered dog	Dept Lands (SS38) agreed with the Commission's recommendation "No review recommended". Qld Police Service (SS39) submitted appropriate for merits review	-
Surveyors Act 1977-1992, s.35	Surveyors Board of Queensland	Decision to remove an examiner from office	Surveyors Board (SS47) submitted merits review inappropriate as decision relating to policy. Dept Lands (SS38) disagreed with this being reviewable on the merits. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.71

Portfolio: Lands

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Torres Strait Islander Land Act 1991-1992, s.3.02(2)	Minister	Decision to remove or suspend a trustee appointed for the benefit of Torres Strait Islanders	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Valuers Registration Act 1992, s.12(1)	Governor in Council	Decision to remove a member from the Valuers Registration Board of Queensland	Dept Lands (SS38) disagreed with this being reviewable on the merits. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.72

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Coal Industry (Control) Act 1948-1991, s.13(g)	Governor in Council	Decision to remove a member from the Queensland Coal Board	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Coal Mining Act 1925-1991, s.38	Coal Mines Drainage Board	Decision to require the owner of a coal mine to drain a mine and to construct necessary works	Qld Mining Council (SS50) agreed merits review by a general tribunal appropriate	-
Coal Mining Act 1925-1991, s.58	Board of Examiners	Decision to cancel a certificate improperly obtained	Qld Mining Council (SS50) and MIM (SS9) submitted appropriate for merits review. Dept Minerals & Energy (SS57) submitted not appropriate	-
Coal Mining Act 1925-1991, s.59	Minister	Decision to direct that a person be appointed to assist the manager in supervision of a coal mine	MIM (SS9) submitted appropriate for merits review. Qld Mining Council (SS50) and Dept Minerals & Energy (SS57) agreed not appropriate for merits review	-
Coal Mining Act 1925-1991, s.63	Inspector	Decision to enter, inspect, obtain statements etc.	Qld Mining Council (SS50) and MIM (SS9) submitted appropriate for merits review. Dept Minerals & Energy (SS57) submitted not appropriate	-

APPENDIX 72.73

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Coal Mining Act 1925-1991, s.64(1) & (2)	Warden, Government Geologist, Assistant Government Geologist, Officer of the Department of Minerals and Energy or Surveyor	Decision to enter and inspect a coal mine	Dept Minerals & Energy (SS57), Qld Mining Council (SS50) and MIM (SS9) agreed not appropriate for merits review	-
Coal Mining Act 1925-1991, s.67	Warden	Decision to appoint two competent persons to inspect a mine and to order the mine owner to take action for safety reasons	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted appropriate	-
Coal Mining Act 1925-1991, s.70(1)	Minister	Decision to terminate the appointment of a miners' officer	Dept Minerals & Energy (SS57) submitted not appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted appropriate	-
Coal Mining Act 1925-1991, s.89	Warden	Decision to authorise a permit to enter and inspect a mine	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) agreed not appropriate for merits review	-

APPENDIX 72.74

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Coal Mining Act 1925-1991, s.96	Governor in Council	Decision to suspend operation or vary observance of a general rule in respect of a particular coal mine or to terminate the suspension	Dept Minerals & Energy (SS57) submitted appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as decision of Governor in General	-
Coal Mining Act 1925-1991, s.97	Governor in Council	Decision to rescind, amend, add to or otherwise modify the application of a special rule to a particular coal mine	Dept Minerals & Energy (SS57) submitted appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as decision of Governor in	-
Electricity Act 1976-1992, s. 18(3)	Governor in Council	Decision to remove the Commissioner or the Deputy Commissioner from the State Electricity Commission of Queensland	Dept Minerals & Energy (SS57) submitted appropriate for merits review	Merits review for removal of office holders not appropriate
Electricity Act 1976-1992, s. 36B(a)	Queensland Electricity Commission	Decision or refusal to register or approve electrical articles, or to prohibit their use or sale	Dept Minerals & Energy (SS57) and QEC (SS57) submitted not appropriate for merits review	Mutual Recognition Act 1992 (Cwlth) may provide a right to review by the Commonwealth AAT
Electricity Act 1976-1992, s. 36B(e)	Queensland Electricity Commission	Decision or refusal to register cathodic protection systems	Dept Minerals & Energy (SS57) and QEC (SS57) submitted not appropriate for merits review	Mutual Recognition Act 1992 (Cwlth) may provide a right to review by the Commonwealth AAT

APPENDIX 72.75

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Electricity Act 1976-1992, s.119(1)	Governor in Council	Decision to dismiss a member from an Electricity Board	QEC (SS57) submitted not appropriate for merits review as internal management matter. PSMC (SS45) opposed merits review of decisions to remove office holders. SWQEB (SS25) submitted absolute decision of G.I.C. so no review recommended	Merits review for removal of office holders not appropriate
Electricity Act 1976-1992, s.120(6)	Minister	Decision to remove any disability imposed by s.120 and to impose conditions	QEC (SS57) submitted not appropriate for merits review as internal management matter	-
Electricity Act 1976-1992, s.124(2)	Governor in Council	Decision to remove the General Manager from an Electricity Board	QEC (SS57) submitted not appropriate for merits review as internal management matter. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Electricity Act 1976-1992, s.204(2)	Electricity Authority	Decision to enter upon land on which there are any electricity lines or works of the Electricity Authority	SWQEB (SS25) and QEC (SS57) agreed appropriate that no review recommended	-
Electricity Act 1976-1992, s.357(1)	Governor in Council	Decision to remove the Chairman or a member of the Superannuation Board	QEC (SS57) submitted not appropriate for merits review as internal management matter	Merits review for removal of office holders not appropriate

APPENDIX 72.76

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Electricity Act Amendment Act 1984-1989, Schedule Cl.6	Governor in Council	Decision to remove the General Manager from the Queensland Electricity Commission	QEC (SS57) submitted not appropriate for merits review as internal management matter	Merits review for removal of office holders not appropriate
Gas Act 1965-1990, s.11B	Governor in Council	Decision or refusal to declare a gas supplier entitled to supply bulk LPG in a designated area	Dept Minerals & Energy (SS57) submitted not appropriate for merits review	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.12A & s.20(3)	Governor in Council by Order in Council	Decision or refusal to grant a franchise to establish a gas reticulation system, or an extension of a gas franchise outside an area, and to impose conditions	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.15	Governor in Council by Order in Council	Decision to cancel a franchise and grant a new franchise for an area	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.16	Governor in Council by Order in Council	Decision or refusal to authorise supply of gas outside a franchise area	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility

APPENDIX 72.77

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Gas Act 1965-1990, s.17	Governor in Council	Decision as to amount of compensation to be payable by the holder of a franchise granted in lieu of a cancelled franchise	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.18	Governor in Council by Order in Council	Decision or refusal to approve the disposal of a franchise or a reticulation system	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.19	Governor in Council by Order in Council	Decision to accept or reject surrender of a franchise or to cancel a franchise	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.20	Governor in Council	Decision to prescribe which provisions of Schedule II of the Act are to apply to a reticulation system	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility



APPENDIX 72.78

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Gas Act 1965-1990, s.30(2)	Governor in Council	Decision to extend a gas franchise area	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.32	Governor in Council	Decision to direct a gas supplier to supply or use a particular type of feed stock to supply its gas	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.36	Governor in Council	Decision or refusal to grant a gas supplier's licence and to vary licence	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.39	Governor in Council	Decision to cancel a gas supplier's licence	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility

APPENDIX 72.79

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Gas Act 1965-1990, s.43	Governor in Council	Decision or refusal to approve the making of a contract by a gas supplier	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.44	Governor in Council	Decision as to the insufficiency of supply of gas in an area and the exercising of powers to ensure a supply	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Gas Act 1965-1990, s.52C	Governor in Council by Order in Council	Decision to authorise a person other than the franchise holder to construct or maintain a gas pipe in a franchised area	Dept Minerals & Energy (SS57) submitted appropriate for merits review by a general tribunal	Merits review not appropriate. Major commercial decision for which government takes political responsibility
Liquid Fuel Supply Act 1984-1988, s.37	Minister	Decision to require a person to furnish information	Dept Minerals & Energy (SS57) agreed appropriate that no review recommended	-
Liquid Fuel Supply Act 1984-1988, s.37	Authorised Person	Decision to enter, inspect, demand the opening of storage receptacles, examine, seize and retain any item	Dept Minerals & Energy (SS57) submitted not appropriate for merits review	-

APPENDIX 72.80

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 3.11	Mining Registrar	Decision to retain security deposited for a further prospecting permit instead of making a refund	MIM (SS9) submitted appropriate for merits review. Dept Minerals & Energy (SS57) and Qld Mining Council (SS50) agreed not appropriate for merits review	-
Mineral Resources Act 1989-1992, s. 4. 7 & s.4.27(2)	Governor in Council	Decision or refusal to consent to a mining claim being granted over a "reserve"	Dept Minerals & Energy (SS57) and Qld Mining Council (SS50) submitted not appropriate for merits review	-
Mineral Resources Act 1989-1992, s. 5. 7(1)	Minister	Decision as to whether exceptional circumstances exist so that land and the surface of the land in a mining claim, mineral development licence or mining lease or any application for any of these, is to be excluded from the land in an exploration permit	MIM (SS9), Qld Mining Council (SS50) and Dept Minerals & Energy (SS57) submitted not appropriate for merits review.	-
Mineral Resources Act 1989-1992, s. 5.18	Minister	Decision as to whether the initial term of a permit should be longer or shorter than the standard five years	MIM (SS9), Qld Mining Council (SS50) and Dept Minerals & Energy (SS57) submitted not appropriate for merits review.	-
Mineral Resources Act 1989-1992, s. 5.21 & s.5.22	Minister	Decision or refusal to correct an instrument of exploration permit or to replace an exploration permit	Qld Mining Council (SS50) submitted merits review by a general tribunal appropriate	-

APPENDIX 72.81

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 6.11(1)	Minister	Decision as to the amount of security required for the granting or renewal of a mineral development licence	MIM (SS9), Qld Mining Council (SS50) and Dept Minerals & Energy (SS57) submitted not appropriate for merits review.	-
Mineral Resources Act 1989-1992, s. 6.11(3)	Minister	Decision to utilise whole or part of amount of security to rectify damage	MIM (SS9), Qld Mining Council (SS50) and Dept Minerals & Energy (SS57) submitted appropriate for merits review.	-
Mineral Resources Act 1989-1992, s. 6.13	Minister	Decision as to the duration of initial term of a mineral development licence	MIM (SS9), Qld Mining Council (SS50) and Dept Minerals & Energy (SS57) submitted not	-
Mineral Resources Act 1989-1992, s. 6.36	Minister	Decision to determine availability of land for a prospecting permit, mining claim, explosive permit, mineral development lease or mining lease	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review	-

APPENDIX 72.82

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 7. 3	Governor in Council	Decision or refusal to grant a mining lease	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council. Stradbroke Island Management Organisation (SS2) submitted incorporated bodies should have a right to appeal to the Wardens Court from this decision	-
Mineral Resources Act 1989-1992, s. 7. 6	Governor in Council	Decision or refusal to grant consent to a mining lease over land that is a "reserve"	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-
Mineral Resources Act 1989-1992, s. 7.33(2)	Governor in Council	Decision to exempt the imposition of the conditions on mining leases in certain circumstances	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-

APPENDIX 72.83

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 7.41(1)	Governor in Council	Decision as to the appropriate period for the initial term of a mining lease	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-
Mineral Resources Act 1989-1992, s. 7.42	Governor in Council	Decision or refusal to grant a non-renewable mining licence	Dept Minerals & Energy (SS57) submitted appropriate for merits review. MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-
Mineral Resources Act 1989-1992, s. 7.43(3) & (4)	Governor in Council	Decision or refusal to grant an application for renewal of a mining lease	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-
Mineral Resources Act 1989-1992, s. 7.50	Governor in Council	Decision to vary a mining lease in certain circumstances	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-

APPENDIX 72.84

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mineral Resources Act 1989-1992, s. 7.54	Governor in Council	Decision or refusal to approve an application for the consolidation of mining leases	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-
Mineral Resources Act 1989-1992, s.10.14	Warden, Wardens Court or Authorised Person	Decision to enter land	Qld Mining Council (SS50) and MIM (SS9) agreed not appropriate for merits review	-
Mines Regulation Act 1964-1989, s.15	Warden, Government Geologist, Assistant Government Geologist with or without assistance	Decision to exercise any of the powers of an inspector (eg. power to enter)	Qld Mining Council (SS50) and MIM (SS9) agreed not appropriate for merits review	-
Mines Regulation Act 1964-1989, s.18(3) & s.23	Minister	Decision to terminate the appointment of any District or Local Workers' Representative	Qld Mining Council (SS50) and MIM (SS9) submitted appropriate for merits review. Dept Minerals & Energy (SS57) submitted not appropriate for merits review	-

APPENDIX 72.85

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Mines Regulation Act 1964-1989, s.53	Warden	Decision to authorise entry into mine	Dept Minerals and Energy (SS57), Qld Mining Council (SS50) and MIM (SS9) agreed not appropriate for merits review.	-
Petroleum Act 1923-1991, s. 9(1)(ii)	Governor in Council	Decision to grant or refuse to grant a petroleum lease not exceeding 260 sq km.	Dept Minerals & Energy (SS57) submitted grant should be to a qualified person. MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-
Petroleum Act 1923-1991, s. 9(2)	Governor in Council	Decision to declare an area not open to permits or leases	MIM (SS9) submitted not appropriate for merits review as decision of Governor in Council. Dept Minerals & Energy (SS57) submitted provision to be amended	-
Petroleum Act 1923-1991, s. 9A(5)(a) & (b)	Governor in Council	Decision or refusal to grant a lease of land declared not open to permits or leases under s.9(2) to the holder of an authority to prospect	MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-



APPENDIX 72.86

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.28	Governor in Council	Decision or refusal to grant a petroleum lease to the holder of an authority to prospect, the holder of a prospecting petroleum permit or to a nominated person	Dept Minerals & Energy (SS57) submitted that grant is a right for a qualified person. MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-
Petroleum Act 1923-1991, s.29A	Governor in Council	Decision or refusal to grant a lease to a person other than a holder of an authority to prospect or to the holder of a prospecting petroleum permit	Dept Minerals & Energy (SS57), MIM (SS9) and Qld Mining Council (SS50) submitted not appropriate for merits review as a decision of the Governor in Council	-
Petroleum Act 1923-1991, s.34(1)(b)	Minister	Decision as to the work required to be done in respect of a lease within any year	Dept Minerals & Energy (SS57) submitted legislation to be revised	-
Petroleum Act 1923-1991, s.34(1)(c)	Minister	Decision or refusal to exempt from s.34(1)(b)	Dept Minerals & Energy (SS57) submitted not appropriate for merits review	-
Petroleum Act 1923-1991, s.38	Minister	Decision or refusal to consent to the surrender of lease	Dept Minerals & Energy (SS57) submitted legislation to be revised. MIM (SS9) submitted appropriate for merits review	-

APPENDIX 72.87

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Petroleum Act 1923-1991, s.45(1)	Governor in Council	Decision or refusal to grant a permit to construct and operate an oil refinery, and to impose conditions	Dept Minerals & Energy (SS57) submitted legislation to be revised. MIM (SS9) submitted not appropriate for merits review as decision of Governor in Council	-
Petroleum Act 1923-1991, s.45(3)	Governor in Council	Decision or refusal to grant a licence to construct and operate a pipeline, to impose conditions and a decision to cancel a licence	Dept Minerals & Energy (SS57) submitted not appropriate for merits review as decision based on technical and economic parameters. MIM (SS9) submitted not appropriate for merits review as decision of Governor in Council	-
Petroleum Act 1923-1991, s.45A(2)	Governor in Council	Decision or refusal to grant a licensee a lease, easement or right of way over Crown Land to the holder of a refinery or prospecting lease	Dept Minerals & Energy (SS57) submitted not appropriate for merits review as decision based on technical and economic parameters. MIM (SS9) submitted not appropriate for merits review as decision of Governor in Council	-

APPENDIX 72.88

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Petroleum (Submerged Lands) Act 1982-1989, s. 18	Minister	Declaration that a specified "block" (not presently the subject of a permit or licence or over or in which there is a pipeline) is not to be available for a permit, licence, special prospecting authority, access authority or pipeline licence	MIM (SS9) submitted not appropriate for merits review. Dept Minerals & Energy (SS57) submitted not appropriate for merits review as decision based on technical and economic parameters	-
Petroleum (Submerged Lands) Act 1982-1989, s. 22(1)	Minister	Decision or refusal to grant an exploration permit for petroleum over advertised "block" or "blocks" and the imposition of conditions on the grant	MIM (SS9) submitted not appropriate for merits review. Dept Minerals & Energy (SS57) submitted not appropriate for merits review as decision based on technical and economic parameters	-
Petroleum (Submerged Lands) Act 1982-1989, s. 23 & s.27	Minister	Decision or refusal to grant an exploration permit over a "block" or "blocks" in respect of which a previous licence or permit has been surrendered or cancelled, to the highest bidder that meets the requirements and the imposition of conditions on the grant	MIM (SS9) submitted not appropriate for merits review. Dept Minerals & Energy (SS57) submitted not appropriate for merits review as decision based on technical and economic parameters	-

APPENDIX 72.89

Portfolio: Minerals and Energy

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
<p>Petroleum (Submerged Lands) Act 1982-1989, s.123</p>	<p>Minister</p>	<p>Decision or refusal to consent to the carrying on in an adjacent area of petroleum exploration operations in the course of a scientific investigation</p>	<p>MIM (SS9) submitted not appropriate for merits review.                      Dept Minerals &amp; Energy (SS57) submitted not appropriate for merits review as decision based on technical and economic parameters</p>	<p>-</p>

APPENDIX 72.90

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Drugs Misuse Act 1986-1992, s.32(6)	Minister	Decision to give a written direction, upon the forfeiture to the Crown of a dangerous drug, for its destruction, disposal or retention by any person	Qld Police Service (SS39) agreed with the Commission's recommendation "No review recommended"	-
Drugs Misuse Act 1986-1992, s.36(4)(a)	Minister	Decision to direct the Registrar of Titles, Registrar of Dealings or any other person charged with the keeping of registers to record, in relation to property forfeited to the Crown, that the Public Trustee of Queensland is to become the trustee of the property for and on behalf of the Crown	Qld Police Service (SS39) submitted merits review appropriate. CJC (SS67) submitted merits review not appropriate	-
National Crime Authority (State Provisions) Act 1985-1990, s. 5(1)	Minister with approval of Inter-Governmental Committee	Decision to refer a matter relating to a relevant criminal activity to the National Crime Authority	Qld Police Service (SS39) agreed with the Commission's recommendation "No review recommended"	-
National Crime Authority (State Provisions) Act 1985-1990, s. 5(5)	Minister	Decision to withdraw a reference of a matter referred to the National Crime Authority	Qld Police Service (SS39) agreed with the Commission's recommendation "No review recommended"	-
National Crime Authority (State Provisions) Act 1985-1990, s.16(1)	National Crime Authority	Decision to hold a hearing for the purposes of a special investigation	Qld Police Service (SS39) agreed with the Commission's recommendation "No review recommended"	-

APPENDIX 72.91

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Police Service Administration Act 1990-1992, s. 4.5(4)(a) & (b)	Governor in Council on recommendation of Minister in which Chairperson of the Criminal Justice Commission concurs; (or in default thereof, the Governor, on an address from the Legislative Assembly praying for the Commissioner's removal from office)	Decision to remove the Commissioner of the Police Service	Qld Police Service (SS39) submitted merits review not appropriate. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Police Service Administration Act 1990-1992, s. 4.5(5)	Governor in Council	Decision to suspend from office the Commissioner of the Police Service	Qld Police Service (SS39) submitted merits review not appropriate. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Police Service Administration Act 1990-1992, s.10. 4(2)	Commissioner of Police	Decision to reject and direct that no action be taken in relation to a report or complaint made, or information furnished on the basis that it appears frivolous or vexatious	Qld Police Service (SS39) agreed with the Commission's recommendation "No review recommended"	-

APPENDIX 72.92

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Police Service Administration Act 1990-1992, s.10.18	Commissioner of Police	Decision or refusal to consent to the use of certain names suggesting association with police for a body or association of persons	Qld Police Service (SS39) submitted merits review not appropriate	-
Public Safety Preservation Act 1986, s. 5(1)	Commissioned Officer (member of Police Service of Queensland of or above rank of Inspector)	Decision to declare that a situation of emergency exists	Qld Police Service (SS39) agreed with the Commission's recommendation "No review recommended"	-
Public Safety Preservation Act 1986, s. 8	Incident Co-ordinator or Acting Incident Co-ordinator	Decision to direct owner or person in charge of resource to surrender it, or take control of resource, direct exclusion of persons from premises, close area used for public access, enter and search premises and remove	Qld Police Service (SS39) agreed with the Commission's recommendation "No review recommended"	-
Vagrants, Gaming, and Other Offences Act 1931-1992, s. 6	Police Officer	Decision to seize any animal, vehicle or goods in the possession or use of a person charged with being a vagrant	Qld Police Service (SS39) submitted merits review not appropriate	-
Vagrants, Gaming, and Other Offences Act 1931-1992, s. 7A(2)	Member of the Police Service	Decision to seize a printing press or other machine	Qld Police Service (SS39) submitted merits review not appropriate	-

APPENDIX 72.93

Portfolio: Police and Emergency Services

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Vagrants, Gaming, and Other Offences Act 1931-1992, s.43	Officer in Charge of Police	Decision to take any particulars deemed necessary for the purposes of identification, including any photographs, finger prints, or palm prints	Qld Police Service (SS39) agreed with the Commission's recommendation "No review recommended"	-
Weapons Act 1990-1991, s.2.6	Officer in Charge of Police or Authorised Officer	Decision to make inquiries, require the furnishing of any information, require submission to an examination, furnish any report or make any recommendation in relation to an applicant for a licence for a weapon	Qld Police Service (SS39) submitted merits review not appropriate as not an administrative decision	-



APPENDIX 72.94

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Badge, Arms, Floral and other Emblems of Queensland Act 1959-1981, s.4	Queen, Governor in Council, or Premier and Minister for Economic and Trade Development	Decision or refusal to authorise the use of the Queensland Badge or Arms or any similar Badge of Arms	PSMC (SS45) submitted not appropriate for merits review	-
Crown Employees Act 1958, s.3	Governor in Council or authority or person having power to appoint	Decision or refusal to re-appoint to service a former member of Police Service, Railways or the holder of any other office, position or place under the Crown, who resigned from permanent service to contest unsuccessfully a Federal or Queensland election	Dept Premier (SS30) and Qld Police Service (SS39) submitted appropriate for merits review	-
Public Sector Management Commission Act 1990-1992, s.2. 9	Governor in Council on recommendation of Minister	Decision to remove a Commissioner of the PSMC	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Public Sector Management Commission Act 1990-1992, s.2.18	Minister	Decision to remove a member of an advisory board	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.95

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
State Development and Public Works Organisation Act 1971-1981, s.10(2)	Governor in Council	Decision to remove the Co-ordinator-General or Deputy Co-ordinator-General	MIM (SS9) submitted not appropriate for merits review as decision of the Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders. Dept Premier (SS30) submitted appropriate for merits review	Merits review for removal of office holders not appropriate
State Development and Public Works Organisation Act 1971-1981, s.32(2)	Governor in Council	Decision or refusal to declare a prescribed development, or to revoke a declaration made	Dept Premier (SS30) submitted not appropriate for merits review as "... intention of the Act is to expedite State development..."	-
State Development and Public Works Organisation Act 1971-1981, s.35	Governor in Council	Decision or refusal to approve an Infrastructure Co-ordination Plan	Dept Premier (SS30) submitted not appropriate for merits review as "... intention of the Act is to expedite State development..."	-
State Development and Public Works Organisation Act 1971-1981, s.36	Governor in Council and the Minister	Decision or refusal to approve a variation of an Infrastructure Co-ordination Plan	Dept Premier (SS30) submitted not appropriate for merits review as "... intention of the Act is to expedite State development..."	-
State Development and Public Works Organisation Act 1971-1981, s.40	Governor in Council	Decision or refusal to approve a proposed agreement for the purpose of financing and providing infrastructure	Dept Premier (SS30) submitted not appropriate for merits review as "... intention of the Act is to expedite State development..."	-

APPENDIX 72.96

Portfolio: Premier, Economic and Trade Development

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
State Development and Public Works Organisation Act 1971-1981, s.41	Governor in Council	Decision or refusal to approve a variation of a financing agreement	Dept Premier (SS30) submitted not appropriate for merits review as "... intention of the Act is to expedite State development..."	-
State Development and Public Works Organisation Act 1971-1981, s.72(2)	Governor in Council	Decision to remove a member from a Project Board	Dept Premier (SS30) submitted appropriate for merits review. MIM (SS9) submitted not appropriate for merits review as decision of the Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Treaties Commission Act 1974, s.4	Governor in Council	Decision to remove a member from the Treaties Commission	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.97

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Agricultural Chemicals Distribution Control Act 1966- 1983, s.28	Governor in Council by Order in Council	Decision to declare an area a hazardous area in which area the aerial or ground distribution of chemicals may be prohibited or controlled	Dept Primary Industries (SS22) seems to say appropriate for merits review if public health and safety considerations taken into account in review process	-
Agricultural Chemicals Distribution Control Act 1966- 1983, s.29	Governor in Council	Decision to direct the conditions for ground or aerial spraying of chemicals within a hazardous area	Dept Primary Industries (SS22) seems to say appropriate for merits review if public health and safety considerations taken into account in review process	-
Agricultural Standards Act 1952-1992, s. 9(3)	Governor in Council	Decision to remove a member from the Agricultural Requirements Board other than an ex officio member	Dept Primary Industries (SS22) not object to review on merits of decision. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.98

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Agricultural Standards Act 1952-1992, s.41(1)	Governor in Council or Minister	Decision to remove a member from the Seed Certification Committee or sub-Committee	Dept Primary Industries (SS22) not object to review on merits of decision. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Agricultural Standards Act 1952-1992, s.56	Governor in Council by Order in Council	Decision to declare an ingredient in an agricultural requirement to be a harmful ingredient and to limit the maximum amount of that ingredient to be in an agricultural requirement	Dept Primary Industries (SS22) seems to say not appropriate for merits review as strong policy element in the decision	-
Apiaries Act 1982, s.31(3)	Inspector	Decision to examine or detain any package suspected of containing bees, hives etc introduced into the State in contravention of s.31(1)	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Apiaries Act 1982, s.31(5)	Governor in Council	Decision to declare that s.31(1) does not apply to the entry of certain bees, bee products and appliances	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Apiaries Act 1982, s.31(8)	Chief Executive	Decision to direct the seizure or destruction of bees, bee products and appliances	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-

APPENDIX 72.99

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Apiaries Act 1982, s.32	Governor in Council by Order in Council	Decision to prohibit importation into Queensland of any bees, bee products and appliances or a decision to revoke or vary this exemption	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Apiaries Act 1982, s.33(1)	Inspector	Decision to declare a quarantine area	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Artificial Breeding of Stock Act 1979, s.12(2)	Minister	Decision to remove a member from an Advisory Committee	Dept Primary Industries (SS56) submitted Act to be repealed. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Banana Industry Protection Act 1989, s.8(3)	Governor in Council	Decision to remove a member from the Banana Industry Protection Board	Dept Primary Industries (SS22) not object to review on merits of decision. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Bread Industry Authority Act 1990, s.3.5(3)	Governor in Council	Decision to remove a member from the Bread Industry Authority	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate

APPENDIX 72.100

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Canned Fruits Marketing Act 1981-1988, s. 9(2)	Australian Canned Fruits Corporation	Decision to require a canner to set aside and identify canned fruits as being the absolute property of the Corporation	Dept Primary Industries (SS22) submitted corporation is a Commonwealth body and the Act is soon to expire	-
Canned Fruits Marketing Act 1981-1988, s.10(1)	Australian Canned Fruits Corporation	Decision that canned fruits the property of the Corporation but in control of the canner are unfit for human consumption, resulting in non- payment by the Corporation to the canner for that canned fruit	Dept Primary Industries (SS22) submitted corporation is a Commonwealth body and the Act is soon to expire	-
Canned Fruits Marketing Act 1981-1988, s.11(1)	Australian Canned Fruits Corporation	Decision or refusal to consent to movement, sale or delivery by a canner of canned fruit produced by that canner of canned fruit	Dept Primary Industries (SS22) submitted corporation is a Commonwealth body and the Act is soon to expire	-
Canned Fruits Marketing Act 1981-1988, s.13(3)	Australian Canned Fruits Corporation	Decision to determine the amount payable to each canner of fruit	Dept Primary Industries (SS22) submitted corporation is a Commonwealth body and the Act is soon to expire	-
Canned Fruits Marketing Act 1981-1988, s.17	Australian Canned Fruits Corporation with the approval of the Commonwealth Minister	Decision of refusal to make an advance payment to a canner for canned fruits acquired by the Corporation under the Act	Dept Primary Industries (SS22) submitted corporation is a Commonwealth body and the Act is soon to expire	-

APPENDIX 72.101

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Chemical Usage (Agricultural & Veterinary) Control Act 1988, s.13	Governor in Council on recommendation of Minister	Decision to prescribe a chemical or chemicals of a particular class	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Chemical Usage (Agricultural & Veterinary) Control Act 1988, s.14	Minister	Decision to direct the manufacturer, producer etc recall a chemical or a "prescribed substance"	Dept Primary Industries (SS22) submitted that appropriate for merits review if public health and safety considerations are taken into account in the review process	-
Chemical Usage (Agricultural & Veterinary) Control Act 1988, s.18	Minister	Decision to direct destruction or disposal of agricultural produce, manufactured stock food, plants or other substances which contain or are suspected of containing illegal chemical residues	Dept Primary Industries (SS22) submitted that appropriate for merits review if public health and safety considerations are taken into account in the review process	-
Chemical Usage (Agricultural & Veterinary) Control Act 1988, s.35	Minister	Decision or refusal to grant an exemption from compliance with the Act	Dept Primary Industries submission (SS22) seems to say that not appropriate for merits review as strong policy or scientific element in the decision	-
Chicken Meat Industry Committee Act 1976-1989 s.7(2)	Governor in Council	Decision to remove a member from the Chicken Meat Industry Committee	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate



APPENDIX 72.102

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
City of Brisbane Market Act 1960-1985, s.8(f)	Governor in Council	Decision to remove a member from the Brisbane Market Trust	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Dairy Industry Act 1989, s.13(3)	Governor in Council	Decision to remove a member from the Queensland Dairy Industry Authority	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Dairy Industry Act 1989, s.95(g)	Governor in Council	Decision to remove a member from the Dairy Industry Appeals Tribunal	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Diseases in Timber Act 1975-1992, s. 4(1)(b)	Governor in Council by Order in Council	Decision to declare an area where timber is infected as an infected area	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Diseases in Timber Act 1975-1992, s. 4(2)(a)	Governor in Council by Order in Council	Decision to prohibit the removal of timber of specified article from an infected area or to impose conditions	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Diseases in Timber Act 1975-1992, s. 4(2)(b)	Governor in Council	Decision to authorise the taking of measures to control the extermination, prevention or control of the dissemination of a timber disease	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-

APPENDIX 72.103

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Exotic Diseases in Animals Act 1981-1982, s. 9	Inspector	Decision as to whether an exotic disease or animal pathogen is present in an area resulting in the area placed in quarantine	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.10	Minister	Decision to declare, vary or revoke an infected zone	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.11(2) & (3)	Inspector	Decision or refusal to issue a licence to enter and to impose conditions or leave an infected zone or to bring in or remove an animal or animal products from an infected zone	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.12(a)	Inspector	Decision to require a person entering or leaving an infected zone to be cleansed and disinfected; any article, thing or property or animal or animal product to be cleansed or disinfected, or an animal or animal product to be destroyed	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.12(b)	Inspector	Decision to cleanse and disinfect any article, property animal product, animal pathogen or biological preparation in an infected zone	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-

APPENDIX 72.104

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Exotic Diseases in Animals Act 1981-1982, s.13	Minister	Decision to destroy any animal or article seized in an infected zone	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.15	Chief Inspector	Decision to establish a check point to prevent the spread of an exotic disease	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.16(1)	Minister	Decision to declare an area to be a 'standstill' zone	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.16(2)	Minister	Decision to vary or revoke notification under s.16(1) of a 'standstill' zone	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.17(2)	Inspector	Decision to seize or impound an animal thing, animal products etc, moved with or outside a 'standstill' zone	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Exotic Diseases in Animals Act 1981-1982, s.18	Minister	Decision to declare an area a control zone in respect of an exotic disease	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-

APPENDIX 72.105

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Exotic Diseases in Animals Act 1981-1982, s.22	Minister	Decision to order the destruction of animals, animal products, thing etc, to prevent the spread of exotic disease	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Fisheries Act 1976-1992, s.34	Governor in Council by Order in Council	Decision to declare and area where pearl-oysters, trochus or green snails are affect by disease to be a prohibited area for pearling	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Fisheries Act 1976-1992, s.70(1) & (3)	Minister	Decision to order the destruction of noxious or non-indigenous fish, without payment of compensation	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Fisheries Act 1976-1992, s.70(4)	Minister	Decision to order that action be taken to prevent or delay the movement of noxious or non-indigenous fish	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Fishing Industry Organisation and Marketing Act 1982- 1992, s. 12(5)	Governor in Council	Decision to remove a member from the Queensland Fish Management Authority	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate

APPENDIX 72.106

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Fishing Industry Organisation and Marketing Act 1982-1992, s. 45AG	Governor in Council by Order in Council	Decision to declare a closed season for any species of fish or marine products	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Fishing Industry Organisation and Marketing Act 1982-1992, s. 45AH	Governor in Council by Order in Council	Decision to declare any Queensland waters to be closed waters for any species of fish or marine product, apparatus, vessel, class of vessel or activity	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Fishing Industry Organisation and Marketing Act 1982-1992, s. 48(3)	Governor in Council	Decision to remove a member from the Fishing industry Appeal Tribunal	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Fishing Industry Organisation and Marketing Act 1982-1992, s. 64	Governor in Council	Decision to remove a member from the Queensland Fish Board	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Fishing Industry Organisation and Marketing Act 1982-1992, s.117	Governor in Council by Order in Council	Decision or refusal to exempt any person, place, fish or marine product, any vessel or apparatus or any other thing from the Act and to impose conditions	Submission of Dept Primary Industries (SS22) seems to say that not appropriate for merits review as strong policy or scientific element in the decision	-
Forestry Act 1959-1992, s.20(1) (omitted from Primary Industries Corporation Act)	Chief Executive	Decision to close an agency of the Department	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-

APPENDIX 72.107

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Forestry Act 1959-1992, s.22E(3)	Minister	Decision to remove a member from the Timber Research and Development Advisory Councils	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Forestry Act 1959-1992, s.25	Governor in Council	Decision to declare a State Forest as Crown land or any land on which there is a Timber Reserve	MIM (SS9) submitted not appropriate for merits review as exercise of Crown prerogative power	-
Forestry Act 1959-1992, s.28(1)	Governor in Council	Decision to set apart Crown land as a Timber Reserve	MIM (SS9) submitted not appropriate for merits review as exercise of Crown prerogative power	-
Forestry Act 1959-1992, s.28(4)	Governor in Council	Decision to revoke a declaration of a Timber Reserve	MIM (SS9) submitted not appropriate for merits review as exercise of Crown prerogative power	-
Forestry Act 1959-1992, s.34(1)(iii) & s.34(2)	Chief Executive with approval of Minister	Decision to determine the maximum quantities of forest products which may be removed from any State Forest during a specified period, and to vary or rescind such determination	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong scientific element in the decision	-

APPENDIX 72.108

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Forestry Act 1959-1992, s.34AA(1)	Primary Industries Corporation	Decision to regulate or prohibit use of a State Forest by persons, by vehicles or vehicles of a specified class, or the bringing in a State Forest animals or a specified class of animal	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong scientific element in the decision	-
Forestry Act 1959-1992, s.34E	Primary Industries Corporation	Decision whether to give permission to a person to study the nature and environment of a Scientific Area depending on whether they are suitably qualified and to impose conditions	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong scientific element in the decision	-
Forestry Act 1959-1992, s.34G	Primary Industries Corporation	Decision to regulate and prohibit the movement of vehicles in or near any Feature Protection Area, State Forest Park or Forest Drive	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong scientific element in the decision	-
Forestry Act 1959-1992, s.35(1)	Primary Industries Corporation	Decision or refusal to grant an occupation permit, stock grazing permit, apiary permit or a permit to search for and collect minerals and a decision or refusal to consent to the granting of a special lease in a State Forest	MIM (SS9) submitted that not appropriate for merits review as an exercise of Crown prerogative power. Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong commercial element in the decision	-

APPENDIX 72.109

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Forestry Act 1959-1992, s.37	Governor in Council	Decision or refusal to impose provisions, reservations or conditions on the grant of a mining lease, exploration permit, mineral development licence, authority to prospect or petroleum lease	Dept Primary Industries (SS22) submitted merits review of permit and licence decisions appropriate unless policy matter involved. MIM (SS9) disagreed with this being subject to merits review	-
Forestry Act 1959-1992, s.46	Primary Industries Corporation	Decision to sell to the holder of a sales permit forest products or quarry material, the property of the Crown at specified prices	Dept Primary Industries submission (SS22) seems to say that not appropriate for merits review as strong policy or commercial element in the decision	-
Forestry Act 1959-1992, s.56(3)	Primary Industries Corporation	Decision as to method of granting permit, licence, lease, authority, agreement or contract (whether by auction, tender or otherwise)	Dept Primary Industries (SS22) submitted merits review of permit and licence decisions appropriate unless policy matter involved. MIM (SS9) submitted that not appropriate for merits review as an exercise of Crown prerogative power	-
Forestry Regulations 1987-1992, reg. 24	Primary Industries Corporation	Decision or refusal to grant a permit to solicit donations, use load-speaking equipment, use a model aeroplane or model vehicle in a State Forest	Dept Primary Industries submission (SS22) submitted merits review appropriate for licence and permits decisions	-



APPENDIX 72.110

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Forestry Regulations 1987-1992, reg. 25	Primary Industries Corporation	Decision or refusal to grant a permit to take a plant (including a tree, vine shrub or any part of a plant) into a State Forest	Dept Primary Industries submission (SS22) submitted merits review appropriate for licence and permits decisions	-
Forestry Regulations 1987-1992, reg. 26	Primary Industries Corporation	Decision or refusal to grant a permit or other authority to take a dog into a State Forest	Dept Primary Industries submission (SS22) submitted merits review appropriate for licence and permits decisions	-
Gladstone Area Water Board Act 1984-1992, s.16(2)	Governor in Council	Decision to remove a member from the Gladstone Area Water Board	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Grain Industry (Restructuring) Act 1991, s.23(2)	Governor in Council	Decision to remove a member from the Grain Industry Review Committee	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Grain Research Foundation Act 1976-1991, s.10(3)	Governor in Council	Decision to remove a member from the Grain Research Foundation	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Hen Quotas Act 1973-1987, s. 9(4)	Governor in Council	Decision to revoke the appointment of a member of the Hen Quota Committee	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Hen Quotas Act 1973-1987, s.28(3)	Governor in Council	Decision to revoke the appointment of a member of the Hen Quota Appeals Tribunal	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate

APPENDIX 72.111

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Irrigation Areas (Land Settlement) Act 1962-1992, s. 8(3)	Minister	Decision to withdraw land from selection	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Meat Industry Act 1965-1989, s. 7(3)	Minister	Decision to cancel an appointment of an expert or analyst	Dept Primary Industries (SS22) not object to review on merits of decision	
Meat Industry Act 1965-1989, s.13(2) & s.15(2)	Minister	Decision to cancel an appointment of or remove the Chairman or a member of the Livestock and Meat Authority of Queensland	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Meat Industry Act 1965-1989, s.27(2)	Governor in Council	Decision to remove the Chairman or a member from the Public Abattoir Board	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Meat Industry Act 1965-1989, s.40(3)	Governor in Council	Decision to remove an 'additional member' from a District Abattoir Board	Dept Primary Industries (SS22) not object to review on merits of decision	Merits review for removal of office holders not appropriate
Plant Protection Act 1989, s. 8 & s.9	Governor in Council or Minister	Decision to prohibit, or decision or refusal, to authorise the introduction, or movement, of any pest, pest-infected plant, soil, appliance or other item into or within Queensland, and to impose conditions	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-

APPENDIX 72.112

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Plant Protection Act 1989, s.11(1)	Governor in Council by Order in Council	Decision to declare any area to be a pest quarantine area	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Plant Protection Act 1989, s.13	Inspector	Decision to give directions to: (a) quarantine land; (b) destroy pests, plants etc; (c) treat pests, plant etc; and (d) take specified measures	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Plant Protection Act 1989, s.14(1)	Chief Executive	Decision to order the destruction of a healthy crop, to prevent pest infestation	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Poultry Industry Act 1988, s. 8(13)	Governor in Council	Decision to remove a member from the Poultry Advisory Board	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Primary Producers' Organisation and Marketing Act 1926-1991, s. 6(1)	Governor in Council	Decision to dismiss the Director of Marketing	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Primary Producers' Organisation and Marketing Act 1926-1991, s.11(4), s.11C & s.12	Governor in Council	Decision to remove, or suspend the Chairman or any member from a Commodity Board	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate

APPENDIX 72.113

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Rice Industry Stabilization Act 1973, s.10(4)	Governor in Council	Decision to revoke the appointment of a member of the Rice Quota Committee	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Rice Industry Stabilization Act 1973, s.29(3)	Governor in Council	Decision to revoke the appointment of a member of the Rice Quota Appeals Tribunal	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
River Improvement Trust Act 1940-1992, s.5(2)	Governor in Council	Decision to remove a Government member from a River Improvement Trust	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
River improvement Trust Act 1940-1992, s.5(2)	Local Authority	Decision to remove a Local Authority representative member from a River Improvement Trust office	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Soil Conservation Act 1986, s.25(2)	Queensland Industry Development Corporation	Decision or refusal to grant a loan to an owner of farm land for soil conservation	Dept Primary Industries (SS22) submitted that the QIDC does not make decisions. This section merely expedites application for loans	
South East Queensland Water Board Act 1979-1991, s.15(2)(b)	Governor in Council	Decision to remove a member from the South East Queensland Water Board from Office	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Stock Act 1915-1989, s. 5(3)	Minister	Decision to terminate the appointment of an Approved Veterinary Surgeon	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate

APPENDIX 72.114

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Stock Act 1915-1989, s. 5(6)	Minister	Decision to revoke the appointment of an Authorised Veterinary Surgeon	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Stock Act 1915-1989, s.13(1)	Minister	Decision to notify an area as an infected or declared area	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Stock Act 1915-1989, s.13(2)	Minister	Decision to require stock within an infected area to be removed out of the area, prohibit movement of stock or other items in and out of the infected area, or require the testing or treatment of stock and other items in an infected area or declared area	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Stock Act 1915-1989, s.14	Inspector	Decision as to whether satisfied as to whether stock in the area are infected, resulting in the placing of the area in quarantine	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Stock Act 1915-1989, s.15	Minister	Decision to order the destruction of any infected or suspected, stock etc, or the removal of soil and other items	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-

APPENDIX 72.115

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Stock Act 1915-1989, s.19	Local Authority	Decision to destroy diseased stock without payment of compensation	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Stock Act 1915-1989, s.33(5)	Minister	Decision to order the destruction or disposal of stock where it is necessary to prevent, control or eradicate residue disease	Dept Primary Industries (SS22) submitted not appropriate for merits review as relevant to disease control	-
Sugar Industry Act 1991, s. 2. 8	Governor in Council	Decision to remove an appointed member from the Queensland Sugar Corporation	ASMC (SS20) and Dept Primary Industries (SS22) submitted that appropriate for merits review	Merits review for removal of office holders not appropriate
Sugar Industry Act 1991, s. 2.23	Queensland Sugar Corporation	Decision to institute an investigative programme in relation to a sugar mill	ASMC (SS20) submitted that appropriate for merits review	Merits review for removal of office holders not appropriate
Sugar Industry Act 1991, s. 3.4	Governor in Council	Decision to remove a member from a Local Board	ASMC (SS20) submitted appropriate for merits review. Dept Primary Industries (SS22) submitted not appropriate for merits review as strong policy element in the decision	Merits review for removal of office holders not appropriate
Sugar Industry Act 1991, s. 4. 7	Governor in Council	Decision to remove the chairperson of the Sugar Experiment Stations Board	ASMC (SS20) and Dept Primary Industries (SS22) submitted appropriate for merits review	Merits review for removal of office holders not appropriate

APPENDIX 72.116

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Sugar Industry Act 1991, s. 5.15	Minister	Decision to dissolve a Productivity Board	ASMC (SS20) submitted not appropriate for merits review. Dept Primary Industries (SS22) submitted that appropriate for merits review	Merits review for removal of office holders not appropriate
Sugar Industry Act 1991, s. 6.12	Governor in Council or Minister	Decision to remove a member of the Queensland Sugar Corporation, a Local Board, the Sugar Experiment and Stations Board or a Productivity Board for being involved in political activity	ASMC (SS20) and Dept Primary Industries (SS22) submitted that appropriate for merits review	Merits review for removal of office holders not appropriate
Sugar Industry Act 1991, s.12.3(e)	Governor in Council	Decision to remove a member from the Sugar Industry Tribunal	ASMC (SS20) and Dept Primary Industries (SS22) submitted that appropriate for merits review	Merits review for removal of office holders not appropriate
Tobacco Industry Stabilisation Act 1965-1972, s.11(2)	Minister	Decision to remove the Chairperson from the Tobacco Quota Committee	Dept Primary Industries (SS22) did not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Tobacco Industry Stabilisation Act 1965-1972, s.12(2)	Minister	Decision to 'vacate' the office of member of the Tobacco Quota Committee	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Tobacco Industry Stabilisation Act 1965-1972, s.28(2)	Minister	Decision to vacate the office of member of the Tobacco Quota Appeals Tribunal	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate

APPENDIX 72.117

Portfolio: Primary Industries

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Townsville/Thuringowa Water Supply Board Act 1987-1990, s.16(2)	Governor in Council	Decision to remove a member from Townsville/Thuringowa Water Supply Board	Dept Primary Industries (SS22) not object to review on the merits of this decision	-
Veterinary Surgeons Act 1936-1990, s. 4(5)	Governor in Council	Decision to remove a member from Veterinary Surgeons Board of Queensland	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Veterinary Surgeons Act 1936-1990, s.15B(4)	Veterinary Surgeons Board of Queensland	Decision to remove a member from Veterinary Tribunal of Queensland	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate
Water Resources Act 1989-1992, s. 3. 8	Authorised Officer	Decision to enter upon land to regulate water supply and to take necessary measures for the conservation or regulation of water	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Water Resources Act 1989-1992, s. 3.17(6)(b)	Governor in Council	Decision to sell resumed land to its previous owner, where the Commissioner of Water Resources is of the opinion that the plan or proposed plan of subdivision would be unduly affected by the granting of an application under s.3.17(6)(a)	Dept Primary Industries (SS22) submitted that not appropriate for merits review as strong policy element in the decision	-
Water Resources Act 1989-1992, s. 9.5	Governor in Council	Decision to dissolve a drainage board and to remove a board member	Dept Primary Industries (SS22) not object to review on the merits of this decision	Merits review for removal of office holders not appropriate



APPENDIX 72.118

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Eagle Farm Racecourse Act 1955-1991, s.5(1)(b)	Governor in Council	Decision to remove a trustee of the Eagle Farm Racecourse land	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Mt Gravatt Showgrounds Act 1988, s.12(1)	Governor in Council	Decision to remove a member from the Mt Gravatt Showgrounds Trust	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Queensland Tourist and Travel Corporation Act 1979-1991, s.10(2)	Governor in Council	Decision to remove a member from the Tourist and Travel Corporation	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.119

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Queensland Tourist and Travel Corporation Act 1979-1991, s.29F(5)(c)	Minister	Decision to remove a member from the Regional Tourism Ministerial Advisory Council	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Racing and Betting Act 1980-1992, s. 41(2) & s.43(1)(g)	Governor in Council	Decision to remove a member from the Trotting Board	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Racing and Betting Act 1980-1992, s. 43(2)	Governor in Council	Decision or refusal to continue membership of a member of the Trotting Board to continue as a member after a member has reached 70 years of age	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.120

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s. 82(2)	Governor in Council	Decision to remove a member from the Greyhound Board	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Racing and Betting Act 1980-1992, s. 93(3)(g)	Governor in Council	Decision to appoint an administrator to a greyhound club	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Racing and Betting Act 1980-1992, s.181(1)(g)	Governor in Council	Decision to remove a member from the Totalisator Board	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.121

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Racing and Betting Act 1980-1992, s.181(2)	Governor in Council	Decision to refuse to continue the membership of a member of the Totalisator Board who is over 70 years	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Racing and Betting Act 1980-1992, s.228A	Authorised Officer	Decision to enter and take samples for analysis	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-
Racing Venues Development Act 1982-1990, s. 8	Governor in Council	Decision to remove a trustee from office at any time	Dept Tourism, Sport & Racing (SS40) submitted not appropriate for merits review as appointment or removal decision of Governor in Council	Merits review for removal of office holders not appropriate
Royal National Agricultural and Industrial Association of Queensland Act 1971-1989, s.16(2)	Minister	Decision to approve, modify and approve or refuse to approve a scheme submitted by the Council of the Royal National Agricultural and Industrial Association of Queensland (RNAIQ) for variation of terms of trusts and gifts	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-

APPENDIX 72.122

Portfolio: Tourism, Sport and Racing

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Royal National Agricultural and Industrial Association of Queensland Act 1971-1989, s.16(4)	Minister	Decision to approve, modify and approve or refuse to approve any amendment to an approved scheme for variation of terms of trusts and gifts	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-
Sporting Bodies' Property Holding Act 1975-1990, s.4	Governor in Council	Decision to refuse to extend the application of the Act to a sporting association	Dept Tourism, Sport & Racing (SS40) submitted appropriate for merits review	-

APPENDIX 72.123

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Carriage of Dangerous Goods by Road Act 1984-1990, s.11(3)(d)	Governor in Council	Decision to remove a member from the appeal tribunal constituted under the Act	MIM (SS9) submitted not appropriate for merits review as decision of Governor in Council. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Harbours Act 1955-1992, s. 28(2)	Governor in Council	Decision to remove a member from a Harbour Board	PSMC (SS45) opposed merits review of decisions to remove office holders. Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill	Merits review for removal of office holders not appropriate
Harbours Act 1955-1992, s. 35, s.36 & s.36A	Governor in Council	Dissolution of a Harbour Board	MIM (SS9) submitted appropriate for merits review. Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill	-

APPENDIX 72.124

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Harbours Act 1955-1992, s. 64(15)	Minister	Decision to grant or renew or refuse to grant or renew a permit to use and occupy Harbour Board land, Crown land under Harbour Board Management, part of the foreshore or other tidal land or contiguous vacant	MIM (SS9) submitted not appropriate for merits review. Port of Brisbane Authority (SS1) submitted as a potential government business exercise its decisions should not be reviewable. Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill merits review not appropriate	-
Harbours Act 1955-1992, s. 80	Governor in Council on recommendation of Minister administering the Queensland Marine Act	Decision or refusal to grant a special lease of land below the high water mark within the limits of a harbour, and to impose conditions	Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill . MIM (SS9) and Harbours Corp (SS29) submitted not appropriate for merits review	-
Harbours Act 1955-1992, s. 86(2)(a)	Governor in Council	Decision or refusal to permit the Harbour Board, a Local Authority or a person to construct any works in, on, over, through or across a foreshore, etc	Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill . MIM (SS9) and Harbours Corp (SS29) submitted not appropriate for merits review	-

APPENDIX 72.125

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Harbours Act 1955-1992, s. 88	Governor in Council	Decision or refusal to approve deviation from the previously approved construction lines resulting in a diminution of the navigable space on a navigable river	Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill . MIM (SS9) and Harbours Corp (SS29) submitted not appropriate for merits review	-
Harbours Act 1955-1992, s. 91 & s.92	Governor in Council by Order in Council	Decision or refusal to authorise reclamation of land	Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill . MIM (SS9) and Harbours Corp (SS29) submitted not appropriate for merits review	-
Harbours Act 1955-1992, s.137	Governor in Council	Decision or refusal to authorise a Local Authority or a person to construct harbour works (in a harbour without a Harbour Board) and to use and occupy the foreshore or tidal land	Dept Transport (SS41) Marine and Ports Division submitted will be repealed and replaced by a new Port Management Bill . MIM (SS9) and Harbours Corp (SS29) submitted not appropriate for merits review	-
Port of Brisbane Authority Act 1976-1990, s.11(2)	Governor in Council	Removal of a member from Port of Brisbane Authority	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Queensland Marine Act 1958-1990, s. 9(4)(ii)(f)	Governor in Council	Removal of a member from the Marine Board of Queensland	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate



APPENDIX 72.126

Portfolio: Transport

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Transport Infrastructure (Railways) Act 1991-1992, s.3.8(3)	Governor in Council on recommendation of Minister	Decision to remove a director from the Queensland Railways Board	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Transport Infrastructure (Railways) Act 1991-1992, s.4.1(3)	Queensland Railways Board	Decision to remove the Chief Executive	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Urban Passenger Service Proprietors Assistance Act 1975-1990, s. 6(2)	Governor in Council	Decision to remove member from the Committee of Review	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.127

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Brisbane Cricket Ground Act 1958-1991, s.6(2)	Governor in Council	Decision to remove a trustee of the Brisbane Cricket Ground Trust from office	Dept Treasury (SS52) submitted merits review not appropriate as a policy decision. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Casino Control Act 1982- 1992, s.18(a)	Governor in Council on recommendation of Minister	Decision or refusal to grant a casino licence	Dept Treasury (SS52) submitted merits review "... would detract from the overall aim of the Act ...". CJC (SS67) submitted merits review appropriate provide "... adequate protection of confidential source ..."	-
Casino Control Act 1982- 1992, s.24 & s.28	Governor in Council	Decision or refusal to approve the lease, by a casino licensee of: (a) a hotel-casino complex; or (b) a casino, to another person	See entry for s.18(a) of the same Act	-
Casino Control Act 1982- 1992, s.25 & s.28	Governor in Council	Decision or refusal to approve the entry into a casino management agreement by a casino licensee or by a lessee under a casino lease for the management of (a) a hotel-casino complex; or (b) the casino	See entry for s.18(a) of the same Act	-

APPENDIX 72.128

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Casino Control Act 1982-1992, s.29(3)	Governor in Council on recommendation of Minister	Decision or refusal to approve a variation of a casino lease or of a casino management agreement	See entry for s.18(a) of the same Act	-
Casino Control Act 1982-1992, s.31(12)	Governor in Council	Decision to : (a) cause a letter of censure by the Minister to be sent to the casino licensee, the lessee or the casino operator; (b) notify matters required to be rectified by a specified time; or (c) appoint an administrator	See entry for s.18(a) of the same Act	-
Casino Control Act 1982-1992, s.33(4)	Governor in Council	Decision or refusal to accept the surrender of a casino licence	See entry for s.18(a) of the same Act	-
Casino Control Act 1982-1992, s.76(2)	Director, Casino Control Division, Treasury Department	Decision or refusal to exempt a casino operator from having to comply with the requirement that documents or books be kept on the casino premises	See entry for s.18(a) of the same Act	-
Casino Control Act 1982-1992, s.86	Minister	Decision to direct a casino licensee, lessee under a casino lease or a casino operator in relation to the operation of a casino	See entry for s.18(a) of the same Act	-

APPENDIX 72.129

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Casino Control Regulations 1984-1992, s.16(4)	Director, Casino Control Division, Treasury Department	Decision or refusal to review claims by patrons	See entry for s.18(a) of the Casino Control Act	-
Co-ordination of Rural Advances and Agricultural Bank Act 1938-1982, s.6(2)	Governor in Council	Decision to remove a member from the Agricultural Bank Board	PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Drought Relief to Primary Producers Act 1940-1961, s.10	Corporation of the Bureau of Rural Development	Decision to authorise an emergency loan	Dept Treasury (SS52) submitted that the Act is " ... of no future relevance as the fund closed in 1985 ..."	-
Farmers' Assistance Act 1967-1989, s. 6(2)(c)	Governor in Council	Decision to remove a member from the Rural Reconstruction Board	PSMC (SS45) opposed merits review of decisions to remove office holders. Dept Treasury (SS52) submitted that the Act is " ... being repealed via an amendment to the Queensland Industry Corporation Act ..."	Merits review for removal of office holders not appropriate
Farmers' Assistance Act 1967-1989, s.21(1)	Rural Reconstruction Board	Decision or refusal to grant a stay of proceedings applicable to the farmer, his estate and effects	Dept Treasury (SS52) submitted that the Act is " ... being repealed via an amendment to the Queensland Industry Corporation Act ..."	-

APPENDIX 72.130

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Farmers' Assistance Act 1967-1989, s.21(3)	Rural Reconstruction Board	Decision or refusal to extend the stay of proceedings or revoke the stay of proceedings	Dept Treasury (SS52) submitted that the Act is " ... being repealed via an amendment to the Queensland Industry Corporation Act ..."	-
Farmers' Assistance Act 1967-1989, s.21(41)	Rural Reconstruction Board	Decision or refusal to extend the stay of proceedings applicable to the farmer, his estate and effects	Dept Treasury (SS52) submitted that the Act is " ... being repealed via an amendment to the Queensland Industry Corporation Act ..."	-
Gaming Machine Act 1991- 1992, s. 2.8(2)	Governor in Council	Decision to remove a commissioner from the Queensland Machine Gaming Commission	Dept Treasury (SS52) submitted merits review not appropriate as policy decision. PSMC (SS45) opposed merits review of decisions to remove office holders. CJC (SS67) submitted merits review appropriate provided "... adequate protection of confidential source ..."	Merits review for removal of office holders not appropriate
Gaming Machine Act 1991- 1992, s. 3.24(12) (b) & (c)	Queensland Machine Gaming Commissioner	Decision to send a notice of censure or a notice requiring rectification of specified matters	Dept Treasury (SS52) submitted merits review not appropriate. CJC (SS67) submitted merits review appropriate provided "... adequate protection of confidential sources ..."	-

APPENDIX 72.131

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Gaming Machine Act 1991-1992, s. 3.29(1)	Queensland Machine Gaming Commissioner	Decision to appoint a person to administer the affairs of a club	Dept Treasury (SS52) submitted merits review not appropriate appeal to the Minister may be more appropriate. CJC (SS67) submitted merits review appropriate provided "...adequate protection of confidential sources ..."	-
Gaming Machine Act 1991-1992, s. 4.22(12 (b) & (c)	Queensland Machine Gaming Commissioner	Decision to send a letter of censure or a notice requiring the holder of a repairer's, service contractor's or machine manager's licence to rectify matters	Dept Treasury (SS52) submitted merits review not appropriate. CJC (SS67) submitted merits review appropriate provided "...adequate protection of confidential sources ..."	-
Gaming Machine Act 1991-1992, s. 5. 4	Director, Machine Gaming Division, Treasury Department	Decision or refusal to approve the installation of any electronic monitoring or centralised credit system on a licensee's licensed premises	Dept Treasury (SS52) submitted section is to be redrafted which will eliminate some decision-making powers. CJC (SS67) submitted merits review appropriate provided "...adequate protection of confidential sources ..."	-
Mortgages (Secondary Market) Act 1984-1990, s.7(1)(d)	Governor in Council	Decision to remove a member from the Mortgage Secondary Market Board	Dept Treasury (SS52) submitted merits review not appropriate. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate

APPENDIX 72.132

Portfolio: Treasury

Legislative Provision Containing Decision-making Power	Decision-maker	Nature of Decision	Summary of Submissions	Commission's Comments
Petroleum Products Subsidy Act 1965-1985, s.4	Minister	Decision or refusal to authorise an advance to a registered distributor	Dept Treasury (SS52) submitted the Department's role is as an agent on behalf of Australian Customs Service and so merits review not appropriate	-
Queensland Industry Development Corporation Act 1985-1991, s.16(3)	Governor in Council	Decision to remove the Chief Executive Officer of the Queensland Industry Development Corporation	Dept Treasury (SS52) submitted merits review not appropriate. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Queensland Industry Development Corporation Act 1985-1991, s.28(2)(g)	Governor in Council	Decision to remove a Director from the Queensland Industry Development Corporation Board	Dept Treasury (SS52) submitted merits review not appropriate. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Queensland Investment Corporation Act 1991, s.4.5(2)(e)	Governor in Council	Decision to terminate the appointment of a director of the Queensland Investment Corporation Board	Dept Treasury (SS52) submitted merits review not appropriate. PSMC (SS45) opposed merits review of decisions to remove office holders	Merits review for removal of office holders not appropriate
Superannuation (Government and Other Employees) Act 1988-1992, s.10(1)(f)	Governor in Council	Decision to remove a member from the Board of Trustees	PSMC (SS45) opposed merits review of decisions to remove office holders. Dept Treasury (SS52) submitted merits review nor appropriate as policy, not administrative decision.	Merits review for removal of office holders not appropriate

## APPENDIX 73

**ADMINISTRATIVE DECISIONS FOR WHICH  
ADMINISTRATIVE REVIEW IS NOT RECOMMENDED  
AND IN RELATION TO WHICH NO PUBLIC  
SUBMISSIONS WERE RECEIVED**

The decisions are listed according to  
Portfolio responsibilities as at 31 December 1992

Legislative Provision	Decision-Maker	Nature of Decision
<b>ADMINISTRATIVE SERVICES AND RURAL COMMUNITIES</b>		
Architects Act 1985-1990 s.11(1)(h)	Governor in Council	Decision to remove a member from the Board of Architects of Queensland
Law Courts and State Buildings Protective Security Act 1983-1990 s.7 & s.9	Minister	Decision that a trainee is not: (a) qualified for appointment as a senior protective security officer; and/or (b) a fit and proper person to hold an appointment as a protective security officer
Law Courts and State Buildings Protective Security Act 1983-1990 s.23	Senior Protective Security Officer	Decision to refuse a person entry to or to remove a person from a Queensland government building
Libraries and Archives Act 1988-1991 s.14 & s.15(7)	Governor in Council	Decision to remove the Chairman, Deputy Chairman or an appointed member from the Library Board of Queensland
<b>AUDITOR-GENERAL</b>		
Nil Entries		
<b>BUSINESS, INDUSTRY AND REGIONAL DEVELOPMENT</b>		
Enterprise Zones Act 1988 s.11 & s.12(7)	Governor in Council	Decision to remove the Chairman or an appointed member from an Enterprise Zone Corporation



<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Industrial Development Act 1963-1989 s.11(6)(vi)	Governor in Council	Decision to remove a member from the Industries Assistance Board
Queensland Small Business Corporation Act 1990 s.2.5(3)	Governor in Council	Decision to remove an appointed member from the Queensland Small Business Corporation
Retail Shop Leases Act 1984-1991 s.29(2)	Governor in Council	Decision to remove a member other than the Chairman, from the Retail Shop Lease Tribunal
<b>CONSUMER AFFAIRS AND CORRECTIVE SERVICES</b>		
Associations Incorporation Act 1981-1991 s.67A	Minister	Decision or refusal to exempt an association from specified provisions of this Act
Auctioneers and Agents Act 1971-1991 s.7(f)	Governor in Council	Decision to remove a member from the Auctioneers and Agents Committee
Auctioneers and Agents Act 1971-1991 s.18(5)	Minister	Decision or refusal to allow a third party to object to the grant or renewal of the licence of an auctioneer, real estate agent, commercial agent, motor dealer or manager
Auctioneers and Agents Act 1971-1991 s.28(5)	Minister	Decision or refusal to allow a third party to object to the registration of a real estate salesman, commercial sub-agent or motor salesman
Auctioneers and Agents Act 1971-1991 s.108 & s.117(1)	Auctioneers and Agents Committee	Decision to appoint a receiver to licensee's property and a decision to terminate the appointment of a receiver and, if appropriate, to appoint another receiver
Building Societies Act 1985-1992 s.22(1)	Registrar of Commercial Acts	Decision as to whether the proposed name for a building society seeking registration is undesirable or of a kind that the Minister has directed the Registrar not to accept for registration

Legislative Provision	Decision-Maker	Nature of Decision
Building Societies Act 1985-1992 s.22(1)	Minister	Decision or refusal to consent to the proposed name of a building society seeking registration
Building Societies Act 1985-1992 s.33(3)(a)(ii) & (iii)	Governor in Council by Order in Council	Decision or refusal to sanction a building society contravening the general prohibition in the Act on investing or lending its fund to a corporation other than a specified type of corporation
Building Societies Act 1985-1992 s.41(2)	Registrar of Commercial Acts	Decision or refusal to permit a building society to make a special loan in lieu of foreclosure of a security
Building Societies Act 1985-1992 s.44(1)	Registrar of Commercial Acts	Decision refusing to authorise a building society to lend to another building society which is in financial difficulties
Building Societies Act 1985-1992 s.44(5)	Minister	Decision to revoke an authority given under s.44(1) or vary a condition
Building Societies Act 1985-1992 s.53(4)	Minister	Decision or refusal to exempt a permanent building society from the Act's maximum loan raising or investment ratios
Building Societies Act 1985-1992 s.56(1) & (2)	Registrar of Commercial Acts	Decision or refusal to exempt a building society from the Act's liquidity restrictions where the majority of the building society's funds are deposited by a government entity, and a decision to withdraw this exemption
Building Societies Act 1985-1992 s.83(2)	Registrar of Commercial Acts	Decision to extend the period of time in which the annual general meeting of a building society would otherwise be required to be held under s.83(1) and to impose conditions

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Building Societies Act 1985-1992 s.93(15)	Registrar of Commercial Acts	Decision as to whether there has been a substantial change in the relevant facts or circumstances since the refusal of an application for the financial year of a subsidiary not to coincide with the financial year of its holding body or the determination of an appeal from such refusal
Building Societies Act 1985-1992 s.107(4)	Registrar of Commercial Acts	Decision or refusal to order that a building society does not have to send a copy of representations made by an auditor, upon his receiving notice of a resolution to remove him, to every member of the building society
Building Societies Act 1985-1992 s.116(4)	Registrar of Commercial Acts	Decision to extend the period of 4 months after the close of the financial year in question within which documents referred to in s.116(1) & (2) shall be lodged and to impose conditions
Building Societies Act 1985-1992 s.119(2)(b)	Registrar of Commercial Acts	Decision or refusal to consent to a building society undertaking to fulfil the engagements of another building society
Building Societies Act 1985-1992 s.120(12)	Registrar of Commercial Acts	Decision as to distribution of engagements between transferor and transferee building society where there is a partial transfer of engagements
Building Societies Act 1985-1992 s.120(13)	Registrar of Commercial Acts	Decision to cancel the registration of a transferee building society
Building Societies Act 1985-1992 s.121(1)	Registrar of Commercial Acts	Decision or refusal to exempt a building society from the requirement to send to each of its members a statement concerning its proposed amalgamation or transfer of engagements

Legislative Provision	Decision-Maker	Nature of Decision
Building Societies Act 1985-1992 s.122A(6)(f)	Minister	Decision as to whether irregularities which have occurred in the conduct of a poll requesting the passing of a resolution by a building society are of such a nature that it is necessary or desirable in the interests of justice to declare the poll invalid
Building Societies Act 1985-1992 s.122A(7)(e)	Minister	Decision or refusal to approve of a scheme proposing that, in lieu of furnishing a copy of the offer memorandum to all members, the building society forward such copy to certain classes of member
Building Societies Act 1985-1992 s.122A(7)(f)	Registrar of Commercial Acts	Decision or refusal to approve of an offer memorandum and other documents
Building Societies Act 1985-1992 s.125(2)(c)	Registrar of Commercial Acts with the approval of the Minister	Decision to specify rules to be the rules of a building society or part of the rules of a building society
Building Societies Act 1985-1992 s.154(7)	Registrar of Commercial Acts	Decision to give directions to the permanent building society in relation to the manner in which that building society should carry on business
Building Societies Act 1985-1992 s.171	Minister	Decision to consent to an Inspector investigating the affairs of a corporation that is or has been a subsidiary of a building society which is under investigation
Building Societies Act 1985-1992 s.172(5)	Inspector	Decision to take possession of books which are produced under s.172, and that relate to an investigation
Building Societies Act 1985-1992 s.176(1) & (b)	Minister	Decision to retain books which an Inspector has taken possession of under s.172 of the Act

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Building Societies Act 1985-1992 s.179(1)	Registrar of Commercial Acts	Decision to call a special meeting of a building society and/or hold an inquiry into the affairs of the building society on the Registrar's own volition or on the application of the majority of the Board of a building society
Building Societies Act 1985-1992 s.181	Registrar of Commercial Acts	Decision to appoint a registered company auditor to examine, audit and report upon the books, accounts and records of a building society
Building Societies Act 1985-1992 s.182	Registrar of Commercial Acts	Decision to direct a building society to submit its affairs to an actuarial investigation
Business Names Act 1962-1990 s.10(4)	Registrar of Business Names	Decision or refusal to apply the fees paid for registration of a cancelled business name towards the registration of a new business name
Business Names Act 1962-1990 s.12A(1)	Registrar of Business Names	Decision or refusal to extend the time for filing a business name document
Collections Act 1966-1990 s.35A(9)(a)(iv) & (b)	Governor in Council	Decision to remove a member from the Disaster Appeals Trust Fund Committee
Contractors' Trust Accounts Act 1974-1992 s.5(f)	Inspector	Decision to seize and detain a document
Corrective Services Act 1988-1992 s.134(2) & (3)(d)	Governor in Council	Decision to remove a member from the Queensland Community Corrections Board
Corrective Services Act 1988-1992 s.147(2) & (3)(d)	Governor in Council	Decision to remove a member from the Regional Community Corrections Board
Corrective Services (Administration) Act 1988-1992 s.14(2)	Governor in Council	Decision to remove a Commissioner (other than the Commissioner ex officio) from The Queensland Corrective Services Commission

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Fair Trading Act 1989-1991 s.13(2)	Governor in Council on the recommendation of the Minister	Decision to remove a member from the Consumer Affairs Council
Fair Trading Act 1989-1991 s.25(3)	Minister	Decision to remove a member from the Consumer Safety Committee
Funeral Benefit Business Act 1982-1992 s.21(1) & s.22(1)	Registrar of Funeral Benefit Businesses	Direction to a corporation carrying on funeral benefit business to make changes in the way it carries on business
Funeral Benefit Business Act 1982-1992 s.23(1)	Registrar of Funeral Benefit Businesses	Decision to direct a corporation to change its rules
Loan Fund Companies Act 1982-1990 s.21(1)	Supervisor of Loan Fund Companies	Decision to require a loan fund company to provide certain particulars on an actuary's report or a specified special return
Loan Fund Companies Act 1982-1990 s.46(6) & s.51	Supervisor of Loan Fund Companies	Decision to remove detailed records of a loan fund company
Loan Fund Companies Act 1982-1990 s.48(1)	Minister	Decision to authorise the Supervisor of Loan Fund Companies to hold an inquiry into the affairs of a company
Loan Fund Companies Act 1982-1990 s.57(1)	Supervisor of Loan Fund Companies	Decision to appoint an administrator to the affairs of a loan fund company
Loan Fund Companies Act 1982-1990 s.57(7)	Supervisor of Loan Fund Companies	Decision or refusal to revoke the appointment of an administrator to a loan fund company
Profiteering Prevention Act 1948-1990 s.14(2)	Minister	Decision to terminate the appointment of an advisor possessing expert or business knowledge
Profiteering Prevention Act 1948-1990 s.24(1)	Commissioner of Prices	Decision to require any person to furnish a return

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Profiteering Prevention Act 1948-1990 s.30(1)	Commissioner of Prices	Decision to prohibit specified Transactions
Profiteering Prevention Act 1948-1990 s.32	Commissioner of Prices	Decision to prohibit sale of goods or supply of services before maximum price or rate fixed
Profiteering Prevention Act 1948-1990 s.33(5)	Commissioner of Prices	Decision or refusal to exempt any trader or class of trader from the requirements of s.33 of this Act
Profiteering Prevention Act 1948-1990 s.34(4)	Commissioner of Prices	Decision or refusal to exempt any trader or class of trader from the requirement of s.34(4) of this Act
Profiteering Prevention Act 1948-1990 s.35	Commissioner of Prices	Decision to require an invoice or docket be delivered with goods
Profiteering Prevention Act 1948-1990 s.36(1)	Commissioner of Prices	Decision to request the exhibition of particulars for declared goods or services
Profiteering Prevention Act 1948-1990 s.37(1)	Commissioner of Prices	Decision to make provision in an advertisement for declared goods
Profiteering Prevention Act 1948-1990 s.56(1)	Commissioner of Prices	Decision to prohibit or permit sales of declared goods by auction
Profiteering Prevention Act 1948-1990 s.71(2)	Governor in Council	Decision or refusal to exempt from this Act a person or class of person or any transaction or class of transaction and to impose conditions
Registration of Births Deaths and Marriages Act 1962-1992 s.22(3)	Registrar-General	Decision to refuse to allow a search to be made of the indexes or to issue a certified copy or extract where the search is being made for improper reasons
Registration of Births Deaths and Marriages Act 1962-1992 s.25(1)(b)	Registrar-General	Decision as to whether, in the the circumstances, a declaration of paternity is not likely to be revoked

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Trade Measurement Act 1990 s.61	Inspector	Decision to seize and retain a measuring instrument and records
Trade Measurement Act 1990 s.62	Inspector	Decision to seize and retain any article, sample or package
<b>EDUCATION</b>		
Education (Consultation on Curriculum) Act 1988 s.11(b)	Minister	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualifications from office of a member of the Ministerial Consultative Council on Curriculum
Education (Consultation on Curriculum) Act 1988 s.12(f) & s.14	Governor in Council	Decision to remove a member from the Ministerial Consultative Council on Curriculum
Education (Senior Secondary School Studies) Act 1988-1991 s.12(b)	Minister	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualifications of a member of the Board of Senior Secondary School Studies from office
Education (Senior Secondary School Studies) Act 1988-1991 s.13(f) & s.15	Governor in Council	Decision to remove a member from the Board of Senior Secondary School Studies
Education (Tertiary Entrance Procedures Authority) Act 1990-1991 s.12(b)	Minister	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification as a member of the Tertiary Entrance Procedures Authority
Education (Tertiary Entrance Procedures Authority) Act 1990-1991 s.13(f) & s.15	Governor in Council	Removal of a member from the Tertiary Entrance Procedures Authority



<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Education (Tertiary Entrance Procedures Authority) Act 1990-1991 s.37(b)	Minister	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification as a member of the Advisory Council
Education (Tertiary Entrance Procedures Authority) Act 1990-1991 s.38(2)	Minister	Decision to remove a member from the Advisory Council
Grammar Schools Act 1975-1992 s.9	Board of Trustees	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification of a member of the Board of Trustees from office
Grammar Schools Act 1975-1992 s.10(2) & s.10(3)(f)	Governor in Council	Decision to remove a member from the Board of Trustees
Griffith University and Brisbane College of Advanced Education (Mount Gravatt Campus) Amalgamation Act 1989 s.9	Minister	Determination in the event of a dispute arising in connection with the operation, implementation or effect of the Act
James Cook University of North Queensland Act 1970-1992 s.8(1)(c)	Council of the University	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification of a member of the university council from office
University of Central Queensland Act 1989-1991 s.17(2)	Governor in Council on the advice of the Minister	Decision to reduce the term of appointment of any appointed member of the Council of the University of Central Queensland
University of Central Queensland Act 1989-1991 s.20(b)	Council of the University of Central Queensland	Decision as to whether the circumstances of the commission of an indictable offence warrant disqualification of a member of the university council from office

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
<b>EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS</b>		
Nil Entries		
<b>ENVIRONMENT AND HERITAGE</b>		
Canals Act 1958-1990 s.6(3)	Governor in Council	Decision to fix time or extend time within which applicant must obtain final approval for construction of a canal
Clean Waters Act 1971-1990 s.22	Governor in Council	Decision to rescind any decision, determination or order of the Chief Executive and the giving of directions to the Chief Executive
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987 -1991 s.25(1)	Director-General	Decision to authorise or revoke an authorisation for a person to be in a Designated Landscape Area
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991 s.39	Minister	Decision to permit or refuse to permit a person to take possession of a particular item of the Queensland Estate and to impose conditions
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991 s.43(6)	Minister	Decision as to whether person is bound by a contract to acquire an item of the Queensland Estate or is bound by contract to acquire land with which the ownership of an item of the Queensland Estate would pass
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991 s.44(2)	Governor in Council	Decision to approve the proposals of an owner under s.44 and whether to remove an item of the Queensland Estate from the Register of the Queensland Estate
Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987-1991 s.44(3)	Minister	Decision as to the standards and guidelines for the doing of an act proposed by an owner under s.44(1) where the removal of an item from the Register is not approved

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Currumbin Bird Sanctuary Act 1976 s.6(2)	Governor in Council	Decision to terminate the position of a 'representative'
Land Act 1962-1992 s.351G	Minister (or trustees of an environmental park with the permission of the Minister)	Decision to issue a permit to enter an environmental park and to carry out necessary operations
Land Act 1962-1992 s.351J	Prescribed person or honorary ranger	Decision to seize and deal with animals unlawfully within an environmental park
Meaker Trust (Raine Island Research) Act 1981-1990 s.9(2)	Governor in Council	Decision to remove a member from the Raine Island Corporation
Nature Conservation Act 1992 s.29(1)	Governor in Council	Decision or refusal to dedicate specified area of Crown Land as a National Park, Conservation Park or a Resources Reserve
Nature Conservation Act 1992 s.42	Governor in Council	Declaration of a specified area of Crown Land as a Native Refuge or a Co-ordinated Conservation Area or a Wilderness Area
Nature Conservation Act 1992 s.45(1)	Governor in Council	Declaration that an area or part of an area is a Nature Refuge
Nature Conservation Act 1992 s.46	Governor in Council	Revocation of the declaration of a protected area in whole or in part
Nature Conservation Act 1992 s.55	Governor in Council	Revocation of a declaration of an International Agreement Area
Nature Conservation Act 1992 s.97(2)	Governor in Council	Decision or refusal to extend an interim conservation order
Queensland Heritage Act 1992, s.50	Governor in Council by Order in Council	Decision to declare an area to be a protected area

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
<b>FAMILY SERVICES AND ABORIGINAL AND ISLANDER AFFAIRS</b>		
Aboriginal Land Act 1991-1992 s.5.18(4)	Governor in Council	Decision to declare that forest products or quarry material on or below transferred land on an Aboriginal lease are of vital State interest and acquired by the Crown
Adoption of Children Act 1964-1991 Sch.2, cl.3	Governor in Council	Decision to remove the Chairman or a member from the Adoptions Appeals Tribunal
Child Care Act 1991 s.15(1)	Chief Executive	Decision to require an applicant for a child care licence or a child care licensee to provide specified relevant information
Child Care Act 1991 s.65(1) & s.66(1)(a)	An authorised person	Decision to enter and search a "place"
Child Care Act 1991 s.79(1)	Officer of a Local Authority	Decision to enter and monitor compliance with Local Authority legislation
Children's Services Act 1965-1991 s.134(4)	Director	Decision or refusal to declare a child who is under the care, protection or custody of an equivalent authority in another State or Territory of Australia and who is visiting Queensland to be in the care and protection of the Director, at the request of that equivalent authority
Community Services (Aborigines) Act 1984-1992 s.20, s.21 & s.22	Governor in Council	Decision to dissolve an Aboriginal Council, to appoint an administrator and to direct the holding of a fresh election
Community Services (Aborigines) Act 1984-1992 s.63(1)	Governor in Council on the recommendation of the Minister	Decision to dismiss a member of the Aboriginal Industries Board and to appoint an administrator to administer the Board's affairs
Community Services (Aborigines) Act 1984-1992 s.83	Minister or Director-General	Decision or refusal to authorise the provision of assistance to an Aboriginal Council by the Department or its officers or financial aid

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Community Services (Torres Strait) Act 1984-1992 s.20(a), s.21(1) & s.22	Governor in Council	Decision to dissolve an Island Council, appoint an administrator and to direct the holding of a fresh election
Community Services (Torres Strait) Act 1984-1992 s.61(1)	Governor in Council on the recommendation of the Minister	Decision to dismiss a member of the Island Industries Board and to appoint an administrator to administer the Board's affairs
Community Services (Torres Strait) Act 1984-1992 s.82	Minister or Director-General	Decision or refusal to provide to any Island Council such assistance by way of: (a) making available the services of the Department; or (b) financial aid
Family Services Act 1987-1991 s.15(3)	Minister	Decision or refusal to approve a grant for a programme for the provision of family or community services, and to impose conditions
Family Services Act 1987-1991 s.15(6)	Permanent Head, with the approval of the Minister	Decision to refuse to make further payments of the grant in the event of the non-compliance with the conditions of the grant, and to recover moneys paid under the grant
Intellectually Disabled Citizens Act 1985-1991 s.12	Governor in Council	Decision to remove from office a member of the Intellectually Disabled Citizens Council of Queensland
Intellectually Disabled Citizens Act 1985-1991 s.13(4)	Minister	Decision to revoke the appointment of a person as a panel member to assist the Intellectually Disabled Citizens Council of Queensland

## **HEALTH**

Nil Entries

Legislative Provision	Decision-Maker	Nature of Decision
<b>HOUSING, LOCAL GOVERNMENT AND PLANNING</b>		
Rental Bond Act 1989-1991 s.45(3)	Rental Bond Authority	Decision to make a grant or loan out of the rental bond interest account for certain purposes
<b>JUSTICE AND ATTORNEY-GENERAL AND THE ARTS</b>		
Anti-Discrimination Act 1991-1992 s.172	Anti-Discrimination Commissioner	Decision or refusal to extend a time limit
Appeal Costs Fund Act 1973-1991 s.5(8)	Appeal Costs Board	Decision or refusal to pay out of the Appeal Costs Fund, the costs of an application to the Appeal Costs Board
Appeal Costs Fund Act 1973-1991 s.6(4)	Minister	Decision to remove a member from the Appeal Costs Board
Appeal Costs Fund Act 1973-1991 s.16(2)	Appeal Costs Board	Decision or refusal to pay out of the Appeal Costs Fund, the appellant's costs of a successful appeal on a point of law
Appeal Costs Fund Act 1973-1991 s.22(1)	Appeal Costs Board	Decision as to the amount to pay out of the Appeal Costs Fund, to a party to proceedings discontinued for specified reasons
Appeal Costs Fund Act 1973-1991 s.22A	Appeal Costs Board	Decision as to the amount to pay out of the Appeal Costs Fund, to an accused following the Court of Appeal's order of a new trial on a point of law
Appeal Costs Fund Act 1973-1991 s.23(2)(a)	Appeal Costs Board	Decision or refusal to pay out of the Appeal Costs Fund, an appellant's costs, not paid by the respondent
Appeal Costs Fund Act 1973-1991 s.24(2)(a)	Appeal Costs Board	Decision or refusal to pay out of the Appeal Costs Fund, a defendant's costs, not paid by an infant plaintiff or his next friend

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Crimes (Confiscation of Profits) Act 1989-1992 s.12(2)	Attorney-General	Decision following the discharge of a forfeiture order as to a person or body to whom property still vested in the Crown is to be transferred or granted
Crimes (Confiscation of Profits) Act 1989-1992 s.12(6)	Attorney-General	Decision, following the discharge of a forfeiture order, as to a person or body to whom declared value of forfeited property no longer vested in the Crown is to be paid
Crimes (Confiscation of Profits) Act 1989-1992 s.24(2)(a)	Attorney-General	Decision to determine value of property for which a forfeiture order has been made
Electoral Act 1992 s.57(1)	Electoral Commission of Queensland	Decision redistributing the electoral districts of Queensland
Judges' (Pensions and Long Leave) Act 1957-1991 s.10	Governor in Council	Decision or refusal to pay pension to a judge or to the widow or child of a judge who has been removed from office for any cause other than incapacity to perform duties of office
Judges' (Pensions and Long Leave) Act 1957-1992 s.15(1)	Governor in Council	Decision or refusal to extend the period within which a judge is required to take leave of absence
Judges' (Pensions and Long Leave) Act 1957-1992 s.15(1)	Governor in Council	Decision or refusal to approve of a judge taking leave of absence in two separate periods of 3 months each
Judges' (Salaries and Allowances) Act 1967-1991 s.22(1)(c)	Governor in Council	Decision as to whether a member of the Salaries and Allowances Tribunal is incapable of discharging the duties of office
Judges' (Salaries and Allowances) Act 1967-1991 s.22(1)(f) & (2)	Governor in Council	Decision to remove a member from the Salaries and Allowances Tribunal

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Jury Act 1929-1992 s.26(1) & (1A)	Sheriff	Decision, or refusal, to excuse a person from attendance as juror
Justices of the Peace and Commissioners for Declarations Act 1991-1992 s.2.06(2)	Minister	Decision to remove a member from the Justices of the Peace Council
Legal Assistance Act 1965-1990 s.10(3)(a)	Council of the Queensland Law Society Incorporated	Decision or refusal to repay moneys deposited by a solicitor
Queensland Art Gallery Act 1987-1988 s.13 & s.14(7)	Governor in Council	Decision to remove the Chairman, Deputy Chairman or an appointed trustee
Queensland Cultural Centre Trust Act 1976-1988 s.6(5) & s.2.7(2)	Governor in Council	Decision to remove the Chairman or Deputy Chairman or member of the Trust
Queensland Museum Act 1970-1989 s.11	Governor in Council	Decision to remove a member from the Queensland Museum Board of Trustees
Royal Queensland Theatre Company Act 1970-1990 s.12(2)	Governor in Council	Decision to remove a member of the Board
Trustees Companies Act 1968-1991 s.64A(2)	Attorney-General	Decision to order a review of the operations or audit of books of a trustee company
<b>LANDS</b>		
Land Act 1962-1992, s.306	Governor in Council	Resumption for a public purpose of land or easement over land
<b>MINERALS AND ENERGY</b>		
Nil Entries		
<b>POLICE AND EMERGENCY SERVICES</b>		
Ambulance Service Act 1991 s.2.3(1)(f)	Minister	Decision or refusal to approve the Commissioner of the Queensland Ambulance Service engaging in outside employment under the Act



<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Ambulance Service Act 1991 s.4.4(9)	Minister	Decision to dismiss a person from any office of a Local Ambulance Committee if satisfied that it is in the public interest to do so
Ambulance Service Act 1991 s.4.9(1) & (3)	Minister	Decision to investigate a Local Ambulance Committee and require the production of any documents from officers of the Committee
Ambulance Service Act 1991 s.4.10	Minister	Decision to dissolve a Local Ambulance Committee
Ambulance Service Act 1991 s.6.7(1)	Commissioner	Decision or refusal to authorise the use of the term 'Ambulance Service' the use of the word 'Ambulance' on any vehicle, or the use of any insignia of the Queensland Ambulance Service
Fire Service Act 1990-1992 s.13	Governor in Council	Decision to dismiss or suspend the Commissioner of Fire Service
Fire Service Act 1990-1992 s.29	Commissioner of Fire Service	Decision to retrench an officer in accordance with redundancy arrangements approved by the Governor in Council
Fire Service Act 1990-1992 s.34(3)(b)	Governor in Council Fire Service	Decision to remove the Commissioner of Appeals
Fire Service Act 1990-1992 s.64	Commissioner of Fire Service	Decision to give notice to an occupier of land prohibiting the lighting of all fires on land
Fire Service Act 1990-1992 s.65	Commissioner of Fire Service	Decision or refusal to grant an application for a permit to light a fire on any land
Fire Service Act 1990-1992 s.75(5)	Commissioner of Fire Service	Decision to cancel the appointment of a chief fire warden or a fire warden
Fire Service Act 1990-1992 s.81(5)	Commissioner of Fire Service	Decision to dismiss a person from any office with a rural fire brigade or to disqualify a person from holding any office

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Fire Service Act 1990-1992 s.84(1)	Commissioner of Fire Service	Decision to provide any rural fire brigade with equipment or to subsidize the purchase of equipment by a rural fire brigade
Fire Service Act 1990-1992 s.87	Commissioner of Fire Service with the approval of the Minister	Decision to declare that a state of fire emergency exists within Queensland
Fire Service Act 1990-1992 s.96	Commissioner of Fire Service	Decision to require a person to provide information concerning dangerous goods
Fire Service Act 1990-1992 s.97(1)	Commissioner of Fire Service	Decision to issue a notice requiring a person to prepare and lodge an off-site emergency plan in respect of dangerous goods
Fire Service Act 1990-1992 s.99	Commissioner of Fire Service	Decision or refusal to approve an emergency plan lodged or to impose conditions
Fire Service Act 1990-1992 s.100(1)	Commissioner of Fire Service	Decision to approve or refusal to approve an amendment to an off-site emergency plan
Fire Service Act 1990-1992 s.100(2)	Commissioner of Fire Service	Decision to require an amendment to an off-site emergency plan
Fire Service Act 1990-1992 s.101(3)	Commissioner of Fire Service	Decision to require a person responsible for an emergency plan to ensure all measures provided for in the plan are taken
Fire Service Act 1990-1992 s.102(2)	Commissioner of Fire Service	Decision or refusal to approve discontinuance of an emergency plan
Fire Service Act 1990-1992 s.104F	Commissioner of Fire Service	Decision or refusal to provide assistance to an occupier of a building in the preparation and implementation of a safety plan under s.104E(a)
Fire Service Act 1990-1992 s.143	Commissioner of Fire Service	Decision or refusal to authorise use of the expression 'Queensland Fire Service' or 'Queensland Fire Services'

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Fire Service Act 1990-1992 Sch.4, cl.3	Governor in Council	Decision to remove a member from the Rural Fire Council or a Trustee from the Superannuation Scheme
<b>PREMIER, ECONOMIC AND TRADE DEVELOPMENT</b>		
Agent-General for Queensland Act 1975 s.5	Governor in Council	Decision to remove or suspend the Agent-General or Acting Agent-General
Off-Shore Facilities Act 1986-1990 s.3	Governor in Council	Decision or refusal to exempt this Act applying to a vessel or 'thing'
Parliamentary Commissioner Act 1974-1991 s.10(6)	Premier	Decision or refusal to approve an officer of the Parliamentary Commissioner for Administrative Investigations engaging in outside remunerative employment
Parliamentary Commissioner Act 1974-1991 s.17(1)	Parliamentary Commissioner for Administrative Investigations	Decision to refuse to entertain or to continue the investigation of a complaint
<b>PRIMARY INDUSTRIES</b>		
Apiaries Act 1982 s.26(1)	Inspector	Decision to order a beekeeper to put into order or dispose of bees, hives etc which are abandoned or neglected
Apiaries Act 1982 s.26(2)	Inspector, with the approval of the Director-General	Decision to seize or otherwise dispose of bees, hives etc where a beekeeper fails to comply with an order under s.26(1)
Chemical Usage (Agricultural & Veterinary) Control Act 1988 s.9	Minister	Decision to give or refuse written permission to possess or use a proscribed chemical

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Chicken Meat Industry Committee Act 1976-1989 s.20	Chicken Meat Industry Committee	Decision or refusal to approve an agreement made between a processor and a grower of chickens or to reject agreements made between a processor and the grower of chickens
City of Brisbane Market Act 1960-1985 s.16(2)(b)	Brisbane Market Trust	Decision to regulate buildings and use of buildings and plant
City of Brisbane Market Act 1960-1985 s.25	Governor in Council	Decision or refusal to permit sale and storage of any farm products or other commodities at public market
City of Brisbane Market Act 1960-1985 s.25D(1)	Brisbane Market Trust	Decision to cause seized fruit vegetables and containers to be destroyed, sold or retained by the Trust
City of Brisbane Market Act 1960-1985 s.25D(2)	Minister	Decision or refusal to direct the Brisbane Market Trust to deliver seized fruit, vegetables or containers to the owner and to impose conditions
Dairy Adjustment Program Agreement Act 1977 cl.15	'The Authority'	Decision to make a loan to a person, who has acquired land under the Dairy Adjustment Program Scheme, to develop the land or to provide operating capital for watering the land
Dairy Adjustment Program Agreement Act 1977 cl.15A	'The Authority'	Decision to deal with land under the Dairy Adjustment Program as if the property were an uneconomic dairy farm
Dairy Adjustment Program Agreement Act 1977 cl.15BA	'The Authority'	Decision or refusal to make an interest-free loan to an owner of a dairy farm to install a milk vat or to make other improvements to milk collection
Dairy Adjustment Program Agreement Act 1977 cl.15CA & cl.15DA	'The Authority'	Decision or refusal to make a loan to an owner of an uneconomic dairy farm to develop the farm into an economic dairy or mixed farm

Legislative Provision	Decision-Maker	Nature of Decision
Dairy Adjustment Program Agreement Act 1977 cl.15E	'The Authority'	Decision or refusal to make a loan to alleviate personal hardship (including an interest free loan) to a person who has disposed of or will dispose of an uneconomic dairy farm
Dairy Adjustment Program Agreement Act 1977 cl.15EA(2)	Commonwealth Minister or a person approved by the Commonwealth Minister, and the Queensland Minister	Decision or refusal to make a loan to a dairy factory to meet conversion costs
Dairy Adjustment Program Agreement Act 1977 cl.15EB(1)	'The Authority'	Decision or refusal to make a loan to an owner of a dairy farm during adverse economic conditions
Dairy Industry Act 1989 s.27	Minister	Decision to approve that the Queensland Dairy Industry Authority establish and manage the business of a dairy processor or a vendor of dairy produce when the supply of milk in any area is insufficient
Farm Produce Marketing Act 1964-1991 s.24A	Registrar of Farm Produce Commercial Sellers	Decision not to investigate a complaint by a person who has forwarded farm produce to a farm produce commercial seller
Farm Water Supplies Assistance Act 1958-1992 s.6	Queensland Industry Development Corporation	Decision to make a loan to the owner of farm land to improve the water supply or drainage or irrigation on farm lands
Fisheries Act 1976-1992 s.51(1)	Governor in Council by Order in Council	Decision to set apart and declare tidal land that is Crown land and waters covering that land to be a reserve, fish sanctuary or oyster ground
Fisheries Act 1976-1992 s.51(2)	Governor in Council by Order in Council	Decision to revoke a declaration of a wetland reserve, fish sanctuary public oyster reserve or a reserve, sanctuary or ground for any special purpose (other than a fish habitat reserve)

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Fisheries Act 1976-1992 s.55(b)	Minister	Decision or refusal to authorise fishing or having possession of a fish or marine product in closed waters and to impose conditions
Fisheries Act 1976-1992 s.56	Minister	Decision or refusal to authorise a person to have possession of or sell specified fish or marine products
Fisheries Act 1976-1992 s.57	Chief Inspector of Fisheries	Decision as to the manner to dispose of fish or marine products forfeited to the Crown
Forestry Act 1959-1992 s.21	Primary Industries Corporation	Decision or refusal to consent to an officer purchasing forest products and quarry materials for personal use
Forestry Act 1959-1992 s.32	Governor in Council	Decision to exclude land which should be available for tourist purposes or opened for use as a public road
Forestry Act 1959-1992 s.34(3)	Primary Industries Corporation	Decision to carry out works in a State Forest notwithstanding any lease, licence, permit or right or authority, in a State Forest
Forestry Act 1959-1992 s.34AA(1)	Primary Industries Corporation	Decision to regulate or prohibit use of a State Forest by persons, by vehicles or vehicles of a specified class, or the bringing in a State Forest animals or a specified class of animal
Forestry Act 1959-1992 s.39A(2)(a)	Primary Industries Corporation	Decision to enter and exit from a Forest Entitlement Area or over certain other specified land, in the absence of agreement with the lessee over a route that will cause minimum damage to the land and inconvenience to the lessee

Legislative Provision	Decision-Maker	Nature of Decision
Forestry Act 1959-1992 s.47(4)	Minister	Decision to determine whether or not the forest products or quarry material on specified Crown holdings or forest products on a lease granted under the Mining Acts should be sold and to impose conditions or their sale, following consideration of an objection to their sale
Forestry Act 1959-1992 s.48	Minister	Decision to deal with forest products which are property of the Crown, other than forest products situated on an environment park following consideration of an objection lodged by a selector, lessee or holder of the land containing the forest product
Forestry Act 1959-1992 s.57(3)	Minister	Decision to determine a dispute over entry and right of access to and from land subject to which the permit or licence is granted
Forestry Act 1959-1992 s.61E(4)	Primary Industries Corporation	Decision as to whether satisfied as to causation of damage resulting in an order to the permit holder to rectify damage
Forestry Act 1959-1992 s.61(5)	Primary Industries Corporation	Decision to use security to rectify damage to land or towards specified obligations to the Crown
Forestry Act 1959-1992 s.72	Primary Industries Corporation	Decision to impound and dispose of stock unlawfully in and detrimental to a State Forest, Timber Reserve or Forest Entitlement Area
Fruit Marketing Organisation Act 1923-1991 s.7A	Committee of Direction	Decision to take or refuse to take a poll requested by growers
Irrigation Areas (Land Settlement) Act 1962-1992 s.6	Minister	Decision or refusal to convert a pastoral holding, a pastoral development holding or a preferential pastoral holding to the tenure of a stud holding

Legislative Provision	Decision-Maker	Nature of Decision
Irrigation Areas (Land Settlement) Act 1962-1992 s.14	Director-General	Decision to accept an application for land using the open method
Irrigation Areas (Land Settlement) Act 1962-1992 s.33(1) & (5)	Governor in Council by Order in Council	Decision to reclassify leased land as irrigable, non-irrigable and dry land
Meat Industry Act 1965-1989 s.112	Livestock and Meat Authority of Queensland	Decision or refusal to consent to slaughtering of animals for boiling down purposes, the conduct of a knackery or to having possession of an animal for boiling down purposes that was slaughtered outside a specified area
Primary Producers' Organisation and Marketing Act 1926-1991 s.9(1)	Governor in Council	Decision or refusal to declare or refuse to declare that any grain, cereal or fruit etc is a commodity and to constitute a Marketing Board for that commodity
Primary Producers' Organisation and Marketing Act 1926-1991 s.9(4)	Governor in Council	Decision or refusal to declare the classes of persons deemed to be growers of a commodity and the method of choosing the representative of the growers, after having due regard to the representations of growers
Recreation Areas Management Act 1988-1992 s.9	Governor in Council	Decision to declare land and waters a Recreation Area
Recreation Areas Management Act 1988-1992 s.11(c)	Governor in Council	Decision to revoke the settling apart and declaration of a Recreation Area
Recreation Areas Management Act 1988-1992 s.34	Queensland Recreation Areas Management Board	Decision to regulate or prohibit the movement of vehicles and vessels in a Recreation Area



<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Recreation Areas Management Act 1988-1992 s.35	Authorised Officer	Decision to direct a person to leave a Recreation Area
Recreation Areas Management Act 1988-1992 s.39	Authorised Officer	Decision to seize or remove an unauthorised building, structure or thing within a Recreation Area
Sawmills Licensing Act 1936-1991 s.10(2)	Forest Officer	Decision to direct a person to cease unlicensed operation of a sawmill
Water Resources Act 1989-1992 s.4.1	Governor in Council	Decision to vest in the Crown the bed and banks of a watercourse or lake
Water Resources Act 1989-1992 s.4.2	Governor in Council by Order in Council	Decision to declare an area of land a catchment area and to place a catchment area under control
Water Resources Act 1989-1992 s.5.2	Commissioner of Water Resources	Decision to declare certain works to be a referable dam
<b>TOURISM, SPORT AND RACING</b>		
Lang Park Trust Act 1962-1988 s.4, s.4B, s.4C(7) & s.4D(7)	Governor in Council	Decision to remove the Chairman, Deputy Chairman, the secretary or a trustee from the Lang Park Trust
<b>TRANSPORT</b>		
Motor Vehicle Driving Instruction School Act 1969-1990 s.22(3)(d)	Governor in Council	Decision to remove a member from the Appeal Tribunal
Queensland Marine Act 1958-1990 s.111(2)(a)	Marine Board of Queensland, or in cases of emergencies the Chairman or Deputy Chairman of the Marine Board	Decision or refusal to issue a permit for a ship to proceed to sea

<b>Legislative Provision</b>	<b>Decision-Maker</b>	<b>Nature of Decision</b>
Queensland Marine Act 1958-1990 s.142(1)	Marine Surveyor or Shipping Inspector, or any other official that the Board may appoint	Decision or refusal to certify that fog equipment is in conformity with collision regulations required before a ship may go to sea
State Transport (People-movers) Act 1989-1990 s.25(2)	Director-General	Decision to cancel or suspend approval of a people-moving vehicle
Tow-truck Act 1973-1991 s.29(3)(d)	Governor in Council	Decision to remove a member from the Appeal Tribunal
Urban Passenger Service Proprietors Assistance Act 1975-1990 s.15	Minister	Decision or refusal to consent to the lender's releasing any security for the loan
<b>TREASURY</b>		
War Service Land Settlement Acts 1946-1967 s.14	Corporation of the Agricultural Bank	Decision to make or refuse make an advance to a settler
War Service Land Settlement Acts 1946-1967 s.15(4) and (5)	Corporation of the Agricultural Bank	Decision to accept or refuse a particular security
War Service Land Settlement Acts 1946-1967 s.19	Corporation of the Agricultural Bank	Decision to cancel an approved advance before the whole advance has been paid

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V. R. WARD, GOVERNMENT PRINTER, QUEENSLAND—1993