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QUEENSLAND

***A WORKING PAPER OF THE LAW REFORM COMMISSION
ON STATUTE LAW REVISION***

(Acts Repeal Act)

(Q.L.R.C. W.P. 34, 1991)

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LAW REFORM COMMISSION

The Law Reform Commission has been functioning since the 1st March, 1969 and is constituted by the Law Reform Commission Act 1968 - 1984.

MEMBERS:-

The Honourable Mr. Justice B.H. McPherson S.P.J., C.B.E., Chairman

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The short citation for this Working Paper is Q.L.R.C. W.P.34.

PREFACE**LAW REFORM COMMISSION****Working Paper on Statute Law Revision****(Q.L.R.C., W.P. 34, 1991)**

The Fourth Programme of the Law Reform Commission includes a reference on statute law revision. The reference on statute law revision requires the Commission to recommend the repeal of any obsolete and unnecessary enactments (see, Law Reform Commission Act 1968-1984, s.10(1)(c)). The Commission is also charged with the review of all the law applicable to the State of Queensland with a view to its systematic development and reform, including "the reduction of the number of separate enactments" (see Law Reform Commission Act, s.10(1)(d)).

The Commission has prepared a draft Bill entitled the Acts Repeal Act which, if enacted, would repeal obsolete and unnecessary legislation. The draft Bill is contained in this Working Paper. The Working Paper also contains a commentary upon the legislation which the Commission considers may be repealed.

This Working Paper is being circulated for comment and criticism. It would be appreciated if any submissions on this working paper would be addressed to the Secretary, Law Reform Commission, P.O. Box 312, BRISBANE NORTH QUAY, Q. 4002. The closing date for submissions is the 27th April, 1991.

The Hon. Mr. Justice
B.H. McPherson S.P.J.
Chairman

8th March, 1991

CHAPTER ONE

INTRODUCTION

The Law Reform Commission Act 1968-1984 provides that one of the functions of the Law Reform Commission is to take and keep under review all the law applicable to the State of Queensland with a view to its systematic development and reform, including the repeal of obsolete and unnecessary enactments, s.10(1)(c). The Commission is also charged with the review of all the law applicable to the State of Queensland with a view to its systematic development and reform, including "the reduction of the number of separate enactments" see Law Reform Commission Act, s.10(1)(d). The Commission has, from time to time, issued reports containing recommendations for statute law revision which have been implemented.

In April, 1972 the first report of the Commission on statute law revision was issued which recommended the termination of operation of obsolete statutes which had been passed by the New South Wales Parliament prior to Separation in 1859.¹ Pursuant to this recommendation the New South Wales Acts (Termination of Application) Act 1973² was enacted. This statute terminated the operation of some 478 Acts which had been passed by the New South Wales Parliament prior to Separation.

In December, 1972 the second report of the Commission on statute law revision was issued after the Commission conducted an examination of Queensland legislation that had been passed between 1860 and 1971.³ In that report the Commission recommended that a number of statutes be repealed, and subsequently 287 Queensland Acts were repealed by the Acts Repeal Act 1973.⁴

In March, 1975 the third report of the Commission on statute law revision was

¹ Acts Repeal Act (Q.L.R.C. 11, 1972).

² Act No.1 of 1973.

³ The Commission's Second Report on Statute Law Revision (Q.L.R.C. 15, 1972).

⁴ Act No.46 of 1973.

issued which contained a further examination of the Queensland statute book.⁵ That report recommended the repeal of further Queensland statutes. Subsequently, pursuant to this recommendation the Acts Repeal Act 1975⁶ was passed which repealed 124 Queensland Acts.

Until the reference on statute law review was placed on the Fourth Programme of the Commission, the Commission had not, since the passage of the Acts Repeal Act 1975, undertaken a general review of the Queensland statute book to ascertain which statutes had become obsolete. The Commission has identified a number of statutes which it is considered should now be repealed. The Commission has consulted with relevant Government Departments prior to formulating these recommendations. In preparing this Working Paper the Commission has been assisted by Mr. Gunness of the Public Sector Management Commission (P.S.M.C.) who has concurrently been investigating the problem of obsolete statutes.

⁵ The Commission's Third Report on Statute Law Revision (Q.L.R.C. 18, 1975).

⁶ Act No.35 of 1975.

CHAPTER TWO

REPEAL OF STATUTES

The Commission has prepared a draft Bill entitled the Acts Repeal Act which, if enacted, will repeal legislation which is considered to be obsolete. The Schedule to the draft Bill contains various statutes which have been passed by the Legislature of Queensland, cl. 2(1). The Commission also proposes the termination of the operation in Queensland of some statutes which were passed by the Legislature of the Colony of New South Wales, cl. 2(2). This Chapter contains an explanation of why those statutes may be repealed.

THE BANKING COMPANIES ACT OF 1840, THE BANKING COMPANIES ACT AMENDMENT ACT 1842

(4 Vic. No. 13, 5 Vic. No. 24) (N.S.W.)

These statutes provided for the periodical publication of the liabilities and assets of banks in New South Wales and the registration of the names of the proprietors and their liabilities. This statute may be repealed. The regulation of banking with the exception of state banking is subject to Commonwealth legislation.

THE BANK OF AUSTRALASIA ACT OF 1841

(5 Vic. No. 14) (N.S.W.)

This statute rendered a notarial copy of an exemplification of the Royal Charter of the Bank of Australasia as evidence in all courts. This statute is now unnecessary as banks are registered under the companies legislation.

ARREST OF SHIPS ACT OF 1848

(11 Vict. No.46) (N.S.W.)

In 1848 Sir Charles Fitzroy, the then Governor of New South Wales, wrote to Earl Grey of the Colonial Office complaining of the objectionable practice of arresting

ships, on some false plea, on the eve of their departure from the colony.¹ The Arrest of Ships Act of 1848 (N.S.W.)² was enacted to prevent such abuses. The colonial statute applies to an arrest "by any process issuing out of the Vice-Admiralty Court of New South Wales for any matter or thing not within the jurisdiction of the said Court of Vice-Admiralty". The colonial statute also makes the party at whose instance a ship has been arrested, and the solicitor ("proctor") who acts for that party liable to costs and damages for wrongful arrest.

The Arrest of Ships Act of 1848 is still on the statute book in Queensland. The Australian Law Reform Commission in a report on civil admiralty jurisdiction³ considered that the statute was in force in Queensland by virtue of s.33 of the Constitution Act 1867 (Qld.).⁴ That provision preserves laws which were "in force" at the time when the Constitution Act came into operation. The statute was assented to on 28th December, 1867. The provision also preserved the authority of the courts except in so far as the same may be affected by the Constitution Act. It can be seen, therefore, that section 33 of the Constitution Act would have been inserted *ex abundanti cautela* to ensure that the passage of the Constitution Act did not affect the laws which were then in force.

The true position appears to be that the Arrest of Ships Act continued to be law in the colony of Queensland upon Separation by virtue of the Order in Council of 6th June, 1859 which empowered the Governor of Queensland to make laws, and to provide for the Administration of Justice in the colony.⁵ The provisions of the Order in Council were later confirmed by the Australian Colonies Act 1861 (Imp.).⁶ Clause 20 of the Order-in-Council provided:

"All Laws, Statutes, and Ordinances, which at the time when this Order

¹ See, Vol.26 Historical Records of Australia (1925), pp.550-552.

² 11 Vic. No.46 (N.S.W.), Vol.1, Queensland Statutes (1962 ed., p.122).

³ See, Civil Admiralty Jurisdiction (A.L.R.C. 33, 1986), p.197 (n.18).

⁴ 31 Vic. No.38 (Qld.).

⁵ See, No.3 Queensland Government Gazette (24 December, 1859).

⁶ 24 & 25 Vict. c.44 (Imp.).

in Council shall come into operation shall be in force within the said colony, shall remain and continue to be of the same authority as if this Order in Council had not been made...".

This clause of the Order-in-Council of 6th June, 1859 would have ensured the continued application of the colonial statutes of New South Wales in the colony of Queensland.⁷ The Arrest of Ships Act made reference to the "Vice-Admiralty Court of New South Wales". This reference would, by virtue of s.36 of the Supreme Court Act of 1867 (Qld.)⁸, have been deemed to have referred to the Vice-Admiralty Court of Queensland.⁹

The Imperial Colonial Courts of Admiralty Act 1890¹⁰ established Colonial Courts of Admiralty to supersede the previously existing Vice-Admiralty Courts in British possessions. The Arrest of Ships Act continued to have operation after the establishment of Colonial Courts of Admiralty, and to apply to proceedings in those courts. That is because section 2(3) of the Colonial Courts of Admiralty Act provided that a colonial law referring to a Vice-Admiralty Court shall apply to a Colonial Court of Admiralty, and be read as if the expression "Colonial Court of Admiralty" were therein substituted for "Vice-Admiralty Court" or for other expressions referring to Vice-Admiralty Courts.

The subject of admiralty jurisdiction was discussed at the Eighth Australian Law Reform Agencies Conference that was held in Brisbane in July, 1983. At that conference Mr H.G. Fryberg Q.C. referred to the "archaic provisions" of the Arrest of Ships Act which made solicitors liable for wrongfully arresting ships without jurisdiction. Mr Fryberg mentioned the difficulty faced by a solicitor, who is unfamiliar with admiralty procedure, in a regional centre, such as Gladstone, Mackay, or Cairns. He pointed out that in actual practice many solicitors declined to institute proceedings for the arrest of a ship unless a client indemnified the solicitor from any possible liability under

⁷ See also, Taylor v. Attorney-General [1917] St.R.Qd. 208, 228 per Lukin J.

⁸ 31 Vict. No.23 (Qld.).

⁹ See also, The Vice-Admiralty Courts Act of 1863 (26 Vict. c.24), Sch.A. (Imp.).

¹⁰ 53 & 54 Vic c.27 (Imp.).

the Arrest of Ships Act.

The Commonwealth Admiralty Act commenced operation on 1 January, 1989.¹¹ The Arrest of Ships Act has no application to proceedings under the Admiralty Act. This is because there is no provision in the Admiralty Act, which is similar to s. 2(3) of the Colonial Courts of Admiralty Act, which would invoke the operation of the Arrest of Ships Act which originally applied only to proceedings in the Vice-Admiralty Court of New South Wales. The Colonial Courts of Admiralty Act was repealed by s. 44(1) of the Admiralty Act 1988.¹² Upon the repeal of the Colonial Courts of Admiralty Act, the Arrest of Ships Act became inoperative.¹³ The Arrest of Ships Act may therefore be safely repealed. Section 34 of the Admiralty Act 1988 enables an aggrieved party to recover damages for unjustified arrest in respect of a proceeding under the Admiralty Act.

The Arrest of Ships Act also had an evidentiary function. Section 3 of the Arrest of Ships Act provides for the admissibility of a copy of the ship's articles and register when duly proved to be a true copy. In Queensland this provision was superseded by local statutes which provided for the proof of registers of British vessels.¹⁴ Since the establishment of the Australian Register of Ships in 1982 legislation similarly provides for proof of entries on the Australian register.¹⁵ The term "ship's articles" in shipping legislation usually refers to agreements with the crew of a ship. The Evidence Act 1977 provides for the proof of copies of business documents (ss. 22, 106, 116).

¹¹ See, Gazette S 359, 23 November, 1988.

¹² No.34 of 1988 (Cth.), s.44.

¹³ See, Civil Admiralty Jurisdiction (A.L.R.C. 33, 1986), p.255.

¹⁴ Evidence and Discovery Act 1867, s. 36 ; Evidence Act 1977, s. 52.

¹⁵ Shipping Registration Act 1981 (Cth.), s. 36.

THE DISTILLERIES ACT OF 1849(13 Vic. No. 27) (N.S.W.)

This colonial statute regulated the warehousing under bond and the exportation of spirits distilled within the Colony of New South Wales. This is a matter which is now regulated by Federal Customs legislation. The Distilleries Act of 1849 (13 Vic. No. 26). ("An Act to Prevent Unlawful Distillation and to provide for the Protection of the Revenue arising from the Duties on Spirits") was repealed by the New South Wales (Termination of Application) Act 1973.

THE BREWERS ACT OF 1850(14 Vic. No. 4) (N.S.W.)THE LIQUOR ADULTERATION ACT OF 1855(19 Vic. No. 19) (N.S.W.)

These colonial statutes were passed to prevent the adulteration of liquors. The statutes provide minor penalties for a breach, and are not enforced. Adulteration of liquor is punishable under the Liquor Act 1912 (ss. 86-91), the Criminal Code (ss. 240, 241), and the Health Act 1937, s. 122.

THE STATE AID DISCONTINUANCE ACT 1860(24 Vic. No. 3)

The short title of this statute is "An Act to Discontinue Grants from the Revenue in Aid of Religion". This statute repealed the operation in Queensland of the Act of Council (7 Wm. IV No. 3) (N.S.W.) which appropriated from consolidated revenue grants of money in aid of public worship. The statute preserved the entitlement of certain ministers who were then in receipt of grants. However, apart from those instances no such grants have been made since.

THE BRISBANE PUBLIC BUILDINGS ACT OF 1864(28 Vic. No.3)

The statute provided for the sale of public buildings erected at the cost of the Imperial Treasury and for the proceeds of any sale to be paid into a special fund. This statute would no longer serve any useful purpose. In Attorney-General for New South

Wales v. Williams¹⁶ the Privy Council held that the land on which Government House, Sydney was erected was not so dedicated or set apart as to confer on the public either of New South Wales or of the United Kingdom, any right against the Crown to have them used for that purpose. It was further held that the land was waste land of the Crown within the meaning of the Constitution Act 1855 (N.S.W.), and that by virtue of that Act the control and management of it passed to the Legislature of New South Wales, and, subject to the Legislature, to the Executive Government. In Queensland s.40 of the Constitution Act of 1867 (Qld.) vests the management and control of the waste lands of the Crown in the Legislature. See, Cudgen Rutile (No. 2) Pty. Ltd. v. Chalk.¹⁷

THE QUEENSLAND TREASURY NOTES ACT OF 1866

(30 Vic. No. 11)

This statute authorised the issue of Treasury notes. This statute may be repealed as the State is prohibited from issuing a bill or note for the payment of money, payable to bearer on demand, and intended for circulation.¹⁸

THE CUSTOMS ACT 1873

(37 Vic. No. 1)

The subject of customs is a Commonwealth responsibility and the statute does not serve any purpose. The Customs Act 1873 contains some anachronistic provisions such as which permit the importation of opium in ships greater than 55 tons deadweight and in packages in excess of 50 pounds weight. Certain provisions of the Customs Act were reprinted in the 1962 reprint of the Queensland Statutes (Vol. 4, pp. 362-364). It is, however, considered that these provisions are inoperative. There is no port or sub-port in the State of Queensland appointed by the Governor in Council to be a quay or wharf under section 10 of the Act. Also no income is derived by way of charges for the execution of inspection laws. The draft Bill prepared by the

¹⁶ [1915] A.C. 573, 19 C.L.R. 343.

¹⁷ [1975] A.C. 520, 533.

¹⁸ See, Reserve Bank Act 1959, s.44.

Commission lists for repeal the Customs Act in its entirety, although certain provisions of the Customs Act were repealed by the Criminal Code Act 1899, s. 3 (the repealed sections are ss. 192, 193, 197-200, and 232). See, Acts Interpretation Act 1954, s. 19.

THE QUEENSLAND NATIONAL BANK ACT OF 1876

(40 Vic.)

This statute authorised the Queensland National Bank Limited, incorporated under The Companies Act of 1863, to open and keep registers of shareholders in places beyond the Colony of Queensland. This is superseded by modern companies legislation. The National Australia Bank has consented to the repeal of the Statute.

THE LOCAL WORKS LOANS ACTS, 1880 TO 1918

(44 Vic. No. 9, 63 Vic. No. 7)

These statutes provided for the repayment of loans authorised for the construction of public works by local authorities. Some provisions of these statutes have already been repealed. Cf., Acts Interpretation Act 1954-1989, s. 19. Borrowings by local authorities are now regulated by the Statutory Bodies Financial Arrangements Act 1982.

THE COLONIAL SUGAR REFINING COMPANY'S ACT, 1881

(45 Vic.)

This statute was passed to enable "The Colonial Sugar Refining Company", then a joint-stock company, to sue and be sued in the name of the company, to vest the property of the company in the names of trustees, and to enable conditional purchasers of land to transfer their selections to the trustees notwithstanding that they may not have obtained certificates of fulfillment of conditions. In 1888 the company was registered as a limited company under The Companies Act 1863 : see, Vol. 4 Queensland Statutes (1911 ed.), p. 3895.

THE IMMIGRATION ACT OF 1882(46 Vic. No. 7)

This statute was passed when the Colony of Queensland had responsibility for immigration. This is now a Commonwealth responsibility.

THE TRAMWAYS ACTS, 1882 TO 1890(46 Vic. No. 10) (54 Vic. No. 16)

The Tramways Act of 1882 as amended by The Tramways Act of 1882 Amendment Act of 1890 authorised the construction, maintenance, and working of tramways on public streets and roads in such a manner as not to impede ordinary traffic. As trams are no longer in use in Brisbane, these statutes may be repealed.

THE QUEENSLAND STOCK INSCRIPTION ACTS(47 Vic. No. 1, 1 Edw. VII No. 5)

These statutes were passed, pursuant to The Colonial Stock Act of 1877 (Imp.), to provide for the creation and sale of government inscribed stock. The Act provides that whenever any Act gives the Governor in Council power to raise any sum of money by way of loan for the "Public Service of the Colony" it shall be lawful for the Governor in Council to raise the whole or any portion of such sum in the form of inscribed stock. The Treasury have no records of any remaining stock issued under the statutes. Clause 3 of the draft Bill preserves any liability or obligation incurred under a repealed Act.

THE LADY BOWEN LYING-IN HOSPITAL LAND SALE ACT OF 1887(51 Vic.)

The Lady Bowen Hospital was originally situated in Ann Street, Brisbane on land granted by Deed of Grant No. 15147. The statute provided for the purchase by the trustees of a new site for the hospital and that the trustees should hold the lands and property upon the same trusts as in Grant No. 15147. The trusts were recited in the preamble to the 1887 Act. The Hospitals Act of 1923 constituted the Brisbane and South Coast Hospital District and provided that the Board of the District was charged with the management of the Lady Bowen Hospital (s. 3). The Hospitals Act was

repealed by the Hospitals Act of 1936 which provided for the savings of any trusts (s. 12(10)). The lands, which were purchased pursuant to the 1887 Act, were surrendered and transferred to the Crown under s. 185 of the Land Act of 1910. The statute may accordingly be repealed.

THE GOVERNMENT LOAN ACT OF 1890

(54 Vic. No. 25)

This statute authorised the raising of a loan for the Public Service of the Colony of Queensland and for other purposes.

THE COLONIAL TREASURER'S INDEMNITY ACT OF 1891

(55 Vic. No. 4)

This statute sanctioned and confirmed the expenditure of government loan funds which were made without the authority of any annual or special appropriation statute.

THE TREASURY NOTES ACT OF 1893

(56 Vic. No. 37)

This statute authorised the issue of Treasury notes payable on demand. This statute may be repealed as the State is prohibited from issuing a bill or note for the payment of money, payable to bearer on demand, and intended for circulation.¹⁹

THE TREASURY NOTES ADVANCES ACT OF 1893

(56 Vic. No. 38)

This statute makes provision whereby banks which are unable to meet their engagements may obtain an advance of Treasury notes from the government for the purpose of withdrawing from circulation notes of the bank payable on demand. This statute may be repealed as no person or State shall issue a bill or note for the payment of money, payable to bearer on demand, and intended for circulation. See, Reserve Bank Act 1959, s. 44.

¹⁹ See, Reserve Bank Act 1959, s.44.

THE SANDGATE RACECOURSE ACT OF 1896(60 Vic.)

This statute enabled the trustees of the land being the Sandgate Racecourse Reserve (Deed of Grant No. 76020) to mortgage, sell, exchange or lease the land. This land is no longer under the Land Act and is registered under the Real Property Act under Nomination of Trustees.

THE BUNDABERG RACECOURSE ACT OF 1897(61 Vic.)

This statute enabled the trustees of the land described in Deed of Grant, No. 84295, being the Bundaberg Racecourse Reserve, to mortgage or sell the land. The relevant land has been surrendered to the Crown.

THE SOUTH BRISBANE MUNICIPAL LOAN ACT OF 1897(61 Vic. No. 11)

This statute enabled the former Council of the Municipality of South Brisbane to raise money by debentures for Corporation purposes. The operation of this statute was preserved by s. 6 of The Local Authority Act of 1901.

THE PARLIAMENT OF THE COMMONWEALTH ELECTIONS ACT AND
THE ELECTIONS ACTS 1885 TO 1898 AMENDMENT ACT OF 1900(64 Vic. No. 25)

This statute regulated the first election in Queensland for members of the Commonwealth Parliament. This election of Senators and members of the House of Representatives is regulated by the Commonwealth Electoral Act 1918 (Com.).

THE BRISBANE RIVER IMPROVEMENT ACT OF 1902(2 Edw. VII No. 13)

The statute validated the construction of training walls in the Brisbane River by the Government. The Port of Brisbane Authority now has the authority to manage and control the Port of Brisbane and all harbour works and other works pertaining to that

port. See, Port of Brisbane Authority Act 1976-1987, s. 16. The authority also has the powers and authorities of a Harbour Board under the Harbours Act. See, Port of Brisbane Authority Act 1976-1987 s. 17.

THE TUCHEKOI STATE FOREST AMENDMENT OF BOUNDARIES ACT OF 1909

(9 Edw. VII No. 21)

This Act excised a certain area of State Forest for settlement purposes. This statute does not now have any further purpose.

THE THURSDAY ISLAND WATERWORKS ACT OF 1911

THE THURSDAY ISLAND WATERWORKS AMENDMENT ACT OF 1912

(2 Geo. V No. 10, 3 Geo. V. No. 21)

These statutes enabled the Treasurer, out of the moneys of The Port Kennedy Harbour Dues Trust Account, to construct waterworks at Thursday Island.

THE TREASURY BILLS ACT OF 1911

(2 Geo. V No. 3)

This statute authorised the issue of Treasury Bills for the purpose of securing the retirement of Treasury Bills issued under The Treasury Bills Act of 1901 and The Treasury Bills Act of 1902. This statute may be repealed as the State is prohibited from issuing a bill or note for the payment of money, payable on bearer on demand, and intended for circulation.²⁰

THE RESTORATION OF STATE PATENTS ACT OF 1912

(3 Geo. V No. 25)

This statute amended The Patents, Designs, and Trade Marks Act 1884 by providing for the restoration of any State Patent which had ceased owing to an unintentional failure to make a prescribed payment. The subject matter of patents is now regulated by the Patents Act 1959 (Com.).

²⁰ See, Reserve Bank Act 1959, s.44.

THE BRISBANE TRAMWAYS ACT OF 1913

(4 Geo. V No. 27)

This statute validated an agreement between the Government of Queensland and the Brisbane Tramways Company. The statute amended the Tramways Acts, 1882 to 1890, and authorised extensions of tramways by the company. As trams are no longer in existence this statute is redundant and may be repealed.

THE MEAT SUPPLY FOR IMPERIAL USES ACT OF 1914

(5 Geo. V No. 2)

This statute was a wartime measure which provided that all stock and meat in any place in Queensland was to be held for the disposal of the Imperial Government.

RAILLESS TRACTION ACT 1914-1972

(5 Geo. V No. 28)

The Metric Conversion Act 1972 gave a new title to this Statute. This statute authorised the provision and working upon roads of trolley vehicles moved by electrical power. Trolley buses no longer operate commercially within the State of Queensland. Should trolley buses be reintroduced at some future time new legislation would be required as this statute is outdated in its language and references. The references to other statutes would require amendment as would the references in sections 8 and 11 to "the labouring classes", and the provision of trolley vehicle services for "artisans, mechanics and daily labourers". The penalties prescribed for various offences, as converted to decimal currency, are also outdated, viz. \$4, \$10.

THE ENEMY CONTRACTS ANNULMENT ACT OF 1915

(6 Geo. V No. 4)

This statute annulled enemy contracts during World War I.

THE TREASURY BILLS ACT OF 1917(8 Geo. V No. 9)

This statute authorised the issue of Treasury Bills in aid of the Revenue. The Queensland Treasury has confirmed that the statute may be repealed.

THE CHARTERS TOWERS WATER BOARD ACT AMENDMENT ACT OF 1918(9. Geo. V, No. 6)

This Act altered the constitution of the Board which was established under The Charters Towers Water Board Act of 1906. The latter Act was repealed by the Acts Repeal Act 1975.

THE CAIRNS HYDRO-ELECTRIC POWER INVESTIGATION BOARD ACT OF 1922(13 Geo. V No. 16)

This statute constituted the Cairns Hydro-Electric Power Investigation Board. The Board was empowered by the Act to inquire into, and collect data, and to report to the Governor in Council, upon the question of the utilization of power from the Barron Falls. The Board is no longer in existence.

THE MATERNITY ACT OF 1922(13 Geo. V No. 22)

The statute provided for the establishment of maternity hospitals and baby clinics. The statute is not utilised by the Health Department as sufficient authority is conferred under the Hospitals Act 1936. The Health Department has advised that the statute may be repealed.

THE CITY ELECTRIC LIGHT COMPANY LIMITED BRISBANE FORESHORELEASE ACT OF 1922(13 Geo. V No. 25)

This statute authorised the grant of a lease of a strip 30 feet wide to give the Company access to the Brisbane River. The lease was for a term of 40 years.

THE NERANG RIVER BRIDGE AND SOUTHPORT-BURLEIGH ROAD ACT OF 1923(14 Geo. V No. 9)

The bridge referred to in this statute is no longer in existence, and agreements contained in the Act have been finalised. The Department of Transport has advised that the statute should be repealed.

THE COMMONWEALTH AND STATE INCOME TAXES AGREEMENT ACTS 1924-1941(15 Geo. V No. 15, 5 Geo. VI No. 12)

The statutes which constitute The Commonwealth and State Income Taxes Agreement Acts, 1924 to 1941 which are on the statute book are The Commonwealth and State Income Taxes Agreement of 1924 (15 Geo. V No. 15) and The Commonwealth and State Income Taxes Further Agreement Act of 1941 (5 Geo. VI No. 12). The amendment Acts of 1928 and 1933 were repealed by the Acts Repeal Act 1973. The purpose of the statutes was to ratify an agreement between the Commonwealth and State relating to the collection of Commonwealth and State income taxes by the State. The Queensland Treasury has advised that these statutes are redundant.

THE SALARIES ACTS OF 1922 AND 1923 REPEAL ACT OF 1925(16 Geo. V No. 7)

This statute repealed The Salaries Act of 1922 and The Salaries Act of 1923.

THE TOWNSVILLE BRIDGES ACT OF 1925(16 Geo. V No. 14)

This statute authorised the Townsville City Council to construct and maintain certain bridges. This statute may be repealed as the bridges do not form part of the declared road network, and are no longer open to traffic.

THE COMMONWEALTH AND STATE AGREEMENT (WAR SERVICE SETTLERS)RATIFICATION ACT OF 1926(17 Geo. V No. 16)

This statute ratified an agreement made between the Treasurer of the

Commonwealth and the Treasurer of Queensland relating to war service settlers. The Queensland Treasury has confirmed that this statute may be repealed.

THE FINANCE ACT OF 1930

(21 Geo. V No. 19)

This statute amended The Income Tax Acts, 1924 to 1929, The Succession and Probate Duties Acts, 1892 to 1920 ; and The Racecourses Act of 1923. Any amendments are preserved by clause 3(f) of the draft Bill. This statute may be repealed.

THE INSURANCE COMMISSIONER LAND PURCHASE ACT OF 1931

(22 Geo. V No. 45)

This statute enabled the Insurance Commissioner to purchase specific property, and to sell that property to the Public Curator.

TOLLS ON PRIVATELY CONSTRUCTED ROAD TRAFFIC FACILITIES ACT 1931 - 1972

(22 Geo. V No. 14)

The Metric Conversion Act 1972 gave a new title to this statute. The toll facilities covered by this statute are no longer in operation. The Main Roads Act and the Motorways Agreements Act meet current requirements. The Logan Motorway and the Sunshine Motorway were authorised under the latter statute.

THE BUREAU OF INDUSTRY ACT OF 1932

(23 Geo. V No. 25)

This statute was a measure designed to cope with the economic depression of the period and was intended to provide for the encouragement of employment. The Bureau of Industry was dissolved in 1946 : see, Labour and Industry Act of 1946, s. 3. It is also recommended that The Bureau of Industry Acts Amendment Act of 1934, an amendment Act, be repealed.

THE DAIRY PRODUCE ACTS AND OTHER ACTS AMENDMENT ACT OF 1934

(25 Geo. V No. 11).

Sections 2-9 of this Act were repealed by the Dairy Produce Act 1978, No. 35. The remaining two sections amended the Dairy Cattle Improvement Act of 1932 (since repealed) and section 442H of the Criminal Code. This statute may now be repealed.

THE HOTEL THEODORE LEASE ENABLING ACT OF 1934

(25 Geo. V No. 7)

This statute enabled the Commissioner of Irrigation and Water Supply to lease the hotel known as "The Hotel Theodore", and to provide that the lessee thereof should be a licensed victualler. The license is now held by a company. The Licensing Commission confirm that there is no necessity to retain this statute on the statute book.

THE EUNGELLA STATE FOREST AMENDMENT OF BOUNDARIES ACT OF 1934

(25 Geo. V No. 21)

This Act excised a certain area of State Forest for settlement purposes. This statute does not have any further purpose.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY'S ACT, 1934

(25 Geo. V)

This statute repealed The Australian Mutual Provident Society Act of 1857 (N.S.W.), and further defined and declared the rights of the Society. The Queensland Treasury and the society have confirmed that the statute may be repealed.

THE STATISTICS ACT OF 1935

(26 Geo. V No. 9)

This statute amended other statutes currently in force. The savings clause in clause 3 of the Bill for the Acts Repeal Act preserves these amendments. The Diseases in Stock Acts Amendment Act of 1952 repealed certain provisions of The Statistics Act of 1935 (ss. 6, 7, 8, 9), the statute is listed for repeal in its entirety. Cf., Acts Interpretation Act 1954-1989, s. 19.

THE STOCK ROUTES IMPROVEMENT AND ANIMAL AND VEGETABLE PESTS

DESTRUCTION ACTS, 1936 TO 1938

(1 Edw. VIII No. 8, 2 Geo. VI No. 16)

Most of the provisions of these statutes were repealed in 1944. The remaining section relates to such matters as fencing conditions in Crown leases and determinations relating to rabbit fences (s. 38). This section was superseded by legislation relating to rabbit fences (Rural Lands Protection Act 1985, Part VIII), and provisions in the Land Act relating to fencing conditions, ss. 105-113.

THE RACECOURSES ACTS AND OTHER ACTS AMENDMENT ACT OF 1936

(1 Edw. VIII No. 24)

This statute made amendments to various statutes, any amendments are preserved by the savings clause in clause 3 of the draft Bill.

INCOME (STATE DEVELOPMENT) TAX ACTS, 1938 TO 1942

(2 Geo. VI No. 22, 3 Geo. VI No. 2, 6 Geo. VI No. 5, 6 Geo. VI No. 26)

These statutes imposed state development tax which is no longer imposed.

THE SLADE PARK ACT OF 1943

(7 Geo. VI No. 12)

The purpose of this statute was to vest certain freehold land, known as Slade Park, in the Warwick City Council, and for the application by the Council of the W.B. Slade Memorial Fund. There are no moneys in the Fund. The Council does not raise any objection to the repeal of the statute.

THE WILSTON SCHOOL OF ARTS PROPERTY VESTING ACT OF 1943

(7 Geo. VI No.7)

The statute provided for certain property comprising the Wilston School of Arts to be vested in the Brisbane City Council. The relevant land was at the time vested in private trustees, and the statute required the trustees to give peaceable possession of the land to the Brisbane City Council. The land is now vested in the Brisbane City

Council (Volume 5387, folio 84). The Brisbane City Council has no objection to the repeal of the statute.

THE IPSWICH MARKET RESERVE RATING ACT OF 1944

(8 Geo. VI No. 9)

This statute was passed to allow the Ipswich City Council to rate certain land in trust to it for use as a market reserve. When the Council leased or agreed to lease any part of land in the area known as the Ipswich Market Reserve for purposes other than a market reserve, the statute provided that such land became rateable land within the meaning of the Local Government Act. The Ipswich City Council has advised that part of this land was taken over by the Commonwealth Government for office accommodation and a further part taken by the State Government for a court house. All previous leases have expired and no private occupancy on the land exists.

THE TUBERCULOSIS AGREEMENT ACT OF 1949

(13 Geo. VI No. 38)

The arrangement which was authorised under this Statute is expired.

THE GOVERNMENT LOAN ACT OF 1954

(3 Eliz. II No. 35)

This statute authorised the State to raise a Loan.

THE LOCAL GOVERNMENT AND HARBOUR BOARDS (TRIENNIAL ELECTIONS)

ACT OF 1955

(4 Eliz. II No. 1)

This statute related to certain elections required under The Local Government Acts, 1936 to 1954, and The Harbour Board Acts, 1892 to 1952, which were held on the 30th April, 1955.

THE GOVERNMENT LOAN ACT OF 1956

(5 Eliz. II No. 16)

This statute authorised the State to raise a Loan.

THE LAW REFORM (LIMITATION OF ACTIONS) ACT OF 1956

(5 Eliz. II No. 19)

Most of the provisions of this statute were repealed by the Limitation of Actions Act 1974 (ss. 1, 2, 3, 4, 5, 7, 8). The remaining sections of the statute amended the Common Law Practice Act 1867 (ss. 6, 7), such amendments are preserved by the savings clause in clause 3(f) of the draft Bill.

THE GOVERNOR'S PENSION ACT OF 1957

(6 Eliz. II No. 22)

This statute provided for a pension to Sir John Laverack, a former Governor, and his widow. No payments under this statute have been made for some time. The statute is, in any event, superseded by the Governors' Pensions Act 1977.

THE TUBERCULOSIS FURTHER AGREEMENT ACT OF 1958

(7 Eliz. II No. 46)

The arrangement which was authorised under this statute is expired.

THE STATE TRANSPORT FACILITIES ACTS (ADMINISTRATION) ACT OF 1958

(7 Eliz. II No. 67)

This statute validated administrative action taken under The State Transport Facilities Acts, 1946 to 1955 which were repealed by The State Transport Act of 1960.

THE CENTENARY OF THE STATE OF QUEENSLAND HOLIDAY ACT OF 1959

(8 Eliz. II No.15)

The Centenary of the State of Queensland Holiday Act of 1959 made provision for a public holiday to commemorate the Centenary of the State of Queensland.

THE PAULS ICE CREAM & MILK LTD. HOPE STREET
VIADUCT AUTHORISATION ACT OF 1959

(8 Eliz. II)

This statute ratified an agreement made with the Brisbane City Council and Pauls Ice Cream and Milk Ltd. (now Q.U.F. Industries Ltd.) for the construction and maintenance of a viaduct above Hope Street in the City of Brisbane. Hope Street is now closed, and the statute has no further purpose. The Brisbane City Council and Q.U.F. Industries Ltd. confirm that the statute may be repealed.

THE BARRISTERS ACT OF 1956 REPEAL ACT OF 1960

(9 Eliz. II No. 15)

This statute repealed The Barristers Act of 1956. Section 3 of The Barristers Act of 1956 Repeal Act of 1960 contained a savings provision to provide for the removal from the roll of any person admitted under the 1956 Act. No such person is now in practice.

THE GOVERNMENT LOAN ACT OF 1962

(11 Eliz. II No. 1)

This statute authorised the State to raise a Loan.

THE LOCAL GOVERNMENT (RATEABLE VALUE ADJUSTMENT) ACT OF 1962

(11 Eliz. II No. 16)

This statute provided for the rateable value of certain lands for the purpose of the making and levying of rates by local authorities. This statute was an interim measure which continued until a further complete valuation of the Local Authority Area was effected (s. 3(2)).

THE BEEF CATTLE ROADS AGREEMENT ACT OF 1962

(No. 32 of 1962),

THE BEEF CATTLE ROADS AGREEMENT ACT OF 1966

(No. 8 of 1966)

These statutes ratified agreements between the Commonwealth of Australia and the State of Queensland in relation to beef cattle roads. The Department of Transport

has advised that the agreements have been finalised, and that the statutes may be repealed. There is no longer any road classification for beef roads.

THE TUBERCULOSIS FURTHER AGREEMENT ACT OF 1964

(No. 11 of 1964)

The arrangement authorised under this statute is expired.

THE TRADE DESCRIPTIONS (TEXTILE PRODUCTS) ACT REPEAL, AND OTHER ACTS

AMENDMENT ACT OF 1964

(No. 68 of 1964)

This statute repealed The Trade Descriptions (Textile Products) Act, and made amendments to the Health Act and Factories and Shops Act. Any amendments are preserved by clause 3(f) of the draft Bill.

TUBERCULOSIS FURTHER AGREEMENT ACT 1969

(No. 30 of 1969)

The statute provided authority for the State to enter into an arrangement with the Commonwealth, this arrangement is now expired.

APPROPRIATION ACTS 1971-1972 TO 1987-1988 (No.2)

The Acts Repeal Act 1973 (No. 46 of 1973), which was enacted on the recommendation of the Law Reform Commission, repealed obsolete appropriation statutes up to and including the Appropriation Act 1971-1972 (No.1) (20 Eliz. II No.36). See also, Public Trustee Act 1978 (No. 73 of 1978), s.5(1). It would now be appropriate to repeal the appropriation statutes which are enumerated in the Schedule to the draft Bill as these statutes have expired. These appropriation statutes commence with the Appropriation Act 1971-1972 (No. 2), (No. 58 of 1971), and conclude with the Appropriation Act 1987-1988 (No. 2), (No. 65 of 1987). The Queensland Treasury has confirmed that these statutes should be repealed.

PUBLIC ENTERTAINMENT (LICENSING) ACT 1972

(No. 5 of 1972)

This statute regulated the provision of public entertainment in places that are not within an Area of a Local Authority. The statute was introduced to regulate public entertainment in off-shore islands which were then not included in Local Authority Areas. Local Authority boundaries have subsequently been altered to accommodate such off-shore islands and the statute no longer serves any purpose.

HOLIDAY (TWENTY-FOURTH DAY OF APRIL) ACT 1973

(No. 7 of 1973)

This statute made provision for a public holiday on the 24th April, 1973.

APPEALS AND SPECIAL REFERENCE ACT 1973

(No. 42 of 1973)

The Appeals and Special Reference Act 1973 made provision for special references to the Judicial Committee of the Privy Council and the Supreme Court of Queensland. The High Court in Commonwealth v. Queensland²¹ held that ss. 3 and 4 of the Appeals and Special Reference Act are invalid on the ground that they conflicted with the provisions of Chapter III of the Constitution of the Commonwealth of Australia. Section 11 of the Australian Act 1986 has also provided for the termination of appeals to Her Majesty in Council. The provisions in the Appeals and Special Reference Act which relate to the Privy Council are, therefore, inoperative. The only provision of the Act which may be invoked is s.5 which enables the Governor in Council to make a reference to the Supreme Court. There is no report of a reference ever having been made under this provision. Subsection (3) of s.5 of the Act empowers the Supreme Court to appoint counsel to make submissions on any reference, the reasonable expenses thereby occasioned to be paid out of moneys to be appropriated by the Parliament. However, no special appropriation for the payment of any such expenses ever appears to have been made. The Commission recommends that the Appeals and Special Reference Act be repealed. If, as a matter

²¹ (1975) 143 C.L.R. 298.

of policy, it is considered that the Supreme Court should be conferred with an advisory jurisdiction, then any legislation relating to the Supreme Court should be appropriately amended to confer such a jurisdiction upon the Supreme Court.

ALBERT SHIRE COUNCIL BUDGET ADJUSTMENT ACT 1976

(No. 78 of 1976)

The statute was passed to enable the Albert Shire Council to recast its budget for the year ending 30 June, 1977 in relation to the separate rating for Woongoolba flood mitigation works. The Albert Shire Council have advised that the statute may be repealed. The statute also amended the Local Government Act, but any amendments have been replaced by Act No. 24 of 1990.

ALBERT SHIRE COUNCIL (RATIFICATION OF ADMINISTRATION) ACT 1977

(No. 19 of 1977)

This statute validates acts done by the Albert Shire Council in the exercise of powers conferred upon the Council by the Albert Shire Council Budget Adjustment Act 1976. The Albert Shire Council have advised that this statute no longer has any purpose.

PARLIAMENTARY COMMITTEE TRANSITIONAL ACT 1977

(No. 27 of 1977)

This statute provided for the continuance of the Committee of Subordinate Legislation beyond the prorogation of the Legislative Assembly to enable the work of the committee to continue. A new committee was constituted on 27 April, 1978.

FRUIT-GROWING RECONSTRUCTION SUPPLEMENTAL AGREEMENTS ACT 1977

(No. 40 of 1977)

This statute approved agreements between the Commonwealth and the States relating to the reconstruction of the fruit growing industry throughout Australia.

MIRIAM VALE SHIRE COUNCIL BUDGET ENABLING ACT 1977

(No. 50 of 1977)

This statute was introduced to enable the Miriam Vale Shire Council to make and levy charges in accordance with the budget of the Council for the year ended 30th June, 1978. This statute no longer has any purpose, and may be repealed.

BRISBANE MILK BOARD EXTENSION ACT 1977

(No. 55 of 1977)

This Act validated the constitution of the Brisbane Milk Board in 1977 when the appointment of members lapsed. This Board was established under the Milk Supply Act 1952-1972 which was repealed by the Milk Supply Act 1977, No. 36. The Milk Supply Act 1977-1986 was repealed by the Dairy Industry Act 1989, (No. 39 of 1989).

FIRE BRIGADE CHARGES REFUND ACT 1977

(No. 12 of 1977)

In 1977 the Fire Brigades Act 1964 was amended to change the basis of funding the insurance industry's component of fire brigade costs from a percentage of premium income to a percentage of insured value. Because of this legislative amendment there was a need to refund money to some policy holders. This was achieved by the Fire Brigade Charges Refund Act 1977. The State Fire Services advise that this statute may be repealed as refunds to all policy holders have been made.

PARLIAMENTARY COMMITTEE TRANSITIONAL ACT 1979

(No. 25 of 1979)

This statute provided for the continuance of the Select Committee on Education beyond the prorogation of the Legislative Assembly. That committee subsequently reported to the Legislative Assembly, and is now not in existence.

STATE GOVERNMENT INSURANCE OFFICE (QUEENSLAND) ACT AMENDMENT
ACT 1979

(No. 70 of 1979)

This statute amended the State Government Insurance Office (Queensland) Act 1960-1978 which was later repealed as and from 1 January, 1986 by the Suncorp Insurance and Finance Act 1985. The Queensland Treasury has advised that this statute may be repealed.

THE PRINCE CHARLES HOSPITAL DEVELOPMENT CENTRE TRUST ACT 1980-1989

(No. 22 of 1980)

This statute constituted "The Prince Charles Hospital Development Centre Trust" (s.4). The activities of the Trust ceased some time ago and its property has been disposed of. The former assets of the Trust, comprising mainly scientific equipment, are now vested in the Chermide Hospitals Board. All moneys remaining after satisfying costs and expenses have been paid to the Crown. The patents and trade marks of the Trust have been assigned to the Crown. Minor drafting amendments were made to the statute by the Statute Law (Miscellaneous Provisions) Act 1989 (No. 103 of 1989). In s. 49(1) the word "trust" was omitted and the word "Trust" was substituted. In s. 55(2) the word "out" was omitted and the word "not" was substituted. The citation of the statute was also amended.

BURDEKIN RIVER DEVELOPMENT ACTS REPEAL ACT 1980

(No. 25 of 1980)

This Act repealed the Burdekin River Development Acts 1949 to 1959.

DAIRY PRODUCTS STABILISATION ACTS REPEAL ACT 1981

(No. 2 of 1981)

This Act repealed the Dairy Products Stabilisation Acts 1933 to 1957, and the Dairy Products Stabilisation Act of 1936.

COMMONWEALTH GAMES HOLIDAY ACT 1981

(No. 113 of 1981)

This statute made provision for a public holiday for the opening of the XIIIth Commonwealth Games.

BREAD DELIVERY ACT REPEAL ACT 1982

(No. 4 of 1982)

This statute repealed The Bread Delivery Act of 1946.

COMMONWEALTH GAMES ACT 1982

(No. 27 of 1982)

This statute facilitated the holding of the XIIIth Commonwealth Games which were staged in Queensland in 1982.

TWELFTH NIGHT THEATRE AND COMMONWEALTH GAMES

ACTS REPEAL ACT 1984

(No. 31 of 1984)

This statute repealed the following statutes : Twelfth Night Theatre Building Trust Act 1977 ; Commonwealth Games (Modification of Laws) Act 1982 ; Commonwealth Games (Modification of Laws) Act Amendment Act 1982. The statute also vested in the Crown property which was formerly vested in the Twelfth Night Theatre Building Trust.

FARM WATER SUPPLIES ASSISTANCE ACT AND ANOTHER ACT

AMENDMENT ACT 1984

(No. 37 of 1984)

Part I of the Act contains the short title. Part II of the Act amended the Farm Water Supplies Assistance Act 1958-1989, any amendments are preserved by cl. 3(f) of the draft Bill. Part III of this Act amended the Water Resources Administration Act 1978-1981, which was repealed by the Water Resources Act 1989. Part III should have been included in the Schedule of repealed legislation in the Water Resources Act.

TOWNSVILLE WATER AUTHORITY ACTS REPEAL ACT 1987(No. 16 of 1987)

This Act repealed the Townsville Water Authority (Waterworks Approval) Acts, 1926-1934.

WATER ACT AMENDMENT ACT 1987(No. 18 of 1987)

This Act should have been repealed by the Water Resources Act 1989, along with the repeal of the Water Act 1926-1987.

FARM WATER SUPPLIES ASSISTANCE ACT
AND ANOTHER ACT AMENDMENT ACT 1989

(No. 41 of 1989)

Part I of the Act contains the short title. Part II amended the Farm Water Supplies Assistance Act 1958-1989, any amendments are preserved by clause 3(f) of the draft Bill. Part III of this Act amended the Water Resources Administration Act 1978-1984, which Act was repealed by the Water Resources Act 1989.

RAILWAYS LEGISLATION

There are a number of statutes concerning railways which may be repealed.

There are various statutes which authorised the construction of sections of railways which now form part of the Queensland Railways network which is subject to the Railway Act. These statutes may be repealed, viz., Chillagoe Etheridge Railway Act of 1918 ; Daraji Railway Bridge Act of 1919 ; Duchess to Mount Isa Railway Act 1925-1929 ; Etheridge Railway Act of 1906 ; Gulland Railway Act of 1880 ; Mackay Railway Extension and McGregor Creek Branch Railways Act of 1909 ; Millaquin Branch Railway Act of 1892 ; Mourilyan and Geraldton Tramways Act of 1914 ; New Swanbank Colliery Company, Limited, Railway Act of 1894 ; North Coast Railway Act of 1910 ; Port Alma Railway Act of 1909 ; Swanbank Collieries, Limited, Railway Act of 1892 ; Woongarra Tramway Act of 1917.

The Great Western Railway Act of 1910 and the Great Western Railway Act

Amendment Act of 1913 authorised the construction of a railway through the west of the State to connect the northern, central and southern divisions. This construction did not proceed and these statutes may be repealed.

The Railway Superannuation Acts 1930-1932 Repeal Act of 1933 deals with payments to beneficiaries of an insolvent superannuation fund. The Railways Department has advised that the fund is fully distributed and that no beneficiaries are alive, and that the Act can be repealed.

The Railway Companies Preliminary Act Repeal Act of 1884 repealed The Railway Companies Preliminary Act of 1880.

STATE LEGISLATION MADE REDUNDANT BY FEDERAL BANKRUPTCY AND MARRIAGE LEGISLATION

The Justice Department has been, independently of the Commission, reviewing statutes which have been superseded by Federal legislation relating to bankruptcy and marriage. The Department has proposed the repeal of the following statutes:

The Insolvency Act of 1874 ; The Insolvency Act Amendment Act of 1876 ; The Deceased Husband's Brother Marriage Act of 1931 ; The Deceased Wife's Sister Marriage Act of 1877 ; The Guardianship and Custody of Infants and Marriage of Minors Amendment Act of 1928 ; The Justices Marrying Act of 1872 ; The Marriage Acts of 1864 to 1956 ; and The Marriage Law Amendment Act of 1870.

The Minister for Justice and Corrective Services will introduce a discrete Bill aimed at repealing these Departmental statutes which are now redundant because of the operation of Commonwealth legislation.

PUBLIC LAND MORTGAGE AND SALE STATUTES

There are a number of statutes which enabled the trustees of land to mortgage the land to raise funds for effecting improvements. Generally the relevant lands would have been granted under the Land Act by a deed of grant in trust for a public purpose (1897 Act, s. 190 ; 1910 Act, s. 180). Since The Land Acts Amendment Act of 1929 was passed trustees may mortgage such lands with the permission of the Governor in Council. Some statutes enable trustees to sell such lands and to devote the proceeds to improvements or a specific purpose. Any funds would long have

been expended, but, in any event, any trust obligation would be preserved by the savings clause in an Acts Repeal Act : see, Harrison v. Brisbane City Council.²²

The relevant statutes relating to public lands which may be repealed are :-

The Maryborough School of Arts Land Sale Act of 1884

(48 Vic.)

(The land contained in Volume 5361 folio 87 and Volume 3555 folio 111 stands in the name of the Council of the City of Maryborough as trustee for School of Arts purposes).

The Bundaberg School of Arts Land Sale Act of 1887

(51 Vic.)

The Rockhampton School of Arts Act of 1892

(56 Vic.)

(The land originally held in Deeds of Grant No. 5045 and 19991 is now in the name of the Council of the City of Rockhampton in fee simple in Vol. C566 folio 101).

The Ipswich Show Grounds Act of 1905

(5 Edw. VII)

The Cairns School of Arts Act of 1906

(6 Edw. VII No. 22)

The statute enabled the trustees of the Cairns School of Arts to mortgage the land comprised in Deed of Grant No. N2760 and to apply the moneys so raised towards the improvement of the land. The relevant land has since been surrendered to the Crown (Northern Registry No. N720 folio 237).

²² [1990] 1 Qd.R. 129.

The Harrisville School of Arts Land Mortgage Act of 1910

(1 Geo.)

(The land originally held in Volume 806 folio 146 now stands in the name of the Council of the Shire of Moreton as trustee under Nomination of Trustees No. A557687. Such trust being for the use and general purposes as a site for a School of Arts, Harrisville).

The Boonah School of Arts Land Mortgage Act of 1911

(2 Geo. V)

(The land originally held in Volume 1182 folio 150 now stands in the name of Her Sovereign Majesty Queen Elizabeth the Second in Volume 4355 folio 21).

The Boonah Show Ground Act of 1914

(5 Geo. V)

The Mackay, Maryborough, and Rockhampton Show Grounds

Mortgages Act of 1922

(13 Geo. V)

The Rockhampton, Toowoomba, Warwick, and Gatton Public

Land Mortgages Act of 1923

(14 Geo. V No. 35)

The Emu Park, Innisfail, Maleny, Morningside, and Townsville

Public Land Mortgages Act of 1924

(15 Geo. V No. 19)

The Cairns, Ipswich, and Toowoomba Public

Land Mortgages Act of 1925

(16 Geo. V No. 17)

The Clifton, Cotton Vale, Esk, Gympie, Herberton, Ingham,
Nambour, Townsville, and Woodford Public Land

Mortgages Act of 1927

(18 Geo. V No. 27)

The Blackall, Edmonton, Gatton, Innisfail, Ipswich, Marburg,
Nudgee Beach, Rockhampton, Ubobo, and Wallumbilla Public Land

Mortgages Act of 1928

(19 Geo. V No. 16)

DRAFT BILL

No. of 1991

An Act to repeal certain obsolete Acts.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:-

1. **Short title.** This Act may be cited as the Acts Repeal Act 1991.
2. **Repeals.** (1) The Acts specified in the First Schedule are hereby repealed.

(2) The Acts of New South Wales specified in the Second Schedule, in so far as such Acts apply in Queensland, shall cease to apply in and for Queensland.
3. **Savings.** The repeal by this Act of the Acts specified in the Schedule does not -
 - (a) revive anything not in force or existing at the commencement of this Act;
 - (b) affect the previous operation of, or anything duly done or suffered under, any Act so repealed;
 - (c) affect any right, privilege, obligation or liability accrued, acquired or incurred under any Act so repealed;
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed;
 - (e) affect any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed and enforced as if this Act had not been passed;

- (f) affect the operation of any amendment made by any Act so repealed to another Act; or
 - (g) affect the operation of any provision for the citation of another Act as amended by any Act so repealed.
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FIRST SCHEDULE		[s.2]
Year and Number	Short Title	
24 Vic. No. 3	<u>The State Aid Discontinuance Act 1860</u>	
28 Vic. No. 3	<u>The Brisbane Public Buildings Act of 1864</u>	
30 Vic. No. 11	<u>The Queensland Treasury Notes Act of 1866</u>	
37 Vic. No. 1	<u>The Customs Act 1873</u>	
40 Vic.	<u>The Queensland National Bank Act of 1876</u>	
44 Vic. No. 9	<u>The Local Works Loans Act of 1880</u>	
44 Vic. No. 19	<u>The Gulland Railway Act of 1880</u>	
45 Vic.	<u>The Colonial Sugar Refining Company's Act</u>	
46 Vic. No. 7	<u>The Immigration Act of 1882</u>	
46 Vic. No. 10	<u>The Tramways Act of 1882</u>	
47 Vic. No. 1	<u>The Queensland Stock Inscription Act of 1883</u>	
47 Vic. No. 5	<u>The Railway Companies Preliminary Act Repeal Act of 1884</u>	
48 Vic.	<u>The Maryborough School of Arts Land Sale Act of 1884</u>	
51 Vic.	<u>The Bundaberg School of Arts Land Sale Act of 1887</u>	
51 Vic.	<u>The Lady Bowen Lying-in Hospital Land Sale Act of 1887</u>	
54 Vic. No. 16	<u>The Tramways Act of 1882 Amendment Act of 1890</u>	
54 Vic. No. 25	<u>The Government Loan Act of 1890</u>	
55 Vic. No. 4	<u>The Colonial Treasurer's Indemnity Act of 1891</u>	
56 Vic.	<u>The Rockhampton School of Arts Act of 1892</u>	
56 Vic.	<u>The Swanbank Collieries, Limited, Railway Act of 1892</u>	
56 Vic. No. 17	<u>The Millaquin Branch Railway Act of 1892</u>	
56 Vic. No. 37	<u>The Treasury Notes Act of 1893</u>	
56 Vic. No. 38	<u>The Treasury Notes Advances Act of 1893</u>	
58 Vic.	<u>New Swanbank Colliery Company, Limited, Railway Act of 1894</u>	
60 Vic.	<u>The Sandgate Racecourse Act of 1896</u>	

FIRST SCHEDULE [s.2]	
Year and Number	Short Title
61 Vic.	<u>The Bundaberg Racecourse Act of 1897</u>
61 Vic. No. 11	<u>The South Brisbane Municipal Loan Act of 1897</u>
63 Vic. No. 7	<u>The Local Works Loans Acts Amendment Act of 1899</u>
64 Vic. No. 25	<u>The Parliament of the Commonwealth Elections Act and The Elections Acts 1885 to 1898 Amendment Act of 1900</u>
1 Edw. VII No. 5	<u>The Queensland Stock Inscription Act Amendment Act of 1901</u>
2 Edw. VII No. 13	<u>The Brisbane River Improvement Act of 1902</u>
5 Edw. VII	<u>The Ipswich Show Grounds Act of 1905</u>
6 Edw. VII No. 2	<u>The Etheridge Railway Act of 1906</u>
6 Edw. VII No. 22	<u>The Cairns School of Arts Act of 1906</u>
9 Edw. VII No. 5	<u>The Mackay Railway Extension and McGregor Creek Branch Railways Act of 1909</u>
9 Edw. VII No. 17	<u>The Port Alma Railway Act of 1909</u>
9 Edw. VII No. 21	<u>The Tuckeroi State Forest Amendment of Boundaries Act of 1909</u>
1 Geo. V No. 11	<u>The Great Western Railway Act of 1910</u>
1 Geo. V	<u>The Harrisville School of Arts Land Mortgage Act of 1910</u>
1 Geo. V No. 12	<u>The North Coast Railway Act of 1910</u>
2 Geo. V No. 3	<u>The Treasury Bills Act of 1911</u>
2 Geo. V No. 10	<u>The Thursday Island Waterworks Act of 1911</u>
2 Geo. V	<u>The Boonah School of Arts Land Mortgage Act of 1911</u>
3 Geo. V No. 21	<u>The Thursday Island Waterworks Amendment Act of 1912</u>
3 Geo. V No. 25	<u>The Restoration of State Patents Act of 1912</u>
4 Geo. V No. 17	<u>The Great Western Railway Act Amendment Act of 1913</u>
4 Geo. V No. 27	<u>The Brisbane Tramways Act of 1913</u>

FIRST SCHEDULE [s.2]

Year and Number	Short Title
5 Geo. <u>V</u> No. 2	<u>The Meat Supply for Imperial Uses Act of 1914</u>
5 Geo. <u>V</u> No. 4	<u>The Mourilyan and Geraldton Tramways Act of 1914</u>
5 Geo. <u>V</u>	<u>The Boonah Show Ground Act of 1914</u>
5 Geo. <u>V</u> No. 28	<u>The Railless Traction Act of 1914</u>
6 Geo. <u>V</u> No. 4	<u>The Enemy Contracts Annulment Act of 1915</u>
8 Geo. <u>V</u> No. 9	<u>The Treasury Bills Act of 1917</u>
8 Geo. <u>V</u> No. 16	<u>The Woongarra Tramway Act of 1917</u>
9 Geo. <u>V</u> No. 6	<u>The Charters Towers Water Board Act Amendment Act of 1918</u>
9 Geo. <u>V</u> No. 17	<u>The Chillagoe and Etheridge Railways Act of 1918</u>
10 Geo. <u>V</u> No. 11	<u>The Daraji Railway Bridge Act of 1919</u>
13 Geo. <u>V</u>	<u>The Mackay, Maryborough, and Rockhampton Show Grounds Mortgages Act of 1922</u>
13 Geo. <u>V</u> No. 16	<u>The Cairns Hydro-Electric Power Investigation Board Act of 1922</u>
13 Geo. <u>V</u> No. 22	<u>The Maternity Act of 1922</u>
13 Geo. <u>V</u> No. 25	<u>The City Electric Light Company Limited Brisbane Foreshore Lease Act of 1922</u>
14 Geo. <u>V</u> No. 9	<u>The Nerang River Bridge and Southport-Burleigh Road Act of 1923</u>
14 Geo. <u>V</u> No. 35	<u>The Rockhampton, Toowoomba, Warwick, and Gatton Public Land Mortgages Act of 1923</u>
15 Geo. <u>V</u> No. 15	<u>The Commonwealth and State Income Taxes Agreement Act of 1924</u>
15 Geo. <u>V</u> No. 19	<u>The Emu Park, Innisfail, Maleny, Morningside, and Townsville Public Land Mortgages Act of 1924</u>

FIRST SCHEDULE [s.2]	
Year and Number	Short Title
16 Geo. <u>V</u> No. 7	<u>The Salaries Acts of 1922 and 1923 Repeal Act of 1925</u>
16 Geo. <u>V</u> No. 14	<u>The Townsville Bridges Act of 1925</u>
16 Geo. <u>V</u> No. 17	<u>The Cairns, Ipswich, and Toowoomba Public Land Mortgages Act of 1925</u>
16 Geo. <u>V</u> No. 28	<u>The Duchess to Mount Isa Railway Act of 1925</u>
17 Geo. <u>V</u> No. 16	<u>The Commonwealth and State Agreement (War Service Settlers) Ratification Act of 1926</u>
18 Geo. <u>V</u> No. 27	<u>The Clifton, Cotton Vale, Esk, Gympie, Herberton, Ingham, Nambour, Townsville, and Woodford Public Land Mortgages Act of 1927</u>
19 Geo. <u>V</u> No. 16	<u>The Blackall, Edmonton, Gatton, Innisfail, Ipswich, Marburg, Nudgee Beach, Rockhampton, Ubobo, and Wallumbilla Public Land Mortgages Act of 1928</u>
20 Geo. <u>V</u> No. 6	<u>The Duchess to Mount Isa Railway Act Amendment Act of 1929</u>
21 Geo. <u>V</u> No. 19	<u>The Finance Act of 1930</u>
22 Geo. <u>V</u> No. 14	<u>Tolls on Privately Constructed Road Traffic Facilities Act 1931-1972</u>
22 Geo. <u>V</u> No. 45	<u>The Insurance Commissioner Land Purchase Act of 1931</u>
23 Geo. <u>V</u> No. 25	<u>The Bureau of Industry Act of 1932</u>
24 Geo. <u>V</u> No. 3	<u>The Railway Superannuation Acts, 1930 to 1932, Repeal Act of 1933</u>
25 Geo. <u>V</u> No. 7	<u>The Hotel Theodore Lease Enabling Act of 1934</u>
25 Geo. <u>V</u> No. 11	<u>The Dairy Produce Acts and Other Acts Amendment Act of 1934</u>

FIRST SCHEDULE [s.2]	
Year and Number	Short Title
25 Geo. <u>V</u> No. 21	<u>The Eungella State Forest Amendment of Boundaries Act of 1934</u>
25 Geo. <u>V</u> No. 28	<u>The Bureau of Industry Acts Amendment Act of 1934</u>
25 Geo. <u>V</u>	<u>Australian Mutual Provident Society's Act, 1934</u>
26 Geo. <u>V</u> No. 9	<u>The Statistics Act of 1935</u>
1 Edw. <u>VIII</u> No. 8	<u>The Stock Routes Improvement and Animal and Vegetable Pests Destruction Act of 1936</u>
1 Edw. <u>VIII</u> No. 24	<u>The Racecourses Acts and Other Acts Amendment Act of 1936</u>
2 Geo. <u>VI</u> No. 16	<u>The Stock Routes Improvement and Animal and Vegetable Pests Destruction Acts Amendment Act of 1938</u>
2 Geo. <u>VI</u> No. 22	<u>The Income (State Development) Tax Act of 1938</u>
3 Geo. <u>VI</u> No. 2	<u>The Income (State Development) Tax Act Amendment Act of 1939</u>
5 Geo. <u>VI</u> No. 12	<u>The Commonwealth and State Income Taxes Further Agreement Act of 1941</u>
6 Geo. <u>VI</u> No. 5	<u>The Income (State Development) Tax Acts Amendment Act of 1941</u>
7 Geo. <u>VI</u> No. 7	<u>The Wilston School of Arts Property Vesting Act of 1943</u>
7 Geo. <u>VI</u> No. 12	<u>The Slade Park Act of 1943</u>
8 Geo. <u>VI</u> No. 9	<u>The Ipswich Market Reserve Rating Act of 1944</u>
13 Geo. <u>VI</u> No. 38	<u>The Tuberculosis Agreement Act of 1949</u>
3 Eliz. <u>II</u> No. 35	<u>The Government Loan Act of 1954</u>

FIRST SCHEDULE [s.2]	
Year and Number	Short Title
4 Eliz. II No. 1	<u>The Local Government and Harbour Boards (Triennial Elections) Act of 1955</u>
5 Eliz. II No. 16	<u>The Government Loan Act of 1956</u>
5 Eliz. II No. 19	<u>The Law Reform (Limitation of Actions) Act of 1956</u>
6 Eliz. II No. 22	<u>The Governor's Pension Act of 1957</u>
7 Eliz. II No. 46	<u>The Tuberculosis Further Agreement Act of 1958</u>
7 Eliz. II No. 67	<u>The State Transport Facilities Acts (Administration) Act of 1958</u>
8 Eliz. II No. 15	<u>The Centenary of the State of Queensland Holiday Act of 1959</u>
8 Eliz. II	<u>The Pauls Ice Cream & Milk Ltd. Hope Street Viaduct Authorisation Act of 1959</u>
9 Eliz. II No. 15	<u>The Barristers Act of 1956 Repeal Act of 1960</u>
11 Eliz. II No. 1	<u>The Government Loan Act of 1962</u>
11 Eliz. II No. 16	<u>The Local Government (Rateable Value Adjustment) Act of 1962</u>
No. 32 of 1962	<u>The Beef Cattle Roads Agreement Act of 1962</u>
No. 11 of 1964	<u>The Tuberculosis Further Agreement Act of 1964</u>
No. 68 of 1964	<u>The Trade Descriptions (Textile Products) Act Repeal, and Other Acts Amendment Act of 1964</u>
No. 8 of 1966	<u>The Beef Cattle Roads Agreement Act of 1966</u>
No. 30 of 1969	<u>Tuberculosis Further Agreement Act 1969</u>
No. 58 of 1971	<u>Appropriation Act 1971-1972 (No. 2)</u>
No. 2 of 1972	<u>Appropriation Act 1972-1973 (No. 1)</u>
No. 5 of 1972	<u>Public Entertainment (Licensing) Act 1972</u>
No. 6 of 1972	<u>Appropriation Act 1972-1973 (No. 2)</u>
No. 7 of 1973	<u>Holiday (Twenty-fourth day of April) Act 1973</u>

FIRST SCHEDULE [s.2]	
Year and Number	Short Title
No. 42 of 1973	<u>Appeals and Special Reference Act 1973</u>
No. 44 of 1973	<u>Appropriation Act 1973-1974 (No. 1)</u>
No. 62 of 1973	<u>Appropriation Act 1973-1974 (No. 2)</u>
No. 46 of 1974	<u>Appropriation Act 1974-1975 (No. 1)</u>
No. 69 of 1974	<u>Appropriation Act 1974-1975 (No. 2)</u>
No. 29 of 1975	<u>Appropriation Act 1975-1976 (No. 1)</u>
No. 64 of 1975	<u>Appropriation Act 1975-1976 (No. 2)</u>
No. 47 of 1976	<u>Appropriation Act 1976-1977 (No. 1)</u>
No. 64 of 1976	<u>Appropriation Act 1976-1977 (No. 2)</u>
No. 78 of 1976	<u>Albert Shire Council Budget Adjustment Act 1976</u>
No. 12 of 1977	<u>Fire Brigade Charges Refund Act 1977</u>
No. 19 of 1977	<u>Albert Shire Council (Ratification of Administration) Act 1977</u>
No. 27 of 1977	<u>Parliamentary Committee Transitional Act 1977</u>
No. 31 of 1977	<u>Appropriation Act 1977-1978 (No. 1)</u>
No. 40 of 1977	<u>Fruit-growing Reconstruction Supplemental Agreements Act 1977</u>
No. 50 of 1977	<u>Miriam Vale Shire Council Budget Enabling Act 1977</u>
No. 52 of 1977	<u>Appropriation Act 1977-1978 (No. 2)</u>
No. 55 of 1977	<u>Brisbane Milk Board Extension Act 1977</u>
No. 11 of 1978	<u>Appropriation Act 1978-1979 (No. 1)</u>
No. 72 of 1978	<u>Appropriation Act 1978-1979 (No. 2)</u>
No. 25 of 1979	<u>Parliamentary Committee Transitional Act 1979</u>
No. 44 of 1979	<u>Appropriation Act 1979-1980 (No. 1)</u>
No. 57 of 1979	<u>Appropriation Act 1979-1980 (No. 2)</u>
No. 22 of 1980	<u>The Prince Charles Hospital Development Centre Trust</u>

FIRST SCHEDULE [s.2]	
Year and Number	Short Title
No. 25 of 1980	<u>Burdekin River Development Acts Repeal Act 1980</u>
No. 46 of 1980	<u>Appropriation Act 1980-1981 (No. 1)</u>
No. 60 of 1980	<u>Appropriation Act 1980-1981 (No. 2)</u>
No. 2 of 1981	<u>Dairy Products Stabilisation Acts Repeal Act 1981</u>
No. 60 of 1981	<u>Appropriation Act 1981-1982 (No. 1)</u>
No. 90 of 1981	<u>Appropriation Act 1981-1982 (No. 2)</u>
No. 113 of 1981	<u>Commonwealth Games Holiday Act 1981</u>
No. 4 of 1982	<u>Bread Delivery Act Repeal Act 1982</u>
No. 27 of 1982	<u>Commonwealth Games Act 1982</u>
No. 32 of 1982	<u>Appropriation Act 1982-1983 (No. 1)</u>
No. 55 of 1982	<u>Appropriation Act 1982-1983 (No. 2)</u>
No. 47 of 1983	<u>Appropriation Act 1983-1984 (No. 1)</u>
No. 48 of 1983	<u>Appropriation Act 1983-1984 (No. 2)</u>
No. 55 of 1983	<u>Appropriation Act 1983-1984 (No. 3)</u>
No. 31 of 1984	<u>Twelfth Night Theatre and Commonwealth Games Acts Repeal Act 1984</u>
No. 37 of 1984	<u>Farm Water Supplies Assistance Act and Another Act Amendment Act 1984</u>
No. 64 of 1984	<u>Appropriation Act 1984-1985 (No. 1)</u>
No. 91 of 1984	<u>Appropriation Act 1984-1985 (No. 2)</u>
No. 49 of 1985	<u>Appropriation Act 1985-1986 (No. 1)</u>
No. 78 of 1985	<u>Appropriation Act 1985-1986 (No. 2)</u>
No. 29 of 1986	<u>Appropriation Act 1986-1987 (No. 1)</u>
No. 42 of 1986	<u>Appropriation Act 1986-1987 (No. 2)</u>
No. 16 of 1987	<u>Townsville Water Authority Acts Repeal Act 1987</u>
No. 18 of 1987	<u>Water Act Amendment Act 1987</u>

FIRST SCHEDULE [s.2]	
Year and Number	Short Title
No. 42 of 1987	<u>Appropriation Act 1987-1988 (No. 1)</u>
No. 65 of 1987	<u>Appropriation Act 1987-1988 (No. 2)</u>
No. 41 of 1989	<u>Farm Water Supplies Assistance Act and Another Act Amendment Act 1989</u>

SECOND SCHEDULE		[s.2]
Year and Number	Short Title	
4 Vic. No. 13	<u>The Banking Companies Act of 1840</u>	
5 Vic. No. 14	<u>The Bank of Australasia Act of 1841</u>	
5 Vic. No. 24	<u>The Banking Companies Act Amendment Act of 1842</u>	
11 Vic. No. 46	<u>The Arrest of Ships Act of 1848</u>	
13 Vic. No. 27	<u>The Distilleries Act of 1849</u>	
14 Vic. No. 4	<u>The Brewers Act of 1850</u>	
19 Vic. No. 19	<u>The Liquor Adulteration Act of 1855</u>	