



Queensland

Consumer Credit (Queensland) and Another Act Amendment Bill 2007



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2007

A Bill

for

**An Act to amend the *Consumer Credit (Queensland) Act 1994*
to make changes to the Consumer Credit Code, and to amend
the *Tourism Queensland Act 1979***

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Amendment Bill 2007*

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Consumer Credit (Queensland)
and Another Act Amendment Act 2007*. 4
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Clause 2 Commencement 6

Part 2 commences on 29 June 2007. 7

**Part 2 Amendment of Consumer
Credit Code** 8
9

Clause 3 Code amended in pt 2 10

This part amends the Consumer Credit Code set out in the
appendix to the *Consumer Credit (Queensland) Act 1994*. 11
12

Clause 4 Amendment of s 146D (Expiry of Part) 13

Section 146D, ‘the fourth anniversary of its
commencement’— 14
15

omit, insert— 16

‘30 June 2009’. 17

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| | | |
|-----------------|---|----|
| | Part 3 | 1 |
| | Amendment of Tourism Queensland Act 1979 | 2 |
| Clause 5 | Act amended in pt 3 | 3 |
| | This part amends the <i>Tourism Queensland Act 1979</i> . | 4 |
| Clause 6 | Amendment of s 2 (Definitions) | 5 |
| | (1) Section 2, definition <i>observer</i> — | 6 |
| | <i>omit.</i> | 7 |
| | (2) Section 2— | 8 |
| | <i>insert</i> — | 9 |
| | ‘ <i>appointed members</i> see section 7(1)(b). | 10 |
| | <i>chief executive</i> means the chief executive of the department.’. | 11 |
| Clause 7 | Amendment of s 7 (Membership of corporation) | 12 |
| | (1) Section 7(1)— | 13 |
| | <i>omit, insert</i> — | 14 |
| | ‘(1) The corporation consists of the following members— | 15 |
| | (a) the chief executive; | 16 |
| | (b) not more than 9 persons (the <i>appointed members</i>) | 17 |
| | appointed by the Governor in Council.’. | 18 |
| | (2) Section 7(3), (4) and (5)— | 19 |
| | <i>omit.</i> | 20 |
| Clause 8 | Insertion of new s 7A | 21 |
| | After section 7— | 22 |
| | <i>insert</i> — | 23 |

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|---------------------|---|----------------------|
| '7A | Chairperson and deputy chairperson of the corporation | 1 2 |
| | '(1) The Governor in Council must appoint 1 member of the corporation to be the chairperson, and another member to be the deputy chairperson, of the corporation. | 3 4 5 |
| | '(2) A person may be appointed as the chairperson, or deputy chairperson, at the same time the person is appointed as an appointed member. | 6 7 8 |
| | '(3) The chairperson or deputy chairperson holds office for the term decided by the Governor in Council. | 9 10 |
| | '(4) However, a vacancy occurs in the office of chairperson or deputy chairperson if the person holding the office resigns the office by signed notice of resignation given to the Minister or stops being a member of the corporation. | 11 12 13 14 |
| | '(5) A person resigning the office of chairperson or deputy chairperson may continue to be a member of the corporation. | 15 16 |
| | '(6) The deputy chairperson is to act as chairperson— | 17 |
| | (a) during a vacancy in the office of chairperson; or | 18 |
| | (b) during a period when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.' | 19 20 21 |
| Clause 9 | Amendment of s 8 (Term of appointment of members) | 22 |
| | (1) Section 8, heading, before 'members'— | 23 |
| | <i>insert—</i> | 24 |
| | 'appointed' . | 25 |
| | (2) Section 8(1), 'A member of the corporation'— | 26 |
| | <i>omit, insert—</i> | 27 |
| | 'An appointed member'. | 28 |
| | (3) Section 8(2)— | 29 |
| | <i>omit, insert—</i> | 30 |
| | '(2) If otherwise qualified, an appointed member is eligible for reappointment.' | 31 32 |

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| | | |
|----------------------|---|--------|
| Clause 10 | Omission of s 9 (Observer at corporation's meetings) | 1 |
| | Section 9— | 2 |
| | <i>omit.</i> | 3 |
| Clause 11 | Amendment of s 10 (Vacating member's office) | 4 |
| | (1) Section 10, heading, before 'member'— | 5 |
| | <i>insert</i> — | 6 |
| | 'appointed'. | 7 |
| | (2) Section 10(1), 'A member of the corporation'— | 8 |
| | <i>omit, insert</i> — | 9 |
| | 'An appointed member'. | 10 |
| | (3) Section 10(2), 'a member of the corporation'— | 11 |
| | <i>omit, insert</i> — | 12 |
| | 'an appointed member'. | 13 |
| | (4) Section 10(3), 'A member of the corporation shall be'— | 14 |
| | <i>omit, insert</i> — | 15 |
| | 'An appointed member is'. | 16 |
| | (5) Section 10(4)(a) and (b), 'a member'— | 17 |
| | <i>omit, insert</i> — | 18 |
| | 'an appointed member'. | 19 |
| | (6) Section 10(4)(c), before 'members'— | 20 |
| | <i>insert</i> — | 21 |
| | 'appointed'. | 22 |
| Clause 12 | Amendment of s 12 (Fees and allowances of members) | 23 |
| | (1) Section 12(1), 'member of the corporation' | 24 |
| | <i>omit, insert</i> — | 25 |
| | 'appointed member'. | 26 |

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- (2) Section 12(3)— 1
renumber as section 12(2). 2

| | | |
|------------------|--|----------------------|
| Clause 13 | Insertion of new s 20B | 3 |
| | Part 2, division 3, before section 21— | 4 |
| | <i>insert</i> — | 5 |
| | '20B Representative of the chief executive | 6 |
| | '(1) The chief executive may appoint an officer of the department to be a representative of the chief executive at meetings of the corporation. | 7 8 9 |
| | '(2) If the chief executive is absent from a meeting of the corporation, the representative may attend the meeting in place of the chief executive and is taken to be a member of the corporation for the meeting. | 10 11 12 13 |
| | '(3) Also, if the chief executive is chairperson, or deputy chairperson, of the corporation, the representative attending a meeting in place of the chief executive is taken to be the chairperson, or deputy chairperson, for the meeting.' | 14 15 16 17 |
| Clause 14 | Amendment of s 24 (Notice of meetings) | 18 |
| | (1) Section 24(1) and (2), 'and the observer'— | 19 20 |
| | <i>omit</i> . | 20 |
| | (2) Section 24(3), 'and the observer'— | 21 22 |
| | <i>omit, insert</i> — | 22 |
| | 'of the corporation'. | 23 |
| Clause 15 | Amendment of s 26 (Conduct of corporation's affairs) | 24 |
| | Section 26(2)(b), 'and the observer'— | 25 |
| | <i>omit, insert</i> — | 26 |
| | 'of the corporation'. | 27 |

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| | | |
|------------------|--|----------------------------|
| Clause 16 | Insertion of new s 34A | 1 |
| | Part 4— | 2 |
| | <i>insert—</i> | 3 |
| ‘34A | Validation of certain appointments | 4 |
| | ‘(1) Subsection (2) applies if before the commencement of this section a person was purportedly appointed as a member for a term and, as a consequence of the term, the person served, or would serve, more than 6 consecutive years as a member. | 5 6 7 8 |
| | ‘(2) The person is declared to always have been validly appointed as a member for the duration of the term, even though, as a consequence of the term, the person served, or would serve, more than 6 consecutive years as a member. | 9 10 11 12 |
| | ‘(3) Subsection (4) applies if before the commencement of this section a person was purportedly appointed as chairperson for a term and— | 13 14 15 |
| | (a) at the time of the appointment the person was a member; and | 16 17 |
| | (b) the person’s term as a member ended during the person’s term as chairperson. | 18 19 |
| | ‘(4) The person is declared to always have been— | 20 |
| | (a) validly appointed as chairperson for the duration of the person’s term as chairperson, even though the person’s term as a member ended during the person’s term as chairperson; and | 21 22 23 24 |
| | (b) a member for the duration of the person’s term as chairperson, even though the person’s term as a member ended during the person’s term as chairperson. | 25 26 27 |
| | ‘(5) Anything done or omitted to be done by a person mentioned in subsection (2) or (4) that would have been valid and lawful under this Act had the person been validly appointed or lawfully holding office is declared to always to have been valid and lawful. | 28 29 30 31 32 |
| | ‘(6) In this section— | 33 |
| | <i>chairperson</i> means chairperson of the corporation. | 34 |
| | <i>member</i> means member of the corporation. | 35 |

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term means the designated period for which the person was appointed to hold office.’. 1
2

Clause 17 Insertion of new pt 5, div 3 3

Part 5, at the end— 4

insert— 5

‘Division 3 Transitional provisions for 6
Consumer Credit (Queensland) and 7
Another Act Amendment Act 2007 8

‘43 Continuation of membership of corporation 9

‘Subject to this Act, each member of the corporation holding office immediately before the commencement of this section continues as an appointed member of the corporation for the remainder of the member’s designated term of appointment, including a term of appointment mentioned in section 34A.’. 10
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