

22 GEO. V. NO. 47, 1931. *State Enterprises, Etc., Corporation Act.*

SUPERANNUATION.

See RAILWAYS (SUPERANNUATION).

See also COMMONWEALTH AND STATES—FINANCIAL EMERGENCY ACT.

TAXATION.

See LABOUR (INCOME (UNEMPLOYMENT RELIEF) TAX).

See INCOME TAX.

See SUCCESSION (SUCCESSION AND PROBATE DUTIES).

TENANTS' RELIEF.

See LANDLORD AND TENANT.

TOLLS ON PRIVATELY CONSTRUCTED ROAD TRAFFIC FACILITIES.

See TRAFFIC.

TRADE.

An Act to Repeal (Subject to Certain Provisions) "The State Enterprises Act of 1918"; to Dissolve the Corporation of the Commissioner for Trade; to Constitute a New Corporation to Carry on the Business of the Dissolved Corporation, and for other purposes.

22 GEO. V.
NO. 47.
THE STATE
ENTERPRISES
REPEAL AND
"THE
UNDER
SECRETARY,
DEPART-
MENT OF
LABOUR AND
INDUSTRY,"
CORPORATION
ACT
OF 1931.

[ASSENTED TO 14TH JANUARY, 1932.]

WHEREAS it is desirable to repeal (subject to certain provisions hereinafter contained) **"The State Enterprises Act of 1918,"* to dissolve the Corporation of the Commissioner for Trade constituted under such Act, and to make provision for the constitution of a new Corporation under the name of "The Under Secretary, Department of Labour and Industry," and to invest

Preamble.

* 9 Geo. V. No. 20, *supra*, page 8591.

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the said new Corporation with full powers, authorities, and jurisdiction (including, *inter alia*, the carrying on of the business) of the dissolved Corporation as hereinafter prescribed—

Be it therefore enacted by the King'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 :—

Short title
and
construction.

1. (1.) This Act may be cited as "*The State Enterprises Repeal and "The Under Secretary, Department of Labour and Industry" Corporation Act of 1931.*"

Commence-
ment of Act

*(2.) This Act shall come into operation on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date is referred to as the commencement of this Act.

Repeal of
9 Geo. V.
No. 20
and savings

2. Subject as provided in this Act, † "*The State Enterprises Act of 1918*" is repealed, and shall in this Act be referred to as the repealed Act :

Provided that, subject to this Act, nothing in such repeal—

(a) Shall prejudice, restrict, or abridge any right, power, authority, jurisdiction, or privilege of the Crown had and exercised under the repealed Act ; and any such right, power, authority, jurisdiction, or privilege of the Crown shall be had and exercised by the Crown under this Act accordingly ;

(b) Shall prejudice, restrict, or abridge the Corporation of "The Under Secretary, Department of Labour and Industry," constituted by this Act in having and exercising all the rights, powers, authorities, jurisdiction, privileges, and functions hitherto had and exercised by the Corporation of the Commissioner for Trade (constituted under the repealed Act, and dissolved by this Act), prior to the commencement of this Act ;

* Proclamation issued bringing Act into force from 1st February, 1932. (*See Gazette*, 1932, page 462.)

† 9 Geo. V. No. 20, *supra*, page 8591.

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and any such right, power, authority, jurisdiction, privilege, and function shall be had and exercised by the Corporation of "The Under Secretary, Department of Labour and Industry" accordingly :

Provided always that the rights, powers, authorities, jurisdiction, privileges, and functions of the Corporation of "The Under Secretary, Department of Labour and Industry" (referred to in paragraph (b) aforesaid) shall apply and extend to such State Enterprises established under the repealed Acts (and the carrying on of the business thereof, and the doing of all such things as are necessary to the carrying on of such business, or any matter or thing incidental thereto) as are in existence at the commencement of this Act, and to such other matters or things as may in this Act be provided, and no further State Enterprises shall be established unless pursuant to a special Act of Parliament passed in that behalf.

3. (1.) The corporate body under the name of "The Commissioner for Trade" constituted under the repealed Act is hereby dissolved, and in this Act shall hereafter be referred to as the "dissolved Corporation."

The office of Commissioner for Trade is hereby abolished.

(2.) A new corporate body under the name of "The Under Secretary, Department of Labour and Industry" is hereby created and constituted.

(3.) The Under Secretary, Department of Labour and Industry, representing the Crown, shall be a corporation sole by the name of "The Under Secretary, Department of Labour and Industry," and by that name shall have perpetual succession and an official seal which shall be judicially noticed, and shall be capable in law of suing and being sued, and shall have power to take, purchase, sell, exchange, lease, and hold land, goods, chattels, and other property, and subject to this Act may do any act not otherwise unlawful which may be necessary to the proper exercising and performance of the powers, functions, authorities, and duties of the Under Secretary, Department of Labour and Industry, under this Act to the same extent as a private person may do.

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The Corporation of the Under Secretary, Department of Labour and Industry, and the Under Secretary, Department of Labour and Industry, for all purposes of this Act shall carry on the business of the State Enterprises and the State Trade Office in respect of the State Enterprises existing at the commencement of this Act and any matters or things relating thereto, and shall have and may exercise all the powers, privileges, rights, and remedies of the Crown; but, save as by this Act is expressly provided, no exchange, sale, or lease of any land vested in the Under Secretary, Department of Labour and Industry, shall have any effect unless or until the same has been approved by the Governor in Council.

“The Under Secretary, Department of Labour and Industry.”

(4.) The term “The Under Secretary, Department of Labour and Industry,” shall mean the person occupying such office at the commencement of this Act, and any person who may hereafter occupy such office, or any person who may occupy such office in any acting capacity.

(5.) The Corporation of “The Under Secretary, Department of Labour and Industry,” created and constituted under this Act shall hereafter be referred to as the “new Corporation.”

Devolution of assets and powers, &c., consequent on dissolution of the dissolved Corporation, and vesting, &c., same in the new Corporation.

(6.) On and from the date of the commencement of this Act, and by virtue of this Act--

(a) All the property, whether real or personal, and all other assets of whatever description, and all titles, easements, leases, bills of sale, mortgages, policies of insurance, rights, liabilities, obligations, contracts, agreements, and engagements of the dissolved Corporation existing at that date shall, without any transfer, assignment, or conveyance or notice other than this Act, be divested from the dissolved Corporation and shall be vested in and shall attach to and may be enforced by and against the new Corporation.

(b) All penalties, fees, fines, and forfeitures which at the date aforesaid may be enforceable and recoverable by the dissolved Corporation shall and may be enforced and recovered by the new Corporation.

Post actions.

(c) All proceedings and things lawfully had and done by the dissolved Corporation shall be and continue to be in full force and effect to all intents and purposes

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as if the same had been had and done by the new Corporation, and if the same are not completed may be continued and completed by the new Corporation.

(d) All actions and proceedings pending on the date aforesaid by or against the dissolved Corporation may be carried on and prosecuted by or against the new Corporation under this Act, and no such action or proceeding shall abate or be discontinued or prejudicially affected by anything in this Act contained. Acts, &c.

(e) All proclamations, Orders in Council, and regulations made under the repealed Act and in force at the date aforesaid shall continue in force until the same or any of them are amended or superseded by proclamations, Orders in Council, or regulations under this Act, and in the construction of such proclamations, Orders in Council, or regulations, references to the expression "Commissioner for Trade" as the corporate body, or "Commissioner" shall be deemed to be references to "The Under Secretary, Department of Labour and Industry," as the corporate body, or "The Under Secretary, Department of Labour and Industry," as the case may be, and references to any officer of the dissolved Corporation shall be deemed to be references to the officers of the new Corporation authorised or appointed in the like behalf. Regulations, &c., continued.

(f) All instruments, documents, records, plans, correspondence, and all books and writings the property of the dissolved Corporation shall be and are by virtue of this Act hereby handed over to the new Corporation and the Under Secretary, Department of Labour and Industry, and shall and hereby become the property of the new Corporation and the Under Secretary, Department of Labour and Industry, for the purposes of this Act. Records.

(g) All licenses, leases, registrations, certificates, permits, authorities, delegations, and consents issued, made, granted, or given by the dissolved Corporation under or in pursuance of the repealed Act or any Order in Council or regulation made thereunder and in force or subsisting on the said date shall continue in force for the period (if any) specified in such licenses, leases, registrations, certificates, permits, authorities, delegations, or consents unless the same are sooner suspended, cancelled, or revoked under or in pursuance of this Act ; Existing licenses, delegations, &c.

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and the same shall be deemed to have been issued, made, granted, or given by the new Corporation, and all such documents shall be construed as if the new Corporation, or the Under Secretary, Department of Labour and Industry, as the case may be, were therein named instead of the dissolved Corporation or Commissioner for Trade, as the case may be.

Rights of
Treasurer.

(h) Notwithstanding the dissolution of the dissolved Corporation and the constitution of the new Corporation, the rights, powers, and authorities of the Treasurer under the repealed Act shall, whether arising or accruing before or at or after the said date, continue in full force and effect, and shall not in any wise be prejudiced or affected by anything in this section contained.

Reference in
other Acts,
&c.

(i) Where in any Act or in any regulation, proclamation, or Order in Council a reference is made to the dissolved Corporation or to the Commissioner for Trade, or to the State Trade Office, as the case may be, such reference shall on and after the said date be deemed to be a reference to the new Corporation or to the Under Secretary, Department of Labour and Industry, or to the Department of Labour and Industry, as the case may be.

General
transfer
power.

(j) Without derogation from any of the foregoing provisions, all the powers, functions, or duties of the dissolved Corporation or Commissioner for Trade, as the case may be, conferred and imposed under any other provisions, and all the functions, duties, rights, liabilities, privileges, and powers conferred and imposed upon the dissolved Corporation or the Commissioner for Trade, as the case may be, under the repealed Act or any other Act shall, on and from the date aforesaid, be vested in and be performed and exercised by the new Corporation or Under Secretary, Department of Labour and Industry, as the case may be.

Existing
officers, &c.

(7.) All officers and employees of the dissolved Corporation directly employed in the State Trade Office (by whomsoever appointed), and having held office for not less than five years prior to the commencement of this Act, whether in the State Trade Office or any State Enterprise under the repealed Act, and holding office or being employed at the commencement of this Act shall be deemed to have been appointed and employed as officers and/or employees under the new Corporation and to be officers and/or employees of the

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Department of State called the Department of Labour and Industry ; but, save as is next hereinafter provided, shall otherwise be subject to be dealt with as and to be officers and/or employees of the Public Service under **"The Public Service Acts, 1922 to 1924."* :

Provided that the Accountant of the dissolved Corporation holding office at the commencement of this Act shall be appointed, without further authority other than this Act the Accountant, Department of Labour and Industry, and Accountant of the Corporation of the Department of Labour and Industry :

Provided further, that the Secretary of the dissolved Corporation holding office at the commencement of this Act shall be appointed, without further authority other than this Act, the Secretary of the Corporation of the Department of Labour and Industry, and shall hold such office in conjunction with the office held by him under the Public Service Acts at the commencement of this Act.

4. (1.) Without in anywise limiting or affecting the foregoing provisions of this Act, the provisions of the repealed Act, which shall continue in force for the purposes of this Act, are as set forth and as indicated in the Schedule to this Act.

Saving provisions of the repealed Act.

Schedule.

(2.) Moreover the Governor in Council may by Order in Council published in the *Gazette* prescribe such matters and things and give such directions as may be necessary or desirable to give full effect to the objects and purposes of this Act, and for the proper conduct and carrying on of the new Corporation.

General powers.

(3.) The balances at the Treasury of Trust and Loan Funds in respect of State Enterprises directly controlled by the repealed Corporation are hereby transferred from the repealed Corporation to the Corporation of "The Under Secretary, Department of Labour and Industry," which is hereby authorised to operate on the said Funds as far as may be necessary or expedient to give full effect to the objects and purposes of this Act.

Funds.

(4.) Any law directly or indirectly concerning the matters referred to in this Act shall be read and construed as being subject to the provisions of this Act,

Existing laws.

* 13 Geo. V. No. 31 and 15 Geo. V. No. 24, *supra*, pages 10159 and 11089.

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and any such law shall be deemed to be affected, abrogated, or amended or otherwise, according as the objects and purposes and provisions of this Act so affect, abrogate, or amend any such law.

(5.) Any such Order in Council made or purporting to be made under this Act shall be of the same force and effect as if it were contained in this Act, and shall be judicially noticed and shall not be questioned in any proceedings whatever.

SCHEDULE.

Continuation of Provisions of the Repealed Act.

Savings of
the repealed
Act.

(i.) Subject to this Act, sections three, four, five, and six shall continue in force for the purposes of this Act :

Provided as follows :—

(a) For the terms “ Commissioner for Trade ” or “ Commissioner ” the terms “ Corporation of the Under Secretary, Department of Labour and Industry,” or “ The Under Secretary, Department of Labour and Industry,” as the case may be, shall be substituted.

(b) For the definition of “ Minister ” the following definition shall be substituted, namely :—

Minister.

“ “ Minister ”—The Secretary for Labour and Industry or other Minister of the Crown for the time being charged with the administration of this Act (or so much of the repealed Act as is continued in force by virtue of the provisions of “ *The State Enterprises Repeal and “ The Under Secretary, Department of Labour and Industry ” Corporation Act of 1931.* ” ”

(c) The State Enterprises shall refer to such State Enterprises as are in existence at the commencement of this Act and the carrying on of the business thereof and the doing of all such things as are necessary to the carrying on of such business or any matter or thing incidental thereto ; and the State Enterprises shall also refer to any State Enterprise which has determined but which has not been finally disposed of or wound up, or in respect of the sale or lease of which or under any agreement in respect of which there are moneys due and owing at the commencement of this Act to the dissolved Corporation which by virtue of this Act are due and owing and payable to and

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enforceable and recoverable by the Corporation of "The Under Secretary, Department of Labour and Industry" constituted under this Act, and in respect of the sale or lease of which or under any agreement in respect of which there will be moneys due and owing after the commencement of this Act, and which by virtue of this Act are due and owing and payable to and enforceable and recoverable by the said Corporation of "The Under Secretary, Department of Labour and Industry," constituted under this Act; and the State Enterprises shall also refer to the collection, enforcement, and recovery of any moneys due and owing at the commencement of this Act to the dissolved Corporation which by virtue of this Act are due and owing to and payable to and enforceable and recoverable by the said Corporation of "The Under Secretary, Department of Labour and Industry" constituted under this Act.

(d) The State Trade Office shall be constituted by the Corporation of "The Under Secretary, Department of Labour and Industry."

(ii.) Sections seventeen, eighteen, nineteen, twenty, and twenty-one, subject to this Act, *mutatis mutandis*, apply and are in force for the purposes of this Act :

Provided that where the "Commissioner" is referred to as a corporate body, the corporate body of "The Under Secretary, Department of Labour and Industry," shall be deemed to be substituted; and where the "Commissioner" is otherwise referred to, "The Under Secretary, Department of Labour and Industry," shall be deemed to be substituted.

(iii.) Subject to this Act, the Schedule of the repealed Act, *mutatis mutandis*, applies and is in force for the purposes of this Act :

Provided that where the "Commissioner" is referred to as a corporate body, the corporate body of "The Under Secretary, Department of Labour and Industry," shall be deemed to be substituted; and where the "Commissioner" is otherwise referred to, "The Under Secretary, Department of Labour and Industry," shall be deemed to be substituted.

(iv.) The Secretary referred to in the Schedule shall be the Secretary appointed under this Act.

(v.) The State Trade Office referred to in the Schedule shall mean the Department of Labour and Industry or any officer or sub-department in the State under the jurisdiction and control of the Department of Labour and Industry so far as regards the objects and purposes of this Act.