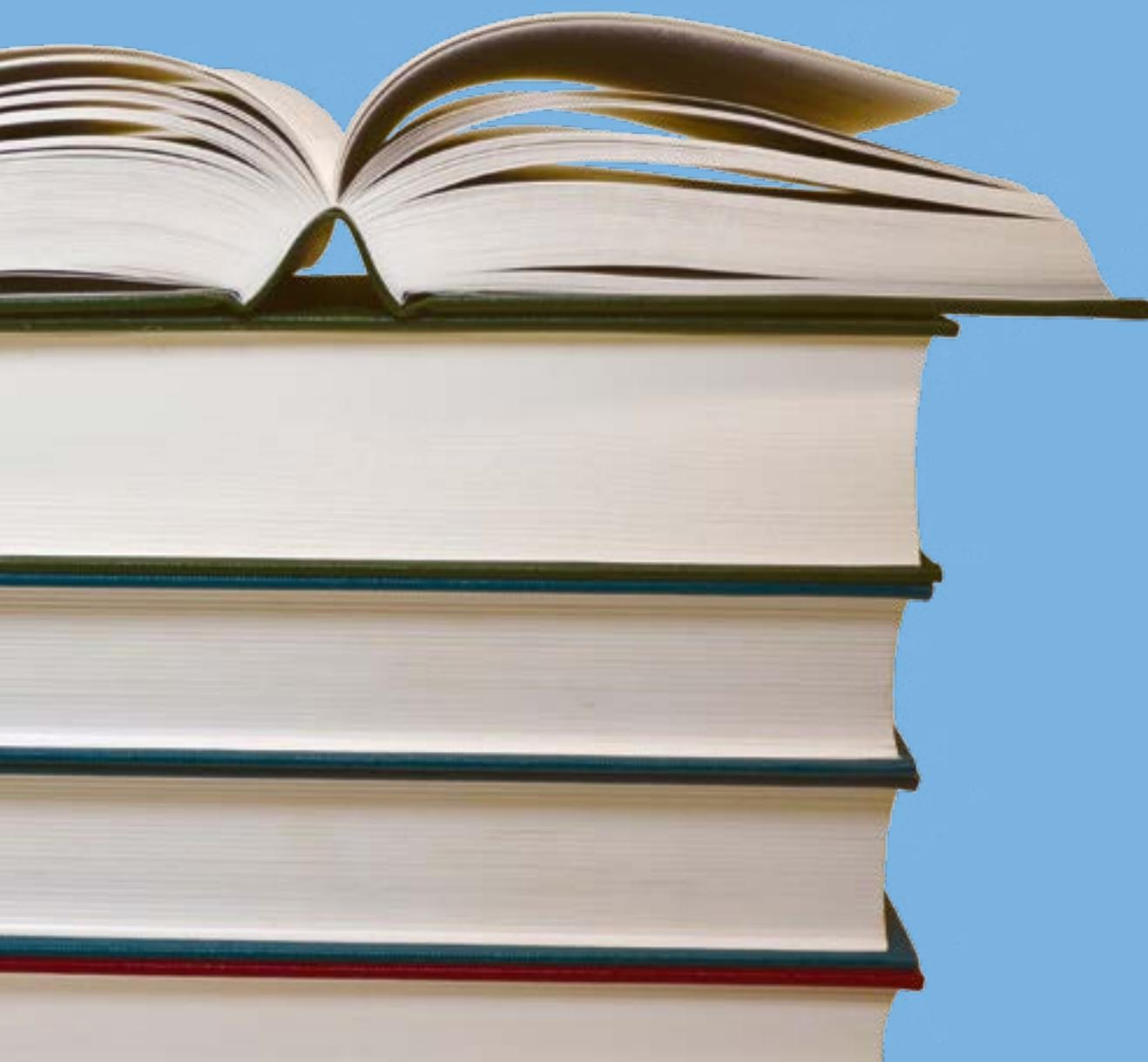




Office of the Queensland Parliamentary Counsel

# **Finding Queensland legislation and information**

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*Finding Queensland legislation and information*

**Version**

*December 2016 version*

**Contact for enquiries**

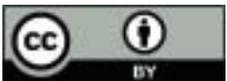
Parliamentary Counsel  
Office of the Queensland Parliamentary Counsel  
Email: <legislation.queries@oqpc.qld.gov.au>  
PO Box 15185  
City East, Queensland 4002

**Acknowledgements**

This publication, *Finding Queensland legislation and information*, is based on several earlier publications including *A Guide to Queensland Legislation* produced by Goprint in 1992.

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First published June 2012  
Second edition September 2013  
Third edition December 2016  
Fourth edition August 2017

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ISBN: 978-0-9873158-2-3 (PDF)

## Introduction

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Legislation affects many aspects of our daily lives. The Office of the Queensland Parliamentary Counsel (OQPC) drafts legislation for Queensland's Parliament and publishes it on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au). The new website, available from late 2016, offers users new features and enhanced functionality for accessing Queensland's legislation.

*Finding Queensland legislation and information* is intended to provide a guide to using the new website and to help new and occasional users of legislation understand the basic processes involved in making written law.



## How to use this guide

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This guide provides you with a variety of ways to find legislation and associated information. While it can be read from beginning to end, it is designed to enable you to quickly find information. If you are using the electronic version, you can link directly from the detailed table of contents to the part you need. You are also free to print copies of this booklet to keep as a handy reference.

Chapters 2–6 are divided into two parts. The first part provides background information about a category of legislation, for example, Bills or reprints. The second part covers how to use the Queensland Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) to access that category of legislation.

The other chapters provide an introduction to Queensland legislation (chapter 1) and an overview of additional resources that may help users of Queensland legislation better understand it (chapter 7).

You are free to print copies of legislation or other documents on this website yourself but you can also purchase printed copies from the commercial printer contracted by the Queensland Government. More information is available on the website.

Abbreviations have been kept to a minimum and where they do appear they have been first spelled out in full. However, for ease of reference, here is a list of frequently used abbreviations:

### **Abbreviations**

<i>AIA</i>	<i>Acts Interpretation Act 1954</i>
FLPs	fundamental legislative principles
<i>LSA</i>	<i>Legislative Standards Act 1992</i>
OQPC	Office of the Queensland Parliamentary Counsel
<i>RA</i>	<i>Reprints Act 1992</i>
<i>SIA</i>	<i>Statutory Instruments Act 1992</i>
SL	subordinate legislation



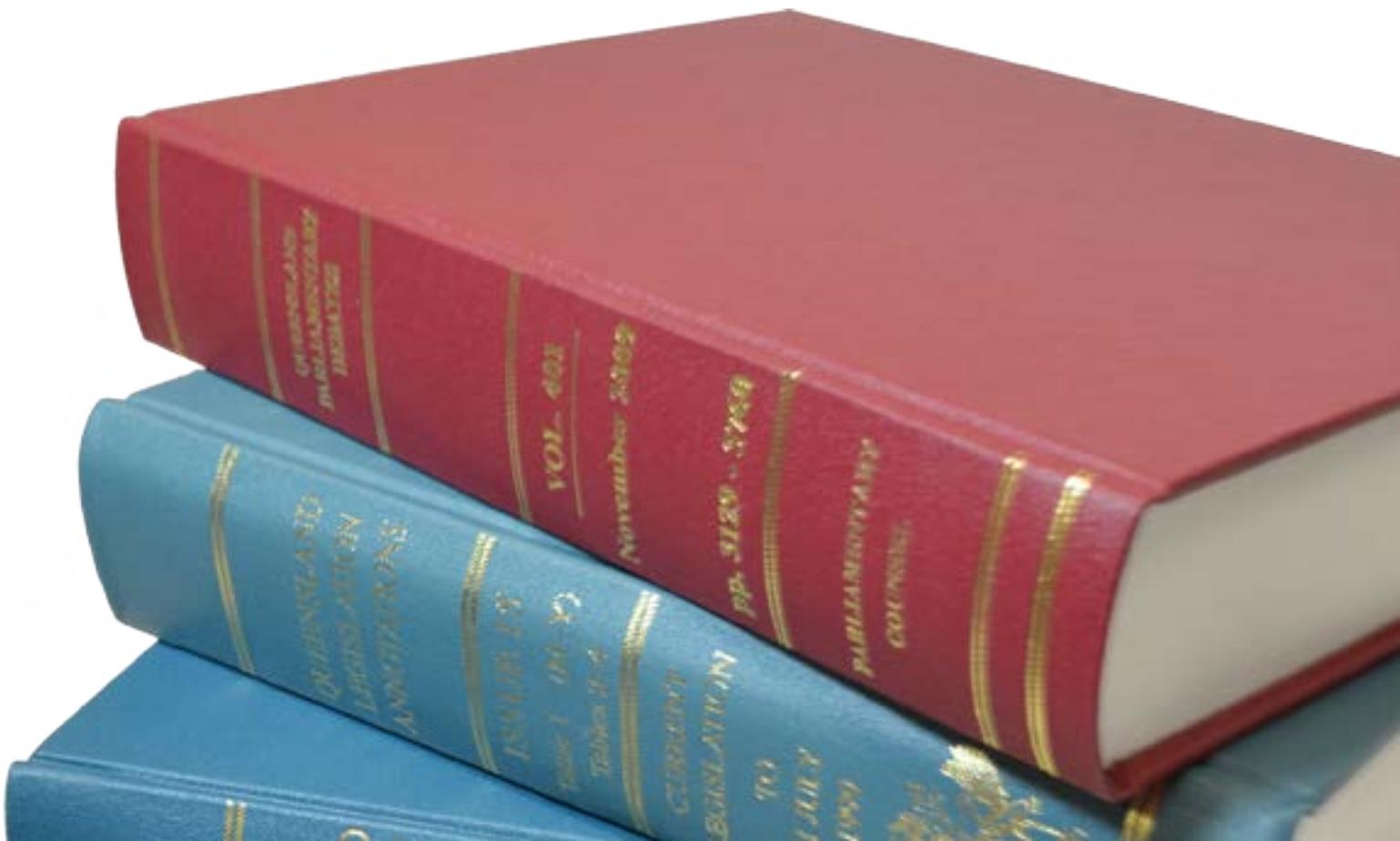
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## **CHAPTER 1: Introduction to Queensland legislation**

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*This chapter briefly introduces the legislative system in Queensland, providing some context for the more detailed information about legislation that follows.*

Laws are the formal rules that regulate our behaviour. The law in Queensland is made by or under the authority of our Parliament or the Parliament of the Commonwealth (statute law) and by the courts (common law). In this guide, we are concerned only with the statute law made by the Parliament of Queensland and some subordinate statute law made under authority delegated by the Parliament.

Queensland's principal law-making body is the Parliament of Queensland. The Parliament comprises the Queen (whose representative in Queensland is the Governor) and the Legislative Assembly which consists of our elected Members of the Parliament. Unlike other Australian States, Queensland has a unicameral (single chamber) Parliament. Other States have both a Lower House and an Upper House. Queensland's Upper House, called the Legislative Council, was abolished in 1922.

The Government or other members of the Legislative Assembly propose laws (in the form of a Bill for an Act) for consideration by the Parliament. If agreed to, those Bills become Acts and form part of Queensland's law. The Parliament also delegates aspects of its law-making function to other entities, particularly the Governor in Council. Laws made under this delegated power are called statutory instruments. The form of statutory instrument most widely known is the regulation, but there are many other forms of statutory instruments. In this guide we are concerned only with a special category of statutory instruments called subordinate legislation.

This guide will show you how to find Acts and subordinate legislation. It will also help you find information about the legislation and show you how to be confident it is up to date.

The legislation and information in this publication can be found online at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

## **CHAPTER 2: Bills**

### **Part 1: Information about Bills**

*In the legislative process in Queensland, Bills are the primary mechanism for converting Government policies into laws. This part explains how Bills are initiated and what happens when they are introduced into Parliament.*

#### ***What are 'Bills'?***

Bills are proposed laws introduced into the Legislative Assembly. If agreed to by the Parliament, they become Acts.

In Queensland all Government Bills are drafted by OQPC on the specific authority of Cabinet which justifies the need for legislation. This is an important step in the process as not everything the Government seeks to achieve needs to be implemented by legislation.

Most Bills are Government Bills and are introduced into Parliament by the Minister whose responsibilities cover the Bill's subject matter. However, OQPC also drafts Bills for non-Government members at their request. These are called private members' Bills.

Before introducing a Bill that is likely to impose appreciable costs on the community, the government generally requires departments to undertake an assessment of the benefits and costs of implementing the proposed legislation.

#### ***Passage through Parliament***

Bills introduced into the Legislative Assembly go through several stages known as 'passage'. The process is the same for Government and private members' Bills.

When introducing a Bill, the sponsoring Minister or private member explains, in a speech to the Legislative Assembly that is recorded in the Record of Proceedings (Hansard), the reasons for the Bill and what it is intended to achieve.

This is called the ‘explanatory’ speech and comprises the ‘first reading’ stage. After its first reading, the Bill is usually referred to a portfolio committee for consideration.

A reporting date is set for the portfolio committee and, in the period before that date, the Bill lies before the Legislative Assembly to allow the portfolio committee, Members of the Legislative Assembly, interest groups and the public to consider it before it is debated.

Debate on the Bill’s policy and content comprises the ‘second reading’ stage before the Legislative Assembly gives more detailed consideration to the text of the Bill. During this ‘consideration in detail’ stage, the Bill is considered by the Parliament clause by clause and it may be amended. The usual practice is for an amendment to be moved by the sponsoring Minister or a private member and agreed to or ‘negatived’ by the members. Amendments are drafted by OQPC.

In the final or ‘third reading’ stage, the long title of the Bill is agreed to and the Bill has then passed all stages in amended or unamended form. Of course, an entire Bill, or individual clauses of the Bill, may be defeated at any stage of passage after a vote by the members. This is rare for Government Bills when the Government controls a clear majority of the votes in the House but can happen in ‘hung’ parliaments in which no party has a clear majority of votes. By contrast, it is usual for private members’ Bills to be defeated when there is a majority Government but some may pass in hung parliaments.

When the Bill has passed all stages, it is prepared in its final form (including any amendments made during passage) and presented to the Governor for royal assent. Once assent is given, the Bill becomes an Act—see the flowchart, The Making of an Act of Parliament, at the end of this part.

## ***Explanatory notes for Bills***

Explanatory notes for Bills are circulated in the Legislative Assembly with the first reading copy of a Bill. They are prepared for the sponsoring Minister by the government department responsible for the Bill, or by the private member introducing the Bill, for the purpose of assisting the members of the Legislative Assembly and general public to understand the Bill.

## ***Record of Proceedings***

The Record of Proceedings—commonly referred to as Hansard—is the official record of the Legislative Assembly. In relation to Bills, it includes details of the:

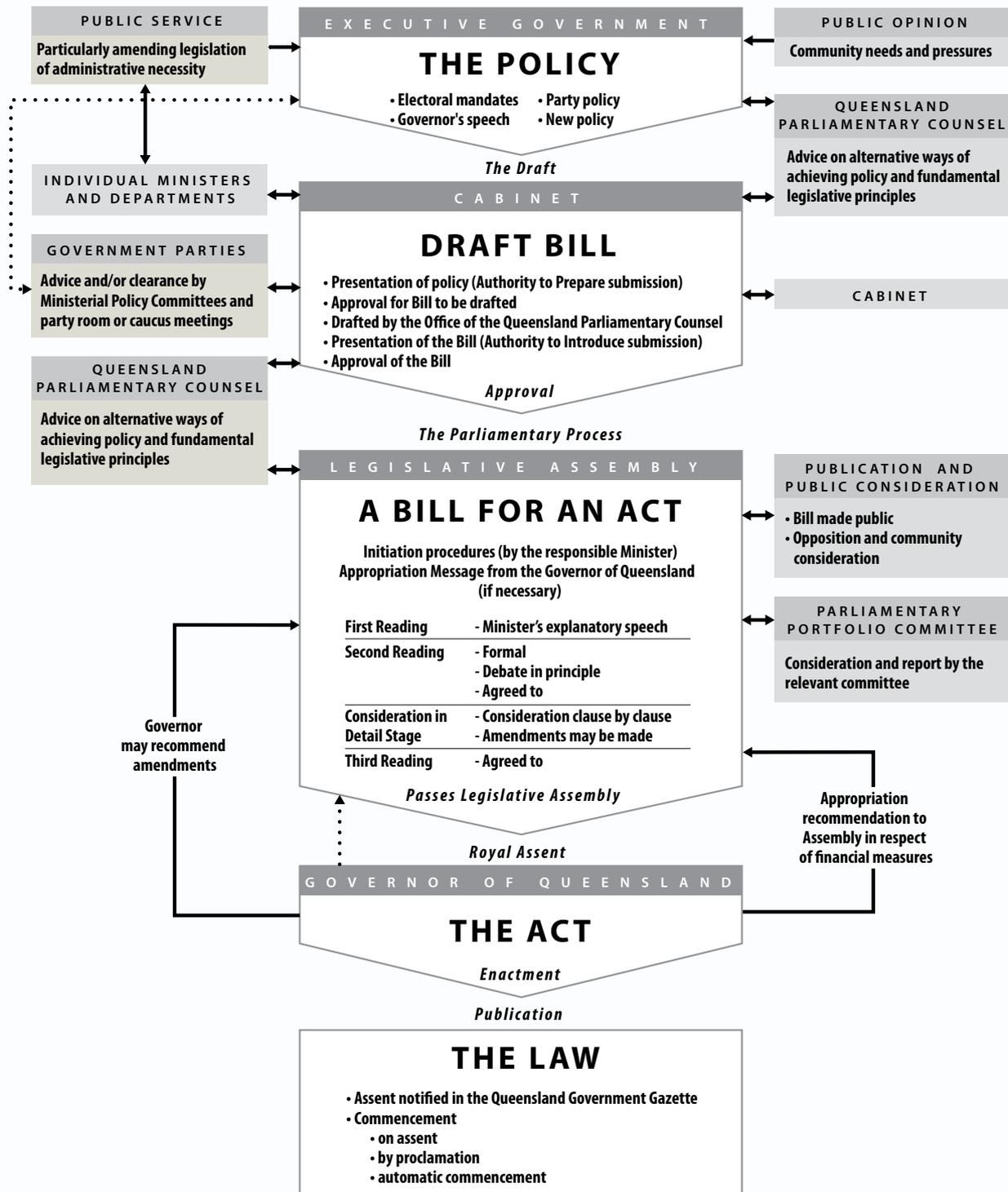
- sponsoring Minister’s or member’s explanatory speech when introducing a Bill
- debate about a Bill
- stage of passage a Bill has reached in the Legislative Assembly
- text of all amendments to a Bill and whether they were agreed to
- votes on the Bill
- date of assent of a Bill.

The Record of Proceedings is published daily on Parliament’s website [www.parliament.qld.gov.au](http://www.parliament.qld.gov.au) when Parliament is sitting.

# The Making of an Act of Parliament

## The Legislative Process

(For ordinary non-urgent Government Bills having passage in the 'normal' way)



## Part 2:

## Access to Bills

*Has the Bill been introduced? Where can I find the Bill and the explanatory notes for it?*

### Method 1:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Bills**.
  - This will open a page with a table of Queensland Parliaments and the dates for each Parliament.
2. Click on the year you want.
  - Bills are listed alphabetically with the date each Bill was introduced—click the word ‘Title’ to reverse the alphabetical order.
  - Clicking the words ‘Publication Date’ will sort the Bills for that year by the date they were introduced.
3. Click on the link for the Bill name to view or download and print a copy of the Bill.
4. To view or download and print a copy of the explanatory notes, click the **Legislative history** button and then click one of the links to the explanatory note.

### Method 2:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Legislative tables**.
  - This will open a page with a list of currently available tables.
2. Under Cumulative tables, click on the link **Bills introduced**.
3. If necessary, adjust the date range and click **Generate table**.
4. An alphabetical table will appear listing all the Bills introduced during the specified date range.
5. Click on the link for the Bill you are interested in.

### Tips:

- Specific chapters, parts, divisions and sections can be viewed by clicking the links in the Contents pane on the left.
  - The **View whole Bill** button will allow you to scroll through the entire document.
- Explanatory notes are only available as PDFs.
- To subscribe to the Atom feed for this Bill and receive automatic updates when changes occur, click the button with the Atom feed icon.
- To view or print a PDF version of the Bill, click the button with the PDF icon.
- You can purchase a commercially printed copy of the Bill or its explanatory note by clicking the button with the shopping cart icon to be redirected to the website of the government-contracted printer to place an order.
  - More information about purchasing printed Queensland legislation is available by clicking the link **Information**.

### *How far has the Bill progressed through the Parliament?*

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Bills**.
  - This will open a page with a table of Queensland Parliaments and the dates for each Parliament.
2. Click on the year you want.
  - Bills are listed alphabetically with the date each Bill was introduced—click the word ‘Title’ to reverse the alphabetical order.
  - Clicking the words ‘Publication Date’ will sort the Bills for that year by the date they were introduced.
3. Click on the link for the Bill name you are interested in.
4. Click the **Legislative history** button.
  - Introduction, 3rd Reading and Assent copies will appear here as they occur.

5. Alternatively, go to [www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation](http://www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation).

- Find the Bill alphabetically within the year of introduction.

Tip:

- Subscribing to the Atom feed of a Bill will give you automatic alerts when a Bill is amended or assented to.

### ***Where can I find the explanatory speech for a Bill?***

1. Go to [www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation](http://www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation).

2. Bills are listed alphabetically under the year of introduction.

- The information you need appears under the Bill title and is updated at each stage of passage.

3. There is a link to the explanatory speech which is also recorded in the Record of Proceedings (Hansard) on the day it is given.

Tip:

- Explanatory notes are different to the explanatory speech. OQPC publishes the explanatory notes. The Queensland Parliament publishes the explanatory speeches as part of the Record of Proceedings.

### ***Has the Bill been amended during passage?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Bills**.

- This will open a page with a table of Queensland Parliaments and the dates for each Parliament.

2. Click on the year you want.

- Bills are listed alphabetically with the date each Bill was introduced—click the word ‘Title’ to reverse the alphabetical order.
- Clicking the words ‘Publication Date’ will sort the Bills for that year by the date they were introduced.

3. Click on the link for the Bill name you are interested in.
4. Click the **Legislative history** button.
  - If the 3<sup>rd</sup> Reading is present in the legislative history, the Bill has been amended.
5. Alternatively, go to [www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation](http://www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation).
  - Find the Bill alphabetically within the year of introduction.

**Tips:**

- Bills not amended during Consideration in Detail do not have a 3<sup>rd</sup> Reading published because there is no change from the Introduced Bill.
- The explanatory notes that appear with the 3<sup>rd</sup> Reading are for the amendments moved.

***Where can I find the text of the amendments?***

- OQPC publishes 3<sup>rd</sup> Readings of amended Bills with the amendments agreed to by Parliament consolidated.
- If you want to see the text of the actual amendments, you will need to visit [www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation](http://www.parliament.qld.gov.au/work-of-assembly/bills-and-legislation).

***Has the Bill been assented to?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Bills**.
  - This will open a page with a table of Queensland Parliaments and the dates for each Parliament.
2. Click on the year you want.
  - Bills are listed alphabetically with the date each Bill was introduced—click the word ‘Title’ to reverse the alphabetical order.
  - Clicking the words ‘Publication Date’ will sort the Bills for that year by the date they were introduced.
3. Click on the link for the Bill name you are interested in.
4. Click the **Legislative history** button.

- If the Bill has been assented to, an entry in the legislative history will indicate the date assent occurred.
5. To view, download and print, or purchase a copy of the Act, click the link to the assent copy in the legislative history.

#### Tips:

- To view or print a PDF version of the Bill, click the button with the PDF icon.
- You can purchase a commercially printed copy of the Bill or its explanatory note by clicking the button with the shopping cart icon to be redirected to the website of the government-contracted printer to place an order.
- More information about purchasing printed Queensland legislation is available by clicking the link **Information**.

#### *What is the date of assent and what is the Act number?*

#### Method 1:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Bills**.
  - This will open a page with a table of Queensland Parliaments and the dates for each Parliament.
2. Click on the year you want.
  - Bills are listed alphabetically with the date each Bill was introduced—click the word ‘Title’ to reverse the alphabetical order.
  - Clicking the words ‘Publication Date’ will sort the Bills for that year by the date they were introduced.
3. Click on the link for the Bill name you are interested in.
4. Click the **Legislative history** button.
  - The Assent entry will indicate the date and the link to the Act will indicate the Act number.

## Method 2:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Acts as passed**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want.
  - Acts are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The Act number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.
3. Click on the link for the Act name you are interested in.
4. Click the **Legislative history** button.
  - The Assent entry will indicate the date and the link to the Act will indicate the Act number.

## **CHAPTER 3: Acts**

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### **Part 1: Information about Acts**

*This part explains how Acts are numbered and titled, how they commence and how they are published.*

#### ***What is an 'Act'?***

A Bill that has been passed by the Legislative Assembly and presented to the Governor for royal assent becomes an Act on receiving that assent. At that point, the Act becomes a law of Queensland but whether or not its provisions commence (start to operate) immediately depends on the commencement arrangements in the Act—see below.

Acts are sometimes called primary or principal legislation. Each Act of the Queensland Parliament can be uniquely identified by its short title and number.

Many Acts include a regulation-making power that authorises the making of subordinate legislation under the Act.

#### ***How Acts are numbered and titled***

Modern Queensland Acts (from 1962) are numbered according to the order they are assented to during a calendar year and each Act can be uniquely identified by its short title (see below) and Act number. They can be 'principal' Acts that are entirely new legislation or 'amendment' Acts that only amend existing legislation.

Each Act has a 'short title' and a 'long title'. The long title can sometimes run for many lines of text and gives more detail about the subject matter of the Act including, for amending Acts, the short titles of legislation being amended. Acts are generally referred to or 'cited' by their short title (found in section 1 of the Act) and they can be found under their short titles on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

## ***When do Acts commence (start to operate)?***

### **Commencement on assent**

The *Acts Interpretation Act 1954* (AIA) sets out the law relating to the commencement of Acts. All the provisions of an Act ‘commence’ (start to operate) on the day the Governor assents to the Act except when the Act expressly provides otherwise—see AIA, section 15A. If an Act does not commence on assent, the provision about its commencement will usually be section 2 of the Act.

### **Commencement by proclamation**

A commencement provision will often require the making of a statutory instrument called a ‘proclamation’ to commence particular provisions. The proclamation is made by the Governor and then notified by publication on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

### **Commencement on a stated date or the happening of some other event**

Sometimes a commencement provision will state the date on which the Act will commence or it might link commencement of the Act to some other event happening. For example, a Queensland Act might be dependent on the commencement of related Commonwealth legislation.

### **Automatic commencement**

From mid-1994, Queensland Acts have been subject to automatic commencement—see AIA, s 15DA. If an Act, or any of its provisions, has not commenced within one year after the assent day, it automatically commences on the next day unless commencement is postponed, usually by a statutory instrument called a postponement regulation. A postponement regulation may extend the period before commencement for a maximum of one more year, that is, two years from the assent day.

## Part 2: Access to Acts

### *What date was the Act assented to and what is the Act number?*

#### Method 1:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Bills**.
  - This will open a page with a table of Queensland Parliaments and the dates for each Parliament.
2. Click on the year you want.
  - Bills are listed alphabetically with the date each Bill was introduced—click the word ‘Title’ to reverse the alphabetical order.
  - Clicking the words ‘Publication Date’ will sort the Bills for that year by the date they were introduced.
3. Click on the link for the Bill name you are interested in.
4. Click the **Legislative history** button.
  - The Assent entry will indicate the date and the link to the Act will indicate the Act number.

#### Method 2:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Acts as passed**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - Acts are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The Act number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.
3. Click on the link for the Act name you are interested in.

4. Click the **Legislative history** button.

- The Assent entry will indicate the date and the link to the Act will indicate the Act number. (This information is also in the first entry under the list of legislation.)

Tip:

- To subscribe to the feed for this Act and receive automatic updates when changes occur, click the button with the Atom feed icon.

***Where can I find a copy of the Act as originally enacted?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Acts as passed**.

- This will open a page with a list of letters and years.

2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)

- Acts are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
- The Act number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.

3. Click on the link for the Act name you are interested in.

Tips:

- Specific chapters, parts, divisions and sections can be viewed by clicking the links in the Contents pane on the left.
  - The **View whole Act** button will allow you to scroll through the entire document.
- To view or print a PDF version of the Act, click the button with the PDF icon.
- You can purchase a commercially printed copy of the Act by clicking the button with the shopping cart icon to be redirected to the website of the government-contracted printer to place an order.

- More information about purchasing printed Queensland legislation is available by clicking the link **Information**.

### ***How can I find what subordinate legislation has been made under (authorised by) the Act?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Acts as passed**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - Acts are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The Act number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.
3. Click on the link for the Act name you are interested in.
4. Click the **Subordinate legislation** button.
  - The list of subordinate legislation made under (authorised by) that Act will appear as links.

### ***When will an Act that has not yet been reprinted commence?***

An Act commences on receiving royal assent unless it provides otherwise. If the Act does provide for its commencement, that information is usually contained in section 2 of the Act.

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Acts as passed**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - Acts are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.

- The Act number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.
3. Click on the link for the Act name you are interested in.
  4. Click the **Legislative history** button.
    - The first entry under the list of legislation will contain the commencement information.

#### Tips:

- If a commencement date is known, you will find the information you need under the list of legislation. If a commencement date is not given, commencement will generally be on a day fixed by proclamation. The Act entry will be updated with the commencement information when a proclamation is made and notified by publication on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).
- To subscribe to the feed for this Act and receive automatic updates when changes occur, click the button with the Atom feed icon.

#### ***Has an Act that has not yet been reprinted been amended?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Acts as passed**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - Acts are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The Act number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.
3. Click on the link for the Act name you are interested in.
4. Click the **Legislative history** button.
  - Information about amendments will appear under the list of legislation.

## ***Has the Act been repealed?***

To find this information and see a copy of the Act before it was repealed:

### **Method 1:**

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Repealed legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - Acts are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The Act number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.
3. Click on the link for the Act name you are interested in.
4. The status information page for the Act will have information about the repeal.

### **Method 2:**

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Legislative tables**.
  - This will open a page with a list of currently available tables.
2. Under Cumulative tables, click on the link **Repealed Acts**.
3. If necessary, adjust the date range and click **Generate table**.
4. An alphabetical table will appear listing all the Acts repealed during the specified date range.
5. Click on the link for the Act name you are interested in.
6. The status information page for the Act will have information about the repeal.

## CHAPTER 4: Subordinate legislation

### Part 1: Information about subordinate legislation

*Not all legislation is in the form of an Act made by Parliament. Subordinate legislation is made by an entity under authority delegated by the Parliament. This part explains what subordinate legislation is and how it is made and notified, how it is numbered and titled and how it commences.*

#### ***What is 'subordinate legislation'?***

Subordinate legislation (sometimes called 'delegated' legislation) is a category of statutory instrument made by an entity acting under the authority of an Act.

The most common types of subordinate legislation are:

- Regulations (made by the Governor in Council and comprising the majority of instruments of subordinate legislation)
- proclamations (that commence provisions of an Act)
- rules (most commonly, the rules of court)
- standards
- notices
- by-laws.

With the exception of a special category of subordinate legislation (called exempt subordinate legislation), all subordinate legislation is drafted by OQPC.

Local laws, made and administered by local governments, are not subordinate legislation and are not dealt with in this guide.

### ***Is the making of subordinate legislation necessary?***

Before making subordinate legislation that is likely to impose appreciable costs on the community, the government generally requires departments to undertake an assessment of the benefits and costs of implementing the proposed legislation.

### ***How subordinate legislation is made and notified***

As explained above, subordinate legislation is made by an entity (most often, the Governor in Council) under the authority of an Act. It is not passed by the Parliament in the same way as an Act, though the Legislative Assembly examines and may disallow instruments of subordinate legislation.

The making of the instrument of subordinate legislation is notified by publication on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au). The instrument is then tabled in the Legislative Assembly where it can be disallowed.

### ***How subordinate legislation is numbered and titled***

Like Acts, every instrument of subordinate legislation can be uniquely identified by its short title and number.

Subordinate legislation is numbered according to the order it is included in the Subordinate Legislation series during a calendar year, usually the order in which it is made. It is generally referred to or 'cited' by the instrument's short title (found in section 1 of the instrument).

In the past, subordinate legislation also commonly included an 'amendment number', for example, '(No. 2)', as part of its short title to distinguish one instrument of subordinate legislation from another that would otherwise have the same short title. However, this practice is becoming less common and more descriptive unique short titles are being used instead.

## ***When does subordinate legislation commence (start to operate)?***

The *Statutory Instruments Act 1992* (SIA) sets out the law relating to the commencement of subordinate legislation.

Subordinate legislation generally commences on the day it is notified by publication on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au). If the subordinate legislation does not commence on notification, the provision about its commencement will usually be section 2 of the instrument. Subordinate legislation may only operate prospectively unless a retrospective commencement is specifically authorised—see the SIA, section 34.

## ***Explanatory notes for subordinate legislation***

Before 1 January 2011 it was only necessary to provide an explanatory note for significant subordinate legislation. However, following a recommendation by the former Parliamentary Scrutiny of Legislation Committee in 2010, and an amendment of the *Legislative Standards Act 1992*, section 22, it is now mandatory for all subordinate legislation to have explanatory notes.

## **Part 2: Access to subordinate legislation**

### ***How can I quickly find out what subordinate legislation has been notified each week?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Notifications**.
2. Click the link for the week you are interested in.

#### **Tips:**

- Notification of SLs on the Legislation website generally takes place on Friday by 10:00a.m.
- Sometimes the agency responsible for administering an SL requests ‘extraordinary’ notification on a

particular day (not Friday) or even at a particular time.

- Links to notification lists for the previous four weeks appear on this page.
  - To view earlier weeks, click the link to the relevant year and browse the list.
- In the notification list, click on the link for the SL name to view or download and print a copy of a particular instrument.

### ***When was the instrument notified, and what is its number?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **SL as made**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - SLs are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The SL number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.
3. Click on the link for the instrument name you are interested in.
4. Click the **Legislative history** button.
  - The Notification entry will indicate the date and the link to the instrument will indicate the subordinate legislation number. (This information is also in the first entry under the list of legislation.)

### ***How can I find the authorising Act for particular subordinate legislation?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **SL as made**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)

- SLs are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The SL number is in the No. column on the right—clicking the word ‘No.’ will sort the SLs in numerical order.
3. Click on the link for the instrument name you are interested in.
  4. Click the **Authorising Act** button.
    - The authorising Act for that subordinate legislation will appear as a link.

***Where can I find a copy of subordinate legislation as made and the explanatory notes and any regulatory impact statement?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **SL as made**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - SLs are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The SL number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts in numerical order.
3. Click on the link for the instrument name you are interested in.
4. Click the **Legislative history** button.
  - The Notification entry will include links to PDFs of the SL as made and the explanatory note.

**Tips:**

- Specific chapters, parts, divisions and sections can be viewed by clicking the links in the Contents pane on the left.
- The **View whole SL** button will allow you to scroll through the entire document.
- Explanatory notes are only available as PDFs.

- To view or print a PDF version of the SL, click the button with the PDF icon.
- You can purchase a commercially printed copy of the SL or its explanatory note by clicking the button with the shopping cart icon to be redirected to the website of the government-contracted printer to place an order.
  - More information about purchasing printed Queensland legislation is available by clicking the link **Information**.

***When will subordinate legislation that has not been reprinted commence?***

Subordinate legislation commences when it is notified by publication on the Legislation website

[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) unless it provides otherwise.

However, subordinate legislation may only operate prospectively unless a retrospective commencement is specifically authorised. See, for example, the *Statutory Instruments Act 1992*, section 34 which authorises retrospective commencement if its operation is beneficial.

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **SL as made**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - SLs are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The SL number is in the No. column on the right—clicking the word ‘No.’ will sort the SLs in numerical order.
3. Click on the link for the instrument name you are interested in.
4. Click the **Legislative history** button.
  - The first entry under the list of legislation will contain the commencement information.

### ***Has subordinate legislation that has not yet been reprinted been amended?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **SL as made**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - SLs are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The SL number is in the No. column on the right—clicking the word ‘No.’ will sort the SLs in numerical order.
3. Click on the link for the instrument name you are interested in.
4. Click the **Legislative history** button.
  - Information about amendments will appear under the list of legislation.

#### **Tip:**

- To subscribe to the feed for this SL and receive automatic updates when changes occur, click the button with the Atom feed icon.

### ***Has the instrument expired, lapsed or been repealed?***

To find this information and see a copy of the instrument before it was repealed:

#### **Method 1:**

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Repealed legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - SLs are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.

- The SL number is in the No. column on the right— clicking the word ‘No.’ will sort the SLs in numerical order.
3. Click on the link for the instrument name you are interested in.
  4. The status information for the SL will have information about the expiry, lapse or repeal.

#### **Method 2:**

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Legislative tables**.
  - This will open a page with a list of currently available tables.
2. Under Cumulative tables, click on the link **Repealed subordinate legislation**.
3. If necessary, adjust the date range and click **Generate table**.
4. An alphabetical table will appear listing all the subordinate legislation repealed during the specified date range.
5. Click on the link for the instrument name you are interested in.
6. The status information page for the SL will have information about the expiry, lapse or repeal.

## CHAPTER 5: Reprints

### Part 1: Information about reprints

*OQPC prepares consolidations of legislation known as ‘reprints’ to provide up-to-date versions of legislation. This part explains how reprints are prepared and how to use them effectively.*

#### **What is a ‘reprint’?**

A reprint is a consolidation of an Act or instrument of subordinate legislation (SL) that incorporates all changes to the Act or instrument as at a stated date (the ‘reprint date’). There may be a change because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

All reprints are published in electronic form on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and provide easy access to up-to-date Queensland legislation because:

- A new reprint is usually prepared and published within three working days after any change to the legislation comes into effect.
- The reprint (current as at) date is clear on the status information page (or the front cover page of the PDF).
- The legislative history of the reprint includes detailed information that enables the user to understand:
  - when, and by what, the reprinted legislation has been amended
  - when amendments to the legislation commenced
  - what amendments to the legislation are yet to commence.
- History notes in the reprint show the legislative history of provisions that have been amended, including details of the amending legislation.
- Reprints are freely available for downloading and printing.

## ***Authorised reprints***

From 29 January 2013, all reprints are authorised by the Parliamentary Counsel and have an authority statement either at the end of the reprint or in the footer of each page. Earlier reprints that are not authorised have a warning note on the front cover of the PDF version—‘This reprint is not an authorised copy.’

Authorised reprints are accepted by the courts as being accurate in the absence of evidence to the contrary.

## **Part 2: Access to reprints**

### ***Where can I find the reprint I need?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **In force legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want.
  - Reprints are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
3. Click on the link for the reprint name you are interested in.

#### **Tips:**

- Specific chapters, parts, divisions and sections can be viewed by clicking the links in the Contents pane on the left.
  - The **View whole Act** button or **View whole SL** button will allow you to scroll through the entire document.
- Entries for repealed provisions appear in the contents pane with [Repealed] next to them.
  - However, repealed provisions and definitions will only be visible in the reading pane with the history notes turned on.
- The **Subordinate legislation** button reveals the list of all subordinate legislation made under an Act.

- The **Authorising Act** button reveals the Act that authorises subordinate legislation.
- The **Turn history notes on** button reveals information about amendments made to provisions and about repealed provisions and definitions.
- To view or print a PDF version of the reprint, click the button with the PDF icon.
- To subscribe to the feed for this reprint and receive automatic updates when changes occur, click the button with the Atom feed icon.
- You can purchase a commercially printed copy of the Act or SL or its explanatory note by clicking the button with the shopping cart icon to be redirected to the website of the government-contracted printer to place an order.
  - More information about purchasing printed Queensland legislation is available by clicking the link **Information**.

### ***How can I check for amendments to the legislation that have not been included in the reprint?***

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **In force legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want.
  - Reprints are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
3. Click on the link for the reprint name you are interested in.
4. Click the **Legislative history** button.
  - Information about which amendments have been consolidated in each published reprint appears in the Table of reprints.
  - Detailed information about amendments that have not been consolidated appears in the list of legislation.

### Tips:

- The last entry in the table of reprints shows the date of the current reprint.
- The list of legislation shows the dates amendments commenced.
  - If provisions in this list are marked as not yet proclaimed into force or commence on a future date, those amendments have not been made to the current reprint.
- The amending legislation can be accessed by clicking the titles in the list of legislation.

### ***Has the Act or instrument of subordinate legislation expired, lapsed or been repealed?***

To find this information and see a copy of the reprint before it was repealed:

#### **Method 1:**

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Repealed legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want. (Note: Choosing a letter could result in a very long list.)
  - Acts and SLs are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
  - The Act or SL number is in the No. column on the right—clicking the word ‘No.’ will sort the Acts or SLs in numerical order.
3. Click on the link for the Act or SL name you are interested in.
4. The status information page for the Act or SL will have information about the repeal.

## Method 2:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Legislative tables**.
  - This will open a page with a list of currently available tables.
2. Under Cumulative tables, click on the link **Repealed Acts** or the link **Repealed subordinate legislation**.
3. If necessary, adjust the date range and click **Generate table**.
4. An alphabetical table will appear listing all the Acts or SLs repealed during the specified date range.
5. Click on the link for the Act or SL name you are interested in.
6. The status information page for the Act or SL will have information about the expiry, lapse or repeal.

## ***In which government department is the legislation administered?***

The administrative arrangements of government, detailing which Minister and agency is responsible for administering each Act, are notified in an Administrative Arrangements Order made by the Governor in Council.

This Administrative Arrangements information is also included on the status information page for reprints of Acts.

To find the agency responsible for administering an Act, and the responsible Government Minister:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **In force legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want.
  - Reprints are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
3. Find the Administrative Arrangements information for the Act at the top of the status information page.

To find the complete Administrative Arrangements Order:

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Information**.
2. Click on the link **Administrative Arrangements Order**.
  - The link will open a page on the Queensland Government website showing the latest Administrative Arrangements Order.
3. Search for the relevant Act short title and you will see the name of the government agency (administrative unit) responsible for administering the list of legislation which includes the legislation of interest to you.
  - Some Acts are administered jointly by more than one agency so the name of the Act you are searching for may appear more than once.

## CHAPTER 6: Legislative information and history

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### Part 1: Information about annotations

*In addition to preparing reprints, OQPC ‘annotates’ or provides additional information about reprints at both the provision level and the instrument level. This part explains where that information can be found and how to use it.*

#### **Reprints**

The reprint of an Act or subordinate legislation (SL) contains the Act’s or instrument’s entire legislative history.

The legislative history includes:

- a table of reprints that provides links to all historical versions of the reprint and details of which amendments were consolidated in each of those reprints
- a list of legislation that provides information about the Act or instrument as enacted or made and all amendments to it, including commencement details
- a list of Bills introduced to the Queensland Parliament that include amendments to the reprint.

Each reprint also contains history notes showing the legislative history of provisions of the Act or instrument that have been amended, including details of the Act or instrument making the amendment. These history notes are attached to the provisions they relate to and appear inline when ‘turned on’.

#### ***The Queensland Legislation Annotations***

The Queensland Legislation Annotations used to provide a consolidated history of current and repealed Queensland legislation. *These annotations are no longer compiled or published.* Instead, the legislative history for each Act or

instrument contains this information which is continuously updated as amendments are legislated or commence.

## **Part 2: Access to annotations**

### ***Where can I find legislative information for current legislation?***

OQPC no longer publishes consolidations of the current annotations. Instead, the same information can be found in the legislative history for a reprint.

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **In force legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want.
  - Reprints are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
3. Click on the link for the reprint whose annotations you are interested in.
4. Click the **Legislative history** button.

#### **Tips:**

- The list of legislation is the equivalent of the old Current Annotations entry for that title.
- This list will be updated as new amendments are made and existing ones commence.
- To subscribe to the feed for this reprint and receive automatic updates when changes occur, click the button with the Atom feed icon.

### ***Where can I find legislative information for repealed legislation?***

Information about repealed legislation, previously available in the repealed annotations publication, now also appears on the website in the legislative history for a reprint.

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **Repealed legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want.
  - Reprints are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
3. Click on the link for the reprint whose annotations you are interested in.
4. Click the **Legislative history** button.

Tip:

- The list of legislation is the equivalent of the old Current Annotations entry for that title and will include repeal information.

### ***What are history notes and where can I find the list of annotations?***

OQPC no longer compiles a separate list of annotations that shows what amendments have been made to each provision of a reprint. Instead, this information is now attached to the provisions themselves in the form of ‘inline history notes’.

1. Go to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and click on the link **In force legislation**.
  - This will open a page with a list of letters and years.
2. Click on the year or letter you want.
  - Reprints are listed alphabetically—click the word ‘Title’ to reverse the alphabetical order.
3. Click on the link for the reprint whose history notes you want to view.
4. Click the **View whole Act** or **View whole SL** button, or use the contents pane to navigate to the provision you are interested in.
5. Click the **Turn history notes on** button.

## Tips:

- The history notes for a provision that has been amended appear inline immediately under the text of the provision.
- Turning the history notes on will change the length of the screen.
  - You might find it easier to turn them on first and then scroll to the provisions you are interested in.
  - You can also turn the history notes on and off as often as you like while viewing a reprint.
- Entries for repealed provisions appear in the contents pane with [Repealed] next to them.
  - However, repealed provisions and definitions will only be visible in the reading pane with the history notes turned on.
- If a repealed heading seems to be missing, check the history notes under the higher level heading.
  - For example, if a repealed division heading is missing, check the history notes under the part heading.

## CHAPTER 7: Resources to assist in understanding legislation

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*In addition to reprints and legislative histories, particular Acts are important in helping a person use and understand Queensland legislation. This chapter provides details about four of these key Acts and includes a list of related publications that may also assist.*

### ***Acts of general application***

There are four key Acts that will help you use and understand Queensland legislation:

- *Acts Interpretation Act 1954*
- *Statutory Instruments Act 1992*
- *Reprints Act 1992*
- *Legislative Standards Act 1992.*

### ***Acts Interpretation Act***

The *Acts Interpretation Act 1954* (AIA) contains information essential to understanding and interpreting all Queensland Acts. The provisions of the AIA effectively operate as the framework for all Queensland Acts so particular provisions do not need to be repeated across other Acts in the Statute Book.

For example, the AIA contains a list of frequently used standard or extended definitions of commonly used words and expressions that apply generally to Queensland legislation. This means those definitions do not need to be repeated in individual Acts. See section 36 and schedule 1 of the Act.

Other ways the AIA applies general provisions to help shorten legislation include:

- providing standard sets of provisions regulating aspects of the operation of all legislation or legislation of a particular type—see parts 5 and 6 of the Act about the commencement, amendment and repeal of Acts

- providing powers in addition to those expressly given by an individual Act—see sections 17, 24B and 27A of the Act for powers exercisable before commencement and powers concerning acting appointments and the delegation of powers.

The AIA also assists in the interpretation of legislation by providing provisions that:

- deal with approaches to be used in the interpretation of legislation—see sections 14A and 14B of the Act
- endorse and facilitate a clearer approach to drafting legislation—see sections 14C and 14D of the Act
- generally aid in the interpretation of legislation, for example, section 32CA deals with the meaning of ‘may’ and ‘must’.

### ***Statutory Instruments Act***

The *Statutory Instruments Act 1992* (SIA) deals with the interpretation and presentation of statutory instruments, bringing together and clarifying the law.

The SIA defines the types of statutory instruments and sets out what can be legislated by statutory instrument.

It also deals with the requirements for regulatory impact statements, notification by publication on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au), tabling in the Legislative Assembly, and disallowance by the Legislative Assembly of statutory instruments that are subordinate legislation.

### ***Reprints Act***

The *Reprints Act 1992* deals with OQPC’s responsibilities in producing reprints of Queensland legislation, including the authority to make certain minor editorial changes in reprints.

## ***Legislative Standards Act***

The *Legislative Standards Act 1992* (LSA) sets out the high standards Queensland legislation must achieve. It is also the Act that establishes the Office of the Queensland Parliamentary Counsel, its functions and its responsibilities in the drafting of Queensland legislation.

Importantly, the LSA includes a provision (section 4) specifying the principles for legislation that underlie a parliamentary democracy based on the rule of law. These are the ‘fundamental legislative principles’ (FLPs) that should ordinarily be applied in the preparation of legislation as a significant step in ensuring its high quality.

OQPC is required under the LSA to advise Ministers, government entities and Members of the Legislative Assembly on the application of these principles. FLPs include:

- having sufficient regard to the rights and liberties of individuals
- having sufficient regard to the institution of Parliament.

## ***Extrinsic material***

The *Acts Interpretation Act 1954* (AIA) and the *Statutory Instruments Act 1992* (SIA) provide for the use of information that can assist in the interpretation of legislation. For example, section 14B of the AIA and section 15 of the SIA explain that extrinsic material (for example, explanatory notes and explanatory speeches) may be taken into account in certain circumstances when interpreting statute law.

## ***Related publications***

You may also find the following publications of interest:

- *Principles of good legislation: OQPC guide to FLPs*
  - This publication is progressively replacing *Fundamental Legislative Principles: the OQPC Notebook*
  - Both publications are available on the Legislation website [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) on the [Information](#) page
- The ‘Governing Queensland’ suite of handbooks:
  - *The Queensland Ministerial Handbook*
  - *The Queensland Cabinet Handbook*
  - *The Queensland Executive Council Handbook*
  - *The Queensland Parliamentary Procedures Handbook*
- These publications are available on the Department of the Premier and Cabinet’s website [www.premiers.qld.gov.au/publications](http://www.premiers.qld.gov.au/publications).
- *The Queensland Legislation Handbook* is available via a link at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) on the [Information](#) page.

