QUEENSLAND GOVERNMENT

Office of the Queensland Parliamentary Counsel

Finding Queensland legislation and information



Finding Queensland legislation and information
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Introduction

Legislation affects many aspects of our daily lives. This publication is primarily designed to help new and occasional users of legislation understand the basic processes involved in making written law and accessing it.

The Office of the Queensland Parliamentary Counsel (OQPC) drafts legislation in plain English for Queensland's Parliament and publishes it on the Legislation website www.legislation.qld.gov.au. The growth of information delivery devices has created high expectations about accessibility to information and it is vital that the community has the tools to access Queensland legislation. *Finding Queensland legislation and information* is intended to provide one of those tools .



How to use this publication

This publication has been designed to provide you with a variety of ways to find the information you need.

For simplicity, chapters deal with a key resource area—for example, Bills—explain the resource area, and then provide information on access to that resource, including the sort of questions you might ask about it.

In keeping with modern trends the emphasis is on online access. For access to printed resources, contact LitSupport at www.litsupport.com.au or email legislation@litsupport.com.au.

Marginal notes are used to explain terms and to provide other relevant information.

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

AIA	*Acts Interpretation Act 1954*
FLPs	fundamental legislative principles
LSA	*Legislative Standards Act 1992*
OQPC	Office of the Queensland Parliamentary Counsel
SIA	*Statutory Instruments Act 1992*
SL	subordinate legislation

CHAPTER 1: Introduction to Queensland legislation

What this chapter is about

This chapter briefly introduces the legislative system in Queensland, providing some context for the more detailed explanation of legislative instruments that follows.

hint 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 publication, 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 (or 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 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 recognised is the regulation, but there are many other forms of statutory instruments. In this

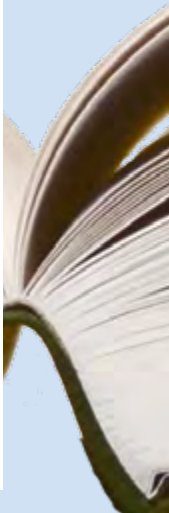


publication we are concerned only with a special category of statutory instruments called subordinate legislation.

This publication 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.





CHAPTER 2: Bills

What this chapter is about

In the legislative process, Bills are the primary mechanism for converting policies into laws. This chapter explains how Bills are initiated and what happens when they are introduced into Parliament. The 'Access to Bills' entry at the end of the chapter provides information about how to find Bills and information about them.

What are 'Bills'?

hint 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 receipt of a specific Cabinet authority 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.

hint 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 private 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.

Parliamentary procedure is governed by the Standing Rules and Orders available at www.parliament.qld.gov.au\work-of-assembly\procedures.

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, the reasons for the Bill and what it is intended to achieve. This is called the 'explanatory' speech and comprises the 'first reading' stage. The Bill is usually referred to a portfolio committee for consideration.

After the first reading stage, a Bill usually lies before the Legislative Assembly for a period 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 comprises the 'second reading' stage before the Legislative Assembly gives detailed consideration to the text of the Bill. The Bill may be amended during this 'consideration in detail' stage. Usual practice is for an amendment to be moved by the sponsoring Minister or private member and agreed to or 'negatived' by the members. Amendments are drafted by OQPC.

The final or 'third reading' stage sees the long title of the Bill agreed to and the Bill passing all stages in amended or unamended form. Of course, a Bill may be defeated at any stage after a vote by the members. This is rare for Government Bills as the Government usually controls the majority of the votes in the House.

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 at the end of this chapter titled The Making of an Act of Parliament.

Explanatory notes for Bills

Explanatory notes for Bills are circulated in the Legislative Assembly with the first reading print of the 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. Among other things, 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
- date of assent of a Bill.

The Record of Proceedings is published daily on Parliament's website www.parliament.qld.gov.au when Parliament is sitting.



Access to Bills

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

- Go to www.legislation.qld.gov.au and click on the link **Bills**. This will open a page with a table of Bills introduced into Parliament.
- Click on the year you want. Bills are listed alphabetically and include information about who introduced the Bill



and when. The link to the explanatory note is the icon in the column headed **Exp Note**.

- Click on the link for the Bill name to view or download and print a copy of the Bill and its explanatory note.
- You can purchase a commercially printed copy of the Bill or its explanatory note in either of these ways:
  - Click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.
  - Click on the icon in the column headed **Purchase** to be redirected to the website of the commercial printer to place an order.

How far has the Bill progressed through the Parliament? Where can I find the explanatory speech for a Bill?

- Go to www.legislation.qld.gov.au and click on the link **Information**.
- Click on the link **Current Annotations**.
- Click on the link **Progress of Bills before the current Parliament**. You will be redirected to the Queensland Parliament website.
- 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.
- There is a link to the explanatory speech which is also recorded in the Record of Proceedings on the day it is given.

Has the Bill been amended? Where can I find the text of the amendments?

For Bills introduced to Parliament before 2013:

- Go to www.legislation.qld.gov.au and click on the link **Bills**.
- Click on the year the Bill was introduced. Bills are listed alphabetically.



- If the Bill has been amended, you will find an icon in the column headed **Amendments**.
  - Click on the icon in the sub-column headed **Bill** for the text of the amendments.
  - Click on the icon in the sub-column headed **Exp** for the explanatory notes for the amendments.
- You can download and print a copy of the amendments and explanatory notes.
- You can purchase a commercially printed copy of the amendments or explanatory note in either of these ways:
  - Click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.
  - Click on the icon in the column headed **Purchase** to be redirected to the website of the commercial printer to place an order.

For Bills introduced to Parliament from 2013:

- Go to www.legislation.qld.gov.au and click on the link **Information**.
- Click on the link **Current Annotations**.
- Click on the link **Progress of Bills before the current Parliament**. You will be redirected to the Queensland Parliament website.
- 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.
- If the Bill has been amended, there will be a link **AinC govt agreed**.
- Click on this link to find the text of any amendments agreed to during consideration in detail. The amendments are also recorded in the Record of Proceedings on the day they are considered.
- Click on the link **AinC exp note** to find the text of the explanatory note for the amendments.

For Bills introduced from 2013 and amended, the third reading stage of the Bill with amendments incorporated is also available.

- Go to www.legislation.qld.gov.au and click on the link **Bills**.
- Click on the year you want (2013 or later). Bills are listed alphabetically.
- If the Bill (2013 or later) has been amended, you will find an icon in the column headed **3rd Reading, if amended**.
  - Click on the icon in the sub-column headed **Bill** for the Bill as passed with amendments incorporated. (A change bar indicates where the amendments have been incorporated into the Bill.)
  - Click on the icon in the sub-column headed **Exp** for the explanatory notes for the amendments.
- You can download and print a copy of the third reading version of the Bill and its explanatory note.
- The third reading version of the Bill is not available for commercial printing but you can purchase a commercially printed copy of the explanatory note for the amendments in either of these ways:
  - Click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.
  - Click on the icon in the column headed **Purchase** to be redirected to the website of the commercial printer to place an order.

Has the Bill been assented to?

- Go to www.legislation.qld.gov.au and click on the link **Bills**.
- Click on the year the Bill was introduced. Bills are listed alphabetically.
- If the Bill has been assented to and become an Act, there will be a link in the column headed **Status**. This link indicates the Act number and the year of assent.

- Click on the link to view or download and print a copy of the Act.
- You can purchase a commercially printed copy of the Act in either of these ways:
  - Click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.
  - Click on the link **Acts as Passed** (under the colour banner at the top of the web page) and, using the Act number, locate the entry for the Act in the table. Click on the icon in the column headed **Purchase** to be redirected to the website of the commercial printer to place an order.

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

Method 1:

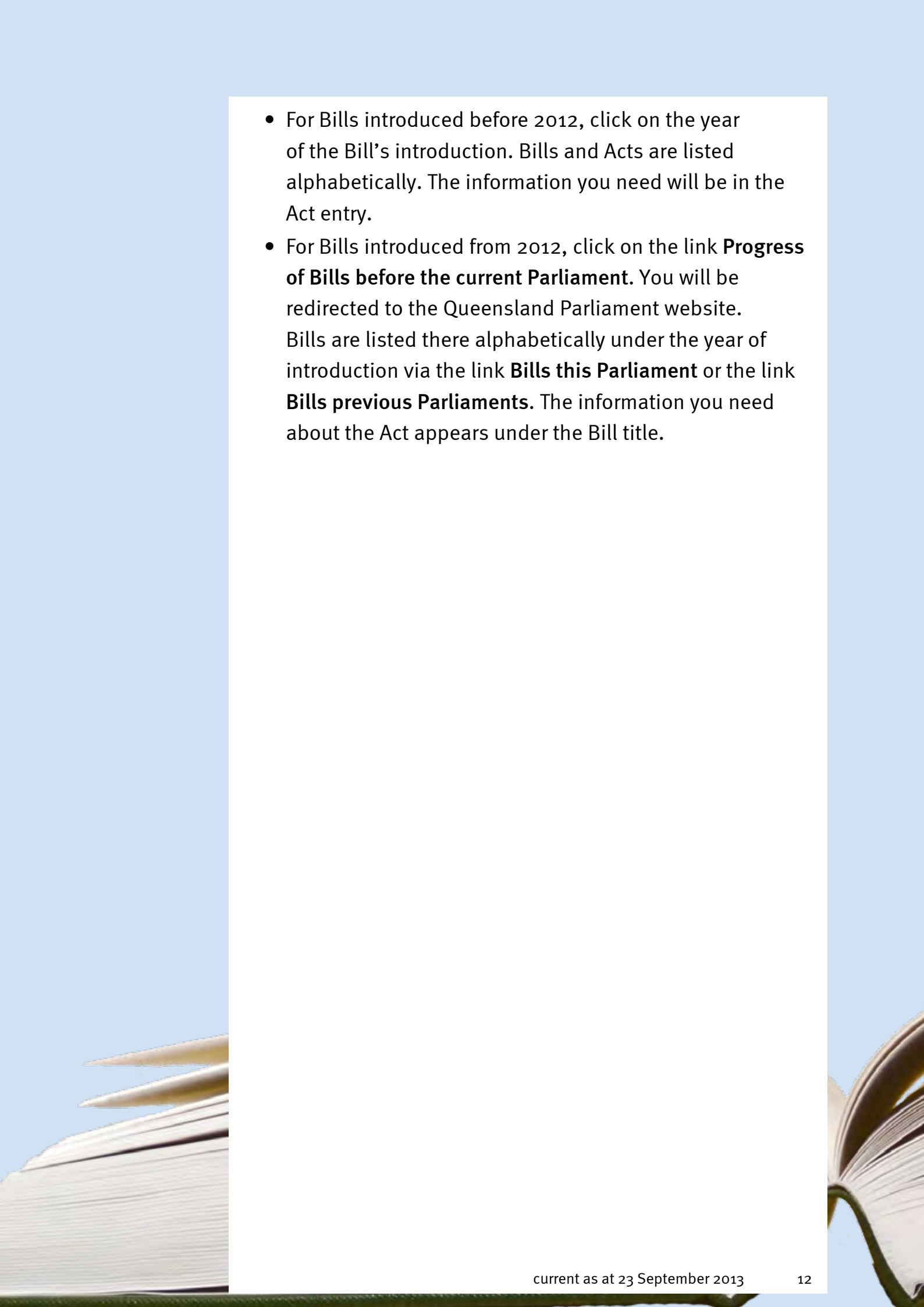
- Go to www.legislation.qld.gov.au and click on the link **Acts as passed**.
- Click on the year the Act was passed. The link will open a page listing all Acts enacted in that year. The Acts are listed by number. The Act number appears in the first column for the entry and the assent date appears in the third column.
- The list may be sorted alphabetically by clicking on the link **Sort Acts Alphabetically** on the top left-hand side of the page.
- You can also click on the Act name to open the document and find the Act number on the front cover page and the page before section 1. The assent date is also on the page before section 1.

Method 2:

- Go to www.legislation.qld.gov.au and click on the link **Information**.
- Click on the link **Current Annotations** and find the boxed links of years for the Progress of Bills before Parliament.



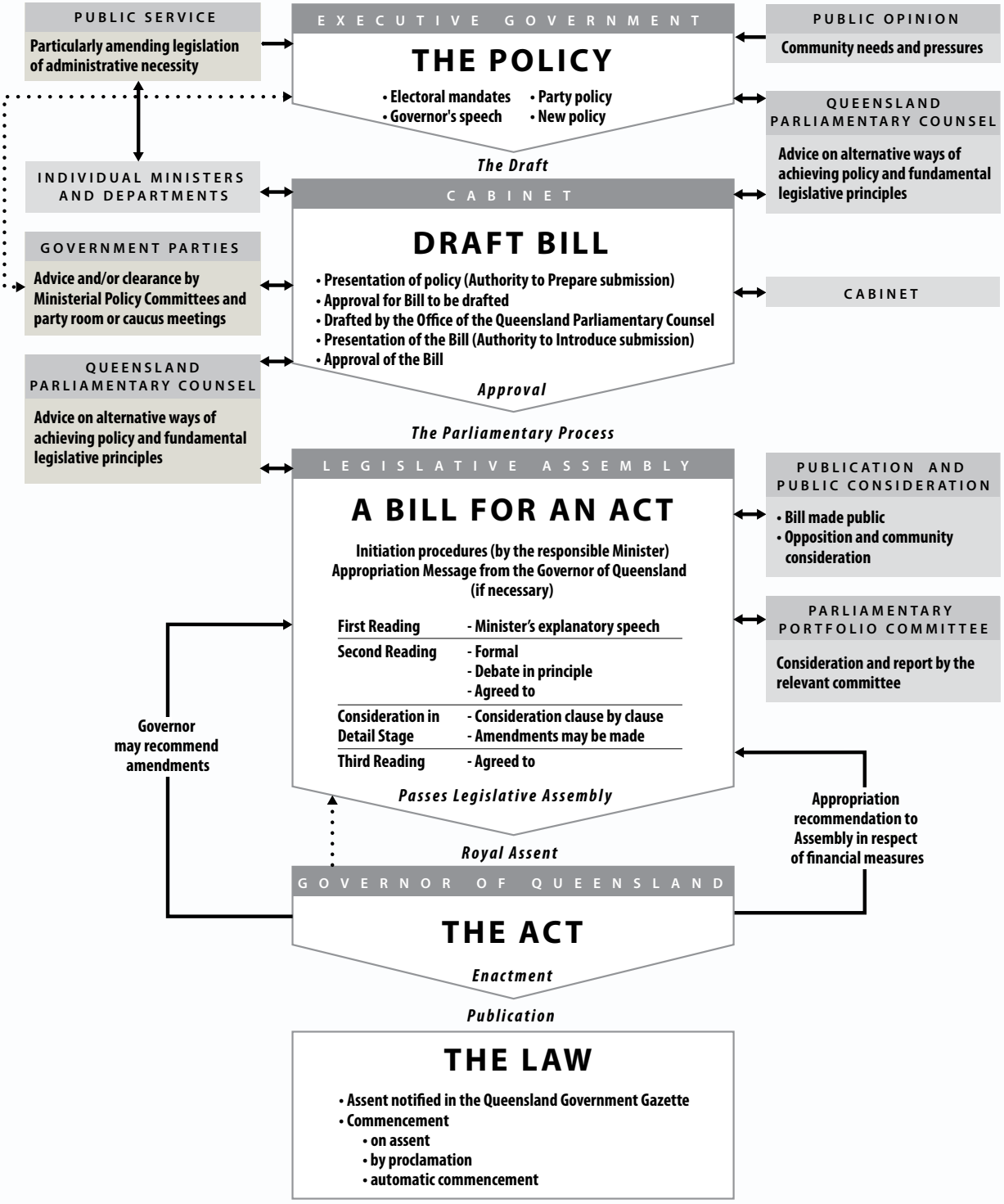
- For Bills introduced before 2012, click on the year of the Bill's introduction. Bills and Acts are listed alphabetically. The information you need will be in the Act entry.
- For Bills introduced from 2012, click on the link **Progress of Bills before the current Parliament**. You will be redirected to the Queensland Parliament website. Bills are listed there alphabetically under the year of introduction via the link **Bills this Parliament** or the link **Bills previous Parliaments**. The information you need about the Act appears under the Bill title.



The Making of an Act of Parliament

The Legislative Process

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



CHAPTER 3: Acts

What this chapter is about

This chapter explains how Acts are numbered and titled, how they commence and how they are published. The 'Access to Acts' entry at the end of the chapter provides information about how to find Acts and information about them.

What is an 'Act'?

hint 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 the State but whether or not its provisions start to operate depends on whether they have 'commenced'. Acts are sometimes called primary or principal legislation. Each Act of the Queensland Parliament can be uniquely identified by its short title and number.



How Acts are numbered and titled

hint Modern Acts are numbered according to the order they are assented to during a calendar year.

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). Acts are listed, and may be found, under their short titles on the Legislation website www.legislation.qld.gov.au.

When do Acts 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 start to operate or 'commence' 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 providing for its commencement will usually be found in section 2 of the Act.

Commencement by proclamation

hint A commencement provision will usually require the making of a statutory instrument called a proclamation to start the operation of particular provisions. The proclamation is made by the Governor and then notified by publication on the Legislation website 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 start or it might link commencement of the Act to the happening of some other event. For example, an Act might form part of national scheme legislation and be dependent on the start of related legislation in other States or the Commonwealth.

Automatic commencement

Since mid-1994, Acts are subject to automatic commencement—see AIA, section 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.

Access to Acts

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

Method 1:

- Go to www.legislation.qld.gov.au and click on the link **Acts as passed**.
- Click on the year the Act was passed. The link will open a page listing all Acts enacted in that year. The Acts are listed by number. The Act number appears in the first column for the entry and the assent date appears in the third column.
- The list may be sorted alphabetically by clicking on the link **Sort Acts Alphabetically** on the top left-hand side of the page.
- You can also click on the Act name to open the document and find the Act number on the front cover page and the page before section 1. The assent date is also on the page before section 1.

Method 2:

- Go to www.legislation.qld.gov.au and click on the link **Information**.
- Click on the link **Current Annotations** and find the boxed links of years for the Progress of Bills before Parliament.
- For Bills introduced before 2012, click on the year of the Bill's introduction. Bills and Acts are listed alphabetically. The information you need will be in the Act entry.
- For Bills introduced from 2012, click on the link **Progress of Bills before the current Parliament**. You will be



redirected to the Queensland Parliament website. Bills are listed there alphabetically under the year of introduction via the link **Bills this Parliament** or the link **Bills previous Parliaments**. The information you need about the Act appears under the Bill title.

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

- Go to www.legislation.qld.gov.au and click on the link **Acts as passed**.
- Click on the year the Act was passed. The link will open a page listing all Acts enacted in that year. The Acts are listed by number but may be sorted alphabetically by clicking on the link **Sort Acts Alphabetically** on the top left-hand side of the page.
- Click on the link for the Act name to view or download and print a copy of the Act.
- You can purchase a commercially printed copy of the Act in either of these ways:
  - Click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.
  - Click on the icon in the column headed **Purchase** to be redirected to the website of the commercial printer to place an order.

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.

- Go to www.legislation.qld.gov.au and click on the link **Cumulative update to legislation** (in the 'Legislation updates' box on the right-hand side of the home page).
- Open bookmarks and click on the bookmark **Alphabetical list of current Queensland legislation**.

If a commencement date is known, you will find the information you need under the Act entry in the alphabetical list. 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.

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

hint

- Go to www.legislation.qld.gov.au and click on the link **Cumulative update to legislation** (in the 'Legislation updates' box on the right-hand side of the home page).
- Open bookmarks and click on the bookmark **Alphabetical list of current Queensland legislation**. Entries for Acts are listed alphabetically. If the Act has been amended you will find the information you need under the Act entry.



Has the Act been repealed?

hint

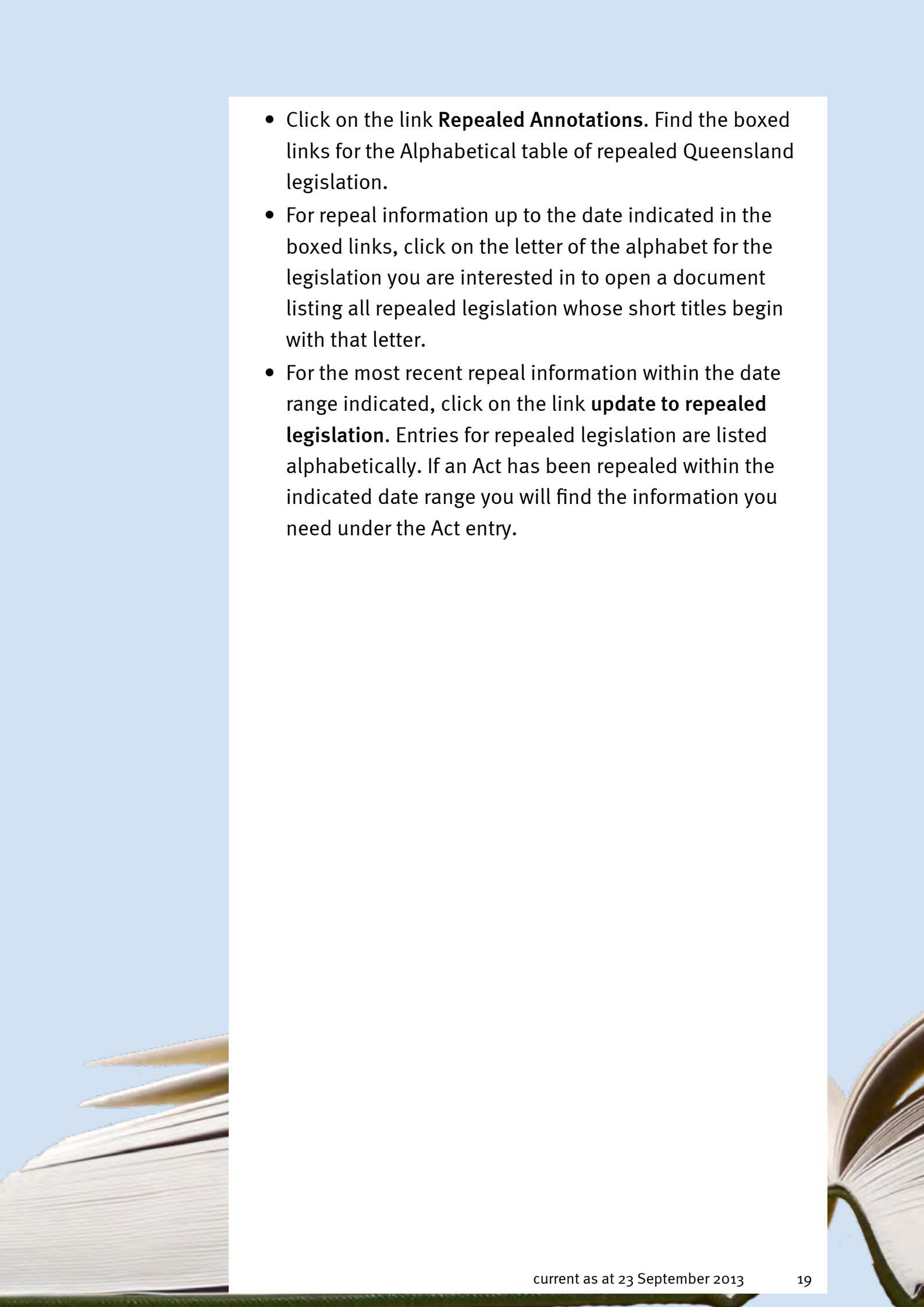
To find this information and see a copy of the Act before it was repealed:

- Go to www.legislation.qld.gov.au and click on the link **Repealed Legislation.**
- Click on the letter of the alphabet for the Act you are interested in. The link will open a page listing all repealed Acts whose short titles begin with that letter.

Information about repealed legislation (including what repealed it) is recorded annually in the publication *Queensland Legislation Annotations—Repealed Legislation* with updates appearing in cumulative and weekly update publications.

- Go to www.legislation.qld.gov.au and click on the link **Information.**

- Click on the link **Repealed Annotations.** Find the boxed links for the Alphabetical table of repealed Queensland legislation.
- For repeal information up to the date indicated in the boxed links, click on the letter of the alphabet for the legislation you are interested in to open a document listing all repealed legislation whose short titles begin with that letter.
- For the most recent repeal information within the date range indicated, click on the link **update to repealed legislation.** Entries for repealed legislation are listed alphabetically. If an Act has been repealed within the indicated date range you will find the information you need under the Act entry.



CHAPTER 4: Subordinate legislation

What this chapter is about

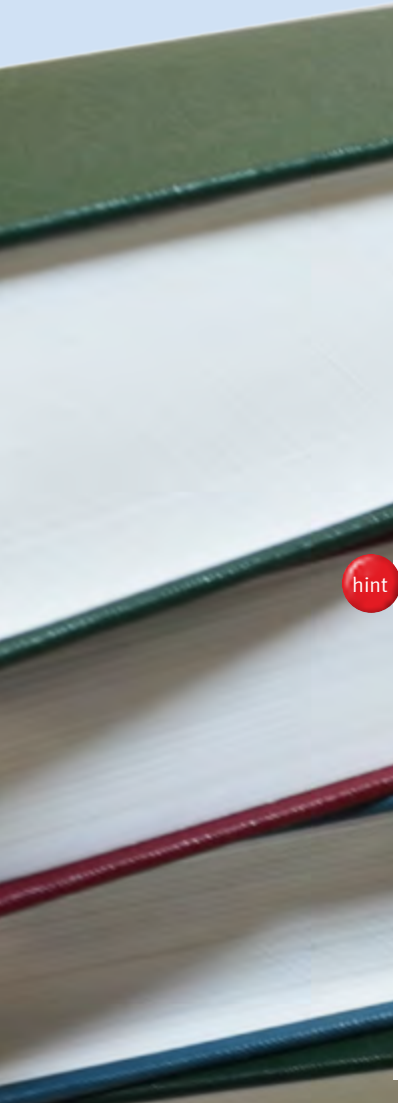
Not all legislation is in the form of an Act made by Parliament. Subordinate legislation (SL) is made by an entity under authority delegated by the Parliament. This chapter explains what subordinate legislation is and how it is made. The 'Access to subordinate legislation' entry at the end of the chapter provides information about how to find SL and information about it.

hint

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. Subordinate legislation includes:

- regulations (the majority of instruments of subordinate legislation)
- proclamations (mainly used to fix the commencement of provisions of an Act)
- rules (most commonly, the rules of court)
- standards
- notices
- orders
- by-laws.



hint

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 publication.

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

Subordinate legislation is not made in the same way as an Act, though the Legislative Assembly examines and may disallow instruments of subordinate legislation. As mentioned, subordinate legislation is made by an entity under the authority of an Act. Often, the entity making the instrument will be the Governor in Council.

The making of the instrument of subordinate legislation is notified by publication on the Legislation website 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 Queensland Subordinate Legislation Series during a calendar year. This is usually the order in which subordinate legislation is made.

Subordinate legislation is generally referred to or 'cited' by the instrument's short title (found in section 1 of the instrument).

Often subordinate legislation also includes an 'amendment number', for example, '(No. 2)', as part of its short title. This

number is used to distinguish one instrument of subordinate legislation from another that would otherwise have the same short title.

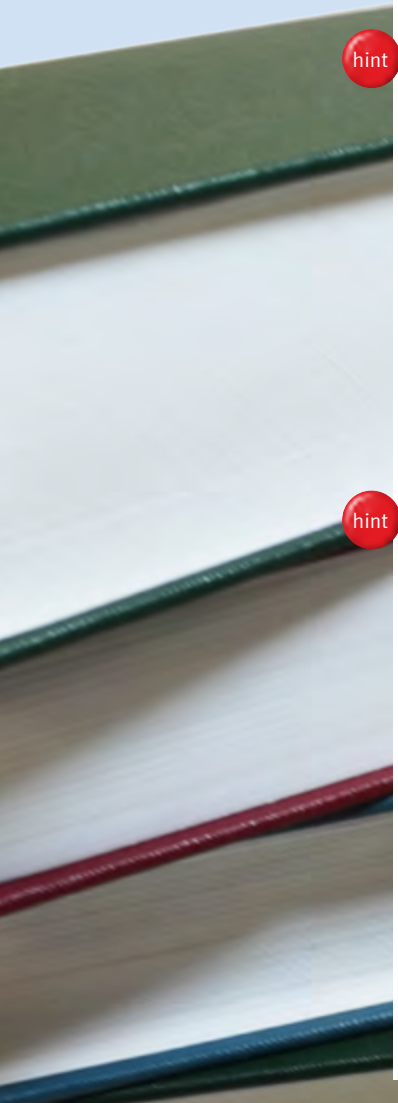
When does subordinate legislation start to operate?

hint 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. If the subordinate legislation does not commence on notification, the provisions providing for its commencement will usually be found in 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

hint 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.



hint *Access to subordinate legislation*

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

- Go to www.legislation.qld.gov.au and click on the link **SL Notification** (in the 'Legislation updates' box on the right-hand side of the home page).

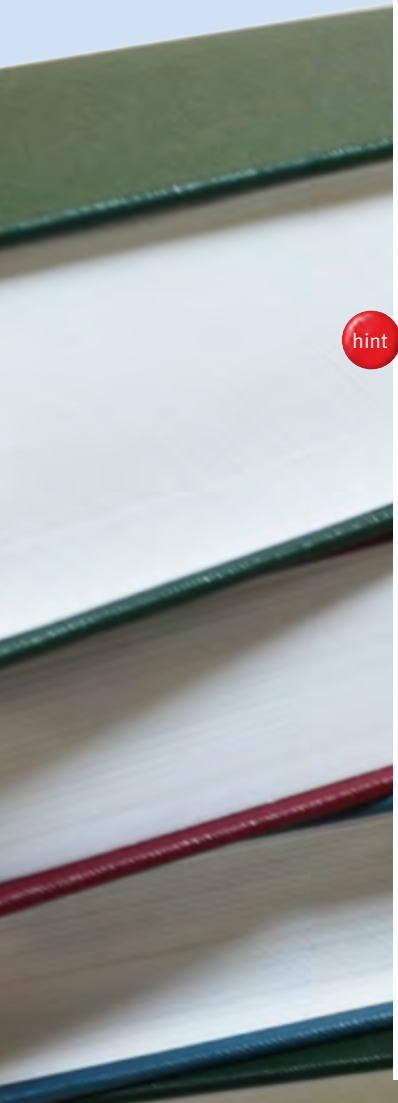
- The link to the notification list for the most recent week will be in the last row of the table. (Note—notification generally takes place on Friday by 10:00am; extraordinary notification takes place on the day requested by the responsible administering agency.)
- Links to notification lists for previous weeks appear in the rows above.
- Click on the link for the SL name to view or download and print a copy of a particular SL.

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

hint
- Go to www.legislation.qld.gov.au and click on the link **SL as made**.
- Click on the year the SL was made. The link will open a page listing all subordinate legislation made in that year. SL is listed by number. The SL number appears in the first column for the entry, and the notification date appears in the fifth column.
- The list may be sorted alphabetically by clicking on the link **Sort SL Alphabetically** on the top left-hand side of the page.
- Click on the link for the SL name to open the document.

hint The SL number is on the first page and other significant information can be found in the endnotes on the last page.

- You can download and print a copy of the SL and its explanatory note.
- You can purchase a commercially printed copy of the SL in either of these ways:
  - Click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.
  - Click on the icon in the column headed **Purchase** to be redirected to the website of the commercial printer to place an order.



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

- Go to www.legislation.qld.gov.au and click on the link **SL as made.**
- Click on the year the SL was made. The link will open a page listing all subordinate legislation made in that year. The instruments are listed by number but may be sorted alphabetically by clicking on the link **Sort SL Alphabetically** on the top left-hand side of the page.
- The link to the explanatory note is the icon in the column headed **EN**. If a regulatory impact statement has been prepared, you will see an icon in the column headed RIS.
- You can download and print a copy of the SL, its explanatory note and any regulatory impact statement.
- You can purchase a commercially printed copy of any of these documents, in either of these ways:
  - Click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.
  - Click on the icon in the column headed **Purchase** to be redirected to the website of the commercial printer to place an order.

hint

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 unless otherwise provided in the legislation. However, subordinate legislation may only operate prospectively unless a retrospective commencement is specifically authorised. See, for example, SIA, section 34, which authorises retrospective commencement if its operation is beneficial.

- Go to www.legislation.qld.gov.au and click on the link **Cumulative update to legislation** (in the 'Legislation updates' box on the right-hand side of the home page).

- Open bookmarks and click on the bookmark **Alphabetical list of current Queensland legislation**. Entries for Acts are listed alphabetically and subordinate legislation is listed below the Act under which it is made. You will find the information you need under the entry for the subordinate legislation.

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

- Go to www.legislation.qld.gov.au and click on the link **Cumulative update to legislation** (in the 'Legislation updates' box on the right-hand side of the home page).
- Open bookmarks and click on the bookmark **Alphabetical list of current Queensland legislation**. Entries for Acts are listed alphabetically and subordinate legislation is listed below the Act under which it is made. If the SL has been amended, you will find the information you need under the entry for the SL.



hint

Has the instrument expired, lapsed or been repealed?

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

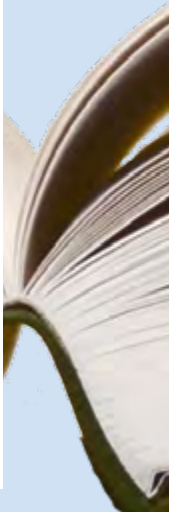
- Go to www.legislation.qld.gov.au and click on the link **Repealed Legislation**.
- Click on the letter of the alphabet for the Act under which the subordinate legislation you are interested in is made. The link will open a page listing all repealed legislation under Acts beginning with that letter.

Repealed legislation is recorded annually in the publication *Queensland Legislation Annotations—Repealed Legislation* with updates appearing in cumulative and weekly update publications.

- Go to www.legislation.qld.gov.au and click on the link **Information**.

- Click on the link **Repealed Annotations.** Find the boxed links for the Alphabetical table of repealed Queensland legislation and note the dates to which the information is current.
- For older repeal information prior to the date indicated, click on the letter of the alphabet for the Act under which the SL you are interested in is made to open a document listing all repealed legislation whose short titles begin with that letter.
- For more recent repeal information between the dates indicated, click on the link **update to repealed legislation**. Entries for repealed legislation are listed alphabetically. If an Act or SL under an Act has been repealed since 1 January you will find the information you need under the Act entry.





CHAPTER 5: Reprints

What this chapter is about

OQPC prepares consolidations of legislation known as 'reprints' to provide up-to-date versions of legislation. This chapter explains how reprints are prepared and how to use them effectively. The 'Access to reprints' entry at the end of the chapter provides information about how to find reprints and information about them.

What is a 'reprint'?

A reprint is a consolidation of an Act or instrument of subordinate legislation that incorporates all changes to the Act or instrument as at a stated 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 and provide easy access to up-to-date legislation because:

- A new reprint is usually prepared and issued within three working days after any change to the Act or instrument comes into effect.
- Each reprint is identified on the front cover page as being current as at the date on which the last change to the reprinted legislation took effect.
- Endnotes to the reprint include helpful historical and explanatory information that enables the user to understand when, and by what, the reprinted legislation has been amended.



Authorised reprints

From 29 January 2013, all reprints are authorised by the Parliamentary Counsel and earlier reprints will be progressively authorised on the Legislation website. Authorised reprints are accepted by the courts as being accurate in the absence of evidence to the contrary. They may be commercially printed for purchase.

hint

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be 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.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/Leg_Info/information.htm.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.

Screenshot of reprint information

In which government department is the legislation administered?

The administrative arrangements of government are notified in an Administrative Arrangements Order made by the Governor in Council.

- Go to www.legislation.qld.gov.au and click on the Quick Link **Administrative Arrangements Order** (in the box on the right-hand side of the home page). The link will open a page on the Queensland Government website showing the latest Administrative Arrangements Order.

- 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. More than one agency may be responsible so you need to check for other references to the relevant Act's short title throughout the Administrative Arrangements Order.

Access to reprints

Where can I find the reprint I need?

- Go to www.legislation.qld.gov.au and click on the link **Current Legislation**.
- Click on the letter of the alphabet for the Act you are interested in. Subordinate legislation is listed below the Act under which it is made. Earlier versions of the reprint can be found by clicking on the icon in the column headed **Historical versions**.
- Click on the link for the reprint name, or number/date for historical versions, to view or download and print a copy of the reprint.
- You can purchase a commercially printed copy of the authorised reprint in either of these ways:
  - Click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.
  - Click on the icon in the column headed **Purchase** to be redirected to the website of the commercial printer to place an order.

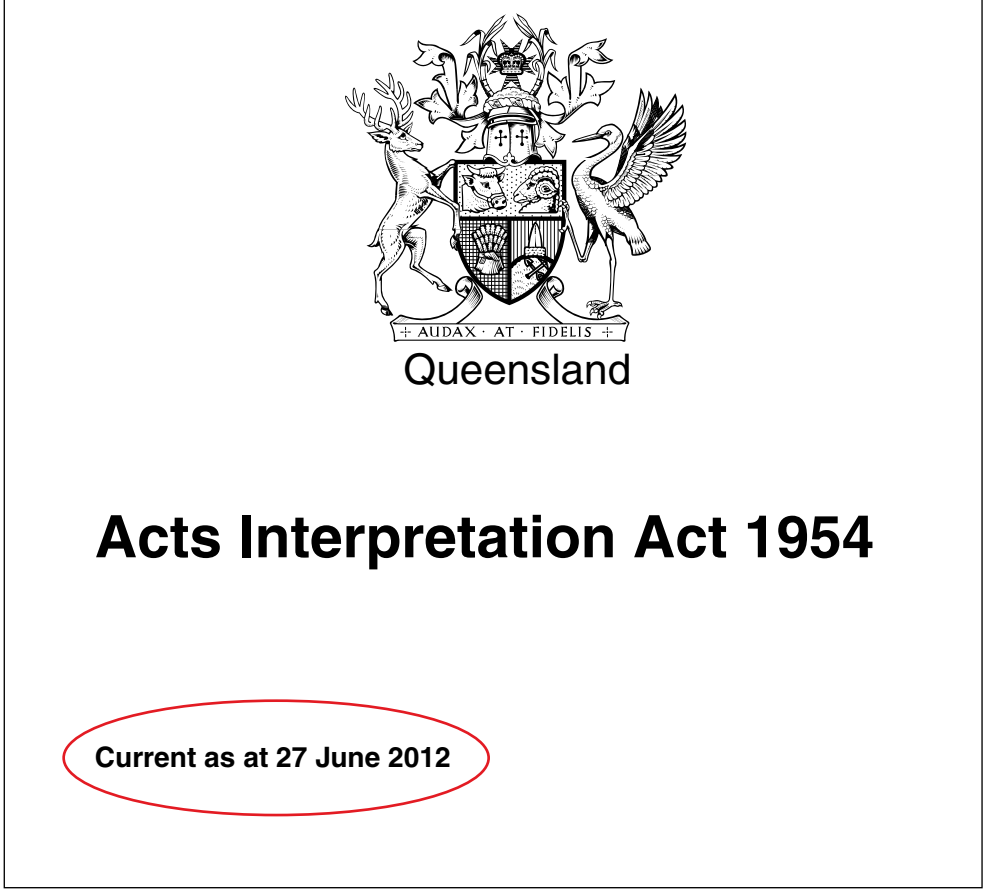
How can I check for amendments to the legislation that have not been included in the reprint?

- Go to www.legislation.qld.gov.au and click on the link **Cumulative update to legislation** (in the 'Legislation updates' box on the right-hand side of the home page).

- Open bookmarks and click on the bookmark **Alphabetical list of current Queensland legislation**. Entries for Acts are listed alphabetically and subordinate legislation is listed below the Act under which it is made. This document is updated every Monday and is current up to the previous day, as indicated in the date range at the beginning of the document and in the footers.
- Look for an entry under the Act's or SL's short title. If there is an entry, check the commencement date of any amending legislation shown under the entry and compare it to the 'Current as at' date appearing on the reprint's front cover page—see screenshot below. If the amending legislation commenced after the 'Current as at' date, it must be located and taken into account. The amending legislation can be accessed at **Acts as passed** or **SL as made**.

hint





Screenshot of a reprint cover highlighting the 'current as at' date



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

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

- Go to www.legislation.qld.gov.au and click on the link **Repealed Legislation**.
- Click on the letter of the alphabet for the Act or subordinate legislation you are interested in. (Note—subordinate legislation is listed alphabetically according to the Act it was made under.) The link will open a page listing all repealed legislation under Acts beginning with that letter.

Repealed legislation is recorded annually in the publication *Queensland Legislation Annotations—Repealed Legislation* with updates appearing in cumulative and weekly update publications.

- Go to www.legislation.qld.gov.au and click on the link **Information**.
- Click on the link **Repealed Annotations**. Find the boxed links for the Alphabetical table of repealed Queensland legislation.
- For repeal information up to the date indicated in the boxed links, click on the letter of the alphabet for the legislation you are interested in to open a document listing all repealed legislation whose short titles begin with that letter. (Note—subordinate legislation is listed alphabetically according to the Act it was made under.)
- For the most recent repeal information within the date range indicated, click on the link **update to repealed legislation**. Entries for repealed legislation are listed alphabetically. If an Act and its subordinate legislation has been repealed within the indicated date range you will find the information you need under the Act entry.

CHAPTER 6: Legislative information and history

What this chapter is about

In addition to preparing reprints, OQPC 'annotates' or provides additional information about legislation. This chapter explains where that information can be found and how to use it.

Reprints

hint The reprint of an Act or instrument of subordinate legislation contains the Act's or instrument's entire legislative history in the endnotes to the reprint. The endnotes include a list of legislation that provides information about the Act or instrument as enacted or made and each Act or instrument that has amended it, including commencement details. Each reprint also contains a list of annotations 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.

The Queensland Legislation Annotations

The Queensland Legislation Annotations provide a consolidated history of current and repealed Queensland legislation. Acts are listed alphabetically. Subordinate legislation is listed below the Act under which it is made. The annotations complement the legislative history of Acts and subordinate legislation contained in reprints.

Access to the annotations

hint ***Where can I find the annotations for current legislation?***

- Go to www.legislation.qld.gov.au and click on the link Information.

- Click on the link **Current Annotations.** This opens a page with the following links or headings followed by various links—see screenshot below:
  - Alphabetical table of current Queensland legislation, including the **Cumulative update to legislation** and the **Weekly update to legislation**
  - **Chronological table of current Queensland Acts,** including the **update to chronological current Queensland Acts**
  - **NSW Acts still applying in Queensland**
  - Progress of Bills before Parliament.
- Click on the relevant link to access the information you need.
- You can download and print a copy of any of the current annotations information.
- If you wish to purchase a commercially printed copy of any part of the current annotations, including the cumulative and weekly updates, click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.



Screenshot of current Queensland legislation annotations page

How can I check for information that has not yet been included in Queensland Legislation Annotations—Current Legislation?

- Go to www.legislation.qld.gov.au and click on the link **Cumulative update to legislation** (in the 'Legislation updates' box on the right-hand side of the home page).
- Open bookmarks and click on the bookmark **Alphabetical list of current Queensland legislation**. Entries for Acts are listed alphabetically.
- Click on the letter of the alphabet for the Act you are interested in (subordinate legislation is found below the Act under which it is made).



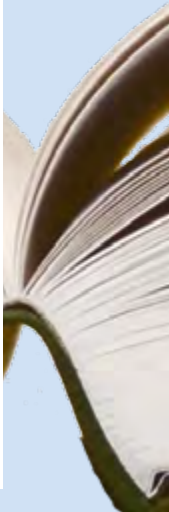
hint ***Where can I find the annotations for repealed legislation?***

- Go to www.legislation.qld.gov.au and click on the link **Information**.
- Click on the link **Repealed Annotations**. This opens a page with various links under the following headings:
  - Alphabetical table of repealed Queensland legislation
  - Chronological table of repealed Queensland Acts
  - NSW legislation no longer applying in Queensland
  - Imperial legislation no longer applying in Queensland.
- Click on the relevant link to access the information you need.
- You can download and print a copy of any of the repealed annotations information.
- If you wish to purchase a commercially printed copy of any part of the repealed annotations, including the updates, click on the link **Purchase** (under the colour banner at the top of the web page) for general information and instructions.

How can I check for information that has not yet been included in Queensland Legislation Annotations—Repealed Legislation?

- Go to www.legislation.qld.gov.au and click on the link **Cumulative update to legislation** (in the 'Legislation updates' box on the right-hand side of the home page).
- Open bookmarks and click on the bookmark **Alphabetical list of repealed Queensland legislation**. Entries for Acts are listed alphabetically.
- Click on the letter of the alphabet for the Act you are interested in (subordinate legislation is found below the Act under which it is made).
- The same information is also available via the link **update to repealed legislation** on the **Repealed Annotations** page.





CHAPTER 7: Resources to assist in understanding legislation

What this chapter is about

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

Acts of general application

There are four key Acts that will assist a person to 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 tools essential to understanding and interpreting Queensland Acts. Although the law requires precision, without an Act like the AIA, that precision can come at the cost of verbosity that obscures the essential message.

A simple example of how the AIA assists readability is the way it defines person. *Person* is a term widely used in legislation yet, without the AIA definition of the term, legislation would often need to refer to individuals and bodies corporate and, sometimes, even bodies politic every time *person* is mentioned. That degree of repetition would make legislation considerably longer and make it increasingly difficult to read with no compensating increase to general understanding.



Among other things, the AIA provides for legislation to be shortened by:

- providing standard or extended definitions of commonly used words and expressions—see section 33 and schedule 1 of the Act
- 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) brings together and clarifies the law about statutory instruments. It deals with the interpretation and presentation of statutory instruments.

The SIA defines the types of statutory instruments and provides for a matter that is authorised or required to be done under a law, to be done by way of an instrument. It also deals with notification by publication on the Legislation website 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* was conceived and enacted to improve accessibility to Queensland legislation. That responsibility rests with OQPC.

OQPC follows strict quality control processes in producing reprints and endeavours to make legislation, including reprinted legislation, available to the public as soon as possible after it is made or amended.

Legislative Standards Act

The *Legislative Standards Act 1992* (LSA) sets out the high standards Queensland legislation must achieve. It requires the provision of an effective and efficient legislative drafting service and the ready availability of Queensland legislation in both printed and electronic form.

Importantly, the LSA includes a provision (section 4) specifying the principles about legislation that underlie a parliamentary democracy based on the rule of law that should ordinarily be applied in the preparation of legislation. These are the 'fundamental legislative principles' (FLPs).

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.

Providing FLPs with statutory recognition is a significant step in ensuring high quality legislation.



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

Users interested in further reading may find the following publications of interest:

- *Fundamental Legislative Principles: the OQPC Notebook* available on the Legislation website www.legislation.qld.gov.au on the Information/Publications page
- *Principles of good legislation: OQPC guide to FLPs* available at www.legislation.qld.gov.au on the Information/Publications page
- The 'Governing Queensland' suite of handbooks available on the Department of the Premier and Cabinet's website www.premiers.qld.gov.au on the Queensland Government Handbooks page
  - *The Queensland Legislation Handbook* (also available at www.legislation.qld.gov.au on the Information/Publications page)
  - The *Queensland Ministerial Handbook*
  - The *Queensland Cabinet Handbook*
  - The *Queensland Executive Council Handbook*
  - The *Queensland Parliamentary Procedures Handbook*.



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