

Queensland



ACTS INTERPRETATION ACT 1954

**Reprinted as in force on 9 December 1992
(includes amendments up to Act No. 68 of 1992)**

Reprint No. 2

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 9 December 1992. As required by section 5 of the *Reprints Act 1992*, it—

- shows the law as amended by all amendments that commenced before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the *Reprints Act 1992*, the reprint includes, in a suitable place, a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- reorder definitions as permitted by section 30 of that Act;
- omit provisions that are no longer required as permitted by section 39 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

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ACTS INTERPRETATION ACT 1954

[as amended by all amendments that commenced before 9 December 1992]

An Act to assist in the shortening and interpretation of Queensland Acts

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Interpretation Act 1954*³⁻⁶.

Act applies to all Acts

- 2.(1) This Act applies to all Acts (including this Act).
- (2) In this Act, a reference to “**an Act**” includes a reference to this Act.

Displacement of Act by contrary intention

4. The application of this Act may be displaced, wholly or partly, by a contrary intention appearing in any Act.

Act binds Crown

5. This Act binds the Crown.

PART 2—MEANING OF ACT

References to “Act”

6. In an Act—

“Act” means an Act of the Queensland Parliament, and includes—

- (a) a British or New South Wales Act that is in force in Queensland; and
- (b) an enactment of an earlier authority empowered to pass laws in Queensland that has received assent.

Act includes statutory instruments under Act

7. In an Act, a reference to the Act or another Act (either generally or specifically), or a provision of the Act or another Act (either generally or specifically), includes a reference to the statutory instruments made under, or in force for the purposes of, the Act or provision.

PART 3—GENERAL PROVISIONS APPLYING TO ACTS

Acts to be construed not to exceed legislative power of Parliament

9.(1) An Act is to be construed as operating to the full extent of, but so as not to exceed, the legislative power of Parliament.

(2) If a provision of an Act, or the application of a provision of an Act to a person, subject matter or circumstance, would, but for this section, be construed as being in excess of the legislative power of Parliament—

- (a) it is a valid provision to the extent to which it is not in excess of the power; and
- (b) the remainder of the Act, and the application of the provision to other persons, subject matters or circumstances, is not affected.

(3) This section applies to an Act in addition to, and without limiting the effect of, any provision of the Act.

Section has effect as substantive enactment

10. Every section of an Act has effect as a substantive enactment without introductory words.

Acts to be public Acts

11. Every Act passed after 26 July 1852 is a public Act unless the Act otherwise expressly provides.

Private Acts not to affect rights of others

12.(1) A private Act does not—

- (a) affect pre-existing rights in a way prejudicial to the Crown or another person; or
- (b) impose liabilities on the Crown or another person in relation to previous acts or omissions;

except so far as the Act otherwise expressly provides.

(2) Subsection (1) does not affect rights conferred, or liabilities imposed, on—

- (a) a person at whose instance, or for whose special benefit, the Act is passed; or
- (b) another person claiming by, through or under such a person.

Private Acts amended by public Acts do not become public Acts

12A. A private Act does not become a public Act merely because it has been amended by or under a public Act.

Future Acts when binding on the Crown

13. No Act passed after the commencement of this Act shall be binding

on the Crown or derogate from any prerogative right of the Crown unless express words are included in the Act for that purpose.

Material that is, and is not, part of an Act

14.(1) The heading to a Chapter, Part, Division, Subdivision, section, subsection or another provision of an Act is part of the Act.

(2) A Schedule to an Act is part of the Act.

(3) Punctuation in an Act is part of the Act.

(4) A footnote to an Act or to a provision of an Act, and an endnote to an Act, are not part of the Act.

Interpretation best achieving Act's purpose

14A.(1) In the interpretation of a provision of an Act, the interpretation that will best achieve the purpose of the Act is to be preferred to any other interpretation.

(2) Subsection (1) applies whether or not the purpose is expressly stated in the Act.

Use of extrinsic material in interpretation

14B.(1) Subject to subsection (2), in the interpretation of a provision of an Act, consideration may be given to extrinsic material capable of assisting in the interpretation—

- (a) if the provision is ambiguous or obscure—to provide an interpretation of it; or
- (b) if the ordinary meaning of the provision leads to a result that is manifestly absurd or is unreasonable—to provide an interpretation that avoids such a result; or
- (c) in any other case—to confirm the interpretation conveyed by the ordinary meaning of the provision.

(2) In determining whether consideration should be given to extrinsic material, and in determining the weight to be given to extrinsic material, regard is to be had to—

- (a) the desirability of a provision being interpreted as having its ordinary meaning; and
- (b) the undesirability of prolonging proceedings without compensating advantage; and
- (c) other relevant matters.

(3) In this section—

“extrinsic material” means relevant material not forming part of the Act concerned, including, for example—

- (a) material that is set out in the document containing the text of the Act as printed by the Government Printer; and
- (b) a report of a Royal Commission, Law Reform Commission, commission or committee of inquiry, or a similar body, that was laid before the Legislative Assembly before the provision concerned was enacted; and
- (c) a report of a committee of the Legislative Assembly that was made to the Legislative Assembly before the provision was enacted; and
- (d) a treaty or other international agreement that is mentioned in the Act; and
- (e) an explanatory note or memorandum relating to the Bill that contained the provision, or any other relevant document, that was laid before, or given to the members of, the Legislative Assembly by the member bringing in the Bill before the provision was enacted; and
- (f) the speech made to the Legislative Assembly by the member in moving a motion that the Bill be read a second time; and
- (g) material in the Votes and Proceedings of the Legislative Assembly or in any official record of debates in the Legislative Assembly; and
- (h) a document that is declared by an Act to be a relevant document for the purposes of this section;

“ordinary meaning” means the ordinary meaning conveyed by a provision having regard to its context in the Act and to the purpose of the Act.

Changes of drafting practice not to affect meaning**14C.** If—

- (a) a provision of an Act expresses an idea in particular words; and
- (b) a provision enacted later appears to express the same idea in different words for the purpose of implementing a different legislative drafting practice, including, for example—
 - (i) the use of a clearer or simpler style; or
 - (ii) the use of gender-neutral language;

the ideas must not be taken to be different merely because different words are used.

Examples**14D.** If an Act includes an example of the operation of a provision—

- (a) the example is not exhaustive; and
- (b) the example does not limit, but may extend, the meaning of the provision; and
- (c) the example and the provision are to be read in the context of each other and the other provisions of the Act, but, if the example and the provision so read are inconsistent, the provision prevails.

PART 4—REFERENCE TO AND CITATION OF ACTS**References to Acts generally**

14E. An Act passed by Parliament, or any earlier legislature empowered to pass laws for Queensland, may be referred to by the word “**Act**” alone.

References to particular Acts**14F.(1)** An Act may be cited—

- (a) by its short title; or

(b) by reference to the year in which it was passed and its number.

(2) A Commonwealth Act may be cited—

(a) by its short title; or

(b) in another way sufficient in a Commonwealth Act for the citation of such an Act;

together with a reference to the Commonwealth.

(3) An Act of another State or a Territory may be cited—

(a) by its short title; or

(b) in another way sufficient in an Act of the State or Territory for the citation of such an Act;

together with a reference to the State or Territory.

(4) A British Act may be cited—

(a) by its short title; or

(b) in another way sufficient in a British Act for the citation of such an Act;

together with a reference to the United Kingdom or the term ‘Imperial Act’.

References to enactments

14G.(1) An enactment may be cited by reference to the provision of the Act in which it is contained.

(2) The reference is to be made according to the copy of the Act printed by the relevant Government Printer or a person authorised by law to print the Act.

(3) In this section—

“**Act**” includes Commonwealth Act, Act of another State, Territory Act or British Act.

References taken to be included in Act citation etc.

14H.(1) A reference in an Act to another Act includes a reference to—

(a) the other Act as originally enacted, and as amended from time to

time since its original enactment; and

- (b) if the other Act has been repealed and re-enacted (with or without modification) since the enactment of the reference—the Act as re-enacted, and as amended from time to time since its re-enactment.

(2) A reference in an Act to a provision of that or any other Act includes a reference to—

- (a) the provision as originally enacted, and as amended from time to time since its original enactment; and
- (b) if the provision has been omitted and re-enacted (with or without modification) since the enactment of the reference—the provision as re-enacted, and as amended from time to time since its re-enactment.

(3) Subsections (1) and (2) apply to a reference in an Act to a law of the Commonwealth, another State or a Territory as they apply to a reference in an Act to another Act and to a provision of an Act.

References to changed short titles and citations

14I. If the short title or citation of an Act is amended, a reference to the short title or citation in any other Act includes a reference to the short title or citation as amended.

PART 5—COMMENCEMENT OF ACTS

References to enactment etc. of Acts

15. In an Act, a reference to the enactment of an Act or the passing of an Act is a reference to the fact of the Act's having received the Royal Assent.

Commencement of Acts on date of assent

15A. An Act commences on the date of assent except so far as the Act otherwise expressly provides.

Time of commencement of Acts

15B. If an Act or a provision of an Act commences on a particular day, it commences at the beginning of the day.

Commencement of citation and commencement provisions on date of assent etc.

15C.(1) The provisions of an Act providing for its citation and commencement commence on the date of assent by force of this subsection.

(2) A reference in an Act to the commencement of the Act, or another Act, (the “**Act concerned**”), is a reference to—

- (a) if the provisions of the Act concerned (other than those providing for its citation and commencement) commence, or are required to commence, on a single day or at a single time—the commencement of the remaining provisions; or
- (b) if paragraph (a) does not apply and the reference is in a provision of the Act concerned—the commencement of the provision; or
- (c) in any other case—the commencement of the relevant provision of the Act concerned.

(3) Subsection (1) applies to an Act despite anything in the Act unless the Act expressly provides that it does not apply.

Commencement by proclamation etc.

15D.(1) If an Act or provisions of an Act is or are expressed to commence on a day to be fixed by proclamation or other instrument—

- (a) a single day or time may be fixed; or
- (b) different days or times may be fixed for different provisions.

(2) If the day or time fixed by a proclamation for the commencement of an Act or a provision of an Act happens before the day on which the proclamation is notified in the Gazette (the “**notification day**”)—

- (a) the proclamation is valid; but
- (b) the Act or provision commences on the notification day.

Commencement of paragraphs etc. in amending Act

15E. If an Act amends another Act and the amendment is in the form of—

- (a) a paragraph, or subparagraph, of a section or subsection of the amending Act; or
- (b) any other provision that is not self-contained;

the amendment may be given a separate commencement.

Evidence of date of assent

16. In a proceeding, a copy of an Act on which the Government Printer has purported to print the date of assent is admissible as evidence of that date.

Exercise of powers between enactment and commencement

17.(1) If a provision of an Act (the “**empowering provision**”) that does not commence on its enactment would, had it commenced—

- (a) confer a power—
 - (i) to make an appointment; or
 - (ii) to make a statutory instrument of a legislative or administrative character; or
 - (iii) to do any other thing; or
- (b) amend a provision of another Act so that the other Act would confer such a power;

then—

- (c) the power may be exercised; and
- (d) anything may be done for the purpose of enabling the exercise of the power or of bringing the appointment, instrument or other thing into effect;

before the empowering provision commences.

(2) If—

- (a) an Act that has commenced confers a power to make a statutory instrument (the “**basic instrument-making power**”); and
- (b) a provision of an Act that does not commence on its enactment would, had it commenced, amend the Act mentioned in paragraph (a) so as to confer additional power to make a statutory instrument (the “**additional instrument-making power**”);

then—

- (c) the basic instrument-making power and the additional instrument-making power may be exercised by making a single instrument; and
- (d) any provision of the instrument that required an exercise of the additional instrument-making power is to be treated as made under subsection (1).

(3) If an instrument, or a provision of an instrument, is made under subsection (1) that is necessary for the purpose of—

- (a) enabling the exercise of a power mentioned in subsection (1)(a); or
- (b) bringing an appointment, instrument or other thing made or done under such a power into effect;

the instrument or provision takes effect—

- (c) on the making of the instrument; or
- (d) on such later day (if any) on which, or at such later time (if any) at which, the instrument or provision is expressed to take effect.

(4) If—

- (a) an appointment is made under subsection (1); or
- (b) an instrument, or provision of an instrument, made under subsection (1) is not necessary for the purpose mentioned in subsection (3);

the appointment, instrument or provision takes effect—

- (c) on the commencement of the relevant empowering provision; or
- (d) on such later day (if any) on which, or at such later time (if any) at which, the appointment, instrument or provision is expressed to

take effect.

(5) Anything done under subsection (1) does not confer a right, or impose a liability, on a person before the relevant empowering provision commences.

(6) After the enactment of a provision mentioned in subsection (1)(b) but before the provision's commencement, this section applies as if the references in subsections (1) and (4) to the commencement of the empowering provision were references to the commencement of the provision mentioned in subsection (1)(b) as amended by the empowering provision.

PART 6—AMENDMENT AND REPEAL OF ACTS

Act may be amended or repealed in same parliamentary session

17A. An Act may be amended or repealed in the session of Parliament in which it is passed.

Time of Act etc. ceasing to have effect

18. If an Act or a provision of an Act is expressed—

- (a) to expire on a specified day; or
- (b) to remain or continue in force, or otherwise have effect, until a specified day;

the Act or provision has effect until the last moment of the specified day.

Repealed Acts etc. not revived

19. If an Act or a provision of an Act is repealed or amended by another Act or a provision of another Act, the Act or provision is not revived merely because the other Act or the provision of the other Act—

- (a) is later repealed or amended; or
- (b) later expires.

Saving of operation of repealed Act etc.

20.(1) The repeal, amendment or expiry of an Act or a provision of an Act does not—

- (a) revive anything not in force or existing at the time the repeal, amendment or expiry takes effect; or
- (b) affect the previous operation of the Act or provision or anything suffered, done or begun under the Act or provision; or
- (c) affect a right, privilege, obligation or liability acquired, accrued or incurred under the Act or provision; or
- (d) affect a penalty incurred in relation to an offence arising under the Act or provision; or
- (e) affect an investigation, proceeding or remedy in relation to such a right, privilege, liability or penalty.

(2) Any such penalty may be imposed and enforced, and any such investigation, proceeding or remedy may be begun, continued or enforced, as if the Act or provision had not been repealed or amended or had not expired.

(3) This section does not affect the operation of—

- (a) section 11 of the Criminal Code in its application to punishments on charges in the provisions of the Code; or
- (b) section 180 of the *Penalties and Sentences Act 1992*.

Continuance of repealed provisions

21. If an Act repeals some or all of the provisions of an Act and enacts new provisions in substitution for the repealed provisions, the repealed provisions continue in force until the new provisions commence.

Act and amending Acts to be read as one

22. An Act and all Acts amending the Act are to be read as one.

Insertion of definitions by amending Act

22A. If an Act amends a provision of another Act by inserting a definition that is to form part of a series of definitions, and does not specify the position in the provision where it is to be inserted, the definition is to be inserted in the appropriate alphabetical position, determined on a letter-by-letter basis.

**PART 7—FUNCTIONS AND POWERS CONFERRED
BY ACTS****Performance of statutory functions etc.**

23.(1) If an Act confers a function or power on a person or body, the function may be performed, or the power may be exercised, as occasion requires.

(2) If an Act confers a function or power on a particular officer or the holder of a particular office, the function may be performed, or the power may be exercised, by the person for the time being occupying or acting in the office concerned.

(3) If an Act confers a function or power on a body (whether or not incorporated), the performance of the function, or the exercise of the power, is not affected merely because of vacancies in the membership of the body.

Power to make instrument or decision includes power to amend or repeal

24AA. If an Act authorises or requires the making of an instrument or decision—

- (a) the power includes power to amend or repeal the instrument or decision; and
- (b) the power to amend or repeal the instrument or decision is exercisable in the same way, and subject to the same conditions, as the power to make the instrument or decision.

Appointments may be made by name or office

24A.(1) If an Act authorises or requires a person or body—

- (a) to appoint a person to an office; or
- (b) to appoint a person or body to exercise a power; or
- (c) to appoint a person or body to do another thing;

the person or body may make the appointment by—

- (d) appointing a person or body by name; or
- (e) by appointing a particular officer, or the holder of a particular office, by reference to the title of the office concerned.

(2) An appointment of a particular officer, or the holder of a particular office, is taken to be the appointment of the person for the time being occupying or acting in the office concerned.

Acting appointments

24B.(1) If an Act authorises a person or body to appoint a person to act in an office, the person or body may, in accordance with the Act, appoint—

- (a) a person by name; or
- (b) a particular officer, or the holder of a particular office, by reference to the title of the office concerned;

to act in the office.

(2) The appointment may be expressed to have effect only in the circumstances specified in the instrument of appointment.

(3) The appointer may—

- (a) determine the terms and conditions of the appointment, including remuneration and allowances; and
- (b) terminate the appointment at any time.

(4) The appointment, or the termination of the appointment, must be in, or evidenced by, writing signed by the appointer.

(5) The appointee must not act for more than 1 year during a vacancy in the office.

(6) If the appointee is acting in the office otherwise than because of a vacancy in the office and the office becomes vacant, then, subject to subsection (2), the appointee may continue to act until—

- (a) the appointer otherwise directs; or
- (b) the vacancy is filled; or
- (c) the end of a year from the day of the vacancy;

whichever happens first.

(7) The appointment ceases to have effect if the appointee resigns by writing signed and delivered to the appointer.

(8) While the appointee is acting in the office—

- (a) the appointee has all the powers and functions of the holder of the office; and
- (b) Acts apply to the appointee as if the appointee were the holder of the office.

(9) Anything done by or in relation to a person purporting to act in the office is not invalid merely because—

- (a) the occasion for the appointment had not arisen; or
- (b) the appointment had ceased to have effect; or
- (c) the occasion for the person to act had not arisen or had ceased.

(10) If the Act authorises the appointer to appoint a person to act during a vacancy in the office, an appointment to act in the office may be made by the appointer whether or not an appointment has previously been made to the office.

Powers of appointment imply certain incidental powers

25.(1) If an Act authorises or requires a person or body to appoint a person to an office—

- (a) the power may be exercised as occasion requires; and
- (b) the power includes—
 - (i) power to remove or suspend, at any time, a person appointed to the office; and

- (ii) power to appoint another person to act in the office if a person appointed to the office is removed or suspended; and
 - (iii) power to reinstate or reappoint a person removed or suspended; and
 - (iv) power to appoint a person to act in the office if it is vacant (whether or not the office has ever been filled); and
 - (v) power to appoint a person to act in the office if the person appointed to the office is absent or is unable to discharge functions of the office (whether because of illness or otherwise); and
- (c) the power also includes power to reappoint a person to the office if the person is eligible to be appointed to the office.

(2) The power to remove or suspend a person under subsection (1)(b) may be exercised even if the Act under which the person was appointed provides that the holder of the office to which the person was appointed is to hold office for a specified period.

(3) The power to make an appointment under subsection (1)(b) may be exercised as occasion requires.

(4) An appointment under subsection (1)(b) may be expressed to have effect only in the circumstances specified in the instrument of appointment.

Appointment not affected by defect etc.

26. The appointment of a person to an office, to act in an office, to exercise a power or to do anything else is not invalid merely because of a defect or irregularity in relation to the appointment.

Power to hear and determine includes power to administer oath

27. A person or body authorised by law, or by consent of parties, to conduct a hearing for the purpose of the determination (by that or another person or body) of any matter has authority—

- (a) to receive evidence; and
- (b) to examine witnesses, and to administer oaths to witnesses, who have been lawfully called before the person or body.

Delegation of powers

27A.(1) If an Act authorises a person or body to delegate a power, the person or body may, in accordance with the Act, delegate the power to—

- (a) a person or body by name; or
- (b) a particular officer, or the holder of a particular office, by reference to the title of the office concerned.

(2) The delegation may be—

- (a) general or limited; and
- (b) made from time to time; and
- (c) revoked, wholly or partly, by the delegator.

(3) The delegation, or a revocation of the delegation, must be in, or evidenced by, writing signed by the delegator or, if the delegator is a body, by a person authorised by the body for the purpose.

(3A) If the delegator is a body of persons, the delegation—

- (a) may be revoked by resolution of the body (whether or not constituted by the persons who constituted the body when the power was delegated); and
- (b) continues in force despite a change in the members of the body.

(4) A delegated power may be exercised only in accordance with any conditions to which the delegation is subject.

(5) The delegate may, in the exercise of a delegated power, do anything that is incidental to the delegated power.

(6) A delegated power that purports to have been exercised by the delegate is taken to have been properly exercised by the delegate unless the contrary is proved.

(7) A delegated power that is properly exercised by the delegate is taken to have been exercised by the delegator.

(8) If, when exercised by the delegator, a power is, under an Act, dependent on the opinion, belief or state of mind of the delegator in relation to any matter, the power, when exercised by the delegate, is dependent on the opinion, belief or state of mind of the delegate in relation to the matter.

(9) If a power is delegated to a particular officer or the holder of a

particular office—

- (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office when the power was delegated ceases to be the officer or the holder of the office; and
- (b) the power may be exercised by the person for the time being occupying or acting in the office concerned.

(10) A power that has been delegated may, despite the delegation, be exercised by the delegator.

(11) Subject to subsection (12), this section applies to a subdelegation of a power in the same way as it applies to a delegation of a power.

(12) If an Act authorises the delegation of a power, the power may be subdelegated only if the Act expressly authorises the power to be subdelegated.

Content of statement of reasons for decision

27B. If an Act requires a tribunal, authority, body or person making a decision to give written reasons for the decision (whether the expression ‘reasons’, ‘grounds’ or another expression is used), the instrument giving the reasons must also—

- (a) set out the findings on material questions of fact; and
- (b) refer to the evidence or other material on which those findings were based.

Construction of resolutions of Legislative Assembly

29. Where any resolution is or has been passed by the Legislative Assembly in purported pursuance of any Act, the resolution shall be read and construed so as not to exceed the constitutional powers of that Assembly and subject to the Act under which it purports to have been passed, to the intent that where the resolution would, but for this section, have been construed as being in excess of authority, it shall nevertheless be a valid resolution to the extent to which it is not in excess of authority.

Reports to Legislative Assembly

29A.(1) Where, by any Act, a report (whether accompanied by other documents or not) required to be made to a Minister or the Speaker of the Legislative Assembly and required or permitted to be tabled in or laid before the Legislative Assembly whether within a period of time specified in that Act or not, is received by the Minister or Speaker whilst the Legislative Assembly is not sitting, then, upon delivery of that report and any accompanying document to the Clerk of the Parliament, the Speaker of the Legislative Assembly may order that the report and any accompanying document be printed as if it were printed by order of the Legislative Assembly.

(2) Where a report and any accompanying document is printed under subsection (1)—

- (a) the Minister or the Speaker shall table the report and accompanying document in the Legislative Assembly at the next day of sitting; and
- (b) for the purpose of any motion in relation to any matter contained in or dealt with by that report, the report and any accompanying document shall be taken to have been tabled in the Legislative Assembly on the next day of sitting; and
- (c) the report and any accompanying document shall be accorded all the immunities and privileges of a report tabled in and ordered to be printed by the Legislative Assembly.

Determination of number of sitting days

29B. In an Act, a reference to a number of sitting days of the Legislative Assembly is a reference to that number of sitting days, regardless of whether the days are within the same or within different sessions of Parliament.

PART 8—TERMS AND REFERENCES IN ACTS

Defined terms—other parts of speech and grammatical forms

32. If an Act defines a word or expression, other parts of speech and grammatical forms of the word or expression have corresponding meanings.

Definitions to be read in context

32A. Definitions in or applicable to an Act apply except so far as the context or subject matter otherwise indicates or requires.

Gender

32B. In an Act, words indicating a gender include each other gender.

Number

32C. In an Act—

- (a) words in the singular include the plural; and
- (b) words in the plural include the singular.

Meaning of “may” and “must” etc.

32CA.(1) In an Act, the word “**may**”, or a similar word or expression, used in relation to a power indicates that the power may be exercised or not exercised, at discretion.

(2) In an Act, the word “**must**”, or a similar word or expression, used in relation to a power indicates that the power is required to be exercised.

(3) In relation to an Act passed after 1 January 1992, this section has effect despite any rule of construction to the contrary.

Words and expressions used in amending Acts

32CB.(1) Words and expressions used in an Act that amends another Act have the same meanings as they have in the other Act.

(2) Subsection (1) does not limit section 22 (Act and amending Acts to be read as one).

Effect of express references to corporations and individuals

32D. In an Act, a reference to a person generally (whether the expression “person”, “party”, “someone”, “anyone”, “no-one”, “one”, “another” or “whoever” or another expression is used)—

- (a) does not exclude a reference to a corporation or an individual merely because elsewhere in the Act there is particular reference to a corporation (however expressed); and
- (b) does not exclude a reference to an individual or a corporation merely because elsewhere in the Act there is particular reference to an individual (however expressed).

Production of records kept in computers etc.

32E. If a person who keeps a record of information by means of a mechanical, electronic or other device is required by or under an Act—

- (a) to produce the information or a document containing the information to a court, tribunal or person; or
- (b) to make a document containing the information available for inspection by a court, tribunal or person;

then, unless the court, tribunal or person otherwise directs—

- (c) the requirement obliges the person to produce or make available for inspection, as the case may be, a document that reproduces the information in a form capable of being understood by the court, tribunal or person; and
- (d) the production to the court, tribunal or person of the document in that form complies with the requirement.

References to Ministers and departments

33.(1) In an Act—

- (a) a reference to a Minister is a reference to a Minister of the Crown; and
- (b) a reference to a particular Minister by title, or to “**the Minister**” without specifying a particular Minister by title, includes a

reference to any other Minister, or any member of the Executive Council, who is acting for or on behalf of the Minister.

(2) In a provision of an Act, a reference to **“the Minister”** without specifying a particular Minister by title is a reference to—

- (a) the Minister administering the provision; or
- (b) if, for the time being, different Ministers administer the provision in relation to different matters—
 - (i) if only 1 Minister administers the provision in relation to the relevant matter—that Minister; or
 - (ii) if 2 or more Ministers administer the provision in relation to the relevant matter—any 1 of those Ministers; or
- (c) if paragraph (b) does not apply and, for the time being, 2 or more Ministers administer the provision—any 1 of those Ministers.

(3) Where a provision of an Act refers to a Minister and specifies the Minister merely by reference to the fact that the Minister administers a specified Act or enactment, subsection (2) applies as if references in subsections (2)(a), (b) and (c) to the provision were references to the specified Act or enactment.

(4) If an Act defines the expression **“Minister”** or **“the Minister”** for the purposes of the Act or a provision of the Act in a way that does not specify a particular Minister by title, subsections (2) and (3) apply to the provision despite that definition of the expression.

(5) In a provision of an Act, a reference to **“the department”** without specifying a particular department by its name is a reference to—

- (a) if, for the time being, different Ministers administer the provision in relation to different matters—the department of government that—
 - (i) deals with the relevant matter; and
 - (ii) is administered by the Minister or Ministers administering the provision in relation to that matter; or
- (b) in any other case—the department of government that—
 - (i) deals with the matters to which the provision relates; and
 - (ii) is administered by the Minister or Ministers for the time

being administering the provision.

(6) To allay any doubt, it is declared that if—

- (a) a provision of an Act is administered by 2 or more Ministers; and
- (b) under this section, the provision requires or permits anything to be done by or in relation to any 1 of those Ministers;

the provision does not require or permit it to be done in any particular case by or in relation to more than 1 of those Ministers.

(7) Any notification of administrative arrangements by the Governor in Council distributing the public business, or any of that business, amongst the several departments of government or any of those departments, or showing the offices or any of the offices placed under the control of, or the Acts or any of the Acts administered by, each Minister respectively, or by any Minister, shall upon publication in the Gazette be judicially noticed.

(8) Where in any Act reference is made to a specified Minister of a specified department of government and there is no longer any such Minister or department—

- (a) the reference to the Minister shall be read as a reference to such Minister as is specified by notification by the Governor in Council, and shall be taken to include any Minister or Member of the Executive Council for the time being acting for or on behalf of the Minister so specified in the notification; and
- (b) the reference to the department shall be read as a reference to such department as is specified by notification by the Governor in Council.

References to officers and holders of offices

34. In an Act, a reference to a particular officer, or to the holder of a particular office, includes a reference to the person for the time being occupying or acting in the office concerned.

References to Queensland to be implied

35.(1) In an Act—

- (a) a reference to an officer, office or statutory body is a reference to

such an officer, office or statutory body in and for Queensland;
and

- (b) a reference to a locality, jurisdiction or other matter or thing is a reference to such a locality, jurisdiction or other matter or thing in and of Queensland.

(2) In an Act, a reference to an office or body established by or under an Act need not include the words ‘Queensland’ or ‘of Queensland’ merely because the words form part of its name or title.

Reference to certain provisions of an Act

35B. If a provision of an Act (in this section called the “**Act concerned**”) refers—

- (a) to a Chapter, Part, section or Schedule by a number and without reference to an Act—the reference is a reference to the Chapter, Part, section or Schedule, designated by that number, of or to the Act concerned; or
- (b) to a Schedule without reference to it by a number and without reference to an Act—the reference, if there is only 1 Schedule to the Act concerned, is a reference to that Schedule; or
- (c) to a Part, Division, Subdivision, subsection, paragraph, subparagraph, sub-subparagraph, clause, subclause, item, column, table, form or other provision unit by a number and without reference to an Act—the reference is a reference—
 - (i) to the Part, designated by that number, of the Chapter in which the reference occurs; and
 - (ii) to the Division, designated by that number, of the Part in which the reference occurs; and
 - (iii) to the Subdivision, designated by that number, of the Division in which the reference occurs; and
 - (iv) to the subsection designated by that number, of the section in which the reference occurs; and
 - (v) to the paragraph, designated by that number, of the section, subsection, Schedule or other provision unit in which the reference occurs; and

- (vi) to the paragraph, designated by that number, of the clause, subclause, item, column, table, form or other provision unit of or in the Schedule in which the reference occurs; and
- (vii) to the subparagraph, designated by that number, of the paragraph in which the reference occurs; and
- (viii) to the sub-subparagraph, designated by that number, of the subparagraph in which the reference occurs; and
- (ix) to the clause, subclause, item, column, table, form or other provision unit, designated by that number, of or in the Schedule in which the reference occurs; and
- (x) to the other provision unit, designated by that number, of or in a relevant provision unit in which the reference occurs;

as the case requires.

Headings part of provision etc.

35C.(1) The heading to a Chapter, Part, Division, Subdivision, section, subsection, Schedule or another provision of an Act forms part of the provision to which it is a heading.

(2) The word ‘and’, ‘or’ or ‘but’, or a similar word, at the end of a paragraph, subparagraph, sub-subparagraph or another provision of an Act forms part of the provision concerned.

(3) The word ‘and’, ‘or’ or ‘but’, or a similar word, between paragraphs, subparagraphs, sub-subparagraphs or other provisions of an Act forms part of the first of those provisions.

Reference to provisions of an Act is inclusive

35D. In an Act, a reference to a portion of that or another Act includes—

- (a) a reference to the Chapter, Part, Division, Subdivision, section, subsection or other provision of the Act referred to that forms the beginning of the portion; and
- (b) a reference to the Chapter, Part, Division, Subdivision, section, subsection or other provision of the Act referred to that forms the end of the portion.

Example— A reference to ‘sections 5 to 9’ includes both section 5 and section 9. It is not necessary to refer to ‘sections 5 to 9 (both inclusive)’ to ensure that the reference is given an inclusive interpretation.

Instrument made under the Act

35E. In an Act, a reference to a type of statutory instrument is a reference to an instrument of that type made or in force under the Act in which the reference is used.

Example— the word ‘by-law’ means a by-law made under the Act in which the word is used.

Meaning of commonly used words and expressions

36. In an Act—

“**Aboriginal people**” means people of the Aboriginal race of Australia;

“**Aboriginal tradition**” means the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people, and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects or relationships;

“**Act**” has the meaning given by section 6;

“**adjacent area in respect of the State**” means the area the boundary of which is described in Schedule 2 to the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth, as in force immediately before the commencement of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth;

“**Administrator**” means a person for the time being administering the Government;

“**adult**” means an individual who is 18 years of age or more;

“**affidavit**”, in relation to a person allowed by law to affirm, declare or promise, includes affirmation, declaration and promise;

“**AFIC (Queensland) Code**” means the provisions applying because of section 9 of the *Australian Financial Institutions Commission Act*

1992, and includes the AFIC (Queensland) Regulations;

“AFIC (Queensland) Regulations” means the provisions applying because of section 10 of the *Australian Financial Institutions Commission Act 1992*;

“amend” includes—

- (a) omit or omit and substitute; and
- (b) alter or vary; and
- (c) amend by implication;

“appoint” includes reappoint;

“ASC Law” and **“ASC Regulations”** have the meaning given by Part 11 of the *Corporations (Queensland) Act 1990*;

“Australia” means the Commonwealth of Australia but, when used in a geographical sense, does not include an external Territory;

“Australia Acts” means the *Australia Act 1986* of the Commonwealth and the *Australia Act 1986* of the United Kingdom;

“British Act” means an Act of the British Parliament;

“British Parliament” means—

- (a) the Parliament of England; or
- (b) the Parliament of Great Britain; or
- (c) the Parliament of the United Kingdom of Great Britain and Ireland; or
- (d) the Parliament of the United Kingdom of Great Britain and Northern Ireland;

as the case requires;

“burial” includes cremation;

“business day” means a day that is not—

- (a) a Saturday or Sunday; or
- (b) a public holiday, special holiday or bank holiday in the place in which any relevant act is to be or may be done;

“calendar month” means a period starting at the beginning of any day of 1

of the 12 named months and ending—

- (a) immediately before the beginning of the corresponding day of the next named month; or
- (b) if there is no such corresponding day—at the end of the next named month;

“calendar year” means a period of 12 months beginning on 1 January;

“chief executive”, in relation to a department, means the chief executive (however described) under whose control the department is placed;

“coastal waters of the State” means—

- (a) the parts of the territorial sea of Australia that are within the adjacent area in respect of the State, other than any part mentioned in section 4(2) of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth; or
- (b) any sea that is on the landward side of any part of the territorial sea of Australia and within the adjacent area in respect of the State, but is not within the limits of the State;

“commencement”, in relation to an Act or a provision of an Act, means the time at which the Act or provision comes into operation;

“Commonwealth” means the Commonwealth of Australia but, when used in a geographical sense, does not include an external Territory;

“Commonwealth Constitution” means the Constitution of the Commonwealth;

“Commonwealth Minister” means a Minister of the Crown in right of the Commonwealth;

“community or group of Aboriginal people” includes—

- (a) the descendants of the community or group; and
- (b) if there is only 1 surviving member of a community or group of Aboriginal people—that person;

“community or group of Torres Strait Islanders” includes—

- (a) the descendants of the community or group; and
- (b) if there is only 1 surviving member of a community or group of Torres Strait Islanders—that person;

“confer”, in relation to a function, includes impose;

“Consolidated Fund” has the meaning given by section 5(1) of the *Financial Administration and Audit Act 1977*;

“Constitution of Queensland” means—

- (a) the order in council of 6 June 1859 referred to in the preamble to the *Constitution Act 1867*; and
- (b) the *Constitution Act 1867*; and
- (c) each Act amending that order in council or Act;

“contravene” includes fail to comply with;

“corporation” includes a body politic or corporate;

“Corporations Law” and **“Corporations Regulations”** have the meaning given by Part 3 of the *Corporations (Queensland) Act 1990*;

“date of assent”, in relation to an Act, means the day on which the Act receives the Royal Assent;

“definition” means a provision of an Act (however expressed) that—

- (a) gives a meaning to a word or expression; or
- (b) limits or extends the meaning of a word or expression;

“department” has the meaning given by section 33;

“Deputy Governor” means the person for the time being appointed to act for the Governor as the Governor’s deputy;

“descendant” includes—

- (a) in relation to Aboriginal people—a descendant under Aboriginal tradition; and
- (b) in relation to Torres Strait Islanders—a descendant under Island custom;

“District Court” means a District Court appointed under the *District Courts Act 1967*;

“District Court Judge” means a Judge of a District Court or District Courts;

“document” includes—

- (a) any paper or other material on which there is writing; and
- (b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; and
- (c) any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being reproduced (with or without the aid of any other article or device);

“enactment”, in relation to an Act, has the meaning given by section 15;

“establish” includes constitute and continue in existence;

“estate” includes easement, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity;

“Executive Council” means the Executive Council of Queensland;

“expire” includes lapse or otherwise cease to have effect;

“external Territory” means a Territory, other than an internal Territory, for the government of which as a Territory provision is made by a Commonwealth Act;

“fail” includes refuse;

“Federal Court” means the Federal Court of Australia;

“Financial Institutions (Queensland) Code” means the provisions applying because of section 4 of the *Financial Institutions (Queensland) Act 1992*, and includes the Financial Institutions (Queensland) Regulations;

“Financial Institutions (Queensland) Regulations” means the provisions applying because of section 5 of the *Financial Institutions (Queensland) Act 1992*;

“financial year” means a period of 12 months beginning on 1 July;

“finding”, in relation to an indictment, includes taking, exhibiting or making;

“fix” includes determine and appoint;

“foreign country” means a country (whether or not an independent sovereign state) outside Australia and the external Territories;

“function” includes duty;

“Gazette” means the Queensland Government Gazette;

“gazetted” means published in the Gazette;

“Gazette notice” means notice published in the Gazette;

“Government” means the Government of Queensland;

“Government Gazette” means the Queensland Government Gazette;

“Government Printer” means the Government Printer of Queensland, and includes any other person authorised by the Government to print an Act or instrument;

“Governor” means—

- (a) except in relation to another State—the Governor of Queensland, and includes the Lieutenant Governor, the Administrator and the Deputy Governor; or
- (b) in relation to another State—the Governor of that State, and includes a person for the time being administering the Government of that State;

“Governor-General” means the Governor-General of the Commonwealth, and includes a person for the time being administering the Government of the Commonwealth;

“Governor in Council” means—

- (a) except in relation to another State—the Governor acting with the advice of the Executive Council; or
- (b) in relation to another State—the Governor of that State acting with the advice of the Executive Council of that State;

“High Court” means the High Court of Australia;

“Imperial Act” means a British Act;

“Imperial Parliament” means the British Parliament;

“indictable offence” includes an act or omission committed outside Queensland that would be an indictable offence if it were committed in Queensland;

“indictment” includes information, inquisition and presentment;

“individual” means a natural person;

- “Industrial Commission”** means the Industrial Relations Commission;
- “Industrial Court”** means the Industrial Court established under the *Industrial Relations Act 1990*;
- “Industrial Gazette”** means the Queensland Government Industrial Gazette;
- “Industrial Gazette notice”** means notice published in the Industrial Gazette;
- “Industrial Magistrate”** has the meaning given by section 5.1 of the *Industrial Relations Act 1990*;
- “Industrial Relations Commission”** means the commission established under the *Industrial Relations Act 1990* under the name the Queensland Industrial Relations Commission;
- “insert”**, in relation to a provision of an Act, includes substitute;
- “instrument”** has the meaning given by the *Statutory Instruments Act 1992*, and includes a statutory instrument;
- “interest”**, in relation to land or other property, means—
- (a) a legal or equitable estate in the land or other property; or
 - (b) a right, power or privilege over, or in relation to, the land or other property;
- “internal Territory”** means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory;
- “Island custom”**, known in the Torres Strait as Ailan Kastom, means the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular community or group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships;
- “Jervis Bay Territory”** means the Territory referred to in the *Jervis Bay Territory Acceptance Act 1915* of the Commonwealth;
- “justice”** means a justice of the peace;
- “land”** includes messuages, tenements and hereditaments, corporeal or incorporeal, of any tenure or description, and whatever may be the interest in the land;

“Land Appeal Court” means the Land Appeal Court established under the *Land Act 1962*;

“Land Court” means the Land Court established under the *Land Act 1962*;

“Legislative Assembly” means the Legislative Assembly of Queensland;

“liability” means any liability or obligation (whether liquidated or unliquidated, certain or contingent, or accrued or accruing);

“Lieutenant Governor” means the person for the time being appointed as Lieutenant Governor;

“local authority” means—

- (a) a local authority within the meaning of section 3 of the *Local Government Act 1936*; or
- (b) the Brisbane City Council; or
- (c) a council constituted under the *Community Services (Aborigines) Act 1984* or the *Community Services (Torres Strait) Act 1984*;

“Magistrate” means a Stipendiary Magistrate;

“Magistrates Court” means a Magistrates Court established under the *Justices Act 1886*;

“make” includes issue and grant;

“medical practitioner” has the meaning given by section 4 of the *Medical Act 1939*;

“midnight”, in relation to a particular day, means the point of time at which the day ends;

“Minister” has the meaning given by section 33;

“minor” means an individual who is under 18 years of age;

“modification” includes addition, omission and substitution;

“month” means a calendar month;

“named month” means 1 of the 12 months of the year;

“Northern Territory” means the Northern Territory of Australia;

“number” means—

- (a) a number expressed in figures or words; or

(b) a letter; or

(c) a combination of a number so expressed and a letter;

“**oath**”, in relation to a person allowed by law to affirm, declare or promise, includes affirmation, declaration and promise;

“**office**” includes position;

“**officer of the public service**” has the meaning given by section 4 of the *Public Service Management and Employment Act 1988*;

“**omit**”, in relation to a provision of an Act, includes repeal;

“**order in council**” has the meaning given by the *Statutory Instruments Act 1992*;

“**Parliament**” means the Parliament of Queensland;

“**party**” includes an individual and a corporation;

“**passing**”, in relation to an Act, has the meaning given by section 15;

“**penalty**” includes forfeiture and punishment;

“**person**” includes an individual and a corporation;

“**police officer**” means a police officer within the meaning of the *Police Service Administration Act 1990*;

“**power**” includes authority;

“**prescribed**” means prescribed by, or by a statutory rule made or in force under, the Act in which the word is used;

“**proceeding**” means a legal or other action or proceeding;

“**proclamation**” has the meaning given by the *Statutory Instruments Act 1992*;

“**property**” means any legal or equitable estate or interest (whether present or future, vested or contingent, or tangible or intangible) in real or personal property of any description (including money), and includes things in action;

“**provision**”, in relation to an Act, means words or other matter that form or forms part of the Act, and includes—

(a) a Chapter, Part, Division, Subdivision, section, subsection, paragraph, subparagraph, sub-subparagraph or Schedule of or to

the Act; and

- (b) a clause, subclause, item, column, table or form of or in a Schedule to the Act; and
- (c) the long title and any preamble to the Act;

“public holiday” means a day appointed under the *Holidays Act 1983* or another Act as a public holiday;

“public service” has the meaning given by section 4(1) of the *Public Service Management and Employment Act 1988*;

“purpose”, in relation to an Act, includes object;

“Queensland waters” means all waters that are—

- (a) within the limits of the State; or
- (b) coastal waters of the State;

“record” includes information stored or recorded by means of a computer;

“repeal” includes—

- (a) revoke or rescind; and
- (b) repeal by implication; and
- (c) abrogate or limit the effect of the Act or instrument concerned; and
- (d) exclude from, or include in, the application of the Act or instrument concerned any person, subject matter or circumstance;

“reprint” of a law includes a reprint of a law to which the *Reprints Act 1992* applies;

“rules of court” has the meaning given by the *Statutory Instruments Act 1992*;

“serve” has the meaning given by section 39;

“serve by post” has the meaning given by section 39A;

“sign” includes the affixing of a seal and the making of a mark;

“sitting day”, in relation to the Legislative Assembly, means a day on which the Legislative Assembly actually sits;

“State” means a State of the Commonwealth;

“statutory declaration” means—

- (a) a declaration made under the *Oaths Act 1867*; or
- (b) a declaration made under another Act, or under a Commonwealth Act or an Act of another State or a Territory, that authorises a declaration to be made otherwise than in the course of a judicial proceeding;

“statutory instrument” has the meaning given by the *Statutory Instruments Act 1992*;

“statutory rule” has the meaning given by the *Statutory Instruments Act 1992*;

“Stipendiary Magistrate” means a Stipendiary Magistrate appointed under the *Stipendiary Magistrates Act 1991*;

“subordinate legislation” has the meaning given by the *Statutory Instruments Act 1992*;

“Supreme Court Judge” or **“Judge”** means a Judge of the Supreme Court;

“swear”, in relation to a person allowed by law to affirm, declare or promise, includes affirm, declare and promise;

“territorial sea of Australia” means the territorial sea of Australia within the limits mentioned in section 4(1) of the *Coastal Waters (State Powers) Act 1980* of the Commonwealth;

“Territory” means a Territory of the Commonwealth;

“the State” means the State of Queensland;

“this Act” includes any statutory rule made under the Act;

“Torres Strait Islander” is a person who is a descendant of an indigenous inhabitant of the Torres Strait Islands;

“United Kingdom” means the United Kingdom of Great Britain and Northern Ireland;

“unit of the public sector” has the meaning given by the *Public Sector Management Commission Act 1990*;

“word” includes any symbol, figure or drawing;

“writing” includes any mode of representing or reproducing words in a

visible form.

PART 9—DISTANCE, TIME AND AGE

Measurement of distance

37. In the measurement of any distance for the purpose of any Act, such distance shall be measured along the shortest road ordinarily used for travelling unless the intention appears that such distance shall be measured in a straight line on a horizontal plane or in some other manner.

Reckoning of time

38.(1) If a period beginning on a given day, act or event is provided or allowed for any purpose by an Act, the period is to be calculated by excluding the day, or the day of the act or event, and—

- (a) if the period is expressed to be a specified number of clear days or at least a specified number of days—by excluding the day on which the purpose is to be fulfilled; and
- (b) in any other case—by including the day on which the purpose is to be fulfilled.

(2) If the last day of a period provided or allowed by an Act for doing anything is not a business day in the place in which the thing is to be or may be done, the thing may be done on the next business day in the place.

(3) If the last day of a period provided or allowed by an Act for the filing or registration of a document is a day on which the office is closed where the filing or registration is to be or may be done, the document may be filed or registered at the office on the next day that the office is open.

(4) If no time is provided or allowed for doing anything, the thing is to be done as soon as possible, and as often as the prescribed occasion arises.

Age

38A. For the purposes of an Act, a person attains an age in years at the beginning of the person's birthday for that age.

PART 10—SERVICE OF DOCUMENTS**Service of documents**

39.(1) If an Act requires or permits a document to be served on a person (whether the expression 'deliver', 'give', 'notify', 'send' or 'serve' or another expression is used), the document may be served—

- (a) on an individual—
 - (i) by delivering it to the person personally; or
 - (ii) by leaving it at, or by sending it by post, telex, facsimile or similar facility to, the address of the place of residence or business of the person last known to the person serving the document; or
- (b) on a body corporate—by leaving it at, or sending it by post, telex, facsimile or similar facility to, the head office, a registered office or a principal office of the body corporate.

(2) Nothing in subsection (1)—

- (a) affects the operation of any other law that authorises the service of a document otherwise than as provided in the subsection; or
- (b) affects the power of a court or tribunal to authorise service of a document otherwise than as provided in the subsection.

Meaning of service by post etc.

39A.(1) If an Act requires or permits a document to be served by post (whether the expression 'deliver', 'give', 'notify', 'send' or 'serve' or another expression is used), service—

- (a) may be effected by properly addressing, prepaying and posting

the document as a letter; and

- (b) is taken to have been effected at the time at which the letter would be delivered in the ordinary course of post, unless the contrary is proved.

(2) If an Act requires or permits a document to be served by a particular postal method (whether the expression ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used), the requirement or permission is taken to be satisfied if the document is posted by that method or, if that method is not available, by the equivalent, or nearest equivalent, method provided for the time being by Australia Post.

PART 11—OFFENCES AND CRIMINAL PROCEEDINGS

Penalty at end of provision

41. In an Act, a penalty specified at the end of—

- (a) a section (whether or not the section is divided into subsections); or
- (b) a subsection (but not at the end of a section); or
- (c) a section or subsection and expressed in such a way as to indicate that it applies only to part of the section or subsection;

indicates that an offence mentioned in the section, subsection or part is punishable on conviction or, if no offence is mentioned, a contravention of the section, subsection or part constitutes an offence against the provision that is punishable on conviction—

- (d) if a minimum as well as a maximum penalty is specified—by a penalty not less than the minimum and not more than the maximum; or
- (e) in any other case—by a penalty not more than the specified penalty.

Penalty other than at end of provision

41A.(1) In an Act, a penalty specified for an offence, or a contravention of a provision, indicates that the offence is punishable on conviction, or the contravention constitutes an offence against the provision that is punishable on conviction—

- (a) if a minimum as well as a maximum penalty is specified—by a penalty not less than the minimum and not more than the maximum; or
- (b) in any other case—by a penalty not more than the specified penalty.

(2) This section does not apply to a penalty to which section 41 applies.

Who may in general sue for penalties

42. Any penalty or forfeiture imposed or made by, or authorised to be imposed or made under, any Act may be sued or proceeded for by any person whomsoever unless by the Act imposing or making or authorising the imposing or making of the same such right to sue or proceed shall be expressly given to any officer or person by name or designation.

Appropriation of penalties when Act silent

43. Where any penalty or forfeiture is imposed or made by, or authorised to be imposed or made under, any Act, such Act, unless otherwise expressly provided, shall be taken to provide that the same, when recovered, shall be paid—one moiety of it to the Consolidated Fund, to be applied for the public uses of this State or in such other way as may be directed by any Act, and the other moiety of it to the informer or person prosecuting or suing for the same unless in the exercise of any power conferred by any Act such other moiety or part of it is ordered to be withheld, when it shall be paid and applied in accordance with the provisions of this section relating to the first moiety.

Summary proceedings

44.(1) Where any Act or enactment expressly or by implication provides that any matter or proceeding is to be heard and determined summarily, or

by or before justices or a Stipendiary Magistrate, or that any offence is to be punishable upon summary conviction, such Act shall be taken to provide that such matter or proceeding shall be heard and determined, or that proceedings in respect of such offence shall be taken, in a summary way under the *Justices Acts 1886-1949*, and that any penalty or forfeiture imposed in respect of it may be enforced and recovered as provided by that Act or by that Act and any other Act that provides for its enforcement and recovery.

(2) Where by any Act an offence not declared expressly or by implication to be an indictable offence is constituted or made punishable, or any penalty or forfeiture is imposed or authorised to be imposed in respect of any matter, and such Act contains no provisions for proceeding in respect of it, such Act shall be taken to provide that all proceedings in respect of that offence or matter shall be heard and determined, and all penalties and forfeitures may be enforced and recovered in a summary way under the *Justices Acts 1886-1949* or under that Act and any other Act that provides for their enforcement and recovery.

Alternative procedure in respect of offences

45. Except where otherwise expressly provided, where an act or omission constitutes an offence under each of 2 or more Acts or both under an Act and at common law, the offender may be prosecuted and punished under either or any of such Acts or at common law, as the case may be, but so that the offender is not twice punished for the same offence.

Bodies corporate

46. A provision of an Act relating to offences punishable on indictment or summary conviction applies to bodies corporate as well as individuals.

PART 13—MISCELLANEOUS

Mode of pleading affirmation instead of oath

48. Wherever in any legal proceeding of any kind any other legal proceedings may be set out it shall not be necessary to specify that any particular persons, who acted as jurors had made affirmation or declaration instead of oath, but if it is stated in such first mentioned proceedings or in any record of any kind that the jurors served and acted as jurors (in the same way as if no Act had passed for enabling persons to serve as jurors without oath) such proceedings or record shall not be held insufficient in respect thereof.

Forms

49.(1) If a form is prescribed by or under an Act, strict compliance with the form is not necessary but substantial compliance is sufficient.

(2) If a form prescribed by or under an Act requires—

- (a) the form to be completed in a specified way; or
- (b) specified information or documents to be included in, attached to or given with the form; or
- (c) the form, or information or documents included in, attached to or given with the form, to be verified in a specified way;

the form is not properly completed unless the requirement is complied with.

(3) If—

- (a) a form may be prescribed by or under an Act for a purpose; and
- (b) another form may be prescribed by or under the Act or another Act for the same or another purpose;

then, if separate forms are prescribed for each purpose, a single form may also be prescribed, and used by a person, for the purposes.

(4) If, under an Act, a form is required or permitted to be filed with, or served on, a person (whether the expression ‘file’, ‘lodge’, ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used), the form may be filed with, or served on, another person under arrangements made between the persons.

Jurisdiction of courts and tribunals

49A. If a provision of an Act, whether expressly or by implication, authorises a proceeding to be instituted in a particular court or tribunal in relation to a matter, the provision is taken to confer jurisdiction in the matter on the court or tribunal.

Rules of Court

50. The power to make rules of court includes power to make rules of court for the purpose of an Act that directs or authorises anything to be done by rules of court.

Judges of Supreme Court

51. Where any power or authority is given by any Act to the Judges of the Supreme Court collectively to make or approve of any general rules or orders of the Supreme or any inferior court, the power or authority may be exercised by a majority of Judges of whom the Chief Justice shall be one.

Form of oath of allegiance

52.(1) On and after the coming into operation of this Act and without prejudice to the provisions of any Act requiring the taking of a further oath of allegiance upon the demise of Her Majesty, there shall be substituted for the oath of allegiance prescribed by section 1 of the *Oaths Act 1867*, for the oath of allegiance prescribed by section 4 of the *Constitution Act 1867*, and for any oath of allegiance prescribed by or under any other Act an oath of allegiance in the following form—

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, as lawful Sovereign of the United Kingdom, Australia, and her other Realms and Territories, and to Her Heirs and Successors, according to law.

So Help Me God!

Name of the Sovereign

(2) In the case of the demise of Her Majesty (whom may God long preserve) the name of Her Majesty's successor according to law for the time being shall be substituted in the form of oath of allegiance prescribed by subsection (1) instead of the name of Her Majesty.

References to the Crown etc.

(3) In every Act—

- (a) reference to the Sovereign reigning at the time of the passing of such Act, or to 'Her Majesty', 'His Majesty', 'the Queen', 'the King', or 'the Crown', shall be construed as references to the Sovereign for the time being, and, where necessary, shall include the heirs and successors of such Queen or King; and
- (b) references to any style or titles appertaining to the Crown at the time of the passing of such Act, shall be construed as references to the style and titles appertaining to the Crown for the time being adopted, with the assent of the Parliament of the Commonwealth of Australia, by the Sovereign for the time being for use in relation to the Commonwealth of Australia and its Territories.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation before 9 December 1992. Future amendments of the *Acts Interpretation Act 1954* may be made in accordance with this reprint because of section 49 of the *Reprints Act 1992*.

3 List of legislation**Acts Interpretation Act 1954 3 Eliz 2 No. 3**

date of assent 27 April 1954
 commenced on date of assent
 as amended by—

Acts Interpretation Act Amendment Act 1957 6 Eliz 2 No. 18

date of assent 11 November 1957
 s 1 commenced on date of assent
 remaining provision commenced 12 August 1957 (see s 1(4))

Acts Interpretation Acts Amendment Act 1960 9 Eliz 2 No. 14

date of assent 31 October 1960
 commenced on date of assent

Acts Interpretation Acts Amendment Act 1962 No. 2

date of assent 17 September 1962
 commenced on date of assent

British Subject (Interpretation) Act 1970 No. 10 s 3

date of assent 13 April 1970
 commenced 20 February 1973 (proc pubd Gaz 17 February 1973 p 682)

Acts Interpretation Act Amendment Act 1971 No. 43

date of assent 1 November 1971
commenced on date of assent

Acts Interpretation Act Amendment Act 1977 No. 37

date of assent 23 September 1977
commenced 1 January 1978 (proc pubd Gaz 17 December 1977 p 1598)

Evidence Act 1977 No. 47 s 3(6) Sch 1 Pt F

date of assent 3 October 1977
commenced 1 January 1978 (see s 1(2))

Penalty Units Act 1985 No. 73 s 13

date of assent 23 October 1985
commenced 1 May 1986 (proc pubd Gaz 12 April 1986 p 1571)

Corrective Services (Consequential Amendments) Act 1988 No. 88 s 3 Sch 1

date of assent 1 December 1988
commenced 15 December 1988 (see s 2(2) and order pubd Gaz 10 December 1988 p 1675)

Acts Interpretation Act and Another Act Amendment Act 1989 No. 28 Pt 1

date of assent 28 April 1989
commenced on date of assent

Corporations (Consequential Amendments) Act 1990 No. 99 Pt 3

date of assent 12 December 1990
commenced 1 January 1991 (proc pubd Gaz 22 December 1990 p 2270)

Acts Interpretation Amendment Act 1991 No. 30

date of assent 12 June 1991
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 1991 (proc pubd Gaz 22 June 1991 p 975)

Supreme Court of Queensland Act 1991 No. 68 s 111 Sch 2

date of assent 24 October 1991
commenced 14 December 1991 (1991 SL No. 173)

Stipendiary Magistrates Act 1991 No. 75 s 26 Sch 3

date of assent 21 November 1991
commenced 1 January 1992 (1991 SL No. 211)

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 3 Sch 1

date of assent 17 December 1991
amendments (21) and (22) in Sch 1 commenced on 1 January 1992
remaining provisions commenced on date of assent

Judicial Review Act 1991 No. 100 s 61

date of assent 17 December 1991
commenced 1 June 1992 (1992 SL No. 110)

Queensland Office of Financial Supervision Act 1992 No. 12 s 66 Sch

date of assent 6 May 1992
commenced 29 May 1992 (1992 SL No. 109)

Nature Conservation Act 1992 No. 20 s 159 Sch 2

date of assent 22 May 1992

s 159 Sch 2 in relation to the Acts Interpretation Act 1954 commenced 1 July 1992 (1992 SL No. 159)

Statutory Instruments Act 1992 No. 22 Pt 7 Sch 3

date of assent 1 June 1992

commenced on date of assent

Legislative Standards Act 1992 No. 26 Pt 5

date of assent 1 June 1992

commenced on date of assent

Reprints Act 1992 No. 27 Pt 9

date of assent 1 June 1992

commenced on date of assent

Penalties and Sentences Act 1992 No. 48 s 207 Sch

date of assent 24 November 1992

ss 1–2 commenced on date of assent

commenced 27 November 1992 (1992 SL No. 377)

Nursing Act 1992 No. 55 s 163 Sch 2

date of assent 30 November 1992

commenced on date of assent (see s 2)

Lands Legislation Amendment Act 1992 No. 64 s 3 Sch 1

date of assent 7 December 1992

not yet proclaimed into force

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 s 3 Sch 1

date of assent 7 December 1992

commenced on date of assent (see s 2)

4 List of annotations

Key to abbreviations in list of annotations

RA	=	<i>Reprints Act 1992</i>
amd	=	amended
ins	=	inserted
om	=	omitted
renum	=	renumbered
sub	=	substituted
Pt hdg	=	Part heading
Div hdg	=	Division heading
Sdiv hdg	=	Subdivision heading
hdg prec	=	heading preceding
prov hdg	=	provision heading
cl	=	clause
pres	=	present
prev	=	previous

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Long title sub 1992 No. 68 s 3 Sch 1 cl 1

PART 1—PRELIMINARY

Pt hdg ins 1991 No. 97 s 3 Sch 1

Act applies to all Acts

s 2 prev s 2 om 1991 No. 30 s 3 Sch 2
pres s 2 ins 1991 No. 97 s 3 Sch 1

APPLICATION OF THIS ACT

hdg prec s 3 om 1991 No. 97 s 3 Sch 1

Act applies to statutory instruments

s 3 amd 1991 No. 30 s 3 Schs 1–2
sub 1991 No. 97 s 3 Sch 1
om 1992 No. 22 s 48 Sch 3 cl 1

CONSTRUCTION SUBJECT TO LEGISLATIVE POWERS OF STATE

hdg prec s 4 om 1991 No. 97 s 3 Sch 1

Displacement of Act by contrary intention

s 3A ins 1991 No. 30 s 4
renum as s 4 1991 No. 97 s 3 Sch 1

Displacement of Act by contrary intention

s 4 prev s 4 om 1988 No. 88 s 3 Sch 1
pres s 4 (prev s 3A)

MEANING OF ACT

hdg prec s 5 om 1991 No. 97 s 3 Sch 1

Act binds Crown

s 5 amd 1991 No. 30 s 3 Schs 1–2
sub 1991 No. 97 s 3 Sch 1

PART 2—MEANING OF ACT**Pt hdg** ins 1991 No. 97 s 3 Sch 1**REFERENCE TO AND CITATION OF ACTS****hdg prec s 6** om 1991 No. 97 s 3 Sch 1**References to “Acts”**

s 6 prev s 6 sub 1991 No. 30 s 5
 renum as s 14E 1991 No. 97 s 3 Sch 1
 pres s 6 ins 1991 No. 97 s 3 Sch 1
 amd 1991 No. 97 s 3 Sch 1; 1992 No. 68 s 3 Sch 1 cl 2

Act includes statutory instruments under Act

s 7 prev s 7 amd 1962 No. 2 s 2
 sub 1991 No. 30 s 6
 renum as s 14F 1991 No. 97 s 3 Sch 1
 pres s 7 ins 1991 No. 97 s 3 Sch 1
 amd 1991 No. 97 s 3 Sch 1
 sub 1992 No. 22 s 48 Sch 3 cl 2

References to enactments

s 7A ins 1991 No. 30 s 7
 renum as s 14G 1991 No. 97 s 3 Sch 1

References the “the Act” in statutory instrument

s 8 prev s 8 sub 1991 No. 30 s 8
 renum as s 14H 1991 No. 97 s 3 Sch 1
 pres s 8 ins 1991 No. 97 s 3 Sch 1
 om 1992 No. 22 s 48 Sch 3 cl 3

PART 3—GENERAL PROVISIONS APPLYING TO ACTS**Pt hdg** sub 1991 No. 97 s 3 Sch 1**Acts to be construed not to exceed legislative power of Parliament**

s 9 prev s 9 sub 1991 No. 30 s 9
 renum as s 14I 1991 No. 97 s 3 Sch 1
 pres s 9 ins 1991 No. 97 s 3 Sch 1

GENERAL PROVISIONS AS TO LEGISLATIVE ENACTMENTS**hdg prec s 10** om 1991 No. 97 s 3 Sch 1**Section has effect as substantive enactment****s 10** sub 1991 No. 97 s 3 Sch 1**Acts to be public Acts**

s 11 amd 1977 No. 47 s 3(6) Sch 1 Pt F
 sub 1991 No. 97 s 3 Sch 1

Private Acts not to affect rights of others**s 12** sub 1991 No. 97 s 3 Sch 1**Private Acts amended by public Acts do not become public Acts****s 12A** ins 1991 No. 97 s 3 Sch 1

Material that is, and is not, part of an Act

- s 14** amd 1962 No. 2 s 3
 sub 1991 No. 30 s 10
 amd 1991 No. 97 s 3 Sch 1

Interpretation best achieving Act's purpose

- s 14A** ins 1991 No. 30 s 11(1)

Use of extrinsic material in interpretation

- s 14B** ins 1991 No. 30 s 11(1)

Changes of drafting practice not to affect meaning

- s 14C** ins 1991 No. 30 s 11(2)

Examples

- s 14D** ins 1991 No. 30 s 11(2)

PART 4—REFERENCE TO AND CITATION OF ACTS

- Pt hdg** ins 1991 No. 97 s 3 Sch 1

References to Acts generally

- s 14E** (prev s 6)

References to particular Acts

- s 14F** (prev s 7)

References to enactments

- s 14G** (prev s 7A)

References taken to be included in Act citation etc.

- s 14H** (prev s 8)

References to changed short titles and citations

- s 14I** (prev s 9)

PART 5—COMMENCEMENT OF ACTS

- Pt hdg** sub 1991 No. 97 s 3 Sch 1

References to enactment etc. of Acts

- s 15** sub 1991 No. 30 s 12

Commencement of Acts on date of assent

- prov hdg** sub 1991 No. 97 s 3 Sch 1

- s 15A** ins 1991 No. 30 s 13

Time of commencement of Acts

- s 15B** ins 1991 No. 30 s 13

Commencement of citation and commencement provisions on date of assent etc.

- prov hdg** sub 1991 No. 97 s 3 Sch 1

- s 15C** ins 1991 No. 30 s 13
 amd 1992 No. 22 s 48 Sch 3 cl 4

Commencement by proclamation etc.

- s 15D** ins 1991 No. 30 s 13
 amd 1992 No. 68 s 3 Sch 1 cl 3

Commencement of paragraphs etc. in amending Act**s 15E** ins 1991 No. 30 s 13**Evidence of date of assent****s 16** sub 1991 No. 30 s 14**Exercise of powers between enactment and commencement****s 17** sub 1977 No. 37 s 3; 1991 No. 30 s 15
amd 1991 No. 97 s 3 Sch 1**PART 6—AMENDMENT AND REPEAL OF ACTS****Pt hdg** ins 1991 No. 97 s 3 Sch 1**Act may be amended or repealed in same parliamentary session****s 17A** ins 1991 No. 97 s 3 Sch 1**REPEAL OF ACTS AND ACTS CEASING TO HAVE EFFECT****hdg prec s 18** ins 1991 No. 30 s 3 Sch 2
om 1991 No. 97 s 3 Sch 1**Time of Act etc. ceasing to have effect****s 18** sub 1991 No. 30 s 16**Repealed Acts etc. not revived****s 19** sub 1991 No. 30 s 17**Saving of operation of repealed Act etc.****s 20** sub 1991 No. 30 s 18
amd 1992 No. 48 s 207 Sch cl 1**Continuance of repealed provisions****prov hdg** ins 1991 No. 30 s 3 Sch 2
amd 1991 No. 97 s 3 Sch 1**s 21** amd 1991 No. 30 ss 19, 3 Sch 2; 1991 No. 97 s 3 Sch 1**AMENDING ACTS****hdg prec s 22** om 1991 No. 97 s 3 Sch 1**Act and amending Acts to be read as one****s 22** amd 1991 No. 30 s 3 Sch 1
sub 1991 No. 97 s 3 Sch 1**Insertion of definitions by amending Act****s 22A** ins 1991 No. 30 s 20**PART 7—FUNCTIONS AND POWERS CONFERRED BY ACTS****hdg prec s 23** ins 1991 No. 30 s 3 Sch 2
sub 1991 No. 97 s 3 Sch 1**Performance of statutory functions etc.****s 23** sub 1991 No. 30 s 21**Power to make statutory rules for purposes of Act****s 24** amd 1991 No. 30 s 3 Schs 1–2
sub 1991 No. 97 s 3 Sch 1
om 1992 No. 22 s 48 Sch 3 cl 5

Power to make instrument or decision includes power to amend or repeal

s 24AA ins 1991 No. 97 s 3 Sch 1

Appointments may be made by name or office

s 24A ins 1991 No. 30 s 22
amd 1991 No. 97 s 3 Sch 1

Acting appointments

s 24B ins 1991 No. 30 s 22
amd 1992 No. 22 s 48 Sch 3 cl 6

Powers of appointment imply certain incidental powers

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sub 1991 No. 97 s 3 Sch 1
amd 1992 No. 55 s 163 Sch 2 cl 1

Appointment not affected by defect etc.

s 26 prev s 26 om 1991 No. 97 s 3 Sch 1
pres s 26 ins 1992 No. 55 s 163 Sch 2 cl 2

Power to hear and determine includes power to administer oath

s 27 sub 1991 No. 97 s 3 Sch 1

Delegation of powers

s 27A ins 1971 No. 43 s 3
sub 1991 No. 30 s 23
amd 1991 No. 97 s 3 Sch 1; 1992 No. 68 s 3 Sch 1 cl 4

Content of statement of reasons for decision

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Statutory instruments to be construed not to exceed powers conferred by Acts under which made

s 28 amd 1991 No. 30 s 3 Schs 1–2
sub 1991 No. 97 s 3 Sch 1
om 1992 No. 22 s 48 Sch 3 cl 7

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s 28AA ins 1991 No. 30 s 24
amd 1991 No. 97 s 3 Sch 1
om 1992 No. 22 s 48 Sch 3 cl 7

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s 28AB ins 1991 No. 97 s 3 Sch 1
om 1992 No. 22 s 48 Sch 3 cl 7

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Regulations

s 28A ins 1971 No. 43 s 4
 amd 1977 No. 37 s 4; 1977 No. 47 s 3(6) Sch 1 Pt F; 1991 No. 30 s 3
 Sch 1; 1991 No. 97 s 3 Sch 1
 om 1992 No. 22 s 48 Sch 3 cl 7

Construction of resolutions of Legislative Assembly

s 29 amd 1991 No. 30 s 3 Sch 1

Reports to Legislative Assembly

s 29A ins 1989 No. 28 s 3

Determination of number of sitting days

s 29B ins 1992 No. 22 s 48 Sch 3 cl 8

PRIVATE ACTS

hdg prec s 30 om 1991 No. 97 s 3 Sch 1

No private Act to affect property of Crown or persons not named

s 30 amd 1991 No. 30 s 3 Sch 1
 om 1991 No. 97 s 3 Sch 1

THE CROWN

hdg prec s 31 om 1991 No. 97 s 3 Sch 1

Form of oath of allegiance

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 renum as s 52 1991 No. 97 s 3 Sch 1

PART 8—TERMS AND REFERENCES IN ACTS

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s 32D ins 1991 No. 30 s 26
 amd 1991 No. 97 s 3 Sch 1

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s 32E ins 1991 No. 30 s 26

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3 Sch 2

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amd 1992 No. 68 s 3 Sch 1 cl 5

References to Chairman etc.

s 35A ins 1971 No. 43 s 6

sub 1977 No. 37 s 5; 1991 No. 30 s 30

om 1992 No. 27 s 52

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s 35B ins 1991 No. 30 s 31

amd 1992 No. 22 s 48 Sch 3 cl 10

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om 1992 No. 27 s 53

Name of provision units in statutory instruments

s 35BB ins 1991 No. 97 s 3 Sch 1

om 1992 No. 27 s 54

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s 35D ins 1991 No. 97 s 3 Sch 1

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Meaning of commonly used words and expressions

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def "Aboriginal people" ins 1992 No. 26 s 24

def "Aboriginal tradition" ins 1992 No. 26 s 24

def "adjacent area in respect of the State" ins 1992 No. 20 s 159 Sch 2
cl 1

def "Administrator" ins 1991 No. 97 s 3 Sch 1

def "adult" ins 1991 No. 97 s 3 Sch 1

def "AFIC (Queensland) Code" ins 1992 No. 12 s 66 Sch

def "AFIC (Queensland) Regulations" ins 1992 No. 12 s 66 Sch

def "alien" om 1970 No. 10 s 3(1)(a)

def "ASC Law" and "ASC Regulations" ins 1990 No. 99 s 3.1(1) Sch

def "Australia" amd 1991 No. 97 s 3 Sch 1

def "Australian citizen" om 1970 No. 10 s 3(1)(a)

- def **“British subject”** om 1970 No. 10 s 3(1)(a)
- def **“business day”** ins 1991 No. 97 s 3 Sch 1
- def **“by-law”** om 1992 No. 22 s 48 Sch 3 cl 12
- def **“coastal waters of the State”** ins 1992 No. 20 s 159 Sch 2 cl 1
- def **“community or group of Aboriginal people”** ins 1992 No. 26 s 24
- def **“community or group of Torres Strait Islanders”** ins 1992 No. 26 s 24
- def **“Corporations Law”** and **“Corporations Regulations”** ins 1990 No. 99 s 3.1(1) Sch
- def **“Court of Criminal Appeal”** om 1991 No. 68 s 111 Sch 2
- def **“Deputy Governor”** ins 1991 No. 97 s 3 Sch 1
- def **“descendant”** ins 1992 No. 26 s 24
- def **“District Court”** ins 1971 No. 43 s 7(a)
- def **“District Court Judge”** ins 1971 No. 43 s 7(a)
- def **“estate”** amd 1991 No. 97 s 3 Sch 1
- def **“Financial Institutions (Queensland) Code”** ins 1992 No. 12 s 66 Sch
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- def **“fix”** ins 1991 No. 97 s 3 Sch 1
- def **“Governor”** sub 1991 No. 97 s 3 Sch 1
- def **“indictable offence”** ins 1992 No. 55 s 163 Sch 2 cl 3
- def **“Industrial Commission”** or **“Industrial Relations Commission”** om 1991 No. 97 s 3 Sch 1
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- def **“insert”** ins 1991 No. 97 s 3 Sch 1
- def **“instrument”** sub 1992 No. 22 s 48 Sch 3 cls 12–13
- def **“interest”** amd 1991 No. 97 s 3 Sch 1
- def **“Island custom”** ins 1992 No. 26 s 24
- def **“land registry”** ins 1992 No. 64 s 3 Sch 1
- def **“Lieutenant Governor”** ins 1991 No. 97 s 3 Sch 1
- def **“local authority”** ins 1991 No. 97 s 3 Sch 1
- def **“medical practitioner”** ins 1992 No. 55 s 163 Sch 2 cl 3
- def **“Minister”** ins 1971 No. 43 s 7(c)
- def **“order in council”** sub 1971 No. 43 s 7(d)
- amd 1991 No. 97 s 3 Sch 1
- sub 1992 No. 22 s 48 Sch 3 cls 12–13
- def **“ordinance”** om 1992 No. 22 s 48 Sch 3 cl 12
- def **“Petty Sessions”** om 1971 No. 43 s 7(e)
- def **“prescribed”** amd 1991 No. 97 s 3 Sch 1
- def **“proclamation”** sub 1971 No. 43 s 7(f); 1992 No. 22 s 48 Sch 3 cls 12–13
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- def **“regulation”** amd 1991 No. 97 s 3 Sch 1
- om 1992 No. 22 s 48 Sch 3 cl 12
- def **“reprint”** ins 1991 No. 97 s 3 Sch 1
- sub 1992 No. 27 s 55
- def **“rule”** amd 1991 No. 97 s 3 Sch 1

om 1992 No. 22 s 48 Sch 3 cl 12
 def “**rules of court**” sub 1992 No. 22 s 48 Sch 3 cls 12–13
 def “**statutory instrument**” sub 1992 No. 22 s 48 Sch 3 cls 12–13
 def “**statutory rule**” sub 1992 No. 22 s 48 Sch 3 cls 12–13
 def “**Stipendiary Magistrate**” amd 1991 No. 75 s 26 Sch 3
 def “**subordinate legislation**” ins 1992 No. 22 s 48 Sch 3 cl 13
 def “**territorial sea of Australia**” ins 1992 No. 20 s 159 Sch 2 cl 1
 def “**Torres Strait Islander**” ins 1992 No. 26 s 24
 def “**unit of the public sector**” ins 1992 No. 26 s 24

PART 9—DISTANCE, TIME AND AGE

hdg prec s 37 sub 1991 No. 30 s 3 Sch 2; 1991 No. 97 s 3 Sch 1

Reckoning of time

s 38 sub 1991 No. 97 s 3 Sch 1

Age

s 38A ins 1991 No. 30 s 33

PART 10—SERVICE OF DOCUMENTS

Pt hdg sub 1991 No. 97 s 3 Sch 1

Service of documents

s 39 amd 1960 9 Eliz 2 No. 14 s 2
 sub 1991 No. 30 s 34

Meaning of service by post etc.

s 39A ins 1991 No. 30 s 35

FORMS

hdg prec s 40 om 1991 No. 97 s 3 Sch 1

Variation of forms

s 40 amd 1991 No. 30 s 3 Sch 1
 om 1991 No. 97 s 3 Sch 1

PART 11—OFFENCES AND CRIMINAL PROCEEDINGS

Pt hdg sub 1991 No. 97 s 3 Sch 1

Penalties

s 41 amd 1977 No. 37 s 6; 1988 No. 88 s 3 Sch 1; 1991 No. 30 s 3 Schs 1–2
 sub 1991 No. 97 s 3 Sch 1

Penalty other than at end of provision

s 41A ins 1991 No. 97 s 3 Sch 1

SUMMARY PROCEEDINGS

hdg prec s 44 om 1991 No. 97 s 3 Sch 1

Summary proceedings

s 44 amd 1985 No. 73 s 13(1); 1991 No. 30 s 3 Sch 1

OFFENCES UNDER TWO OR MORE LAWS

hdg prec s 45 om 1991 No. 97 s 3 Sch 1

CORPORATIONS

hdg prec s 46 om 1991 No. 97 s 3 Sch 1

Bodies corporate

s 46 amd 1991 No. 30 s 3 Sch 1
sub 1992 No. 48 s 207 Sch cl 2

PART 12—REPRINTS OF LEGISLATION

Pt hdg sub 1991 No. 30 s 3 Sch 2
om 1992 No. 27 s 56

Printing of amendments in Acts etc.

s 47 amd 1991 No. 30 s 36; 1991 No. 97 s 3 Sch 1
om 1992 No. 27 s 56

Updated alternative reference to Act

s 47A ins 1991 No. 30 s 37
amd 1991 No. 97 s 3 Sch 1
om 1992 No. 27 s 56

Updated references within Act

s 47B ins 1991 No. 30 s 37
amd 1991 No. 97 s 3 Sch 1
om 1992 No. 27 s 56

Updated manner of expression

s 47C ins 1991 No. 30 s 37
amd 1991 No. 97 s 3 Sch 1
om 1992 No. 27 s 56

Updated form of Act

s 47D ins 1991 No. 30 s 37
amd 1991 No. 97 s 3 Sch 1
om 1992 No. 27 s 56

Correction of minor errors

s 47E ins 1991 No. 30 s 37
om 1992 No. 27 s 56

Reprints may use updated references, expression and format and correct errors

s 47F ins 1991 No. 30 s 37
amd 1991 No. 97 s 3 Sch 1
om 1992 No. 27 s 56

Amendment of Act may be made in accordance with reprint etc.

s 47G ins 1991 No. 30 s 37
om 1992 No. 27 s 56

PART 13—MISCELLANEOUS

Pt hdg sub 1991 No. 97 s 3 Sch 1

PROCLAMATIONS AND ORDERS IN COUNCIL

hdg prec s 49 om 1991 No. 97 s 3 Sch 1

Forms

prov hdg sub 1992 No. 68 s 3 Sch 1 cl 6
s 49 sub 1991 No. 97 s 3 Sch 1
 amd 1992 No. 22 s 48 Sch 3 cls 14–15; 1992 No. 68 s 3 Sch 1 cls 7–8

JURISDICTION AND RULES OF COURT

hdg prec s 49A ins 1991 No. 30 s 38
 om 1991 No. 97 s 3 Sch 1

Jurisdiction of courts and tribunals

s 49A ins 1991 No. 30 s 38

RULES OF COURT

hdg prec s 50 om 1991 No. 30 s 3 Sch 2

Rules of Court

s 50 sub 1991 No. 30 s 39

Judges of Supreme Court

s 51 amd 1991 No. 30 s 3 Sch 1; 1991 No. 68 s 111 Sch 2

Effect of Acts in relation to Irish citizens

s 52 prev s 52 om 1970 No. 10 s 3(1)(b)
 pres s 52 (prev s 31) amd 1992 No. 22 s 48 Sch 3
 om 1992 No. 27 s 57

Repeal of and new s 1 of 3 Edw VII No. 10

s 53 om 1991 No. 97 s 3 Sch 1

Construction of certain references to Commonwealth Bank of Australia upon the establishment of the Commonwealth Trading Bank of Australia

s 54 om 1991 No. 30 s 3 Sch 2

Schedule om 1991 No. 30 s 3 Sch 2

5 Comparative legislation

See Reprint No. 1

6 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see s 5(c) *Reprints Act 1992*).

Section 3 Schedule 1 of Act No. 64 of 1992 (so far as it relates to the amendment of the *Acts Interpretation Act 1954*) reads as follows—

Section 36—

insert—

‘ **“land registry”** means the land registry established under the *Real Property Act 1861*;’.