

Queensland



ACTS INTERPRETATION AMENDMENT ACT 1991

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Queensland



Acts Interpretation Amendment Act 1991

Act No. 30 of 1991

An Act to amend the *Acts Interpretation Act 1954* to facilitate Plain English drafting and the reprinting of legislation, and for other purposes

[Assented to 12 June 1991]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows.

Short title

1. This Act may be cited as the *Acts Interpretation Amendment Act 1991*.

Commencement

2.(1) Section 1 and this section commence on the day this Act receives the Royal Assent.

(2) The remaining provisions of this Act commence on a day or days to be fixed by proclamation.

Amended Act

3. The *Acts Interpretation Act 1954* is amended as set out in this Act.

Insertion of new s. 3A

4. After section 3—

insert—

‘Displacement of Act by contrary intention

‘3A. The application of this Act may be displaced, wholly or partly, by a contrary intention appearing in any Act.’.

Replacement of s. 6 (Reference to Acts)

5. Section 6—

omit, insert—

‘References to Acts generally

‘6. An Act passed by Parliament may be referred to by the word “Act” alone.’.

Replacement of s. 7 (Citation of Acts)

6. Section 7—

omit, insert—

‘References to particular Acts

‘7.(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 manner 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 manner 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 manner 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”.

Insertion of new s. 7A

7. After section 7—

insert—

‘References to enactments

‘7A.(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.’.

Replacement of s. 8 (References to enactments amending or in substitution of Act referred to)

8. Section 8—

omit, insert—

‘References taken to be included in Act citation etc.

‘8.(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.’.

Replacement of s. 9 (References to repealed provisions)

9. Section 9—

omit, insert—

‘References to changed short titles and citations

‘9. 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.’.

Replacement of s. 14 (Headings, schedules, marginal notes, and footnotes)

10. Section 14—

omit, insert—

‘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) A footnote to an Act or to a provision of an Act, and an end note to an Act, are not part of the Act.’.

Insertion of new ss. 14A to 14D

11.(1) After section 14—

insert—

‘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.’.

(2) Before section 15—

insert—

‘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.’.

Replacement of s. 15 (Time of commencement of Acts)

12. Section 15—

omit, insert—

‘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.’.

Insertion of new sections 15A to 15E

13. After section 15—

insert—

‘Commencement of Acts

‘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

‘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) If the remaining provisions of the Act commence, or are to commence, on a single day or at a single time, a reference in any Act to the commencement of that Act is a reference to the commencement of those remaining provisions.

‘(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 provision of an Act occurs before the day on which the proclamation is gazetted (in this subsection called “**the gazettal day**”)—

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

Replacement of s. 16 (Evidence of commencement)

14. Section 16—

omit, insert—

‘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.’.

Replacement of s. 17 (Exercise of statutory powers between passing and commencement of Act)

15. Section 17—

omit, insert—

‘Exercise of powers between enactment and commencement

‘17.(1) If a provision of an Act (in this section called 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 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) An appointment or a provision of an instrument made under subsection (1) takes effect—

- (a) on the day on which, or at the time at which, the empowering provision commences; or
- (b) on such later day (if any) on which, or at such later time (if any) at which, the appointment or provision of the instrument is expressed to take effect.

‘(3) Anything done under subsection (1) does not confer a right or impose an obligation on a person before the empowering provision commences.’

Replacement of s. 18 (Time of expiry when date specified in Act)

16. Section 18—

omit, insert—

‘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.’.

Replacement of s. 19 (Repeal of repealing Act not to revive prior enactments)

17. Section 19—

omit, insert—

‘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.’.

Replacement of s. 20 (Saving of operation of repealed or expired Act as regards rights and liabilities thereunder, etc.)

18. Section 20—

omit, insert—

‘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 section 11 of the Criminal Code in its application to punishments on changes in the provisions of the Code.’

Amendment of s. 21 (Continuance of repealed provisions etc.)

19. Section 21 (1)—

omit, insert—

‘(1) 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.’

Insertion of new s. 22A

20. After section 22—

insert—

‘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.’

Replacement of s. 23 (Exercise of powers and performance of duties)

21. Section 23—

omit, insert—

‘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, from time to time 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.’.

Insertion of new ss. 24A and 24B

22. After section 24—

insert—

‘Appointments may be made by name or office

‘**24A.(1)** If an Act authorises 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 (other than this 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 one 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.’

Replacement of s. 27A (Exercise of powers and functions by a delegate)

23. Section 27A—

omit, insert—

‘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.

‘(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 duly exercised by the delegate unless the contrary is proved.

‘(7) A delegated power that is duly 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) This section applies to a subdelegation of a power in the same way as it applies to a delegation of a power, but only so far as the Act that authorises the delegation of the power also authorises the subdelegation of the power.’.

Insertion of new s. 28AA

24. After section 28—

insert—

‘Matters for which statutory rules may make provision

‘**28AA.(1)** If an Act authorises or requires provision to be made with respect to a matter by statutory rule, a statutory rule made under the Act may make provision with respect to the matter by applying, adopting or incorporating (with or without modification) the provisions of—

- (a) any Act or statutory rule; or
- (b) any other publication, whether of the same or of a different kind.

‘(2) A statutory rule may—

- (a) apply generally throughout the State or be limited in its application to a particular part of the State; or
- (b) apply generally to all persons, matters and things or be limited in its application to particular persons, matters and things; or
- (c) otherwise apply generally or be limited in its application by reference to specified exceptions or factors.

‘(3) A statutory rule may—

- (a) apply differently according to different specified factors; or
- (b) otherwise make different provision in relation to different persons, matters or things.

‘(4) A statutory rule may authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body.

‘(5) If an Act authorises or requires a matter to be regulated by statutory rule, the power may be exercised by prohibiting by statutory rule the matter or any aspect of the matter.

‘(6) If an Act authorises or requires provision to be made with respect to a matter by statutory rule, a statutory rule made under the Act may make provision with respect to a particular aspect of the matter despite the fact that provision is made by the Act in relation to another aspect of the matter or in relation to another matter.’.

Replacement of s. 32 (Words and references in Acts)

25. Section 32—

omit, insert—

‘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.’.

Insertion of new ss. 32A to 32E

26. After section 32—

insert—

‘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.

‘Effect of express references to corporations and individuals

‘32D. In an Act, a reference to a person—

- (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.’.

Amendment of s. 33 (References to Minister)

27.(1) Section 33 (heading to section)—

omit, insert—

‘References to Ministers and departments’.

(2) Sections 33(1), (2) and (3)—

omit, insert—

‘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 one 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 one of those Ministers; or
- (c) if paragraph (b) does not apply and, for the time being, 2 or more Ministers administer the provision— any one 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 one 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 one of those Ministers.’.

(3) Sections 33(4) and (6)—

renumber as sections 33(7) and (8).

Replacement of s. 34 (References to an officer in general terms)

28. Section 34—

omit, insert—

‘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.’.

Replacement of s. 35 (References to particular officers, etc.)

29. Section 35—

omit, insert—

‘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 a body constituted by or under an Act or statutory instrument need not include the words “Queensland” or “of Queensland” merely because those words form part of the body’s name or title.’.

Replacement of s. 35A (Reference to a part, etc.)

30. Section 35A—

omit, insert—

‘References to Chairman etc.

‘35A. In an Act, a Chairman or Deputy Chairman, or an office of Chairman or Deputy Chairman, may be called Chairperson or Deputy Chairperson, respectively.’.

Insertion of new ss. 35B and 35C

31. After section 35A—

insert—

‘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 one 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 or form 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 in which the reference occurs; and
 - (vi) to the paragraph, designated by that number, of the clause, subclause, item, column, table or form 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 or form, designated by that number, of or in the Schedule 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.’.

Replacement of s. 36 (Meanings of certain terms)

32. Section 36—

omit, insert—

‘Meaning of commonly used words and expressions

‘36. In an Act—

“Act” has the meaning given by section 5;

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

“amend” includes—

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

“appoint” includes re-appoint;

“ASC Law” and **“ASC Regulations”** have the meaning given by Part 11

of the *Corporations (Queensland) Act 1990*;

“**Australia**” means the Commonwealth of Australia and, 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;

“**by-law**” means a by-law made under the Act in which the word is used;

“**calendar month**” means a period starting at the beginning of any day of one 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;

“**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;

“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*;

“Court of Criminal Appeal” means the Supreme Court sitting as the Court of Criminal Appeal;

“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;

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

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

“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;

“Gazette notice” means notice published in the Gazette;

“gazetted” means 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 a person for the time being administering the

Government; 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;

“indictment” includes information, inquisition and presentment;

“individual” means a natural person;

“Industrial Commission” or **“Industrial Relations Commission”** means the commission established under the *Industrial Relations Act 1990* under the name 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*;

“instrument” includes a statutory instrument;

“interest”, in relation to land, means—

- (a) a legal or equitable estate in the land; or

(b) a right, power or privilege over, or in relation to, the land;

“internal Territory” means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory;

“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);

“Magistrate” means a Stipendiary Magistrate;

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

“make” includes issue and grant;

“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 one 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” means an order in council—

(a) made under the Act in which the expression is used; and

(b) made by the Governor in Council and published in the Gazette;

“ordinance” means an ordinance made under the Act in which the word is used;

“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 under, the Act in which the word is used;

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

“proclamation” means a proclamation made by the Governor and published in the Gazette;

“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;

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

“regulation” means a regulation made under the Act in which the word is used;

“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;

“rule” means a rule made under the Act in which the word is used;

“rules of court”, in relation to a court or tribunal, means rules made by the person or body having power to make rules regulating the practice and procedure of the court or tribunal;

“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” means an instrument (including a statutory rule) made under an Act, and includes an instrument made under any such instrument;

“statutory rule” means a regulation, order in council, rule, by-law, ordinance, proclamation or other statutory instrument—

- (a) that is made by the Governor or the Governor in Council; or
- (b) that is made by another person or body, but—
 - (i) is required by law to be approved, confirmed or otherwise consented to by the Governor in Council; or
 - (ii) is subject to being disapproved or otherwise disallowed by the Governor in Council;

“Stipendiary Magistrate” means a Stipendiary Magistrate appointed under the *Justices Act 1886*;

“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;

“Territory” means a Territory of the Commonwealth;

“the State” means the State of Queensland;

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

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

“word” includes any symbol, figure or drawing;

“writing” includes any mode of representing or reproducing words in a visible form.’.

Insertion of new s. 38A

33. After section 38—

insert—

‘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.’.

Replacement of s. 39 (Meaning of service by post etc.)

34. Section 39—

omit, insert—

‘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.’.

Insertion of new s. 39A

35. After section 39—

insert—

‘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.’.

Amendment of s. 47 (Printing of amendments in Acts etc.)

36. Section 47 (1)—

omit, insert—

‘Printing of amendments in Acts

‘(1) If an Act has been amended by—

- (a) the omission of provisions; or
- (b) the insertion of provisions (whether or not in substitution for omitted provisions);

then, in a reprint of the Act by the Government Printer, the Act is to be printed—

- (c) as amended by all amendments that commenced before a day specified in the reprint; and
- (d) incorporating all necessary consequential amendments of punctuation and numbering; and
- (e) incorporating in a suitable place a reference to the Act by which

each amendment was made; and

- (f) omitting from the citation of the Act any words after the first year in the citation.’

Example 1: If the following provision were to be amended by the omission of paragraph (c) (and the word “and” at the end of paragraph (b)), the bracketed punctuation mark would replace the bolded punctuation mark:

otice is to be—“A n

- (a) ~~signed~~ Chairperson; and
 (b) specify the time within which it is to be complied with ;
 (.) and
 (c) specify the place at which it is to be complied with .”.

Example 2: If a section that is not divided into subsections is amended by the insertion of subsections at the end, the existing provision will be numbered as subsection (1).

Example 3: If a section that is divided into subsections is amended by the insertion of another subsection that is given a new number (for example, a subsection (1A) to be inserted after subsection (1)), section 47(1)(d) of this Act does not require the renumbering of all of the subsections.’.

Insertion of new ss. 47A to 47G

37. After section 47—

insert—

‘Updated alternative reference to Act

‘Omission of comma

‘47A.(1) If an Act or group of Acts has a citation that includes a comma before or after the first year in the citation, the citation or a reference to the Act or Acts may be given omitting the comma.

‘Omission of inverted commas

‘(2) If an Act or group of Acts has a citation that begins and ends with

inverted commas, the citation or a reference to the Act or Acts may be given omitting the inverted commas.

‘Omission of “of”

‘(3) If an Act or group of Acts has a citation that includes the word “of” before the first year in the citation, the citation or a reference to the Act or Acts may be given omitting the word.

‘Omission of “to”

‘(4) If an Act or group of Acts has a citation that includes the word “to” between the 2 years in the citation, the citation or a reference to the Act or Acts may be given omitting the word and substituting a hyphen.

‘Omission of “The”—general

‘(5) If an Act or group of Acts has a citation that begins with the word “The”—

- (a) the citation or a reference to the Act or Acts may be given omitting the word; and
- (b) if the context requires, the word “The” or “the”, as appropriate, may be inserted immediately before the citation or reference.

‘Omission of “The”—Criminal Code

‘(6) The citation of, and a reference to, *The Criminal Code* may be given omitting the word “The” and inserting, if the context requires, the word “The” or “the”, as appropriate, immediately before the citation or reference.

‘Italics

‘(7) If an Act or group of Acts has a citation that is not fully italicised, the citation or a reference to the Act or Acts may be given fully italicised.

‘Updated references within Act

‘Substituted Act or provision

‘47B.(1) A reference to an Act or a provision of an Act for which another Act or provision has been substituted may be given using the substituted Act or provision.

‘Changed name or title

‘(2) A reference to the name or title of a body, office, person, place or other matter that has been changed may be given using the name or title as changed.

‘Updated manner of expression**‘Gender**

‘47C.(1) Subject to subsection (8), if a provision of an Act uses a word indicating a gender or that could be taken to indicate a gender—

- (a) the word may be omitted and, where necessary, a word that does not indicate a gender may be substituted; and
- (b) all necessary consequential amendments may be made.

Examples: In the following provisions, the bracketed words may replace the bolded words—

1. “The Commissioner may, by writing signed by **him** (the Commissioner), delegate any of **his** (his or her) powers.”
2. “If a member dies before reaching the age of 55 years, the Superannuation Board is to pay the death benefit to **his wife** (the member’s spouse).”
3. “If an employee dies before his (his or her) retirement, **his widow** (the employee’s surviving spouse) is entitled until **her re-marriage** (he or she remarries) to a pension.”

‘References to Chairman etc.

‘(2) Without limiting subsection (1), a reference in an Act to a Chairman or Deputy Chairman, or an office of Chairman or Deputy Chairman, may

be changed to Chairperson or Deputy Chairperson, as the case requires.

‘(3) The change of the name of an office of Chairman or Deputy Chairman to Chairperson or Deputy Chairperson, as the case may be, does not affect the holder’s appointment to the office or the conditions subject to which the holder holds the office.

‘Spelling

‘(4) Subject to subsection (8), if a provision of an Act uses a word spelt in a particular way, the word may be spelt in a different way that is consistent with current legislative drafting practice.

Example 1: “authorise” replaces “authorize”, and “organisation” replaces “organization”.

Example 2: “connection” replaces “connexion”.

Example 3: “program” replaces “programme”.

‘Punctuation

‘(5) Subject to subsection (8), if a provision of an Act uses a particular punctuation mark, the provision may be expressed using a different punctuation mark that is consistent with current legislative drafting practice.

Example: In the following provision, the bracketed punctuation marks may replace the bolded punctuation marks—

“The Commissioner may grant leave of absence to a person for any of the following purposes:—(—)

(a) to engage in employment;. . .

(h) any other purpose approved by the Commission,(;)

unless Part 5 applies.”.

‘Conjunctives and disjunctives

‘(6) Subject to subsection (8), a provision may be expressed using a conjunctive or disjunctive at the end if the use of the conjunctive or disjunctive is consistent with current legislative drafting practice.

Example: In the following provision, the bracketed conjunctive may be

added—

“A statutory rule may—

- (a) apply generally; (or)
- (b) apply differently according to different factors; or
- (c) authorise any matter or thing to be determined.”.

‘Expression of number, year, date, time, amount of money, quantity etc.

‘(7) Subject to subsection (8), if a provision of an Act expresses a number, year, date, time, amount of money, quantity or measurement of a thing, or other matter, (in this subsection called the “**item**”) in a particular manner, the item may be expressed in a different manner that is consistent with current legislative drafting practice.

Example 1: “25” replaces “twenty-five”.

Example 2: “Part 1” replaces “Part I”.

Example 3: “Schedule 1” replaces “First Schedule”.

Example 4: “1 January 1952” replaces “the first day of January, one thousand nine hundred and fifty-two”.

Example 5: “8 a.m.” replaces “8 o’clock in the forenoon”.

Example 6: “\$25 000” replaces “twenty-five thousand dollars”.

‘Different expression not to affect substance or operation

‘(8) This section does not permit a different expression of a provision of an Act that would alter or otherwise affect the substance or operation of the provision.

‘Updated form of Act

‘Relocation of marginal or cite notes

‘47D.(1) A marginal note to a provision of an Act, or a note to a provision of an Act appearing in and at the beginning of the provision, may be treated as the heading to the provision.

‘Format and printing style

‘(2) The format and printing style of an Act (including, for example, the setting out of the provisions, the placement of conjunctives and disjunctives and the use of capital letters, hyphens, italics, bolding and quotation marks) may be brought into line with current legislative drafting practice.

‘Omission of arrangement of Act

‘(3) A provision of an Act setting out the arrangement of the Act, or of provisions of the Act, may be omitted.

‘Omission of spent or expired provision

‘(4) A provision of an Act that is spent or has expired may be omitted.

‘Omission of old saving, transitional or validation provision

‘(5) A saving, transitional or validation provision of an Act may be omitted if the provision applies only to a time or event that has passed.

‘Omission of obsolete or redundant provisions

‘(6) If a provision of an Act is obsolete or redundant because of the enactment of any Act or the making of amendments to this or another Act, the provision may be omitted.

‘Omission of referential words

‘(7) Referential words in a provision of an Act may be omitted, but not if the omission would alter or otherwise affect the substance or operation of the provision.

‘(8) In this section—

“referential words” means the words—

- (a) “of this Act”; or
- (b) “to this Act”; or
- (c) “of this Schedule”; or

- (d) “of this Part”; or
- (e) “of this Division”; or
- (f) “of this section”; or
- (g) “of this subsection”; or
- (h) “of this paragraph”; or
- (i) “of this subparagraph”; or
- (j) “of this sub-subparagraph”; or
- (k) “of this clause”; or
- (l) “of this subclause”; or
- (m) “of this item”; or
- (n) “before-mentioned” or “afore-mentioned”; or
- (o) “hereof” or “hereto”; or
- (p) “thereof” or “thereto”; or
- (q) “said” or “aforesaid”;

or words to that effect, occurring in conjunction with a number to designate a provision of the Act in which the words appear.

‘Correction of minor errors

‘47E.(1) Subject to subsection (2), if a provision of an Act contains a minor error, the provision may be expressed in a different manner so as to correct the error.

‘(2) Subsection (1) does not permit the different expression of a provision of an Act that would alter or otherwise affect the substance or operation of the provision.

‘(3) In this section—

“definition provision”, in relation to an Act, means a provision containing a number of definitions;

“minor error” includes—

- (a) a typographical error; or
- (b) a spelling error; or

- (c) a grammatical error; or
- (d) an error of punctuation; or
- (e) an error in cross-referencing to a provision of an Act; or
- (f) an error in the numbering or designation of a provision of an Act; or
- (g) an error in the position of a definition in a definition provision of an Act.

Example 1: “licence” replaces “license” if used as a noun.

Example 2: In the following provision, the bolded word may be omitted—

“The chairperson is to be the executive officer of the the Board.”.

Example 3: In the following provision, the bracketed word may be inserted where indicated—

“The chairperson is to be the executive officer of (the) Board.”.

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

‘47F.(1) In a reprint of an Act by the Government Printer, the Act may be printed—

- (a) using citations and references permitted by section 47A; and
- (b) using references permitted by section 47B; and
- (c) using words, references and expressions permitted by section 47C; and
- (d) using headings, format and printing style permitted by sections 47D(1) and (2); and
- (e) omitting provisions as permitted by section 47D(3), (4), (5), (6) and (7); and
- (f) correcting minor errors as permitted by section 47E.

‘(2) If an Act is printed as permitted by subsection (1), the Act—

- (a) is to indicate that fact in a suitable place; and
- (b) is to outline in general terms, and in a suitable place, the way in which the permission was used.

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

‘47G. An amendment of an Act may be made having regard—

- (a) if the Act has been reprinted and no amendments of the Act have commenced on or after the day specified under section 47(1) (c) in the latest reprint—to the text of the Act as reprinted in that reprint; or
- (b) if the Act has been reprinted and amendments of the Act have commenced on or after the day specified under section 47(1) (c) in the latest reprint—to the text of the Act as reprinted in that reprint and as that text would be required to be reprinted by the Government Printer; or
- (c) if the Act has not been reprinted—to the text of the Act as it would be required to be reprinted by the Government Printer.’.

Insertion of new heading and s. 49A

38. Before section 50—

insert—

‘JURISDICTION AND RULES OF COURT

‘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.’.

Replacement of s. 50 (Rules of Court)

39. Section 50—

omit, insert—

‘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.’.

SCHEDULE 1**CONSEQUENTIAL AMENDMENTS—CONTRARY INTENTION**

section 3

Section 3(1)—*omit, insert—***‘(1) This Act—**

- (a) applies to all Acts enacted on or after 31 December 1867 (including this Act); and
- (b) except so far as the context or subject matter indicates or requires, applies to all statutory rules made under them in the same way as it applies to such Acts.’.

Section 5(1)—*omit ‘unless the contrary intention appears,’.***Section 5(2)—***omit ‘, where the context admits and unless the contrary intention appears,’.***Section 22—***omit ‘, unless the contrary intention appears,’.***Section 24—***omit ‘, unless the contrary intention appears,’.*

Sections 25(1) and (2)—

omit ‘, unless the contrary intention appears,’.

Section 28(a)—

omit ‘Unless the contrary intention appears,’.

Section 28(b)—

omit ‘Where the context admits and unless the contrary intention appears,’.

Section 28A(1)—

omit ‘then, unless the contrary intention appears’.

Section 29—

omit ‘then, unless the contrary intention appears,’.

Section 30—

omit ‘, unless the contrary intention appears,’ (wherever occurring).

Section 31(3)—

omit ‘, where the context admits and unless the contrary intention appears’.

Section 40—

omit ‘unless the contrary intention appears and’.

Sections 41(2) and (3)—

omit ‘, unless the contrary intention appears,’.

Sections 44(1) and (2)—

omit ‘, unless the contrary intention appears,’.

Section 46(1)—

omit ‘, unless the contrary intention appears,’.

Section 51—

omit ‘then, unless the contrary intention appears, the same’,

insert ‘, the power or authority’.

SCHEDULE 2**OTHER CONSEQUENTIAL AMENDMENTS AND
MINOR AMENDMENTS**

section 3

Section 2—*omit.***Section 3(3)—***omit* ‘regulations’, *insert* ‘statutory rules’.**Section 3(5)—***omit.***Section 5(2)—***omit* ‘Proclamations, Orders in Council, regulations, rules, by-laws, and ordinances, if any,’,*insert* ‘statutory instruments’.**Section 5—**at the end, *insert—*‘(3) In this Act, a reference to “**an Act**” includes a reference to this Act.’.**Heading preceding s. 18—***omit, insert—***‘REPEAL OF ACTS AND ACTS CEASING TO HAVE
EFFECT’.**

Section 21—

insert (as a heading)—

‘Continuance of repealed provisions etc.’.

Section 21(2) (heading)—

omit.

Section 21(2)—

omit ‘Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances, all Proclamations, Orders in Council, regulations, rules, by-laws, or, as the case may be, ordinances’,

insert ‘statutory rules, all statutory rules’.

Section 21(3)—

(1) *omit* ‘Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances’,

insert ‘statutory rules’.

(2) *omit* ‘Proclamations, Orders in Council, regulations, rules, by-laws, or, as the case may be, ordinances’,

insert ‘statutory rules’.

Heading preceding section 23—

omit, insert—

**‘FUNCTIONS AND POWERS CONFERRED BY
ACTS’.**

Section 24—

(1) *omit* ‘, grant, or issue any instrument (including any Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances)’,

insert ‘any instrument’.

(2) *omit* ‘rescind, revoke, alter, vary,’.

Section 25(1)—

omit ‘or place’ (wherever occurring).

Section 25(3)—

(1) *omit* ‘For the purposes of this section the term’, *insert* ‘In this section—’.

(2) *omit* ‘or duties’.

(3) *omit* ‘he’, substitute ‘the holder’.

Section 28—

omit ‘, grant, or issue any instrument (including any Proclamations, Orders in Council, regulations, rules, by-laws, or ordinances), then’,

insert ‘any statutory instrument’.

Section 28(a)—

omit ‘, granted, or issued’.

Section 28(b)—

(1) *omit* ‘, granted, or issued’.

(2) *omit* all the words after ‘in the case of’,

insert ‘statutory rules, as if each statutory rule were a section of an Act; and’.

Section 28(c)—

(1) *omit* ‘Any’, *insert* ‘any’.

(2) *omit* ‘, granted, or issued’.

Section 33(4)—

(1) *omit* ‘Ministerial Departments’, *insert* ‘departments of government’.

(2) *omit* ‘of the Crown’.

(3) *omit* ‘such Minister’, *insert* ‘Minister’.

Section 33(5)—

omit.

Section 33(6)—

(1) *omit* ‘Ministerial Department of the Government’,
insert ‘department of government’.

(2) *omit* ‘Department’ (wherever else occurring), *insert* ‘department’.

Heading preceding section 37—

omit, insert—

‘DISTANCE, TIME AND AGE’.

Section 41(1)—

omit ‘thereof or failure to comply therewith’ and ‘or failure’ (last occurring).

Section 41(2)—

omit ‘or failure to comply with’.

Section 41(3)—

omit ‘thereof or failure to comply therewith’.

Heading preceding section 47—

omit, insert—

‘REPRINTS OF LEGISLATION’.**Heading preceding section 50—***omit.***Section 54—***omit.***Schedule—***omit.*