

Queensland



**STATUTORY INSTRUMENTS
AND LEGISLATIVE
STANDARDS AMENDMENT
ACT 1994**

Act No. 83 of 1994

Queensland



**STATUTORY INSTRUMENTS AND
LEGISLATIVE STANDARDS
AMENDMENT ACT 1994**

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	6
	PART 2—AMENDMENT OF STATUTORY INSTRUMENTS ACT 1992	
2	Amended Act	6
3	Replacement of s 5 (Act binds Crown)	6
5	Dictionary	6
5A	Act binds the State	6
4	Replacement of Pts 5 and 6	7
	PART 5—GUIDELINES FOR REGULATORY IMPACT STATEMENTS	
	<i>Division 1—Introductory</i>	
40	What Part provides	7
41	Effect of failure to comply with guidelines	7
42	Other legislation requirements are not affected	8
	<i>Division 2—Regulatory impact statements</i>	
43	Preparation of regulatory impact statement	8
44	Content of regulatory impact statement	8
45	Notification and making regulatory impact statement available	9
46	When is preparation of a regulatory impact statement unnecessary?	10

**PART 6—PROCEDURES AFTER MAKING OF
SUBORDINATE LEGISLATION**

Division 1—Notification and making copies available

47	Notification	12
48	Copies to be available	12

Division 2—Tabling in Legislative Assembly

49	Subordinate legislation must be tabled	13
----	--	----

Division 3—Disallowance procedures

50	Disallowance	13
----	------------------------	----

Division 4—General

51	Limited saving of operation of subordinate legislation that ceases to have effect	14
52	Other notification, gazettal, tabling or disallowance provisions of no effect	15

**PART 7—STAGED AUTOMATIC EXPIRY OF SUBORDINATE
LEGISLATION**

53	Purposes of Part	15
54	When subordinate legislation expires	15
55	Notice by Parliamentary Counsel of impending expiry	16
56	Exemptions from expiry	16
57	Part does not apply to some subordinate legislation	16

PART 8—FORMS

58	Forms—notification and availability	17
----	---	----

PART 9—MISCELLANEOUS

59	Regulations	18
----	-----------------------	----

PART 10—TRANSITIONAL

60	Application of Pt 5	18
61	Transitional provisions about expiry of subordinate legislation	19
62	Transitional provisions about expiry of amending subordinate legislation	19
63	Transitional provisions about forms	20

5	Insertion of Sch 3	20
	SCHEDULE 3	
	DICTIONARY	
	PART 3—AMENDMENT OF LEGISLATIVE STANDARDS ACT 1992	
6	Amended Act	21
7	Amendment of s 2 (Definitions)	21
8	Amendment of s 4 (Meaning of “fundamental legislative principles”)	23
9	Amendment of s 7 (Functions of Office)	23
10	Replacement of Pt 4 (Miscellaneous)	23
	PART 4—EXPLANATORY NOTES	
22	Explanatory note must be tabled with Bill or significant subordinate legislation	23
23	Content of explanatory note for Bill	24
24	Content of explanatory note for significant subordinate legislation	25
25	Validity of legislation is not affected by failure to comply with Part	26
	PART 5—MISCELLANEOUS	
26	Regulations	27
27	References to exempt instruments	27
	PART 4—AMENDMENT OF ACTS INTERPRETATION ACT 1954	
11	Act amended	27
12	Amendment of s 22C (Automatic repeal of amending Act)	27
13	Replacement of s 29B (Determination of number of sitting days)	27
	29B Working out number of sitting days	27
14	Amendment of s 36 (Meaning of commonly used words and expressions)	28
	PART 5—REPEALS	
15	Acts repealed	28

Queensland



Statutory Instruments and Legislative Standards Amendment Act 1994

Act No. 83 of 1994

An Act to amend the *Statutory Instruments Act 1992*, *Legislative Standards Act 1992* and *Acts Interpretation Act 1954*, and for related purposes

[Assented to 1 December 1994]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Statutory Instruments and Legislative Standards Amendment Act 1994*.

PART 2—AMENDMENT OF STATUTORY INSTRUMENTS ACT 1992

Amended Act

2. This Part amends the *Statutory Instruments Act 1992*.

Replacement of s 5 (Act binds Crown)

3. Section 5—

omit, insert—

‘Dictionary

‘5. The dictionary¹ in Schedule 3 defines particular words used in this Act.

‘Act binds the State

‘5A. This Act binds the State.’.

¹ In some Acts, definitions are contained in a dictionary that appears as the last Schedule and forms part of the Act—see *Acts Interpretation Act 1954*, section 14.

Replacement of Pts 5 and 6

4. Parts 5 and 6—

omit, insert—

‘PART 5—GUIDELINES FOR REGULATORY IMPACT STATEMENTS

Division 1—Introductory

‘What Part provides

‘40.(1) This Part provides, in Division 2, guidelines for regulatory impact statements about proposed subordinate legislation.

‘(2) Division 2 is directory only and does not create rights or impose legally enforceable obligations on the State, a Minister or anyone else.

‘(3) However, it is Parliament’s intention that the guidelines in Division 2 be complied with before subordinate legislation is made.

‘Effect of failure to comply with guidelines

‘41.(1) Failure to comply with Division 2 in relation to subordinate legislation does not affect the legislation’s validity.

‘(2) In addition, a decision made, or appearing to be made, under Division 2—

- (a) is final and conclusive; and
- (b) cannot be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, under the *Judicial Review Act 1991* (whether by the Supreme Court, another court, a tribunal or another entity); and
- (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.

‘(3) In this section—

“**decision**” includes—

- (a) conduct engaged in to make a decision; and
- (b) conduct related to making a decision; and
- (c) failure to make a decision.

‘Other legislation requirements are not affected

‘42. If other legislation about a particular type of subordinate legislation provides requirements for publication or consultation about a proposal to make subordinate legislation—

- (a) Division 2 does not affect the requirements; and
- (b) Division 2 does not apply to the subordinate legislation if the requirements are of a comparable level to publication and consultation under the Division.

Division 2—Regulatory impact statements

‘Preparation of regulatory impact statement

‘43. If proposed subordinate legislation is likely to impose appreciable costs on the community or a part of the community, then, before the legislation is made, a regulatory impact statement must be prepared about the legislation.²

‘Content of regulatory impact statement

‘44. A regulatory impact statement must include the following information about the proposed subordinate legislation in clear and precise language—

- (a) the provision of the Act or subordinate legislation under which the proposed legislation will be made (the “**authorising law**”);

² Sections 42 and 46 specify particular circumstances when a regulatory impact statement is not required. Also, under section 60, a regulatory impact statement is not needed for subordinate legislation made before 1 July 1995 but may be prepared voluntarily.

- (b) a brief statement of the policy objectives of the proposed legislation and the reasons for them;
- (c) a brief statement of the way the policy objectives will be achieved by the proposed legislation and why this way of achieving them is reasonable and appropriate;
- (d) a brief explanation of how the proposed legislation is consistent with the policy objectives of the authorising law;
- (e) if the proposed legislation is inconsistent with the policy objectives of other legislation—
 - (i) a brief explanation of the relationship with the other legislation; and
 - (ii) a brief statement of the reasons for the inconsistency;
- (f) if appropriate, a brief statement of any reasonable alternative way of achieving the policy objectives (including the option of not making subordinate legislation) and why the alternative was rejected;
- (g) a brief assessment of the benefits and costs of implementing the proposed legislation that—
 - (i) if practicable and appropriate, quantifies the benefits and costs; and
 - (ii) includes a comparison of the benefits and costs with the benefits and costs of any reasonable alternative way of achieving the policy objectives stated under paragraph (f);
- (h) a brief assessment of the consistency of the proposed legislation with fundamental legislative principles and, if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency.

‘Notification and making regulatory impact statement available

‘45.(1) Preparation of a regulatory impact statement for proposed subordinate legislation must be notified in the Gazette and in a newspaper likely to be read by people particularly affected by the proposed legislation.

‘(2) If the proposed subordinate legislation is likely to have a significant impact on a particular group of people, the notice must be published in a way likely to ensure members of the group understand the purpose and content of the notice.

‘(3) The notice must—

- (a) include a brief statement of the policy objectives sought to be achieved by the proposed subordinate legislation; and
- (b) state where copies of the regulatory impact statement may be obtained or inspected; and
- (c) if a draft of the proposed legislation may be obtained or inspected—state that the draft may be obtained or inspected and where; and
- (d) state that anyone may comment on the proposed legislation; and
- (e) state how and when comments may be made; and
- (f) state how consultation about the proposed legislation will take place.

‘(4) The notice must allow at least 28 days from publication of the notice for the making of comments.

‘(5) A copy of the regulatory impact statement must be available free, or on payment of a reasonable price, at the place, or each of the places, stated in the notice.

‘When is preparation of a regulatory impact statement unnecessary?’

‘46.(1) A regulatory impact statement need not be prepared for proposed subordinate legislation³ if the proposed legislation only provides for, or to the extent it only provides for, the following—

- (a) a matter that is not of a legislative character, including, for example, a matter of a machinery, administrative, drafting or formal nature;

³ Section 42 also specifies particular circumstances when a regulatory impact statement is not required.

- (b) a matter that does not operate to the disadvantage of any person (other than a government entity) by—
 - (i) decreasing the person's rights; or
 - (ii) imposing liabilities on the person;
- (c) an amendment of subordinate legislation to take account of current Queensland legislative drafting practice;
- (d) the commencement of an Act or subordinate legislation or a provision of an Act or subordinate legislation;
- (e) an amendment of subordinate legislation that does not fundamentally affect the legislation's application or operation;
- (f) a matter of a savings or transitional character;
- (g) a matter arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State;
- (h) a matter involving the adoption of an Australian or international protocol, standard, code, or intergovernmental agreement or instrument, if an assessment of the benefits and costs has already been made and the assessment was made for, or is relevant to, Queensland;
- (i) a matter advance notice of which would enable someone to gain unfair advantage;
- (j) an amendment of a fee, charge or tax consistent with announced government policy;
- (k) a notice about a code of practice approved under section 34 of the *Workplace Health and Safety Act 1989*.

‘(2) A regulatory impact statement also need not be prepared for proposed subordinate legislation if, or to the extent, it would be against the public interest because of the nature of the proposed legislation or the circumstances in which it is made.

Example—

The subordinate legislation may need to be made urgently for controlling the spread of a disease or dealing with another urgent situation.

‘PART 6—PROCEDURES AFTER MAKING OF SUBORDINATE LEGISLATION

‘Division 1—Notification and making copies available

‘Notification

‘47.(1) Subordinate legislation must be notified in the Gazette.

‘(2) For subordinate legislation (other than exempt subordinate legislation⁴), subsection (1) may be complied with—

- (a) by publication in the Gazette of a notice of the making of subordinate legislation and a place or places where copies are available; or
- (b) by publication in the Gazette of the subordinate legislation.

‘(3) For exempt subordinate legislation, subsection (1) may only be complied with by publication in the Gazette of the subordinate legislation.

‘Copies to be available

‘48.(1) This section applies only to subordinate legislation notified under section 47(2)(a).

‘(2) On the day the subordinate legislation is notified (the “**notification day**”) or as soon as practicable after the notification day, copies of the subordinate legislation must be available (for purchase or free of charge) at the place, or each of the places, stated in the notice.

‘(3) If, on the notification day, copies of the subordinate legislation are not available at the place, or any of the places, stated in the notice, the relevant Minister must table in the Legislative Assembly within 14 sitting days a statement—

- (a) advising that copies of the legislation were not available; and

⁴ Exempt subordinate legislation is subordinate legislation that is not drafted by the Office of the Queensland Parliamentary Counsel—see *Legislative Standards Act 1992*, section 2, definition “exempt subordinate legislation” and section 7(e).

(b) explaining why they were not available.

‘(4) However, failure to comply with subsection (2) or (3) does not affect the validity of the notification or the subordinate legislation.

‘(5) In this section—

“**relevant Minister**” means the Minister responsible for government printing and publishing.

Division 2—Tabling in Legislative Assembly

‘Subordinate legislation must be tabled

‘**49.(1)** Subordinate legislation must be tabled in the Legislative Assembly within 14 sitting days after it is notified in the Gazette.⁵

‘(2) If subordinate legislation is not tabled under subsection (1), it ceases to have effect.

‘(3) In this section—

“**subordinate legislation**” includes a form required, under an Act or a regulation under this Act, to be tabled in the Legislative Assembly.

Division 3—Disallowance procedures

‘Disallowance

‘**50.(1)** The Legislative Assembly may pass a resolution disallowing subordinate legislation if notice of a disallowance motion is given by a Member within 14 sitting days after the legislation is tabled in the Legislative Assembly.

‘(2) If the disallowance motion is not moved on the day for its consideration, the motion lapses.

‘(3) If the resolution is passed, the subordinate legislation ceases to have

⁵ Under section 22 of the *Legislative Standards Act 1992*, explanatory notes must be tabled with significant subordinate legislation.

effect.

‘(4) Also, if the resolution has not been disposed of at the end of 14 sitting days after notice is given (whether by withdrawal or lapsing of the disallowance motion or in another way), the subordinate legislation ceases to have effect.

‘(5) In this section—

“subordinate legislation” includes—

- (a) a provision of subordinate legislation; and
- (b) a form required, under an Act or a regulation under this Act, to be tabled in the Legislative Assembly.

Division 4—General

‘Limited saving of operation of subordinate legislation that ceases to have effect

‘51.(1) This section applies if subordinate legislation ceases to have effect because it is not tabled or is disallowed.⁶

‘(2) The subordinate legislation is taken never to have been made or approved and any law or provision of a law repealed or amended by the legislation is revived.

‘(3) However, subsection (2) does not affect anything done or suffered under the legislation before it ceased to have effect.

‘(4) In this section—

“subordinate legislation” includes—

- (a) a provision of subordinate legislation; and
- (b) a form required, under an Act or a regulation under this Act, to be tabled in the Legislative Assembly.

⁶ Section 49 deals with tabling of subordinate legislation and section 50 deals with disallowance of subordinate legislation.

‘Other notification, gazettal, tabling or disallowance provisions of no effect

‘52. A provision of another Act that provides for, or to the extent that it provides for, the notification, gazettal, tabling or disallowance of a particular type of subordinate legislation is of no effect.

**‘PART 7—STAGED AUTOMATIC EXPIRY OF
SUBORDINATE LEGISLATION**

‘Purposes of Part

‘53. The purposes of this Part are to—

- (a) reduce substantially the regulatory burden on the people of Queensland without compromising law and order and essential economic, environmental and social objectives; and
- (b) ensure subordinate legislation is relevant to the economic, social and general wellbeing of the people of Queensland; and
- (c) otherwise ensure the part of the Queensland Statute Book consisting of subordinate legislation is of the highest standard.

‘When subordinate legislation expires

‘54.(1) Subordinate legislation expires on the 10th anniversary of the day of its making unless—

- (a) it is sooner repealed or expires; or
- (b) a regulation is made exempting it from expiry.⁷

‘(2) Subordinate legislation exempted from expiry under a regulation under this Act expires when the exemption ends.

⁷ Section 56 specifies the subordinate legislation that may be exempted from expiry, and how long the exemption lasts. Also, under section 61, subordinate legislation that would expire before 1 July 1997 will not expire until 1 July 1997.

‘Notice by Parliamentary Counsel of impending expiry

‘55.(1) The Parliamentary Counsel must notify administering departments and agencies of when the following subordinate legislation will expire under this Act—

- (a) subordinate legislation published in the Queensland Subordinate Legislation Series;
- (b) subordinate legislation prescribed by regulation.

‘(2) The notice must be given at least 6 months before the expiry.

‘(3) Failure to give the notice does not affect the expiry.

‘Exemptions from expiry

‘56.(1) A regulation under this Act made before subordinate legislation expires under this Part may exempt the legislation from expiry for a stated period if the regulation states—

- (a) replacement subordinate legislation is being drafted and is proposed to be made before the stated period ends; or
- (b) the subordinate legislation is not proposed to be replaced when it expires at the end of the stated period; or
- (c) the subordinate legislation is substantially uniform or complementary with legislation of the Commonwealth or another State.

‘(2) If the regulation is made because of subsection (1)(a) or (b), the period stated in the regulation must not be more than 1 year after the subordinate legislation would otherwise expire and cannot be extended.

‘(3) If the regulation is made because of subsection (1)(c), the period stated in the regulation must not be more than 5 years after the subordinate legislation would otherwise expire, but may be extended by further periods of not more than 5 years.

‘Part does not apply to some subordinate legislation

‘57. This Part does not apply to subordinate legislation requiring a

resolution of the Legislative Assembly before it may be repealed or the status of land to which it applies may be changed.⁸

‘PART 8—FORMS

‘Forms—notification and availability

‘58.(1) This section applies if under an Act or subordinate legislation (the “**authorising law**”) forms are to be approved or made available by an entity.

‘(2) A form under the authorising law must have a heading stating the name of the authorising law and briefly indicating the form’s purpose.

‘(3) All forms under the authorising law must be numbered using a system that gives each form a unique number.

Examples—

1. Forms may be numbered consecutively starting with the number 1.

2. Forms may be numbered to reflect the provisions of the Act to which they relate.

‘(4) All versions of a form under the authorising law must be numbered consecutively using a system that gives each version of the form a unique number.

‘(5) The approval or availability under the authorising law of a form, or a new version of a form, must be notified in the Gazette.

‘(6) Subsection (5) may be complied with—

(a) by publication in the Gazette of a notice of—

(i) the approval or availability of the form; and

(ii) the form’s heading, number and version number; and

⁸ Under some Acts, for example the *Nature Conservation Act 1992*, a resolution of the Legislative Assembly is necessary before action can be taken to revoke a dedication of land or change its status to a lesser category of protection.

(iii) a place or places where copies are available; or

(b) by publication in the Gazette of the form.

‘(7) On the day the approval or availability of the form is notified or as soon as practicable after the day, copies of the form must be available (for purchase or free of charge) at the place, or each of the places, stated in the notice.

‘(8) Failure to comply with this section does not affect a form’s validity.

‘(9) This section does not apply to a form declared by regulation under this Act to be a form to which this section does not apply.

‘PART 9—MISCELLANEOUS

‘Regulations

‘59. The Governor in Council may make regulations under this Act.

‘PART 10—TRANSITIONAL

‘Application of Pt 5

‘60.(1) Part 5⁹ applies only to subordinate legislation made on or after 1 July 1995.

‘(2) However, subsection (1) does not prevent voluntary compliance with the guidelines in Part 5.

‘(3) This section expires on 1 July 1995.

⁹ Part 5 (Guidelines for regulatory impact statements)

‘Transitional provisions about expiry of subordinate legislation

‘61.(1) If, apart from this section, subordinate legislation would expire under this Act before 1 July 1997, the legislation expires on 1 July 1997.

‘(2) This section expires on 1 July 1997.

‘Transitional provisions about expiry of amending subordinate legislation

‘62.(1) If subordinate legislation (the **“expired legislation”**) made before 1 July 1994¹⁰ expires under this Act, any subordinate legislation made before 1 July 1994 (the **“amending legislation”**) that amends the expired legislation, and consists only of provisions of the following types, expires at the same time—

- (a) words of notification;
- (b) a provision about the amending legislation’s citation;
- (c) a provision about the amending legislation’s commencement;
- (d) a provision providing for the amendment or repeal of an Act, subordinate legislation or other instrument (including a provision identifying the amended or repealed instrument);
- (e) a provision declaring subordinate legislation or a provision of subordinate legislation to be a law to which section 20A of the *Acts Interpretation Act 1954* applies;
- (f) a provision that is spent, has expired or otherwise ceased to have effect;
- (g) a savings, transitional or validating provision relating only to—
 - (i) the expired legislation or an instrument amending the expired legislation; or
 - (ii) a time or event that has passed.

¹⁰ Under section 22C of the *Acts Interpretation Act 1954* as applied to subordinate legislation, amending subordinate legislation notified or published after 30 June 1994 is automatically repealed on the day after the last of its provisions takes effect.

‘(2) If subordinate legislation (the “**unexpired legislation**”) made before 1 July 1994 does not expire under this Act because it has been exempted from expiry, then, while the unexpired legislation is exempted from expiry, any subordinate legislation made before 1 July 1994 that amends the unexpired legislation, and includes provisions not of a type mentioned in subsection (1)(a) to (g), is also exempted from expiry.

‘(3) This section expires on 1 July 2005.

‘**Transitional provisions about forms**

‘**63.(1)** Part 8 does not apply to a form, or a version of a form, approved or made available by an entity before 1 July 1994.

‘(2) This section—

- (a) expires 1 year after it commences; and
- (b) is declared to be a law to which section 20A of the *Acts Interpretation Act 1954* applies.’.

Insertion of Sch 3

5. After Schedule 2—

insert—

‘**SCHEDULE 3**

‘**DICTIONARY**

section 5

‘**benefits**” includes—

- (a) advantages; and
- (b) direct and indirect economic, environmental and social benefits.

‘**costs**” includes—

- (a) burdens and disadvantages; and
- (b) direct and indirect economic, environmental and social costs.

“exempt subordinate legislation” has the same meaning as in the *Legislative Standards Act 1992*.

“government entity” means—

- (a) the Commonwealth, a State or a local government; or
- (b) an instrumentality or agency of the Commonwealth, a State or a local government.

“instrument” see section 6.

“make” includes prepare.

“order in council” see section 10.

“proclamation” see section 11.

“rules of court” see section 12.

“State” includes Territory.

“statutory instrument” see section 7.

“statutory rule” see section 8.

“subordinate legislation” see section 9.’.

PART 3—AMENDMENT OF LEGISLATIVE STANDARDS ACT 1992

Amended Act

6. This Part amends the *Legislative Standards Act 1992*.

Amendment of s 2 (Definitions)

- 7.(1) Section 2, definition **“exempt instrument”**—

omit.

(2) Section 2—

insert—

“**benefits**” includes—

- (a) advantages; and
- (b) direct and indirect economic, environmental and social benefits.

“**costs**” includes—

- (a) burdens and disadvantages; and
- (b) direct and indirect economic, environmental and social costs.

“**exempt instrument**” means—

- (a) a local law; or
- (b) a statutory rule (other than a regulation) declared not to be subordinate legislation by—
 - (i) an Act; or
 - (ii) a regulation under the *Statutory Instruments Act 1992*; or
- (c) exempt subordinate legislation.

“**exempt subordinate legislation**” means a statutory rule (other than a regulation) declared to be exempt subordinate legislation by—

- (a) an Act; or
- (b) a regulation under this Act.

“**responsible Minister**”, for subordinate legislation, means the Minister who administers the law or provision of the law under which the subordinate legislation is made.

“**significant subordinate legislation**” means subordinate legislation for

which a regulatory impact statement must be prepared under the *Statutory Instruments Act 1992*.¹¹

Amendment of s 4 (Meaning of “fundamental legislative principles”)

8. Section 4(5)(b), ‘purpose and intent’—

omit, insert—

‘policy objectives’.

Amendment of s 7 (Functions of Office)

9. Section 7(e), ‘exempt instruments’—

omit, insert—

‘exempt subordinate legislation’.

Replacement of Pt 4 (Miscellaneous)

10. Part 4—

omit, insert—

‘PART 4—EXPLANATORY NOTES

‘Explanatory note must be tabled with Bill or significant subordinate legislation

‘22.(1) A Minister who presents a Government Bill to the Legislative Assembly must, before the resumption of the second reading debate, circulate to Members an explanatory note for the Bill.

‘(2) When significant subordinate legislation is tabled in the Legislative

¹¹ Because of section 43 of the *Statutory Instruments Act 1992*, a regulatory impact statement must generally be prepared for subordinate legislation made after 30 June 1995 if the subordinate legislation is likely to impose appreciable costs on the community or a part of the community.

Assembly, it must be accompanied by an explanatory note prepared under the authority of the responsible Minister.¹²

‘Content of explanatory note for Bill

‘23.(1) An explanatory note for a Bill must include the following information about the Bill in clear and precise language—

- (a) the Bill’s short title;
- (b) a brief statement of the policy objectives of the Bill and the reasons for them;
- (c) a brief statement of the way the policy objectives will be achieved by the Bill and why this way of achieving the objectives is reasonable and appropriate;
- (d) if appropriate, a brief statement of any reasonable alternative way of achieving the policy objectives and why the alternative was not adopted;
- (e) a brief assessment of the administrative cost to government of implementing the Bill, including staffing and program costs but not the cost of developing the Bill;
- (f) a brief assessment of the consistency of the Bill with fundamental legislative principles and, if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency;
- (g) a brief statement of the extent to which consultation was carried out in relation to the Bill;
- (h) a simple explanation of the purpose and intended operation of each clause of the Bill.

‘(2) If the explanatory note does not include the information mentioned in subsection (1), it must state the reason for non-inclusion.

¹² See section 49 of the *Statutory Instruments Act 1992* for the requirement to table subordinate legislation.

‘Content of explanatory note for significant subordinate legislation

‘24.(1) An explanatory note for significant subordinate legislation must include the following information about the subordinate legislation in clear and precise language—

- (a) the legislation’s short title and any number given to the legislation in the Queensland Subordinate Legislation Series;¹³
- (b) the provision of the Act or subordinate legislation under which the legislation was made (the **“authorising law”**);
- (c) a brief statement of the policy objectives of the legislation and the reasons for them;
- (d) a brief statement of the way the policy objectives will be achieved by the legislation and why this way of achieving them is reasonable and appropriate;
- (e) a brief explanation of how the legislation is consistent with the policy objectives of the authorising law;
- (f) if the legislation is inconsistent with the policy objectives of other legislation—
 - (i) a brief explanation of the relationship with the other legislation; and
 - (ii) a brief statement of the reasons for the inconsistency;
- (g) if appropriate, a brief statement of any reasonable alternative way of achieving the policy objectives (including the option of not making subordinate legislation) and why the alternative was not adopted;
- (h) a brief assessment of the benefits and costs of implementing the legislation that—
 - (i) if practicable and appropriate, quantifies the benefits and costs; and

¹³ Exempt subordinate legislation is not included in the Subordinate Legislation Series because it is not drafted by the Office of the Queensland Parliamentary Counsel.

- (ii) includes a comparison of the benefits and costs with the benefits and costs of any reasonable alternative way of achieving the policy objectives stated under paragraph (g);
- (i) a brief assessment of the consistency of the legislation with fundamental legislative principles and, if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency.

‘(2) The explanatory note must also include—

- (a) if consultation took place about the subordinate legislation—
 - (i) a brief statement of the way the consultation was carried out; and
 - (ii) an outline of the results of the consultation; and
 - (iii) a brief explanation of any changes made to the legislation because of the consultation; or
- (b) if consultation did not take place—a statement of the reason for no consultation.

‘(3) The explanatory note must be accompanied by the regulatory impact statement prepared for the subordinate legislation.

‘(4) If for any reason the explanatory note does not include the information mentioned in subsection (1) or (2), the explanatory note must state the reason for non-inclusion.

‘(5) However, information is taken to be included in the explanatory note if it is—

- (a) included in the accompanying regulatory impact statement; and
- (b) referred to in the explanatory note and, if necessary, supplemented or updated.

‘Validity of legislation is not affected by failure to comply with Part

‘25. Failure to comply with this Part does not affect the validity of legislation.

‘PART 5—MISCELLANEOUS

‘Regulations

‘26. The Governor in Council may make regulations under this Act.

‘References to exempt instruments

‘27. A reference in an Act or a regulation under this Act to a statutory instrument that is subordinate legislation and an exempt instrument, is a reference to subordinate legislation that is exempt subordinate legislation.’.

PART 4—AMENDMENT OF ACTS INTERPRETATION ACT 1954

Act amended

11. This Part amends the *Acts Interpretation Act 1954*.

Amendment of s 22C (Automatic repeal of amending Act)

12. Section 22C(2)(e), after ‘instrument’—

insert—

‘(including a provision identifying the amended or repealed instrument)’.

Replacement of s 29B (Determination of number of sitting days)

13. Section 29B—

omit, insert—

‘Working out number of sitting days

‘29B. In working out a particular number of sitting days of the

Legislative Assembly, it does not matter whether the days are within the same or different Parliaments or within different sessions of Parliament.’.

Amendment of s 36 (Meaning of commonly used words and expressions)

14. Section 36, definition “**purpose**”—

omit, insert—

‘ “**purpose**”, for an Act, includes policy objective.’.

PART 5—REPEALS

Acts repealed

15. The following Acts are repealed—

- Regulatory Reform Act 1986 No. 14
- Regulatory Reform Amendment Act 1993 No. 53.