

**STATUTE LAW (MINOR AMENDMENTS) BILL
(No. 2) 1995****EXPLANATORY NOTES****Policy objective and reasons for it**

The objective of this Bill is to further the aim of ensuring that the Queensland statute book is of the highest standard. The Bill improves the quality of the statute law of Queensland by making amendments that are concise, of a minor nature and non-controversial.

The Queensland statute book is all Queensland legislation taken as a body of law. A statute book that is well maintained significantly enhances access to legislation by making it easier to find in an up-to-date form and easier to read and understand.

Statute Law (Minor Amendments) Bills are an important part of maintaining and enhancing the standard of Queensland law. The Bills provide an opportunity to make amendments that, taken alone, would be of insufficient importance to justify separate legislation. However, the cumulative effect of the amendments can have a substantial impact on the overall quality and workability of Queensland law.

Ways in which policy objective will be achieved by the Bill

The Bill includes a range of minor amendments. The most significant of these include the following—

- a provision, to be included in the *Acts Interpretation Act 1954*, to validate State laws made before the enactment of the Australia Acts that may be invalid on the ground of repugnance with Imperial law
- a provision to be included in the *Associations Incorporation Act 1981* to ensure that the *Associations Incorporation Amendment Bill 1995* was validly assented to and that the text of the resulting Act is as passed by the Legislative Assembly

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- amendments of the *Evidence Act 1977* dealing with proof of official signatures and seals, Acts and statutory instruments and legislative material (i.e. Bills, explanatory notes and regulatory impact statements)
- an amendment of the *Parliamentary Committees Act 1995* to make it clear that parliamentary privilege is not affected by a provision of the Act
- amendments of the *Parliamentary Members' Salaries Act 1988* largely consequential on the *Parliamentary Committees Act 1995*
- an amendment of the *Parliamentary Service Act 1988* to extend the persons to whom the Speaker can delegate powers
- amendments of the *Petroleum Act 1923* to enable charging arrangements for a gas or oil pipeline to be fixed by a means or methodology set out in an indicative tariff schedule
- amendments of the *Primary Producers' Cooperative Associations Act 1923* consequential on regulations made under the *Fisheries Act 1994*
- amendments to apply the *Prisoners (Interstate Transfer) Act 1982* to the Australian Capital Territory
- an amendment of the *Queensland Small Business Corporation Act 1990* to extend the date of expiry of the Act from 31 December 1995 to 30 June 1996 to allow consultation on, and finalisation of, a response to issues raised in the Queensland Small Business Corporation Review
- amendments of the *Residential Tenancies Act 1994* to clarify the application of the Act and various provisions of the Act
- amendments of the *Retail Shop Leases Act 1994* to overcome a practical difficulty that has arisen in the operation of retail shop lease tribunals
- an amendment of the *Statutory Bodies Financial Arrangements Act 1982* to allow statutory bodies to invest in building societies and credit unions in the same way as they can invest in banks

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- an amendment of the *Statutory Instruments Act 1992* to extend the exemptions from regulatory impact statements to provisions of subordinate legislation relocated, or repealed and remade, as part of the Office of the Queensland Parliamentary Counsel's subordinate legislation review program
- an amendment of the *Sugar Industry Act 1991* to omit a section requiring a review on the differential net value of sugar pools

If appropriate, any reasonable alternative

The policy objective can only be achieved by statutory amendments and this is the reason the Bill is both reasonable and appropriate.

Administrative cost to government

There will be no administrative costs to government of implementing the Bill.

Consistency with fundamental legislative principles

The Bill is consistent with fundamental legislative principles. Moreover, the Bill advances fundamental legislative principles, especially by ensuring that Acts have sufficient regard to the institution of Parliament. The Bill contains, for example, amendments of the *Residential Tenancies Act 1994* which insert provisions clarifying the application of the Act. These provisions replace similar provisions contained in the *Residential Tenancies Regulation 1994*. The amendments were made because the provisions more appropriately belonged in the Act.

Consultation

Most of the amendments in the Bill were made at the instigation of the administering department. All Government departments were consulted on at least 2 separate occasions and agree with the amendments of the Acts administered by them.

Any reasonable alternative

There is no reasonable alternative that will achieve the policy objective. Administrative arrangements would not be possible as the provisions remaining in existing Acts would override them.

Notes on clauses

Clause 1 provides for the Act's citation.

Clause 2 states the purpose of the Act.

Clause 3 deals with the Act's commencement. It draws attention to the fact that commencement provisions may be provided in the schedule for some amendments.

Clause 4 gives effect to the amendments made by the schedule.

Clause 5 declares that explanatory notes, and certain provision references, in the Bill do not form part of it. They are, however, available as extrinsic aids to interpretation in the same way as this explanatory note (see *Acts Interpretation Act 1954*, section 14B).

The *schedule* contains minor amendments.

Notes on individual amendments are contained at the end of the amendments of each Act.