

Treasury and Trade and Other Legislation Amendment Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the *Treasury and Trade and Other Legislation Amendment Bill 2013*.

General Outline

The Bill will repeal the following Acts –

- *Anzac Square Development Project Act 1982*
- *Commonwealth and State Statistical Agreement Act 1958*
- *Commonwealth Savings Bank of Australia Agreement Act 1966*
- *Energy Assets (Restructuring and Disposal) Act 2006*
- *Government Inscribed Stock Act 1920*
- *Government Loan Act 1986*
- *Government Loans Redemption and Conversion Act 1923*
- *Government Stock Act 1912*.

The Bill will amend the following Acts –

- *Acts Interpretation Act 1954*
- *Evidence Act 1977*
- *Financial Accountability Act 2009*
- *Legislative Standards Act 1992*
- *Motor Accident Insurance Act 1994*
- *Parliament of Queensland Act 2001*
- *Queensland Competition Authority Act 1997*
- *Queensland Treasury Corporation Act 1988*
- *Reprints Act 1992*
- *State Financial Institutions and Metway Merger Facilitation Act 1996*
- *Statistical Returns Act 1896*
- *Statutory Instruments Act 1992*.

The Bill will also make minor amendments to twenty four (24) Acts to reflect the change of name of a professional organisation and other consequential amendments to other Acts and various minor and consequential amendments to a number of other Acts.

Policy objectives and the reasons for them

Acts being repealed

In pursuit of red tape reduction initiatives, Queensland Treasury and Trade has identified:

- Various Acts within its administrative responsibility that are no longer relevant or have achieved their purpose and are no longer required. They are:
 - *Anzac Square Development Project Act 1982*
 - *Commonwealth and State Statistical Agreement Act 1958*
 - *Commonwealth Savings Bank of Australia Agreement Act 1966*
 - *Energy Assets (restructuring and Disposal) Act 2006*
 - *Government Inscribed Stock Act 1920*
 - *Government Loan Act 1986*
 - *Government Loans Redemption and Conversion Act 1923*
 - *Government Stock Act 1912.*

Repealing those Acts through the Bill will reduce red tape.

Treasury and Trade Acts being amended

As part of Queensland Treasury and Trade's ongoing review of Acts under its administration, amendments to various Acts to remove redundant provisions, correct typographical errors and omissions or clarify and streamline those Acts have been identified. They are:

Financial Accountability Act 2009 (the FA Act)

- Amending the FA Act so that the first, second and third quarter consolidated fund statements are to be made publicly available rather than required to be published in the Government Gazette. The use of the Government Gazette is no longer considered to be the most appropriate and cost effective method of providing interested users with access to this information for those quarters.
- Amending the FA Act to include powers contained in sections 77 and 78 of the FA Act as powers able to be delegated by the Treasurer. Section 77 of the FA Act provides that an accountable officer can nominate an appropriately qualified public service employee or other employee of the State (from outside the department) to the role of chief finance officer (CFO), with the Treasurer's approval. Section 78 of the FA Act contains a similar provision with respect to nominating an officer to the role of head of internal audit (HIA). When these provisions were enacted, it was anticipated that the majority of accountable officers would nominate employees from within their department to these roles, and that use of officers from outside the department would be rare. Following the 2012 MOG changes, a number of departments have entered into bureau type arrangements, resulting in many requests to the Treasurer for external CFOs and HIAs to be nominated. To enable the Treasurer to move this administrative role to an officer of Queensland Treasury and Trade (should the Treasurer desire), these should be delegable powers.

Motor Accident Insurance Act 1994 (the MAI Act)

- To ensure consistency with the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010* (TORUM Regulation), amending section 5(3) of the MAI Act by replacing the term ‘*agricultural implement*’ with the term ‘*agricultural machine*’ and to define that term by reference to the TORUM Regulation. Section 5(3) of the MAI Act provides that the MAI Act does not apply to personal injury caused by, through or in connection with an ‘*agricultural implement*’ (this term is currently undefined) unless the motor vehicle accident out of which the injuries arise, happens on a road.
- Amending the MAI Act to explicitly provide that a function of the commission is to conduct research and collect statistics about the CTP insurance scheme. Currently, the MAI Act does not explicitly state this.
- Amending the MAI Act to explicitly provide for the recovery of a CTP insurance premium where an electronic payment for registration or renewal of registration is initially processed but subsequently reversed by a financial institution. The amendment is required to address the ongoing problem where dishonest individuals have paid the registration or renewal amount using their credit or debit card via the phone, internet or BPAY but, upon receipt of the registration certificate and label dispute the authority of the payment instruction. Due to the absence of a written authority, a financial institution reverses the payment transaction. The proposed amendment in conjunction with amendments pursued by the Department of Transport and Main Roads to its complementary laws will ensure a more timely resolution of these matters and be more consistent with current powers in the MAI Act as they apply to registration and renewal payments as made by cheque.
- Amending the MAI Act to clarify and ensure that the Nominal Defendant provides gratuitous insurance cover for a motor vehicle (including motorised wheelchairs) that is gratuitously insured under section 23 of the MAI Act for a motor vehicle accident that occurs anywhere in Australia. The Motor Accident Insurance Commission considers that while the intent of the CTP insurance scheme is to provide gratuitous insurance cover for motorised wheelchairs registered in Queensland for a motor vehicle accident that occurs anywhere in Australia, that intent whilst reflected in some sections of the MAI Act is confused by section 33(3) of the Act.
- Amending sections 38(1) and (4) of the MAI Act to include a reference to Part 4, Division 5A of the Act. Sections 38(1) and (4) of the MAI Act assist in creating greater certainty and cost savings for claimants by ensuring that in the event that there are two or more insurers liable under a claim, one of the insurers is to act for all insurers under divisions 3, 4, 5 and 6 of that Act. Part 4, Division 5A of the MAI Act (compulsory conference) was created as a result of amendments made in 2000 however reference to these provisions was unintentionally omitted from sections 38(1) and (4).

Queensland Competition Authority Act 1997 (the QCA Act)

- Amending the QCA Act by replacing references in the QCA Act to *'the Ministers'* with *'the Minister'* and other consequential amendments to reflect the intention that Ministerial responsibility for the Act is to lie with one Minister. Other minor amendments are required to the QCA Act to remove obsolete terms, update references and correct cross referencing and typographical errors.

Queensland Treasury Corporation Act 1988 (the QTC Act)

- Amending the QTC Act by omitting part 3, Division 3 of the Act to reflect the intention that the State no longer imposes a performance dividend on Queensland Treasury Corporation's (QTC's) liability management activities and which in turn allows QTC to recover dividends from its borrowers.

State Financial Institutions and Metway Merger Facilitation Act 1996 (the Facilitation Act)

- Amending the Facilitation Act by repealing those provisions which have achieved their purpose and are no longer required. Relevantly, Part 1 (Preliminary), Part 2 (Object and basic concepts), Part 6 (Head office restrictions), Part 7 (Guarantee of existing obligations) and related definitions continue to operate and are to be retained.

Statistical Returns Act 1896 (the SR Act)

- Amending section 4 of the SR Act to include the matters - building and construction industries, energy sources and industries and the environment within the list of prescribed matters in which the Government Statistician may collect and publish statistical information.
- Amending the SR Act to clarify that the Government Statistician may collect information from the State (including government departments) and that the State (including government departments) are to provide that information to the Government Statistician. While not explicitly stated, section 4(4) of the SR Act operates to require the State (including a department) to complete an approved form and to provide that form to the Government Statistician. The amendment is required to ensure that there is no uncertainty in this regard.

Other amendments to Acts

The Bill provides for other amendments to Acts. They are:

MAI Act

- A technical amendment to the MAI Act is included to ensure that the Queensland Police Service (QPS), the Queensland Ambulance Service (QAS) and the Queensland Fire and Rescue Service (QFRS) are authorised to give information for identifying and contacting a person who witnessed a motor vehicle accident to the Nominal Defendant or another CTP insurer if the Nominal Defendant or other CTP insurer reasonably believes the information is necessary to decide the accuracy of matters in a personal injury claim. The Nominal Defendant or other CTP insurer also needs to reasonably believe that the information is necessary to help resolve a CTP claim.
- Since the introduction of the *Information Privacy Act 2009* (IP Act), certain government agencies have raised concerns as to whether their existing policies relating to the provision of information which identifies or assists in contacting a witness to a motor vehicle accident is supported by legislation. Inconsistency in the interpretation of the IP Act in conjunction with the MAI Act within agencies has led to certain requests for accident witness details being censored. The amendment is required to resolve this uncertainty and will assist insurers to make more timely determinations of liability in relation to claims and to assist claimants to more readily access funds for rehabilitation. The amendment will also be beneficial in that it will assist in reducing legal and investigation costs in situations where there are witnesses to an accident.

FA Act

- The FA Act will be amended to expressly recognise the concept of ‘value for money’ to reflect an outcome of both the ‘Report of the 2010 Strategic Review of the Queensland Audit Office’ and the Commission of Audit Interim Report.

Miscellaneous Acts

- The Bill makes minor amendments to twenty four (24) Acts to reflect the change of name of the ‘*National Institute of Accountants*’ to the ‘*Institute of Public Accountants*’.
- The Bill makes minor consequential amendments to the *Statutory Bodies Financial Arrangements Act 1982* as a result of the repeal of part 3, Division 3 of the QTC Act.

Amendments about access to legislation and related matters

The Bill also contains amendments to a number of Acts required to fully support the electronic publication of authorised reprints of Queensland legislation and to reduce unnecessary complexity or duplication in the law dealing with how evidence of various legislative and parliamentary matters may be given. These amendments will support the current practice under which electronic reprints of Queensland legislation published on the Queensland legislation website are authorised by the parliamentary counsel. This allows them to be relied on by courts, lawyers, business, government agencies and the general public—to the same extent as authorised paper reprints may be relied on—as accurate statements of the law at a particular point in time.

Broadly speaking, the Bill will have the following effects:

- the parliamentary counsel will continue to prepare reprints of ‘Queensland legislation’—a defined term under the *Acts Interpretation Act 1954*—under the *Reprints Act 1992*;
- the head of power for the parliamentary counsel to authorise reprints will be relocated to the *Legislative Standards Act 1992* and the parliamentary counsel will also be given power to authorise copies of Queensland legislation and Bills;
- on their publication on the Queensland legislation website, official copies of Queensland legislation will assume their full evidentiary value under the Evidence Act; and
- those provisions dealing with the evidentiary value of an ‘official copy’ of Queensland legislation—again, a defined term under the *Acts Interpretation Act*—and the requirement that judicial notice be taken of a number of matters in relation to official copies of Queensland legislation will be wholly located in the *Evidence Act 1977*.

The Bill also includes amendments to provide for the electronic notification of subordinate legislation.

A summary of these amendments follows.

Legislative Standards Act 1992

The *Legislative Standards Act 1992* is amended to locate the head of power for the parliamentary counsel to authorise reprints of Queensland legislation in that Act. The parliamentary counsel will also be given power to authorise copies of Queensland legislation and Bills. ‘Queensland legislation’ is defined broadly in the *Acts Interpretation Act 1954* as meaning Acts, subordinate legislation, agreements or other instruments having the same legal effect and reprints.

Reprints Act 1992

The *Reprints Act 1992* is amended to omit the head of power for the parliamentary counsel to authorise reprints of Queensland legislation, which is relocated by the Bill to the *Legislative Standards Act 1992*. The Reprints Act will continue to provide for the parliamentary counsel to prepare reprints of Queensland legislation, including reprints of a law that has not been amended and reprints in electronic form.

Evidence Act 1977

The *Evidence Act 1977* is amended to reduce unnecessary duplication with other Acts by:

- collocating all matters relating to legislation of which judicial notice must be had in the *Evidence Act 1977*; and
- modernising the presumption that particular copies of legislation correctly show the law at a stated date.

The *Evidence Act 1977* is further amended to modernise the law dealing with the means by which evidence of various legislative and parliamentary matters may be given by:

- providing that production of a document published by the Parliament is evidence of the document having been published by Parliament;
- removing provision for copies of the Votes and Proceedings of Parliament to be given as evidence of proceedings in the Parliament, as the Votes and Proceedings are no longer produced as a record of proceedings;
- providing that legislative material—which includes Bills, amendments to Bills, explanatory notes and regulatory impact statements—published under the authority of Parliament is also evidence of the legislative material; and
- collocating in the *Evidence Act 1977* the provisions about how evidence may be given of instruments made by the Governor, a Minister or a public entity.

Statutory Instruments Act 1992

The *Statutory Instruments Act 1992* is amended to provide for notification of subordinate legislation, other than exempt subordinate legislation, to occur by publication of the legislation and its publication date on the Queensland legislation website.

While notification must currently occur through publication of a notice or of the subordinate legislation itself in the Queensland Government Gazette, users of legislation can already access subordinate legislation and information about its making or amendment through the Queensland legislation website.

This shift to electronic notification follows similar initiatives in three other Australian jurisdictions, and is intended to enhance the accessibility of Queensland subordinate legislation.

Amendments implementing recommendations of the former Scrutiny of Legislation Committee

The Bill includes the following amendments to the *Acts Interpretation Act 1954* and the *Statutory Instruments Act 1992* to implement recommendations made by the former Scrutiny of Legislation Committee in the reports:

- Report No. 42—Review of part 7 of the Statutory Instruments Act
- Report No. 46—Review of part 8 of the Statutory Instruments Act—Forms authorised by legislation.

Acts Interpretation Act 1954

The *Acts Interpretation Act 1954* is amended to collocate the provisions dealing with the content, notification and availability of forms made under legislation.

The former Scrutiny of Legislation Committee had recommended the collocation of these provisions in a new standalone piece of legislation dealing exclusively with forms. However, rather than increasing regulatory complexity by creating an additional piece of legislation with only a small number of provisions, it is considered that the intended policy outcome—greater clarity in relation to the legislative requirements dealing with the preparation and handling of forms—can be adequately achieved by the collocation of relevant provisions in an existing Act with general application.

Statutory Instruments Act 1992

The *Statutory Instruments Act 1992* is amended to:

- extend the period of notice to be given to administering departments and agencies of the impending expiry of subordinate legislation; and
- relocate the provisions dealing with forms made under legislation to the *Acts Interpretation Act 1954*.

Technical amendments of the *Acts Interpretation Act 1954*

The Bill also includes the following technical amendments being made to the *Acts Interpretation Act 1954*:

- Inserting a new definition of ‘appropriately qualified’ in relation to a function or power or appointment to office. This term is used frequently across Queensland statutes, and its definition in the *Acts Interpretation Act 1954* will obviate the need to reproduce this definition in multiple Acts.
- Relocating definitions of a number of commonly-used words and phrases from various locations in the body of the Act to a schedule to enhance their accessibility.
- Specifying that the making of amendment of subordinate legislation by an Act does not affect the power of the empowered entity to amend or further amend or repeal that legislation. This is necessary to clarify the existing intersection of the legislature’s powers in relation to subordinate legislation with those of the executive.

Achievement of policy objectives

To achieve its objectives the Bill will:

- Reduce red tape by repealing the following Acts:
 - *Anzac Square Development Project Act 1982*
 - *Commonwealth and State Statistical Agreement Act 1958*
 - *Commonwealth Savings Bank of Australia Agreement Act 1966*
 - *Energy Assets (Restructuring and Disposal) Act 2006*
 - *Government Inscribed Stock Act 1920*
 - *Government Loan Act 1986*
 - *Government Loans Redemption and Conversion Act 1923*
 - *Government Stock Act 1912*

- Reduce red tape, remove redundancies, correct typographical errors and omissions and clarify and streamline the laws of Queensland by amending the listed Acts in the manner as described below:

FA Act

- Amending section 22(5) of the FA Act so that the first, second and third quarter consolidated fund statements are to be made publicly available rather than being required to be published in the Government Gazette.
- Amending section 48(2) of the FA Act to provide that the powers contained in sections 77 and 78 of the FA Act are powers able to be delegated by the Treasurer.

MAI Act

- Amending section 5(3) of the MAI Act by replacing the term 'agricultural implement' with the term 'agricultural machine' and to define that term by reference to the TORUM Regulation.
- Amending section 10 of the MAI Act to explicitly provide that a function of the commission is to conduct research and collect statistics about the CTP insurance scheme.
- Amending section 23(6) of the MAI Act to explicitly provide for the recovery of a CTP insurance premium where an electronic payment for registration or renewal of registration is initially processed but subsequently reversed by a financial institution.
- Amending section 33(3) of the MAI Act to clarify that the Nominal Defendant provides gratuitous insurance cover for a motor vehicle that is gratuitously insured under section 23 of the MAI Act. This will operate to ensure that motorised wheelchairs that are registered in Queensland are gratuitously insured by the Nominal Defendant for accidents that occur anywhere in Australia.
- Amending sections 38(1) and (4) of the MAI Act to include a reference to Part 4, Division 5A of the Act.

QCA Act

- Amending the QCA Act by replacing references in the QCA Act to 'the Ministers' with 'the Minister' and other consequential amendments to reflect the intention that Ministerial responsibility for the Act is to lie with one Minister.
- Making other minor amendments to the QCA Act to remove obsolete terms, update references and correct cross referencing and typographical errors.

QTC Act

- Amending the QTC Act by omitting part 3, Division 3 of the Act to reflect the intention that the State no longer imposes a performance dividend on Queensland Treasury Corporation's (QTC's) liability management activities and which in turn allows QTC to recover dividends from its borrowers.

Facilitation Act

- Amending the Facilitation Act by repealing those provisions which have achieved their purpose and are no longer required. Relevantly, Part 1 (Preliminary), Part 2 (Object and basic concepts), Part 6 (Head office restrictions), Part 7 (Guarantee of existing obligations) and related definitions continue to operate and will be retained.

SR Act

- Amending section 4 of the SR Act to include the matters - building and construction industries, energy sources and industries and the environment - within the list of prescribed matters on which the Government Statistician may collect and publish statistical information.
 - Amending the SR Act to clarify that the Government Statistician may collect information from the State (including government departments) and that the State (including government departments) are to provide that information to the Government Statistician. This will be achieved by inserting a new section which provides that the SR Act binds all persons including the State.
- Amend the MAI Act to ensure that that QPS, QAS and the QFRS are authorised to give information for identifying and contacting a person who witnessed a motor vehicle accident to the Nominal Defendant or another CTP insurer which reasonably believes the information is necessary to decide the accuracy of matters in a personal injury claim.
 - Amend the FA Act to ensure that the concept of '*value for money*' is expressly recognised in the Act.
 - Amend all relevant laws of Queensland (24 identified Acts) to reflect the change of name of the '*National Institute of Accountants*' to the '*Institute of Public Accountants*'.
 - Amend the *Statutory Bodies Financial Arrangements Act 1982* by making minor consequential amendments resulting from the repeal of part 3, Division 3 of the QTC Act.
 - Support the electronic publication of authorised reprints of Queensland legislation and reduce unnecessary complexity or duplication in the law dealing with how evidence of various Parliamentary and legislative matters may be given.
 - Implement measures stemming from recommendations of the former Scrutiny of Legislation Committee by collocating the provisions dealing with forms made under legislation into a new part 12A of the *Acts Interpretation Act 1954* and extending the period of notice the parliamentary counsel is required to give to administering departments and agencies of the forthcoming expiry of subordinate legislation.
 - Make a number of technical amendments to the *Acts Interpretation Act 1954*.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by legislative amendments.

Estimated cost for government implementation

The Bill does not impose any implementation costs to the Government.

Consistency with fundamental legislative principles

Whether legislation adversely affects rights and liberties – *Legislative Standards Act 1992*, section 4(3)(g)

The amendment to the MAI Act which will ensure that the QPS, QAS and the QFRS are authorised to give information for identifying or contacting a person who witnessed a motor vehicle accident, to the Nominal Defendant or another CTP insurer, if the Nominal Defendant or other CTP insurer reasonable believes the information is necessary to decide the accuracy of matters in a personal injury claim, could be considered to affect an individual's right to privacy.

Since the commencement of the IP Act, the QPS, QAS and the QFRS have censored details that identify a witness to a motor vehicle accident from disclosure to the Nominal Defendant and other CTP insurers. This was not the case prior to the commencement of the IP Act.

While the amendment to the MAI Act might be considered to affect a witnesses' right to privacy, the amendment is necessary and considered beneficial. In particular, the amendment will benefit claimants and insurers by enabling insurers to make timely determinations of liability in relation to CTP insurance claims. Without a determination on liability claimants are unable to access funds for rehabilitation. The amendments are also justified as they will reduce legal and investigation costs in situations where there are witnesses to an accident. Further, the amendment restricts the ability of insurers to seek the information to circumstances where the information is reasonably necessary to determine a CTP insurance claim.

Other amendments

The Bill is otherwise consistent with fundamental legislative principles.

Consultation

For those acts either being repealed or amended as part of the red tape reduction initiatives, consultation was undertaken with relevant external organisations including the Westpac Group, Brisbane City Council and the SUNCORP Group. Relevantly, no objections were raised.

For the MAI Act amendments, the Motor Accident Insurance Commission consulted with the Nominal Defendant, other CTP insurers, QPS, the Office of the Information Commissioner, the Department of Community Safety and the Department of Justice and Attorney-General. No objections were raised.

The amendments to the Acts Interpretation Act and Statutory Instruments Act relating to the making of forms arise from recommendations of the former Scrutiny of Legislation Committee in its Report No. 46, *Review of Part 8 of the Statutory Instruments Act*.

The amendment to the Statutory Instruments Act to extend the period of notice to be given in relation to the impending expiry of subordinate legislation arises from a recommendation of the former Scrutiny of Legislation Committee in its Report No. 42, *Review of Part 7 of the Statutory Instruments Act*.

Consistency with legislation of other jurisdictions

The Bill is not uniform with or complementary to legislation of the Commonwealth or another state.

Notes on provisions

Chapter 1 Preliminary

Clause 1 provides that the short title of the Act is the *Treasury and Trade and Other Legislation Amendment Act 2013*.

Chapter 2 Provisions for Treasury and Trade matters

Part 1 Amendment of Financial Accountability Act 2009

Clause 2 provides that this part amends the *Financial Accountability Act 2009*.

Clause 3 amends section 22(5) of the Act to require that the first, second and third quarter consolidated fund statements are to be made publicly available and provides one example by which the statements may be made publicly available.

Clause 4 amends section 48(2) of the Act to include the powers contained in sections 77 and 78 of the Act as powers able to be delegated by the Treasurer through section 48(1).

Clause 5 amends section 61(a) of the Act by replacing the words ‘to ensure’ with the words ‘to achieve reasonable value for money by ensuring’.

Part 2 Amendment of Motor Accident Insurance Act 1994

Clause 6 provides that this part amends the *Motor Accident Insurance Act 1994* and notes further amendments in schedules 2 and 3.

Clause 7 inserts a definition into the Act for the term ‘*agricultural machine*’.

Clause 8 amends sections 5(3)(a) and 5(3)(b) of the Act in regards to the concepts of an ‘*agricultural machine*’ and an agricultural ‘*implement*’.

Clause 9 amends section 10(1) of the Act to provide that a function of the commission is to conduct research and collect statistics about the statutory insurance scheme.

Clause 10 amends section 23(6) of the Act by inserting a new paragraph (c) to recognise the situation of where a payment is received electronically for a premium or an amount including the premium on a CTP insurance policy and the payment is subsequently withdrawn.

Clause 11 amends section 33(3) of the Act to clarify that the Nominal Defendant provides gratuitous insurance cover for a motor vehicle that is gratuitously insured under section 23 of the Act. This will operate to ensure that motorised wheelchairs that are registered in Queensland are gratuitously insured by the Nominal Defendant for motor vehicle accidents that occur anywhere in Australia.

Clause 12 inserts new section 37B into the Act to permit an emergency service upon the written request by an insurer to give the insurer information to help the insurer identify or contact a person who witnessed a motor vehicle accident. One of the preconditions to a request is that the insurer reasonably believes the information is necessary to decide the accuracy of matters notified in the claim. Further, the Nominal Defendant or other CTP insurer also needs to reasonably believe that the information is necessary to help resolve a CTP claim.

Clause 13 amends section 38(1) and (4)(a) of the Act to include a reference to division 5A.

Part 3 Amendment of Queensland Competition Authority Act 1997

Clause 14 provides that this part amends the *Queensland Competition Authority Act 1997* and includes a note that other amendments to the Act are set out in schedule 1.

Clause 15 omits section 6 of the Act.

Clause 16 amends section 39(1) and (2) of the Act to replace the term ‘*Ministers*’ with the term ‘*Minister*’ and amends section 39(2) of the Act to replace the example and editor’s note with an example.

Clause 17 amends section 49(1) of the Act to replace the examples of policies for subsection (1)(d), paragraphs 1 and 2 and editor’s note with other examples.

Clause 18 amends section 145 of the Act by omitting and inserting the words ‘*investigation for preparing or approving a draft access undertaking mentioned in section 144*’ from the word ‘*investigation*’.

Clause 19 amends section 250(3)(a)(iv) of the Act to correctly spell the term ‘*Abbot*’.

Clause 20 replaces Part 16 and inserts a new transitional provision (section 254) into the Act to ensure that for documents brought into existence before the commencement of the section, a reference to the term ‘*Ministers*’ or a direction, referral, declaration etc by the ‘*Ministers*’ is now taken to be a reference to the ‘*Minister*’ or a direction, referral, declaration etc of the ‘*Minister*’.

Clause 21 replaces the map provided in Schedule 1 of the Act to correct a spelling error for the term ‘*Abbot*’.

Clause 22 provides for amendments to defined terms ‘*related body corporate*’ and ‘*responsible Minister*’ and the repeal of the defined terms ‘*Ministers*’ and ‘*water authority*’ in the Act.

Part 4 Amendment of Queensland Treasury Corporation Act 1988

Clause 23 provides that this part amends the *Queensland Treasury Corporation Act 1988*.

Clause 24 amends section 4 of the Act to remove the defined terms '*attributed amount*', '*outstanding amount*' and '*performance dividend*'.

Clause 25 omits part 3, division 3 of the Act.

Clause 26 renumbers part 3, division 4 of the Act as part 3, division 3.

Clause 27 omits section 41 of the Act.

Part 5 Amendment of State Financial Institutions and Metway Merger Facilitation Act 1996

Clause 28 provides that this part amends the *State Financial Institutions and Metway Merger Facilitation Act 1996*.

Clause 29 amends the long title of the Act to update it.

Clause 30 amends section 1 of the Act to remove the term '*Facilitation*'.

Clause 31 omits section 2 of the Act which is no longer required.

Clause 32 amends section 4 of the Act to update it.

Clause 33 omits Parts 3 – 5 of the Act which are no longer required.

Clause 34 amends section 70(3) of the Act to insert the word '*repealed*' before the words '*part 4 or 5*'.

Clause 35 amends section 72(1) of the Act to replace the words '*is transferred under*' with the words '*was transferred under repealed*'.

Clause 36 amends section 75(1) of the Act to insert the word '*repealed*' before the words '*part 4 or 5*'.

Clause 37 omits parts 8 and 9 of the Act which are no longer required.

Clause 38 amends Schedule 3 of the Act by omitting those definitions which are no longer required and inserting a definition for the term '*repealed part 4 or 5*'.

Part 6 Amendment of Statistical Returns Act 1896

Clause 39 provides that this part amends the *Statistical Returns Act 1896*.

Clause 40 amends the Act by inserting section 2 which provides that the Act binds all persons including the State.

Clause 41 amends the Act by renumbering section 4(1)(s) to section 4(1)(v) and inserting in section 4(1) –

- (s) *building and construction industries;*
- (t) *energy sources and industries;*
- (u) *the environment;*

Part 7 Repeals

Clause 42 provides that the stated Acts are repealed.

Part 8 Minor and consequential amendments of Acts

Clause 43 provides that schedule 1 amends the Acts it mentions.

Chapter 3 Amendments about access to legislation and related matters

Part 1 Amendment of Acts Interpretation Act 1954

Clause 44 identifies the *Acts Interpretation Act 1954* as the Act amended by chapter 3, part 1.

Clause 45 amends the definition of ‘*extrinsic material*’ in section 14B(3) of the *Acts Interpretation Act 1954*.

The amendment to paragraph (a) of the definition acknowledges that an official reproduction of an Act is not limited to a document printed by the government printer. The updated reference is to material set out in an official copy of the Act. See the amendment to section 36 below for the definition of the term ‘*official copy*’ of a law of Queensland to be applied across the Statute Book.

The amendment to paragraph (g) removes the outdated reference to the Votes and Proceedings of the Legislative Assembly. Prior to amendments to the Standing Rules and Orders of the Legislative Assembly that took effect on 12 February 2008, the Votes and Proceedings were an official record, in summary form, of the proceedings of the Assembly. From 12 February 2008, the official record of the proceedings of the Assembly is known as the Record of Proceedings (see the Standing Rules and Orders, SO 21).

Clause 46 amends section 14G of the *Acts Interpretation Act 1954* to update the way in which reference is to be made to the provisions of Acts (defined broadly in existing subsection (3)) for the purpose of citation. Reference is to be made according to an official copy of the Act or the Act as amended.

A definition of the new term ‘*official copy*’ is included by subclause (2). This definition intentionally captures all copies of Acts of Queensland in hardcopy and electronic form, and acknowledges the different ways, in different jurisdictions, that copies of Acts are recognised by law as correct reproductions of Acts.

Clause 47 amends section 15D to remove the reference to notification of a proclamation being in the Queensland Government Gazette. This amendment is a consequence of the amendment to section 47 of the *Statutory Instruments Act 1992* (see clause 99 of this Bill), which will result in proclamations that fix the commencement of Acts or provisions of Acts (because they are subordinate legislation) being notified on the Queensland legislation website.

Clause 48 omits section 16 of the *Acts Interpretation Act 1954*, which provides that 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.

This provision is no longer required because of the amendments being made to sections 43 and 46A of the *Evidence Act 1977* by clauses 58 and 60 of the Bill.

Clause 49 amends section 36 of the *Acts Interpretation Act 1954*, which defines words and expressions that are commonly used across the Statute Book.

The new definition of ‘*appropriately qualified*’, in reference to a function or power or appointment to an office, relates to a term used commonly in Acts, often in the context of a provision allowing a person to delegate a function or power or providing for the appointment of an officer. By including it in the Acts Interpretation Act, this definition will apply across the Statute Book and it will no longer be necessary to repeat the definition in individual Acts which use the term.

The new definition of ‘*exempt subordinate legislation*’ calls up the meaning that term has under the *Legislative Standards Act 1992*.

A new definition of ‘parliamentary counsel’ is also inserted to refer to the officer appointed as the Queensland Parliamentary Counsel under the *Legislative Standards Act 1992*.

The definition of ‘*gazetted*’ is updated to reflect changes made by other provisions of the Bill. New definitions of ‘*notified*’, in reference to subordinate legislation, ‘*proceedings in the Legislative Assembly*’, and ‘*Queensland legislation website*’ are included to support new provisions included by the Bill. When the word ‘notified’ is used in an Act in relation to a statutory instrument that is not subordinate legislation, it will be given its ordinary meaning.

The definitions of ‘*official copy*’, ‘*Queensland legislation*’ and ‘*reprint*’, in relation to laws of Queensland, primarily support provisions in the *Evidence Act 1977* that provide for proof of matters relating to the law and presumptions about the accuracy of certain copies and reprints of the law.

The purpose of clause 49(3) and (4) is to relocate the definitions currently set out in section 36 of the *Acts Interpretation Act 1954* to a new schedule 1 to be included in the Act. Relocating the definitions of words and phrases commonly used in Acts to a schedule of the Acts Interpretation Act will enhance their accessibility.

Clause 50 inserts a new part 12A dealing with forms into the *Acts Interpretation Act 1954*. The purpose of this new part is to collocate statutory provisions dealing with forms under legislation (which are previous part 8 of the *Statutory Instruments Act 1992* and section 49 of the *Acts Interpretation Act 1954*), as recommended by the former Scrutiny of Legislation Committee in its Report No. 46, *Review of Part 8 of the Statutory Instruments Act*.

Current section 58 of the *Statutory Instruments Act 1992* is relocated and adapted to the context of the Acts Interpretation Act by clause 105 of this Bill. Existing section 49 (Forms) is also relocated to new part 12A and renumbered as section 48A by clause 52 (below).

Clause 51 renumbers existing section 48A (Verification of documents) as section 49. This is consequent on creation of the new part 12A in the Act.

Clause 52 amends section 49 (Forms) by:

- changing the section heading to ‘Compliance with forms’;
- omitting current section 49(4), a redundant provision dealing with the available means for filing or serving forms; and
- relocating this provision to new part 12A, in which all legislative provisions dealing with forms are co-located, and renumbering it as section 48A.

Clause 53 inserts a new section 50 (Making or amendment of subordinate legislation by an Act) into part 13 of the *Acts Interpretation Act 1954*. This new section 50 provides that the making or amendment of subordinate legislation by an Act does not affect the power of an entity empowered under a law to make the subordinate legislation to further amend the subordinate legislation or to repeal it, or the power of another entity, as required under law, to approve the further amendment or repeal of the subordinate legislation. Current Queensland drafting practice is that a Bill should not include amendments of subordinate legislation unless there is strong justification for doing so. For example, it may be sufficient justification that the Bill is urgent and must commence on assent and that the subordinate legislation amendments must commence at the same time, yet, until the Bill commences, there is no power to amend the subordinate legislation.

Where an Act is passed that makes or amends subordinate legislation, an argument may be raised that it would be beyond the power of the entity with the subordinate legislation making power (usually the Governor in Council) to make future amendments of the subordinate legislation that are inconsistent with the amendments made under the Act. Therefore it is current Queensland drafting practice to include a provision clarifying the point. Including this provision in the Acts Interpretation Act will preclude the need to include a similar provision in other Acts on each occasion an Act amends subordinate legislation.

Clause 54 inserts a new part 14 heading (Transitional provisions) and part 14, division 1 heading (Transitional provision for Parliamentary Service and Other Acts Amendment Act 2011) as a consequence of the new transitional provisions being inserted into the Act by clause 55.

Clause 55 inserts the transitional provisions into a new part 14, division 2 of the *Acts Interpretation Act 1954* as a result of some of the amendments made to that Act by the Bill. All three of the substantive transitional provisions, new sections 55, 56 and 57, deal with existing references to sections 36 (which defines commonly used words and phrases), 48A and 49 of the Act and to ‘gazetted’ and ‘notified in the gazette’.

Clause 56 inserts a new schedule 1 into the *Acts Interpretation Act 1954* titled ‘Meaning of commonly used words and expressions’. This is the schedule referred to in clause 49(3) and (4) into which the words and phrases currently defined in section 36 of the Act are relocated.

Part 2 Amendment of Evidence Act 1977

Clause 57 identifies the *Evidence Act 1977* as the Act amended by chapter 3, part 2 of the Bill.

Clause 58 amends section 43 of the *Evidence Act 1977*, which requires judicial notice to be taken of a number of matters relating to Acts and statutory instruments.

Judicial notice means a judge or other person acting judicially accepts a matter as fact without the matter having to be proven by evidence. By couching this provision as a requirement, it means that judicial officers are taken to know, without proof, the matters listed in the section, including every Act and every statutory instrument. Clause 58 adds to the list of matters relating to the Acts and subordinate legislation of which judicial notice must be taken.

New paragraph (h) requires that judicial notice be taken of official copies of Queensland legislation (which are defined in the *Acts Interpretation Act 1954*; see clause 49(2) of this Bill). The effect of this new paragraph is that judicial officers are required to accept, without proof, official copies of Queensland legislation.

As defined in new schedule 1 to the *Acts Interpretation Act 1954* (inserted into the Act by clause 49 of this Bill), an official copy in relation to Queensland legislation is a copy of any of the following, if printed by or under the authority of the government printer or authorised by the parliamentary counsel and published on the Queensland legislation website:

- an Act;
- subordinate legislation;
- an agreement or other instrument with the same force of law as an Act or subordinate legislation; or
- a reprint.

Clause 59 changes the heading of section 46, updates the terminology used in existing subsection (1) and adds a new subsection (3) to section 46. This is an evidentiary provision that allows proof of a document published under the authority of Parliament or the government printer or authorised by the parliamentary counsel to be given by producing a copy of the document purporting to be published under that authority. This new subsection (3) supports section 47 of the *Evidence Act 1977*, as amended by this Bill.

Clause 60 updates section 46A of the *Evidence Act 1977*, which makes the following presumptions, in the absence of evidence to the contrary:

- an official copy of Queensland legislation (as those terms are defined in new schedule 1 of the *Acts Interpretation Act 1954*) correctly shows either:
 - for an Act or subordinate legislation (or any agreement or other instrument with the same force of law), the legislation as at the relevant date; or
 - for a reprint, the law in force as included in the reprint at the relevant date;

- the date of assent appearing in an official copy of an Act or a reprint of an Act is evidence of the date of assent;
- a statement of one of a number of specified matters in an official copy of subordinate legislation or a reprint of subordinate legislation, including when the legislation was made, notified and laid before Parliament, is evidence of the matter; and
- a document purporting to be a copy of, or an extract from, an official copy of Queensland legislation is a correct copy or extract.

Clause 61 makes consequential amendments to references to reprints in examples included in section 46B(1) of the *Evidence Act 1977*.

Clause 62 amends section 47 of the *Evidence Act 1977* to:

- omit redundant references to ‘Votes and Proceedings of the Legislature or of any House of the Legislature’;
- extend the application of the section to recognise copies of legislative material published under the authority of Parliament as evidence of the material.

As noted above, the term Votes and Proceedings is an outdated reference to the proceedings of Parliament, which have been known since 12 February 2008 as the Record of Proceedings (see Standing Rules and Orders, SO 21). This term is replaced with a reference to an official record of proceedings of the Legislative Assembly. As this new phrase is not defined, it is given the ordinary meaning of the words used in it.

Clause 63 modernises section 48 of the *Evidence Act 1977*, which provides for how evidence is given of a range of instruments (including subordinate legislation) made or approved by the Governor or Governor in Council or made or approved by, or under the authority of, a Minister or a public entity.

Part 3 Amendment of Legislative Standards Act 1992

Clause 64 identifies the *Legislative Standards Act 1992* as the Act amended by chapter 3, part 3 of the Bill.

Clause 65 amends section 2 in the following ways:

- Changing the editor’s note to the definition of ‘*exempt subordinate legislation*’ to a note, in line with current legislative drafting practice.
- Relocating the definitions for the Act from section 2 into new schedule 1 of the Act. It is current legislative drafting practice for definitions that apply to the whole of an Act or item of subordinate legislation to be placed in the last schedule of the legislation. This practice means the schedule operates as a type of glossary of definitions in the legislation that is readily accessible at the end of the legislation.

Clause 66 amends the statement of the purposes of the *Legislative Standards Act 1992* in section 3 by removing reference to the forms in which Queensland legislation and legislative information is to be made readily available.

As reliance on legislation in printed form is waning, the forms in which legislation is to be made available is no longer to be specified in the Act. Rather, flexibility will allow this to be determined in line with current technology, best practice and the preferences of users of Queensland legislation.

Clause 67 consequentially amends section 7, which sets out the functions of the Office of the Queensland Parliamentary Counsel, to identify the *Reprints Act 1992* as the Act under which that office is to prepare reprints.

Clause 68 amends section 9(2)(d) of the *Legislative Standards Act 1992* to remove a reference to the parliamentary counsel issuing guidelines about the *printing style* used in exempt instruments.

Clause 69 inserts a new section 10A (Authorisation relating to Queensland legislation and Bills) into the *Legislative Standards Act 1992*. New section 10A provides the parliamentary counsel with the power to authorise reprints prepared under the *Reprints Act 1992*, copies of Queensland legislation and Bills. ‘Queensland legislation’ carries the broad meaning given to it by new schedule 1 of the *Acts Interpretation Act 1954* (see clause 49 of the Bill). A reprint, copy of Queensland legislation or a Bill authorised under this provision must carry a note in an appropriate place indicating that it has been authorised by the parliamentary counsel, and, in the absence of evidence to the contrary, is presumed on its production to have been authorised by the parliamentary counsel.

The amended provisions of the *Evidence Act 1977* dealing with matters of proof relating to legislation (see clause 60 of this Bill) apply evidentiary value to, and presume the accuracy of, official copies of Queensland legislation and reprints, both of which are authorised by the parliamentary counsel under this head of power.

Clause 70 makes a technical amendment to section 24 of the *Legislative Standards Act 1992*.

Clause 71 inserts a new schedule 1 (Dictionary) into the *Legislative Standards Act 1992*, in line with current legislative drafting practice. All definitions provided in the Act are relocated into this new schedule by clause 65 of the Bill.

Part 4 Amendment of Parliament of Queensland Act 2001

Clause 72 identifies the *Parliament of Queensland Act 2001* as the Act amended by chapter 3, part 4 of the Bill.

Clause 73 amends section 51 of the *Parliament of Queensland Act 2001*, which provides that Parliament is taken to have authorised the publication of an authorised parliamentary record by an authorised publisher. The clause replaces the outdated terminology ‘Votes and Proceedings’ used in the existing definition of *authorised parliamentary record*; it does not alter the effect of the provision.

As noted above, the term Votes and Proceedings is an outdated reference to the proceedings of Parliament, which have been known since 12 February 2008 as the Record of Proceedings (see Standing Rules and Orders, SO 21). The reference in this section to ‘the Votes and Proceedings’ is accordingly replaced with a reference to ‘the Record of Proceedings’.

Clause 74 amends the heading and body of section 57 of the *Parliament of Queensland Act 2001*, which provides that reports of Parliamentary debates published in printed form under Parliament's authority are to be received in evidence as an accurate record of what happened in Parliament. The requirement in the body that reports be in a printed form is replaced with a requirement that they be in written form.

This amendment acknowledges that the Record of Proceedings, the official record of the proceedings of Parliament, is routinely published on the Parliament of Queensland website in electronic form. In recognition of changes in technology, best practice and the preferences of the intended audiences of these materials, it will allow the Speaker (or the Clerk of the Parliament, acting on the Speaker's authority) greater flexibility in making rules under the Standing Rules and Orders, SO 21(6), regarding publication of the Record of Proceedings.

Requiring that reports be in written form means that this evidentiary provision does not apply to Parliamentary records in audio or visual form made under section 49 of the *Parliament of Queensland Act 2001*.

Clause 75 amends section 59 to replace the outdated reference to 'Votes and Proceedings' with a reference to 'Record of Proceedings'. As noted above in relation to clause 73, 'Record of Proceedings' is the correct means of referring to the records of the proceedings of Parliament under Standing Rules and Orders, SO 21.

Part 5 Amendment of Reprints Act 1992

Clause 76 identifies the *Reprints Act 1992* as the Act amended by chapter 3, part 5 of the Bill.

Clause 77 makes the following amendments to section 3 of the *Reprints Act 1992*, which contains the definitions of terms used in that Act:

- The current inclusive definition of '*reprint*' is replaced with a limited definition which defines a reprint as a reprint authorised under the Act.
- The current definition of '*reprint date*' is replaced with a definition providing that the reprint date is the date described or identified in the reprint as the date from which the law as shown in the reprint is in force.
- The definition of '*previous reprint*' is replaced with a new definition of '*pre-1992 reprint*', which catches reprints prepared and printed before the enactment of the *Reprints Act 1992* by reference to the legislation under which these earlier reprints were authorised.
- Subclauses (3) and (4) relocate all definitions used in the Act into new schedule 1 of the Act. It is current legislative drafting practice for definitions that apply to the whole of an Act or item of subordinate legislation to be placed in the last schedule of the legislation. This practice means the schedule operates as a type of glossary of definitions in the legislation that is readily accessible at the end of the legislation.

Clause 78 omits current part 2 of the *Reprints Act 1992* (Reprints to which Act applies) and replaces it with a new part 2 (Preparation of reprints). New part 2 consists of a new section 4 (Parliamentary counsel may authorise reprints) providing for the parliamentary counsel to prepare a reprint of a law under the Act, including both a law that has not been amended and a reprint in electronic form.

Clause 79 amends section 5 of the *Reprints Act 1992* to remove a superfluous reference to ‘the day specified in the reprint as’. This is a consequence of ‘reprint date’ being defined in a different way and no longer by reference to the date mentioned in this section.

Clause 80 amends section 9 of the *Reprints Act 1992* (Effect of editorial changes) to replace a reference to a reprint of a law with a reference to a reprint authorised by the parliamentary counsel under section 10A of the *Legislative Standards Act 1992*. This is consequential on the insertion of new section 10A into the *Legislative Standards Act* by clause 69 of the Bill.

Clause 81 omits part 6 of the *Reprints Act 1992*, which provides the power for the parliamentary counsel to authorise reprints of law. This power is relocated to the *Legislative Standards Act 1992*, new section 10A, by clause 69.

Clause 82 consequentially amends the heading to part 7 of the *Reprints Act 1992* to refer to official copies of reprints of Queensland legislation.

Clause 83 omits section 48 of the *Reprints Act 1992*, which currently provides that:

- a reprint authorised by the parliamentary counsel under the Act or printed by the government printer is, in the absence of evidence to the contrary, presumed to show the text of the law as at the reprint date; and
- a court or person acting judicially must take judicial notice reprint.

The presumption regarding the correctness of reprints and the requirement that judicial notice be taken are wholly provided for under the *Evidence Act 1992* as amended by the Bill. Amended section 46A of the *Evidence Act* (see clause 60 of the Bill) includes a number of relevant presumptions, while amended section 43 (see clause 58 of the Bill) requires that judicial notice be taken of a number of relevant matters. It is therefore unnecessary that these matters be duplicated in the *Reprints Acts 1992*.

Clause 84 makes several consequential amendments to section 49 (Amendment of and reference to reprinted law etc.). These include the insertion by subclause (1) of a note cross-referencing sections 43(h) and 46A of the *Evidence Act 1977* as amended by this Bill, which deal with the evidentiary value of reprints and the requirement of judicial notice, and the insertion by subclause (3) of a definition of ‘reprint’ for the purposes of the section.

Clause 85 inserts a new part 9 and section 51 into the Act, as a transitional provision for reprints previously authorised by the parliamentary counsel under current section 47 of the Act.

Clause 86 inserts a new schedule 1 (Dictionary) into the *Reprints Act*, into which all definitions provided in the Act are relocated by clause 77.

Part 6 Amendment of Statutory Instruments Act 1992

Clause 87 identifies the *Statutory Instruments Act 1992* as the Act amended by chapter 3, part 6 of the Bill.

Clause 88 amends section 10, which defines an ‘*order in council*’, to refer to an order that is subordinate legislation being notified under new section 47 (as inserted by clause 99). This amendment is consequential to the shift to electronic notification of subordinate legislation effected by clause 99.

Clause 89 amends section 11, which defines the term ‘*proclamation*’, to refer to subordinate legislation being notified under new section 47. This amendment is consequential to the shift to electronic notification of subordinate legislation effected by clause 99.

Clause 90 amends section 14(3)(b) of the *Statutory Instruments Act 1992* to replace a reference to a reprint authorised by the parliamentary counsel under the *Reprints Act 1992* with a reference to a reprint authorised by the parliamentary counsel under section 10A of the *Legislative Standards Act 1992*. This reflects the relocation of the parliamentary counsel’s head of power to authorise reprints from section 48 of the Reprints Act to new section 10A of the Legislative Standards Act, but does not alter the effect of section 14(3)(b).

Clause 91 updates paragraphs (b) and (g) of the definition of ‘*extrinsic material*’ in section 15 for the purposes of applying section 14B of the Acts Interpretation Act (Use of extrinsic material in interpretation).

Clause 92 amends section 17 of the *Statutory Instruments Act 1992*, which provides for the modified application of section 36 of the *Acts Interpretation Act 1954* (Meaning of commonly used words and expressions) for statutory instruments. This is necessary as clause 49 of the Bill relocates all definitions in current section 36 of the Acts Interpretation Act to new schedule 1.

Clause 93 amends section 32, which provides for the prospective commencement of statutory instruments. References to notification of statutory instruments is qualified by reference to notification under section 47. This is consequent on new section 47 (inserted by clause 99), which provides for subordinate legislation to be notified by publication of it and its publication date on the Queensland legislation website.

Clause 94 amends section 33, which deals with the commencement and citation provisions of statutory instruments. Reference to notification is qualified by reference to notification under section 47. This is consequent on new section 47, which provides for subordinate legislation to be notified by publication on the Queensland legislation website.

Clause 95 omits current part 4, division 3, subdivision 4 of the *Statutory Instruments Act 1992*, which provides that a copy of a statutory instrument printed by the government printer or authorised by the parliamentary counsel may be taken as evidence of a range of matters. These matters include when the instrument was made or consented to and by whom, when it was published and when it was laid before Parliament.

As evidence of these matters is now dealt with by sections 43, 46A and 48 of the *Evidence Act 1977* (as amended), this provision of the *Statutory Instruments Act 1992* is redundant.

Clauses 96 and *97* renumber existing subdivisions 5 and 6 of part 4, division 3 as subdivisions 4 and 5, consequent on the omission of existing subdivision 4 by clause 95.

Clause 98 makes a technical amendment to the heading of part 6, division 1 as a consequence of the omission of section 48 and the requirement to make copies of subordinate legislation available.

Clause 99 replaces current section 47 of the *Statutory Instruments Act 1992*, which provides for the notification of subordinate legislation (other than exempt subordinate legislation) in the Queensland Government Gazette, with a new section 47. This new section provides that notification of subordinate legislation (other than exempt subordinate legislation) is by publication of the legislation and its publication date on the Queensland legislation website. This has the effect that subordinate legislation (other than exempt subordinate legislation) becomes effective when it is published on the website.

Users of Queensland legislation can already access subordinate legislation and information about its making through the Queensland legislation website. This shift to electronic notification follows similar initiatives in three other Australian jurisdictions—the Commonwealth, New South Wales and the Australian Capital Territory—and is considered appropriate, having regard to changes in technology, best practice and the preferences of users of Queensland legislation.

A definition of ‘*Queensland legislation website*’ as the website with the URL <www.legislation.qld.gov.au> is inserted into section 36 of the *Acts Interpretation Act 1954* (and relocated to new schedule 1 of that Act) by the Bill.

New section 47(2) and (3) provide the parliamentary counsel with the discretion to determine how notification of subordinate legislation may occur if subordinate legislation cannot, for technical or other reasons, be conveniently notified by publication in the normal way. While subordinate legislation published in an alternative way must be published in the normal way as soon as practicable, notification occurs on its publication in the alternative way decided by the parliamentary counsel.

Under new section 47(4), as under the current section, exempt subordinate legislation continues to be notified by its publication in the Queensland Government Gazette.

Clause 100 omits existing section 48, which requires copies of subordinate legislation notified under existing section 47(2)(a) to be made available on, or as soon as practicable after, their notification day. As subordinate legislation is made available to the public through its publication on the Queensland legislation website under new section 47 (inserted by clause 99), it is no longer necessary to require that copies of subordinate legislation be otherwise made available.

Clause 101 amends section 49 to replace the requirement that subordinate legislation be tabled in Parliament within 14 sitting days of its notification in the Queensland Government Gazette. The new requirement is for tabling to occur within 14 sitting days of its notification under new section 47. This amendment is consequential to the shift to electronic notification of subordinate legislation effected by clause 99.

Clause 102 amends section 55 of the *Statutory Instruments Act 1992* to extend the period of notice which the parliamentary counsel must give to relevant departments and agencies of the impending expiry of subordinate legislation which they administer from six months up to one year. This implements a recommendation of the former Scrutiny of Legislation Committee in its Report No. 42, *Review of Part 7 of the Statutory Instruments Act*, that the notice period be extended to support affected departments and agencies manage their often complex suites of subordinate legislation.

Clause 103 amends section 57 of the *Statutory Instruments Act 1992* to provide that a regulation may list that subordinate legislation to which subsection (1) applies. Subsection (1) provides that the automatic expiry of legislation under part 7 does not apply to subordinate legislation requiring a resolution of Parliament before it may be repealed. In other words, a regulation may list those pieces of subordinate legislation which do not automatically expire but may only be repealed by Parliament. However, listing subordinate legislation in the regulation does not affect the application of subsection (1).

Clause 104 omits part 8 of the *Statutory Instruments Act 1992*, which prescribes a range of matters in relation to the notification and availability of forms approved or made under an Act, as these matters are relocated (by clause 105) to new part 12A of the *Acts Interpretation Act 1954* (as inserted by clause 50).

Clause 105 relocates section 58 of the *Statutory Instruments Act 1992* to be section 48 in part 12A of the *Acts Interpretation Act 1954*. Minor amendments are made to section 58 before it is relocated and renumbered.

Clause 106 inserts new sections 63 and 64, as a replacement division 3, into part 10 of the *Statutory Instruments Act 1992*.

New section 63 is a transitional provision relating to the introduction of electronic notification of subordinate legislation and the requirement to table subordinate legislation in Parliament after it is notified.

New section 64 provides that existing section 55, which requires the parliamentary counsel to give administering departments and agencies at least six months' notice of the impending expiry of relevant subordinate legislation, continues to apply to subordinate legislation expiring on 1 September first occurring after its commencement.

Clause 107 makes the following amendments to the list of provisions of the *Acts Interpretation Act 1954* which apply equally to statutory instruments as to Acts:

- Subclause (1) inserts schedule 1 of the *Acts Interpretation Act 1954* into the list (other than those definitions currently excluded). This is consequent on the relocation of the definitions in current section 36 of that Act to new schedule 1.
- Subclause (2) inserts part 12A into the list. This has the effect of providing that the provisions of part 12A, which deal with the making of forms under Acts and the effects of non-compliance with legislative requirements in relation to forms, apply equally in relation to forms made under statutory instruments as to forms made under principal legislation.
- Subclause (2) also updates two references to reflect renumbering by the Bill.

Clause 108 removes the *Nature Conservation (Protected Areas) Regulation 1994* from schedule 2A of the *Statutory Instruments Act 1992*. Under section 57, this schedule lists subordinate legislation to which part 7 of the Act—which provides for the automatic expiry of subordinate legislation—does not apply.

Section 57 provides that part 7 does not apply to subordinate legislation requiring a resolution of Parliament before it may be repealed or to subordinate legislation mentioned in schedule 2A. As the head of power under which the *Nature Conservation (Protected Areas) Regulation* is exempted from the application of part 7 of the *Acts Interpretation Act* sits in the principal legislation under which it is made, the *Nature Conservation Act 1992*, it is unnecessary to also mention the *Regulation* in schedule 2A.

Part 7 Other amendments

Clause 109 provides that the provisions listed in schedule 2 are omitted. The provisions listed are all instances where an Act provides that the amendment of subordinate legislation by that Act does not affect the power of the Governor in Council or another entity to further amend the subordinate legislation or to repeal it. As new section 50 inserted into the *Acts Interpretation Act 1954* by clause 53 of this Bill provides for this generally, clause 109 consequentially omits these redundant similar provisions.

Clause 110 makes the following consequential amendments to provisions of various Acts listed in schedule 3:

- References to section 36 of the *Acts Interpretation Act 1954* are replaced with references to schedule 1 of that Act. This is consequent on clause 49, which relocates definitions of commonly used words and expressions from section 36 to new schedule 1 of the *Acts Interpretation Act 1954*.
- References to certain statutory instruments being notified in the gazette are amended to remove the term ‘in the gazette’. This has the effect of calling up the new definition of ‘notified’ inserted by clause 49 into schedule 1 of the *Acts Interpretation Act 1954*, which refers to new section 47 of the *Statutory Instruments Act 1992* (as amended by this Bill), which provides for subordinate legislation to be notified by means other than its publication in the Queensland Government Gazette.
- References to certain statutory instruments being gazetted are amended by the replacement of the term ‘gazetted’ with ‘notified’. Again, this has the effect of calling up the new definition of ‘notified’ in schedule 1 of the *Acts Interpretation Act* and its cross-reference to notification of subordinate legislation under section 47 of the *Statutory Instruments Act*.

Clause 111 provides that schedule 4 amends a number of Acts listed. These are consequential amendments arising from substantive amendments made to various Acts by the Bill and other minor amendments.

Schedule 1 Minor and consequential amendments for chapter 2

Schedule 1 lists the sections and other parts of Acts and the amendments made to those sections and other parts of the Acts.

**Schedule 2 Omission of provisions about subordinate
legislation amended by an Act**

Schedule 2 lists the provisions that are omitted by clause 109 of the Bill, which are redundant because of the new section 50 being inserted into the *Acts Interpretation Act 1954*.

**Schedule 3 Consequential amendments relating to definitions
in the Acts Interpretation Act 1954**

Schedule 3 lists the provisions of Acts which are amended in a consequential way as a result of amendments to definitions in the *Acts Interpretation Act 1954* effected by clause 49 of the Bill.

**Schedule 4 Miscellaneous minor and consequential
amendments for chapter 3 amendments**

Schedule 4 lists the remaining provisions of Acts which are amended in a minor or consequential way.