

Queensland



# REPRINTS ACT 1992

**Reprinted as in force on 20 May 1994  
(includes amendments up to Act No. 15 of 1994)**

**Reprint No. 5**

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

# Information about this reprint

This Act is reprinted as at 20 May 1994. The reprint—

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

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to—

- use standard punctuation consistent with current legislative drafting practice (s 27)
- use expressions consistent with current legislative drafting practice (s 29)

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A Table of previous reprints is included in the Endnotes.

**Also see Endnotes for—**

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

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# REPRINTS ACT 1992

[as amended by all amendments that commenced on or before 20 May 1994<sup>2</sup>]

## **An Act relating to reprints of legislation and for other purposes related to legislation**

### **PART 1—PRELIMINARY**

#### **Short title**

1. This Act may be cited as the *Reprints Act 1992*<sup>3-6</sup>.

#### **Object of Act**

2.(1) The object of this Act is to facilitate the updating and ready availability of Queensland legislation.

(2) The object is to be achieved by modernising the law relating to reprints of Queensland legislation.

#### **Definitions**

3. In this Act—

“**current legislative drafting practice**” means current Queensland legislative drafting practice;

“**law**” means—

- (a) an Act; or
- (b) subordinate legislation; or
- (c) an agreement or other instrument that has the force of law or is in, or attached to, an Act or subordinate legislation;

**“make”** includes enact;

**“minor error”** includes—

- (a) a typographical error; or
- (b) a grammatical error; or
- (c) an error of punctuation; or
- (d) an error in cross-referencing to a provision of a law;

**“referential words”** means the words—

- (a) ‘of this Act’, ‘of this regulation’, ‘of this order in council’, ‘of this rule’, ‘of this by-law’, ‘of this ordinance’ or ‘of this proclamation’; or
- (b) ‘to this Act’, ‘to this regulation’, ‘to this order in council’, ‘to this rule’, ‘to this by-law’, ‘to this ordinance’ or ‘to this proclamation’; or
- (c) ‘of this Schedule’; or
- (d) ‘of this Chapter’; or
- (e) ‘of this Part’; or
- (f) ‘of this Division’; or
- (g) ‘of this Subdivision’; or
- (h) ‘of this section’; or
- (i) ‘of this subsection’, ‘of this subregulation’ or ‘of this subrule’; or
- (j) ‘of this paragraph’; or
- (k) ‘of this subparagraph’; or
- (l) ‘of this sub-subparagraph’; or
- (m) ‘of this clause’; or
- (n) ‘of this subclause’; or
- (o) ‘of this sub-subclause’; or
- (p) ‘of this item’; or
- (q) ‘of this subitem’; or
- (r) ‘before-mentioned’ or ‘afore-mentioned’; or



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- (s) ‘hereof’ or ‘hereto’; or
- (t) ‘thereof’ or ‘thereto’; or
- (u) ‘said’ or ‘aforesaid’;

or words to that or similar effect, occurring in conjunction with a number to designate a provision of the law in which the words appear or a provision of another law;

**“reprint”** of a law includes a reproduction of the law in electronic form;

**“reprint date”** of a reprint means the day specified in the reprint under section 5(c) as the reprint date;

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

## **PART 2—REPRINTS TO WHICH ACT APPLIES**

### **Application of Act**

**4.** This Act applies to a reprint of a law (including a law that has not been amended) that is—

- (a) authorised by the Parliamentary Counsel; and
- (b) in the case of a reprint in printed form—printed by the Government Printer.

## **PART 3—AMENDMENTS MUST BE INCLUDED IN REPRINTS**

### **Amendments**

**5.** If a law has been amended by—

- (a) the omission of provisions; or

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

a reprint of the law must—

- (c) show the law as amended by all amendments that commenced on or before the day specified in the reprint as the reprint date; and
- (d) incorporate all necessary consequential amendments, whether of punctuation, numbering or another kind.

*Example 1—*

If the following provision were to be amended by the omission of paragraph (c), the bracketed punctuation mark would replace the bolded punctuation mark and the word ‘and’ at the end of paragraph (b) would be omitted—

‘5. A notice is to—

- (a) be signed by the chairperson; and
- (b) specify the time within which it is to be complied with; (.) and
- (c) specify the place at which it is to be complied with.’.

*Example 2—*

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

*Example 3—*

If a section that is divided into subsections is amended by the insertion of another subsection that is given a new number (for example, a subsection (1A) to be inserted after subsection (1)), section 5(d) does not require the renumbering of subsections after the inserted subsection.

*Example 4—*

If a definition is added to a section consisting of 1 definition, the existing section heading ‘Definition’ would become ‘Definitions’.

## **Reference to amending law**

**6.** A reprint of a law that shows the law as amended by amendments must include, in a suitable place, a reference to the law by which each amendment was made.

## **PART 4—EDITORIAL CHANGES MAY BE INCLUDED IN REPRINTS**

### *Division 1—General*

#### **Editorial changes**

**7.(1)** In a reprint of a law, the text of the law may be given—

- (a) using citations and references permitted by Division 2; and
- (b) using references permitted by Division 3; and
- (c) using words and references, and otherwise expressed as, permitted by Division 4; and
- (d) making the omissions and insertions permitted by sections 31 and 33; and
- (e) using the names permitted by section 32; and
- (f) using headings, format and printing style permitted by sections 34 and 35; and
- (g) omitting provisions as permitted by sections 36 to 42; and
- (h) using the numbering and renumbering of provisions and the references permitted by section 43; and
- (i) correcting minor errors as permitted by section 44; and
- (j) doing anything else permitted to be done by this Act or a regulation; and
- (k) making all necessary consequential amendments.

**(2)** If the text of a law is given as permitted by subsection (1), the reprint—

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

**Editorial changes not to change effect**

8. Section 7 does not permit changes to the text of a provision of a law that would change the effect of the provision.

**Effect of editorial changes**

9. If in a reprint of a law the text of the law is given as permitted by section 7, the law has effect as if the changes made under that section had been made expressly by another law that amended the law immediately before the reprint date.

*Division 2—Updated citations and references to law***Omission of comma**

10. If a law or group of laws has a citation that includes a comma before or after a year in the citation, the citation or a reference to the law or laws may be given omitting the comma.

**Omission of inverted commas**

11. If a law or group of laws has a citation that begins and ends with inverted commas, the citation or a reference to the law or laws may be given omitting the inverted commas.

**Omission of ‘of’**

12. If a law or group of laws has a citation that includes the word ‘of’ before the first year in the citation, the citation or a reference to the law or laws may be given omitting the word.

**Omission of ‘to’**

13. If a law or group of laws has a citation that includes the word ‘to’ between the 2 years in the citation, the citation or a reference to the law or laws may be given omitting the word and substituting a hyphen.

**Omission of ‘The’—general**

**14.** If a law or group of laws has a citation that begins with the word ‘The’—

- (a) the citation or a reference to the law or laws may be given omitting the word; and
- (b) if the context requires—the word ‘The’ or ‘the’, as appropriate, may be inserted immediately before the citation or reference.

**Omission of ‘The’—Criminal Code**

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

**Year law made not included in citation**

**16.** If a law has a citation that does not include a year, the citation or a reference to the law may be given including the year the law was made.

*Example—*

*‘The Judicature Act’* may be cited as the *‘Judicature Act 1876’*.

**Word ‘Act’ not included in citation etc.**

**17.(1)** If an Act has a citation that does not include the word ‘Act’, the citation or a reference to the Act may be given including the word ‘Act’, and any necessary consequential amendments made to the citation or reference.

*Example—*

*‘The Defamation Law of Queensland’* may be cited as the *‘Defamation Act 1889’*.

**(2)** If subordinate legislation has a citation that does not indicate the type of instrument, the citation or a reference to the legislation may be given including the type of instrument, and any necessary consequential amendments made to the citation or reference.

**Substitution of single-year citation for double-year citation**

**18.(1)** The citation of a law that has been amended, or a group of laws, may be given by omitting from the citation any words after the first year in the citation.

**(2)** In a provision of a law, a reference to another law or a group of laws may be given by omitting from the reference any words after the first year.

*Example—*

In the following reference, the bolded words may be omitted—

*‘Liquor Act 1912-**1990**’.*

**(3)** In subsection (2)—

“**law**” includes a law of the Commonwealth, another State, a Territory or a foreign country.

**Substitution of singular form for plural form of citation for amended laws etc.**

**19.(1)** The citation of a law that has been amended, or a group of laws, that is in the plural form may be given by changing the citation to the singular form.

**(2)** In a provision of a law, a reference in the plural form to a law as amended may be given by changing the reference to the singular form.

*Example—*

*‘Land Act 1910’* may replace *‘Land Acts 1910-1958’*.<sup>1</sup>

**Citation indicating type of statutory instrument in plural**

**20.** If a statutory instrument has a citation or is otherwise called by a name indicating the type of instrument in the plural, the instrument may be given a citation, or referred to by a name, indicating the type of instrument in the singular.

*Example—*

A statutory instrument that is called by a name in column 1 of the table may be

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<sup>1</sup> Section 18 has also been applied to this example.

called by the corresponding name in column 2.

**TABLE**

| <b>Column 1</b> | <b>Column 2</b> |
|-----------------|-----------------|
| Regulations     | Regulation      |
| By-laws         | By-law          |
| Rules           | Rule            |

Thus, the *Traffic Regulations 1962* may now be called the *Traffic Regulation 1962*.

### **Correct year in statutory instrument's citation etc.**

**20A.** If—

- (a) a statutory instrument is made in a particular year (the “**year of making**”); and
- (b) the statutory instrument's citation includes a single year other than the year of making;

the citation of, and a reference to, the statutory instrument may be given by omitting the other year and substituting the year of making.

### **Other changes relating to citation**

**21.(1)** If a law does not have a citation, it may be given a citation that is consistent with current legislative drafting practice.

**(2)** If a law or group of laws has a citation that is inconsistent with current legislative drafting practice in a way that is not mentioned in sections 10 to 20, the citation or a reference to the law or laws may be given in a way that is consistent with current legislative drafting practice.

### *Division 3—Updated references within law*

#### **Changed citation**

**21A.(1)** If—

- (a) there is a reference to a law's citation; and
- (b) since the reference was made, the citation has been amended;

the reference may be given using the citation as amended.

(2) In this section—

“**law**” includes a law of the Commonwealth, another State or a Territory;

“**made**” includes enacted.

### **Remade law or provision**

**22.(1)** A reference to a law that has been repealed and remade (with or without modification) since the reference was made may be given using the law as remade.

(2) A reference to a law, part of which has been repealed and remade (with or without modification) in another law since the reference was made, may be given using the first law and the other law.

(3) A reference to a provision of a law that has been omitted and remade (with or without modification and whether in the law or another law) may be given using the provision as remade.

(4) If a law provides that reference to a law or provision of a law (the “**first law**”) is a reference to another law or provision of the first law or another law (the “**second law**”), the first law is taken to have been replaced by the second law in all appropriate contexts.

(5) In this section—

“**law**” includes a law of the Commonwealth, another State or a Territory;

“**made**” includes enacted;

“**remade**” includes re-enacted.

### **Changed name or title**

**23.(1)** A reference to the name or title of the Sovereign or a body, office, person, place or other thing that has been changed may be given using the name or title as changed.

(2) Subsection (1) has effect according to its tenor, and has that effect despite the *Acts Interpretation Act 1954*, section 35.



**Replacement of body etc.****23A.(1)** If—

- (a) reference is made in a law to a body, office, person, place or other thing (the **“first thing”**); and
- (b) the first thing has been replaced, either generally or in a relevant respect, by another body, office, person, place or other thing (the **“second thing”**);

the reference may be given using the second thing.

(2) Subsection (1) has effect according to its tenor, and has that effect despite the *Acts Interpretation Act 1954*, section 35.

(3) If a law provides that reference to a body, office, person, place or other thing (the **“first thing”**) is a reference to another body, office, person, place or other thing (the **“second thing”**), the first thing is taken to have been replaced by the second thing in all appropriate contexts.

**(4)** In subsection (3)—

**“law”** includes a law of the Commonwealth, another State, a Territory or a foreign country.

***Division 4—Updated way of expression*****Gender**

**24.** If a provision of a law uses a word indicating a gender or that could be taken to indicate a gender, the provision may be expressed in a different way that is consistent with current legislative drafting practice.

*Examples—*

In the following provisions, the bolded words may be omitted and the bracketed words (if any) inserted—

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

remarriage).’.

4. ‘If requested by **his servant** (an employee), the **master** (employer) must complete the application.’.
5. ‘If a notice under section 5 is not received by the auctioneer, real estate agent, commercial agent, motor dealer or person named in it within 30 days after **he receives** (receiving) notice of the dispute, **he** (he or she) must ...’.

### **References to gender specific offices**

**25.(1)** If the name of an office established by a law uses a word indicating a gender or that could be taken to indicate a gender, the name of the office may be changed, and any reference in a law to the office may be changed or given, in a way that is consistent with current legislative drafting practice.

*Example 1—*

‘chairperson’ may replace ‘chairman’.

*Example 2—*

‘deputy chairperson’ may replace ‘deputy chairman’.

*Example 3—*

‘councillor’ or a similar word may replace ‘alderman’.

**(2)** A change in the name of an office does not otherwise affect the office or the holding of the office by the office holder.

### **Spelling**

**26.(1)** If a provision of a law uses a word that is spelt incorrectly, the word may be spelt correctly.

*Example 1—*

‘accommodation’ may replace ‘accomodation’.

*Example 2—*

‘similar’ may replace ‘similiar’.

**(2)** If a provision of a law uses a word that is spelt in a way that is inconsistent with current legislative drafting practice, the word may be spelt in a different way that is consistent with current legislative drafting practice.

*Example 1—*

‘authorise’ may replace ‘authorize’

and

‘organisation’ may replace ‘organization’.

*Example 2—*

‘connection’ may replace ‘connexion’.

*Example 3—*

‘program’ may replace ‘programme’.

*Example 4—*

‘lodgment’ may replace ‘lodgement’.

## **Punctuation**

**27.** If a provision of a law uses punctuation that is inconsistent with current legislative drafting practice, the provision may be expressed using punctuation that is consistent with current legislative drafting practice.

*Example 1—*

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

‘**5.** The Commissioner may grant leave of absence to a person for any of the following purposes:— (—)

(a) to engage in employment;

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

unless Part 5 applies.’.

*Example 2—*

In the following provision, the bracketed comma may be inserted—

‘**5.** If the occupier of premises cannot be found(,) a notice to quit may be served on the occupier by fixing a copy of the notice to a conspicuous part of the premises.’.

*Example 3—*

‘sublet’ may replace ‘sub-let’.

*Example 4—*

In the following provision, the bolded comma may be omitted—

‘**5.** In this Act,—’.

## Conjunctives and disjunctives

**28.(1)** A provision of a law may be expressed using a conjunctive or disjunctive at the end if the use of the conjunctive or disjunctive is consistent with current legislative drafting practice.

### *Example 1—*

In the following provision, the bracketed disjunctive may be inserted—

**‘5.** A statutory rule may—

- (a) apply generally; (or)
- (b) apply differently according to different factors; or
- (c) authorise anything to be determined.’.

### *Example 2—*

In the following provision, the bracketed conjunctive may be inserted—

**‘5.** The trust fund consists of—

- (a) all amounts paid to the Council by way of deposit or in trust for any person; (and)
- (b) all amounts required by law to be paid to the trust fund.’.

**(2)** If—

- (a) a provision of a law has a conjunctive or disjunctive (or both) at the end; and
- (b) the usage is not consistent with current legislative drafting practice;

the provision may be expressed in a way that is consistent with current legislative drafting practice.

### *Example—*

In the following provision, the bracketed disjunctive may replace the bolded conjunctive—

**‘“domestic animal”** means—

- (a) a cat; **and** (or)
- (b) a dog;’.

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

**29.** If a provision of a law expresses a number, year, date, time, amount of money, quantity or measurement of a thing, or other matter or idea, (the “**item**”) in a particular way, the item may be expressed in a different way that is consistent with current legislative drafting practice.

*Example 1—*

‘25’ may replace ‘twenty-five’.

*Example 2—*

‘Part 1’ may replace ‘Part I’.

*Example 3—*

‘Schedule 1’ may replace ‘the First Schedule’.

*Example 4—*

‘1 January 1952’

may replace

‘the first day of January, one thousand nine hundred and fifty-two’.

*Example 5—*

‘8 a.m.’ may replace ‘8 o’clock in the forenoon’.

*Example 6—*

‘\$25 000’ may replace ‘twenty-five thousand dollars’.

*Example 7—*

‘%’ may replace ‘per centum’ or ‘percent’.

*Example 8—*

‘**“Commission”** means the Licensing Commission;’

may replace

‘“Commission”—The Licensing Commission;’.

*Example 9—*

‘**“land”** includes land covered by water;’

may replace

‘“Land”—Includes land covered by water;’.

*Example 10—*

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‘“A” means the allocated amount;’

may replace

‘“A” represents the allocated amount;’.

*Example 11—*

‘the Licensing Commission’ may replace ‘The Licensing Commission’ even though ‘The’ forms part of the Commission’s given name.

*Example 12—*

‘1.61 km’ may replace ‘1 mile’.

*Example 13—*

‘any land (the “**dominant land**”)’

may replace

‘any land (herein in this section referred to as “the dominant land”)’.

*Example 14—*

‘(3) All persons shall have the same remedies for recovering such apportioned parts as they would have had for recovering such entire portions if so entitled.’

may replace

‘(3) All persons shall have the same remedies for recovering such apportioned parts as aforesaid as they would have had for recovering such entire portions as aforesaid if entitled thereto.’.

*Example 15—*

‘Maximum penalty—

(a) in the case of an individual—35 penalty units; or

(b) in the case of a corporation—170 penalty units.’

may replace

‘Penalty: 35 penalty units in the case of an individual;  
170 penalty units in the case of a corporation.’.

*Example 16—*

‘This section does not affect the priority of a lien that is renewed or further renewed under section 13.’

may replace

‘Provided that nothing in this section shall affect the priority of any lien which shall be renewed or further renewed under the provisions of section thirteen of this Act.’.

*Example 17—*

‘anything’ may replace ‘any thing’.

*Example 18—*

‘**“registrar”** means the Registrar of Auctioneers and Agents appointed under this Act, and includes a deputy registrar;’

may replace

‘**“registrar”** means the Registrar of Auctioneers and Agents appointed under this Act. The term includes a deputy registrar;’.

*Example 19 (preferred expressions)—*

In the following table, an expression in column 1 may be replaced, in appropriate contexts, by a corresponding bolded expression in column 2 or another expression more suitable in the context.

**TABLE**

| <b>Column 1</b>       | <b>Column 2</b>                        |
|-----------------------|--|
| as a result           | <b>because</b>                         |
| by reason             | <b>because</b>                         |
| by reason only        | <b>merely because</b>                  |
| by virtue of          | <b>under</b>                           |
| firstmentioned        | <b>first</b>                           |
| forthwith             | <b>immediately</b>                     |
| hereby                | <b>then</b>                            |
| in accordance with    | <b>under</b>                           |
| in lieu               | <b>instead</b>                         |
| notwithstanding       | <b>despite, even though or even if</b> |
| of its own motion     | <b>on its own initiative</b>           |
| pursuant to           | <b>under</b>                           |
| save                  | <b>other than</b>                      |
| save as prescribed by | <b>subject to</b>                      |
| thereafter            | <b>afterwards</b>                      |
| therefrom             | <b>from it</b>                         |
| therewith             | <b>in the</b>                          |
| whereby               | <b>under which</b>                     |

*Example 20* (use of ‘therein’)—

‘the direction is taken to have the extended time specified in it’

may replace

‘the direction is taken to have the extended time specified therein’.

*Example 21* (use of ‘thereto’)—

‘to bring to the Commission’s notice any matter arising before the Review Committee and to make such recommendations with respect to the matter as it considers appropriate’

may replace

‘to bring to the Commission’s notice any matter arising before the Review Committee and to make such recommendations with respect thereto as it considers appropriate’.

*Example 22* (plural to singular)—

‘another area’ may replace ‘other areas’.

*Example 23* (plural to singular)—

‘In this regulation’ may replace ‘In these regulations’.

*Example 24* (outdated terms)—

‘employer’ and ‘employee’ may replace ‘master’ and ‘servant’.

*Example 25* (Preamble)—

‘Because—’ may replace ‘Whereas—’.

*Example 26* (both conjunctive and disjunctive)—

‘or’ may replace ‘and/or’.

*Example 27* (specific title to general title)—

‘chief executive’ may replace ‘Director-General’, ‘Under Secretary’ or a similar title.<sup>2</sup>

*Example 28* (non-compressed provision reference to compressed provision reference)—

‘section 10(2)(a)(i)(A)’ may replace ‘sub-subparagraph (A) of subparagraph (i) of paragraph (a) of subsection (2) of section 10’.

*Example 29* (descriptive provision reference to numerical provision reference)—

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<sup>2</sup> If the replaced terms are defined, the definition may be omitted as redundant under section 39 (Omission of obsolete and redundant provisions)—see also section 7(1)(g) (Editorial changes).



In the following provisions, the bolded words may be omitted and the underlined words inserted—

1. '(3) Proceedings under **the last preceding** subsection (2) ...'.
2. '(2) Without limiting **the foregoing provisions of this section** subsection (1)...'
3. '(c) ...as stated in paragraph (b), or coloured as stated in **the said** paragraph (b);'.

*Example 30* (other types of provision reference)—

1. 'paragraph (a)(i)' may replace 'subparagraph (a)(i)'.
2. 'paragraph (a)' may replace 'provision (a)'.

*Example 31* (references to laws of other jurisdictions)—

1. '*Therapeutic Goods Act 1966* (Cwlth)' may replace '*Therapeutic Goods Act 1966* of the Commonwealth'.
2. '*Gaming Act 1850* (NSW)' may replace '*Gaming Act 1850* of New South Wales'.

## Order of definitions

**30.(1)** If a definition provision of a law contains definitions that are not in their appropriate alphabetical position (determined on a letter-by-letter basis), the definition provision may be expressed so that the definitions are in their appropriate alphabetical position determined on a letter-by-letter basis.

**(2)** If a definition provision of a law contains definitions in a particular order, the definition provision may be expressed so that the definitions are in an order that is consistent with current legislative drafting practice.

**(3)** In this section—

**“definition provision”** of a law means a provision containing a number of definitions.

## Order of other provisions

**30A.** If a provision of a law contains provisions in a particular order, the provision may be expressed so that the provisions are in an order that is consistent with current legislative drafting practice.

***Division 5—Updated naming conventions within statutory instruments*****References to type of statutory instrument****31.(1)** If—

- (a) a statutory instrument has, or could be given, a citation indicating the type of instrument in the singular; and
- (b) the instrument or another law contains referential words or other words that refer to the instrument in the plural;

the words may be replaced by appropriate words in the singular.

**(2)** If—

- (a) a statutory instrument was made as an instrument of a particular type (the “**original type**”); and
- (b) under a law, the instrument continues to have effect and is taken to be an instrument of a different type (the “**new type**”); and
- (c) the instrument contains a citation, referential words or other words that refer to the instrument as an instrument of the original type;

the words may be replaced by appropriate words that refer to the instrument as an instrument of the new type.

**Name of provision units in statutory instruments**

**32.** If a provision of a statutory instrument is called a regulation, subregulation, sub-subregulation, rule, subrule, by-law, sub-by-law, clause, subclause, sub-subclause, paragraph, subparagraph, sub-subparagraph, item, subitem, or any other name, the provision may be called—

- (a) if the provision is a provision unit equivalent to a section of an Act—a section; or
- (b) if the provision is a provision unit equivalent to a subsection of an Act—a subsection; or
- (c) if the provision is a provision unit equivalent to a paragraph of an Act—a paragraph; or
- (d) if the provision is a provision unit equivalent to a subparagraph of

an Act—a subparagraph; or

- (e) if the provision is a provision unit equivalent to a sub-subparagraph of an Act—a sub-subparagraph.

*Example 1—*

Regulation 2 may be called section 2.

*Example 2—*

By-law 5(2)(a) may be called section 5(2)(a), that is, paragraph (a) of subsection (2) of section 5.

## **Reference to authorising Act**

**33.** If—

- (a) there is a reference in an instrument to a provision of the Act under which a statutory instrument is made or in force; and
- (b) the words ‘of the Act’, or words of similar effect, do not appear at the end of the reference;

the words ‘of the Act’ may be inserted at the end of the reference.

## ***Division 6—Updated form of law***

### **Relocation of marginal or cite notes**

**34.** A marginal note to a provision of a law, or a note to a provision of a law appearing in and at the beginning of the provision, may be treated as the heading to the provision.

### **Format and printing style**

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

*Example 1—*

‘(2) In this section—

“**person**” includes an unincorporated body.’

may replace

‘(2) In this section, the term “person” includes an unincorporated body.’.

*Example 2—*

‘ “**variation**”, in relation to a permit, includes a variation of conditions of the permit;’

may replace

‘ “**variation**” in relation to a permit includes a variation of conditions of the permit;’.

*Example 3—*

‘*Petroleum (Submerged Lands) Act 1967*’

may replace

‘*Petroleum (Submerged Lands) Act 1967*’.

*Example 4—*

In the following provision heading, the bracketed words may be omitted—

‘(SECTION 2.2 INDUSTRIAL MATTER)

2.2 Industrial matter’.<sup>3</sup>

### **Omission of arrangement provisions**

**36.** A provision of a law setting out the arrangement of the law, or provisions of the law, may be omitted.

### **Omission of expired provisions etc.**

**37.** A provision of a law that is spent, has expired, or otherwise ceased to have effect, may be omitted.

### **Omission of old saving, transitional and validation provisions**

**38.** A saving, transitional or validation provision of a law may be omitted if the provision applies only to a time or event that has passed.

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<sup>3</sup> Section 34 could also be applied to this example.

**Omission of obsolete and redundant provisions**

**39.** If a provision of a law is obsolete or redundant because of the making of any law, the provision may be omitted.

*Example 1—*

In the following provisions, the bolded words may be omitted—

1. ‘In this Act, **unless the context otherwise indicates, the following terms have the meanings respectively assigned to them, that is to say,—**’.
2. ‘In this Act, **unless the contrary intention appears—**’.

*Example 2—*

Because of the *Acts Interpretation Act 1954*, particularly section 24B(8)(b) (which says that laws apply to an acting appointee as if the appointee were the holder of the office), section 33 (References to Ministers, departments and chief executives) and section 36 (Meaning of commonly used words and expressions), many statutory definitions are redundant.

Accordingly, common definitions such as the following can be omitted as redundant—

1. “area”, in relation to a local authority, has the meaning it has under the *Local Government Act 1936*;<sup>4</sup>
2. “Department” means the department of government of Queensland within which this Act is administered;<sup>5</sup>
3. “Director-General” means the chief executive, by whatever title the chief executive is known, of the department, and includes any officer temporarily discharging the responsibilities of the chief executive;<sup>6</sup>

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<sup>4</sup> See *Acts Interpretation Act 1954*, section 36, definition “area”. See also *Local Government Act 1993*, section 755(1)(a) and (b) about references to local authority and the area of a local authority and section 23 (Changed name or title) of this Act.

<sup>5</sup> See *Acts Interpretation Act 1954*, section 36, definition “department” and section 33(5) to (5AB) (References to Ministers, departments and chief executives).

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<sup>6</sup> See *Reprints Act 1992*, section 29 (Expression of number, year, date, time, amount of money, quantity etc.), example 27. See also *Acts Interpretation Act 1954*, section 36 (Meaning of commonly used words and expressions), definition “chief executive”; section 33(5B) (References to Ministers, departments and chief executives); and 24B(8)(b) (which says that laws apply to an acting

or

“Director-General” means the chief executive of the department;

4. “local authority”, in relation to any land, means a local authority or a joint local authority constituted under the *Local Government Act 1936* for the area in which the land is situated, and includes the Brisbane City Council constituted under the *City of Brisbane Act*;<sup>7</sup>
5. “Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes any other Minister of the Crown for the time being performing the duties of the Minister;<sup>8</sup>.

### **Omission of amending and repealing provisions**

#### **40. If—**

- (a) a provision of a law merely repeals or amends another law or a provision of another law; and
- (b) the provision has commenced;

the provision may be omitted.

### **Omission of unnecessary referential words**

**41.** Unnecessary referential words in a provision of a law may be omitted.

### **Omission of historical notes etc.**

**42.** Notes in a provision of a law indicating the legislative history, the

appointee as if the appointee were the holder of the office).

<sup>7</sup> See *Acts Interpretation Act 1954*, section 36 (Meaning of commonly used words and expressions), definition “local government”. See also *Local Government Act 1993*, section 755(1)(a) about references to local authority and section 23 (Changed name and title) of this Act.

<sup>8</sup> See *Acts Interpretation Act 1954*, section 36 (Meaning of commonly used words and expressions), definition “Minister” and section 33(1) and (2) (References to Ministers, departments and chief executives).

source of the provision or corresponding provisions in other jurisdictions, and similar notes in a provision of a law, may be omitted from the law.

### **Omission of words of enactment or notification**

**42A.** Words of enactment or notification of a law may be omitted.

*Example of enacting words—*

The Parliament of Queensland enacts—

*Example of words of notification—*

His Excellency the Administrator of the Government, acting by and with the advice of the Executive Council and under section XYZ of the *Example Act 19XY*, makes the following order in council—

[order]

And the Honourable the Minister is to give the necessary directions herein accordingly.

XYZ, Clerk of the Council.

### **Numbering and renumbering of provisions**

**43.(1)** An unnumbered provision of a law may be numbered in a way that is consistent with current legislative drafting practice, and all necessary consequential numbering amendments made.

*Example—*

In the following provision, the sentences may be numbered (1), (2), (3) and (4) respectively—

‘5. A tenant is not to be entitled to compensation, unless 2 months at least before the determination of the tenancy the tenant gives the landlord written notice claiming compensation.

If a tenant gives such a notice, the landlord may, within 1 month, give the tenant written notice claiming any set-off.

Every notice under this section must state the particulars and amount of the intended claim.

Provided that noncompliance by either party with any of the provisions of this section does not deprive such party of any rights under this Division if the arbitrator is of opinion that there was reasonable excuse for the noncompliance.’

**(2)** If a provision of a law is numbered in a way that is inconsistent with

current legislative drafting practice—

- (a) the provision may be renumbered in a way that is consistent with current legislative drafting practice; and
- (b) all necessary consequential numbering amendments may be made.

*Example 1—*

‘(3) A notice to terminate is sufficiently given if—

- (a) it is delivered to a person apparently over 18 who apparently resides on the premises; or
- (b) it is advertised in a daily newspaper circulating in the district in which the premises are situated.

(3A) Where a proceeding for the recovery of the possession of land or premises is taken in reliance on a notice to terminate given in a manner provided in subsection (3)(a)<sup>9</sup>, any occupier of the land or other person claiming an interest in the land or premises shall be entitled to be heard in the proceeding.

(4) Nothing in this section shall affect the right of a landlord to give notice to terminate otherwise than as provided in this section.’

may replace

‘(3)—

- (a) A notice to terminate is sufficiently given if—
  - (i) it is delivered to a person apparently over the age of 18 years who apparently resides on the premises; or
  - (ii) it is advertised in a daily newspaper circulating in the district in which the premises are situated;
- (b) where a proceeding for the recovery of the possession of land or premises is taken in reliance on a notice to terminate given in a manner provided in paragraph (a)(i), any occupier of the land or premises or other person claiming an interest in the land or premises shall be entitled to be heard in the proceeding.

(4) Nothing in this section shall affect the right of a landlord to give notice to terminate otherwise than as provided in this section.’

*Example 2—*

‘10.(1) The office of councillor shall be vacated if the councillor—

---

<sup>9</sup> Section 43(4) has also been applied to this example.



- (a) is ousted from office by the Supreme Court; or
- (b) is or has become disqualified under this Act.’

may replace

**10.(1)** The office of councillor shall be vacated if the councillor—

- (i) is ousted from office by the Supreme Court; or
- (ii) is or has become disqualified under this Act.’

**(3)** If a law has been amended so that the numbering of provisions of the law is significantly different to the way in which the provisions would have been numbered if the law were to be remade—

- (a) the law may be renumbered in a way that is consistent with current legislative drafting practice; and
- (b) all necessary consequential numbering amendments may be made.

**(4)** If a provision of a law is numbered or renumbered under this section—

- (a) a reference in any instrument to the provision is a reference to the provision as numbered or renumbered; and
- (b) a reference in the law or another law to the provision may be changed to a reference to the provision as numbered or renumbered.

### *Division 7—Correction of minor errors*

#### **Correction of minor errors**

**44.** If a provision of a law contains a minor error, the provision may be expressed in a different way so as to correct the error.

*Example 1—*

‘licence’ may replace ‘license’ if used as a noun.

*Example 2—*

In the following provision, the bolded word may be omitted—

‘The chairperson is to be the executive officer of the **the** Board.’.

*Example 3—*

In the following provision, the bracketed word may be inserted where indicated—  
‘The chairperson is to be the executive officer of (the) Board.’.

## **PART 5—NOT REPRINTED AND RELOCATED PROVISIONS**

### **Not reprinted provisions**

**45.(1)** Nothing in this Act requires every provision of a law to be shown in a reprint of the law.

**(2)** If a provision of a law is not shown in a reprint, the reprint is to indicate that fact in a suitable place.

### **Relocated provisions**

**46.(1)** Nothing in this Act requires each provision of a law to be shown in the location within the law in which the provision was located when the provision was made.

*Example—*

A table or diagram originally located within the body of a law may be relocated to the end of the law.

**(2)** If a provision of a law is not shown in the location within the law in which the provision would otherwise be located, the reprint is to indicate that fact in a suitable place.

## **PART 6—AUTHORISATION OF REPRINTS**

### **Parliamentary Counsel to authorise reprints**

**47.(1)** The reprint of a law printed by the Government Printer must be authorised by the Parliamentary Counsel.

(2) The Parliamentary Counsel may authorise the reprint of a law that is not in printed form.

(3) A note that the Parliamentary Counsel has authorised a reprint must appear in the reprint in a suitable place.

(4) A reprint purporting to have been authorised by the Parliamentary Counsel is taken to have been authorised by the Parliamentary Counsel unless the contrary is established.

## **PART 7—EFFECT OF REPRINTS**

### **Reprint taken as correct etc.**

**48.(1)** If—

- (a) a reprint of a law (including a law that has not been amended) is authorised by the Parliamentary Counsel; and
- (b) in the case of a reprint in printed form—the reprint is printed by the Government Printer;

then—

- (c) the text of the law as at the reprint date is, in the absence of evidence to the contrary, taken to be shown correctly in the reprint; and
- (d) a court or person acting judicially must take judicial notice of a document or matter purporting to be such a reprint.

(2) A reprint in printed form purporting to have been printed by the Government Printer is taken to have been printed by the Government Printer unless the contrary is established.

### **Amendment of and reference to reprinted law etc.**

**49.(1)** A law may be amended or referred to as set out in this section.

(2) If a reprint of the law has been produced and no amendments of the law have commenced on or after the reprint date specified in the latest

reprint, the law may be amended or referred to having regard to the text of the law as shown in the latest reprint.

(3) If a reprint of the law has been produced and amendments of the law have commenced on or after the reprint date specified in the latest reprint, the law may be amended or referred to having regard to the text of the law—

- (a) as shown in the latest reprint; and
- (b) as the text would be required to be shown in a subsequent reprint because of Part 3 (Amendments must be included in reprints).

(4) If a reprint of the law has not been produced, the law may be amended or referred to having regard to the text of the law—

- (a) as it would be required to be shown in a reprint because of Part 3 (Amendments must be included in reprints); and
- (b) as the text would be shown if the following provisions were used—
  - Division 2 (Updated citations and references to law) of Part 4
  - section 25 (References to gender specific offices)
  - section 26 (Spelling)
  - section 27 (Punctuation)
  - section 29 (Expression of number, year, date, time, amount of money, quantity etc.) but only to the extent stated in subsection (5)
  - Division 5 (Updated naming conventions within statutory instruments) of Part 4
  - section 34 (Relocation of marginal or cite notes)
  - section 35 (Format and printing style).

(5) For the purpose of subsection (4), section 29 must be used only to express the designation of provision units in the law, and references to the designation of provision units in another law, in a way consistent with current legislative drafting practice.

*Example of subsection (5)—*

An expression in column 1 of the following table may be amended or referred to as if it were the corresponding bolded expression in column 2.

**TABLE**

| <b>Column 1</b> | <b>Column 2</b>   |
|-----------------|-------------------|
| Part II         | <b>Part 2</b>     |
| First Schedule  | <b>Schedule 1</b> |

## **PART 8—MISCELLANEOUS**

### **Regulations**

**50.** The Governor in Council may make regulations for the purposes of this Act.

## ENDNOTES

### 1 Index to Endnotes

|   | Page |
|---|------|
| 2 Date to which amendments incorporated . . . . . | 36   |
| 3 Table of previous reprints . . . . .            | 36   |
| 4 Tables in earlier reprints . . . . .            | 36   |
| 5 List of legislation . . . . .                   | 37   |
| 6 List of annotations . . . . .                   | 37   |

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 May 1994. Future amendments of the Reprints Act 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Table of previous reprints

| Reprint No. | Amendments included   | Reprint date     |
|-------------|-----------------------|------------------|
| 1           | none                  | 1 June 1992      |
| 2           | to Act No. 68 of 1992 | 9 December 1992  |
| 3           | to Act No. 32 of 1993 | 23 June 1993     |
| 4           | to Act No. 76 of 1993 | 20 December 1993 |

### 4 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

| Name of Table                   | Reprint No. |
|---------------------------------|-------------|
| Table of corrected minor errors | 4           |

## 5 List of legislation

### **Reprints Act 1992 No. 27**

date of assent 1 June 1992  
 commenced on date of assent  
 as amended by—

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

date of assent 7 December 1992  
 commenced on date of assent

### **Statute Law (Miscellaneous Provisions) Act 1993 No. 32 s 3 Sch 1**

date of assent 3 June 1993  
 commenced on date of assent

### **Statute Law (Miscellaneous Provisions) Act 1993 (No. 2) No. 76 s 3 Sch 1**

date of assent 14 December 1993  
 commenced on date of assent

### **Statute Law (Miscellaneous Provisions) Act 1994 (No. 1) No. 15 s 3 Sch 1**

date of assent 10 May 1994  
 commenced on date of assent

## 6 List of annotations

### Key to abbreviations in list of annotations

|               |   |                          |
|---------------|---|--------------------------|
| <b>amd</b>    | = | <b>amended</b>           |
| <b>Chap</b>   | = | <b>Chapter</b>           |
| <b>cl</b>     | = | <b>clause</b>            |
| <b>def</b>    | = | <b>definition</b>        |
| <b>Div</b>    | = | <b>Division</b>          |
| <b>hdg</b>    | = | <b>heading</b>           |
| <b>ins</b>    | = | <b>inserted</b>          |
| <b>om</b>     | = | <b>omitted</b>           |
| <b>prec</b>   | = | <b>preceding</b>         |
| <b>pres</b>   | = | <b>present</b>           |
| <b>prev</b>   | = | <b>previous</b>          |
| <b>(prev)</b> | = | <b>previously</b>        |
| <b>prov</b>   | = | <b>provision</b>         |
| <b>Pt</b>     | = | <b>Part</b>              |
| <b>RA</b>     | = | <b>Reprints Act 1992</b> |
| <b>R1</b>     | = | <b>Reprint No. 1</b>     |
| <b>renum</b>  | = | <b>renumbered</b>        |
| <b>Sdiv</b>   | = | <b>Subdivision</b>       |
| <b>sub</b>    | = | <b>substituted</b>       |

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

### Definitions

s 3 def “**law**” amd 1993 No. 76 s 3 Sch 1; 1994 No. 15 s 3 Sch 1  
 def “**referential words**” amd 1994 No. 15 s 3 Sch 1

**Amendments**

s 5 amd 1992 No. 68 s 3 Sch 1; 1993 No. 76 s 3 Sch 1

**Editorial changes**

s 7 amd 1993 No. 76 s 3 Sch 1

**Correct year in statutory instrument's citation etc.**

prov hdg amd 1993 No. 76 s 3 Sch 1

s 20A ins 1993 No. 32 s 3 Sch 1

**Other changes relating to citation**

s 21 hdg sub 1993 No. 32 s 3 Sch 1

**Changed citation**

s 21A ins 1993 No. 76 s 3 Sch 1

**Remade law or provision**

s 22 sub 1993 No. 32 s 3 Sch 1

amd 1994 No. 15 s 3 Sch 1

**Replacement of body etc.**

s 23A ins 1992 No. 68 s 3 Sch 1

**Gender**

s 24 amd 1993 No. 32 s 3 Sch 1; 1994 No. 15 s 3 Sch 1

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

s 29 amd 1992 No. 68 s 3 Sch 1; 1993 No. 32 s 3 Sch 1; 1993 No. 76 s 3 Sch 1;  
1994 No. 15 s 3 Sch

**Order of other provisions**

s 30A ins 1993 No. 32 s 3 Sch 1

**References to type of statutory instrument**

s 31 sub 1993 No. 32 s 3 Sch 1

**Omission of obsolete and redundant provisions**

s 39 amd 1994 No. 15 s 3 Sch 1

**Omission of words of enactment or notification**

s 42A ins 1993 No. 76 s 3 Sch 1

**Numbering and renumbering of provisions**

s 43 amd 1993 No. 76 s 3 Sch 1; 1994 No. 15 s 3 Sch 1

**Amendment of and reference to reprinted law etc.**

s 49 sub 1993 No. 32 s 3 Sch 1

amd 1993 No. 76 s 3 Sch 1

**PART 9—AMENDMENT OF ACTS INTERPRETATION ACT 1954**

Pt 9 (ss 51–57) om R1 (see RA s 40)

**PART 10—REPEALS**

Pt 10 (s 58) om R1 (see RA s 40)