

Queensland



STATUTORY INSTRUMENTS ACT 1992

**Reprinted as in force on 1 July 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 1 July 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 mentioned in the following list have also been made to—

- update references (Pt 4, Div 3)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35).

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**
- **further information about editorial changes made in the reprint, including Table of changed names and titles.**

Queensland



STATUTORY INSTRUMENTS ACT 1992

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
2	Purposes of Act	5
3	Act applies to all statutory instruments	5
4	Displacement of Act by contrary intention	6
5	Act binds Crown	6
PART 2—TYPES OF STATUTORY INSTRUMENTS		
<i>Division 1—General concepts</i>		
6	Meaning of “instrument”	6
7	Meaning of “statutory instrument”	6
8	Meaning of “statutory rule”	7
9	Meaning of “subordinate legislation”	7
<i>Division 2—Orders in council, proclamations and rules of court</i>		
10	Meaning of “order in council”	8
11	Meaning of “proclamation”	9
12	Meaning of “rules of court”	9
PART 3—PROVISION RELATING TO INSTRUMENTS		
13	Power to do matter by instrument	9
PART 4—PROVISIONS RELATING TO STATUTORY INSTRUMENTS		
<i>Division 1—Provisions of Acts Interpretation Act 1954 that apply to statutory instruments</i>		
14	Applicable provisions	10
15	Modified application—s 14B	10
16	Modified application—s 27A	12

Statutory Instruments Act 1992

17	Modified application—s 36 (definition “provision”)	12
18	Modified application—ss 49A–51	12
	<i>Division 2—Provisions of Acts Interpretation Act 1954 that do not apply to statutory instruments</i>	
19	Non-applicable provisions	12
	<i>Division 3—Other provisions applying to statutory instruments</i>	
	<i>Subdivision 1—Making statutory instruments</i>	
20	Presumption of validity	13
20A	Regulation may be used instead of another type of subordinate legislation	13
20B	Correct year in statutory instrument’s short title etc.	14
20C	Continuance etc. of statutory instruments made under amended provisions	14
	<i>Subdivision 2—Whether statutory instruments within power</i>	
21	Statutory instrument to be interpreted not to exceed powers conferred by authorising law	15
22	Power to make statutory instrument under Act etc.	16
23	Statutory instrument may make provision by applying another document	16
23A	Statutory instrument may make provision in relation to land by reference to map, plan or register	17
24	Statutory instrument may be of general or limited application	17
25	Statutory instrument may make different provision for different categories	18
26	Statutory instrument may authorise determination etc. by specified person etc.	18
27	Statutory instrument may prohibit	18
28	Relationship between authorising law and statutory instrument concerning the same matter	18
29	Statutory instrument may provide review	19
30	Statutory instrument may require verification of form etc.	19
30A	Reasonable cost etc. may be prescribed as fee	19
30B	Statutory instrument may exempt from fee	19
31	Statutory instruments purporting to be made under a particular power	20

	<i>Subdivision 3—Commencement of statutory instruments</i>	
32	Prospective commencement	20
33	Commencement of citation and commencement provisions	21
34	Beneficial retrospective commencement	21
35	Subdivision does not apply until necessary Governor or Governor in Council action taken	22
	<i>Subdivision 4—Evidence of procedural details</i>	
36	Evidence of procedural details	22
	<i>Subdivision 5—Terms and references in statutory instruments</i>	
37	Words and expressions	23
38	Reference to “the Act”, “this by-law” etc. in statutory instrument	23
39	Reference to enactment etc. of Acts	23
	PART 5—PROCEDURAL MATTERS RELATING TO SUBORDINATE LEGISLATION	
40	Notification	24
41	Copies to be made available	24
42	Consequence of failing to make copies available	25
43	Tabling	25
44	Disallowance	25
45	Limited saving of operation of subordinate legislation that ceases to have effect	26
46	Other notification, gazettal, tabling or disallowance provisions of no effect	26
47	Forms—availability and notification	26
	PART 6—MISCELLANEOUS	
48	Regulations	28
	SCHEDULE 1 29	
	PROVISIONS OF ACTS INTERPRETATION ACT 1954 THAT APPLY TO STATUTORY INSTRUMENTS	
	SCHEDULE 2 30	
	PROVISIONS OF ACTS INTERPRETATION ACT 1954 THAT DO NOT APPLY TO STATUTORY INSTRUMENTS	

ENDNOTES

1	Index to Endnotes	31
2	Date to which amendments incorporated	31
3	Table of previous reprints	31
4	Tables in earlier reprints	31
5	List of legislation	32
6	List of annotations	33
7	Table of changed names and titles	35
8	Provisions that have not commenced and are not incorporated into reprint	35

STATUTORY INSTRUMENTS ACT 1992

[as amended by all amendments that commenced on or before 1 July 1994²]

An Act relating to statutory instruments and for other purposes related to legislation

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Statutory Instruments Act 1992*³⁻⁸.

Purposes of Act

2. The purposes of this Act are to—
 - (a) facilitate the interpretation of statutory instruments; and
 - (b) facilitate improvement in the presentation of statutory instruments; and
 - (c) rationalise notification, publication, tabling and disallowance requirements for subordinate legislation; and
 - (d) generally ensure that Queensland subordinate legislation is of the highest standard.

Act applies to all statutory instruments

3. This Act applies to all statutory instruments.

Displacement of Act by contrary intention

4. The application of this Act (other than Part 5) may be displaced, wholly or partly, by a contrary intention appearing in any instrument.

Act binds Crown

5. This Act binds the Crown.

PART 2—TYPES OF STATUTORY INSTRUMENTS*Division 1—General concepts***Meaning of “instrument”**

6. An “instrument” is any document.

Meaning of “statutory instrument”

7.(1) A “statutory instrument” is an instrument that satisfies subsections (2) and (3).

(2) The instrument must be made under—

- (a) an Act; or
- (b) another statutory instrument; or
- (c) power conferred by an Act or statutory instrument and also under power conferred otherwise by law.

Example of paragraph (c)—

An instrument made partly under an express or implied statutory power and partly under the Royal Prerogative.

(3) The instrument must be of 1 of the following types—

- a regulation
- an order in council

- a rule
- a local law
- a by-law
- an ordinance
- a local law policy
- a statute
- a proclamation
- a notification of a public nature
- a standard of a public nature
- a guideline of a public nature
- another instrument of a public nature by which the entity making the instrument unilaterally affects a right or liability of another entity.

(4) However, to remove doubt, an Executive Council Minute is not itself a statutory instrument.

Meaning of “statutory rule”

8. A “**statutory rule**” is a statutory instrument—

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

Meaning of “subordinate legislation”

9.(1) Subject to subsection (2), the following instruments are “**subordinate legislation**”—

- (a) a statutory rule that is a regulation, rule, by-law, ordinance or statute;

- (b) a statutory rule that is an order in council or proclamation of a legislative character;
 - (c) any statutory instrument (including an order in council or proclamation) that is declared to be subordinate legislation by an Act or a regulation made under this Act;
 - (d) any other statutory instrument that fixes or otherwise determines the commencement of—
 - (i) an Act or a provision of an Act; or
 - (ii) an instrument, or a provision of an instrument, mentioned in paragraph (a), (b) or (c).
- (2)** The following instruments are not subordinate legislation—
- (a) a local law or other statutory instrument made by a local government;
 - (b) a rule, order, direction or practice of the Legislative Assembly;
 - (c) a statutory rule (other than a regulation) that is declared not to be subordinate legislation by—
 - (i) an Act; or
 - (ii) in the case of a statutory rule made under a provision commencing before the commencement of this Act—a regulation made under this Act.

Division 2—Orders in council, proclamations and rules of court

Meaning of “order in council”

10. An “order in council” is an order made by the Governor in Council and—

- (a) in the case of an order that is subordinate legislation—notified in the Gazette; or
- (b) in any other case—published in the Gazette.

Meaning of “proclamation”

11. A “**proclamation**” is a proclamation made by the Governor and—

- (a) in the case of a proclamation that is subordinate legislation—notified in the Gazette; or
- (b) in any other case—published in the Gazette.

Meaning of “rules of court”

12. “**Rules of court**”, in relation to a court or tribunal, are rules made by the person or body having power to make rules regulating the practice and procedure of the court or tribunal.

PART 3—PROVISION RELATING TO INSTRUMENTS

Power to do matter by instrument

13. If—

- (a) an Act or statutory instrument (the “**authorising law**”) authorises or requires a matter to be done; and
- (b) the matter is capable of being done by instrument;

the authorising law authorises the matter to be done by instrument.

PART 4—PROVISIONS RELATING TO STATUTORY INSTRUMENTS

Division 1—Provisions of Acts Interpretation Act 1954 that apply to statutory instruments

Applicable provisions

14.(1) Subject to this Division, a provision of the *Acts Interpretation Act 1954* mentioned in Schedule 1 applies to a statutory instrument, and to matters authorised or required to be done by a statutory instrument, in the same way as it applies to an Act, and matters authorised or required to be done by an Act, as if—

- (a) a reference to an Act included a reference to a statutory instrument; and
- (b) a reference to enactment or passage included a reference to making.

(2) A copy of the *Acts Interpretation Act 1954* showing the text of the Act as it applies to a statutory instrument because of this Act may be authorised by the Parliamentary Counsel.

(3) If a copy mentioned in subsection (2) is authorised under that subsection, the copy—

- (a) is to indicate that fact in a suitable place; and
- (b) is a reprint of a law authorised by the Parliamentary Counsel for the purposes of the *Reprints Act 1992*.

Modified application—s 14B

15. For the purposes of applying section 14B of the *Acts Interpretation Act 1954*—

“extrinsic material” means relevant material not forming part of the statutory instrument or the Act under which the statutory instrument was made, including, for example—

- (a) material that is extrinsic material, within the meaning of that

Statutory Instruments Act 1992

- section, in relation to the Act under which the statutory instrument was made; and
- (b) material that is set out in the document containing the text of the statutory instrument as printed by the Government Printer; and
 - (c) a report of a Royal Commission, Law Reform Commission, commission or committee of inquiry, or a similar body, that was laid before the Legislative Assembly—
 - (i) if the statutory instrument is subordinate legislation—before the end of 14 sitting days after the statutory instrument was laid before the Legislative Assembly; or
 - (ii) in any other case—before the statutory instrument was made; and
 - (d) a report of a committee of the Legislative Assembly that was made to the Legislative Assembly—
 - (i) if the statutory instrument is subordinate legislation—before the end of 14 sitting days after the statutory instrument was laid before the Legislative Assembly; or
 - (ii) in any other case—before the statutory instrument was made; and
 - (e) a treaty or other international agreement that is mentioned in the statutory instrument; and
 - (f) if the statutory instrument is subordinate legislation—an explanatory note or memorandum relating to the statutory instrument, or any other relevant document, that was laid before, or given to the members of, the Legislative Assembly—
 - (i) before the end of 14 sitting days after the statutory instrument was laid before the Legislative Assembly; and
 - (ii) by the Clerk of the Parliament or the member who laid the statutory instrument before the Legislative Assembly; and
 - (g) material in the Votes and Proceedings of the Legislative Assembly or in any official record of debates in the Legislative Assembly; and
 - (h) a document that is declared by an Act or statutory instrument to

be a relevant document for the purposes of this section; and

- (i) if the statutory instrument was made under another statutory instrument—material that is extrinsic material within the meaning of this section in relation to the other statutory instrument.

Modified application—s 27A

16. For the purposes of applying section 27A of the *Acts Interpretation Act 1954*, omit subsection (12) and insert—

‘(12) If a statutory instrument authorises the delegation of a power, the power may be subdelegated only if the statutory instrument, or the Act under which the statutory instrument is made, expressly authorises the power to be subdelegated.’.

Modified application—s 36 (definition “provision”)

17. For the purposes of applying section 36 of the *Acts Interpretation Act 1954*, insert after paragraph (c) of the definition “**provision**”—

‘(d) any words of notification;’.

Modified application—ss 49A–51

18. For the purposes of applying sections 49A to 51 of the *Acts Interpretation Act 1954*, a reference to an Act includes a reference to a statutory instrument that is a statutory rule.

Division 2—Provisions of Acts Interpretation Act 1954 that do not apply to statutory instruments

Non-applicable provisions

19. A provision of the *Acts Interpretation Act 1954* mentioned in Schedule 2 does not apply to a statutory instrument.

Division 3—Other provisions applying to statutory instruments***Subdivision 1—Making statutory instruments*****Presumption of validity**

20. All conditions and preliminary steps required for the making of a statutory instrument are presumed to have been satisfied and performed in the absence of evidence to the contrary.

Regulation may be used instead of another type of subordinate legislation**20A.(1) If—**

- (a) an Act authorises or requires the Governor, the Governor in Council, a Minister, an officer of the public service or the holder of a prescribed office established by or under an Act to make provision with respect to a matter by subordinate legislation; and
- (b) the Act or another Act—
 - (i) does not specify the type of subordinate legislation to be used; or
 - (ii) specifies that a type of subordinate legislation other than a regulation is to be used;

the Governor in Council may make provision with respect to the matter by regulation made under the Act.

(2) Subsection (1) applies even though the Act would not, apart from this section, confer power on the Governor in Council to make a regulation for the purposes of the Act.

Example 1—

If an Act provides that provision may be made with respect to a matter by order in council, provision may now be made by regulation.

Example 2—

If provision has already been made with respect to a matter by order in council, the order in council may be repealed or amended by a regulation.

(3) If subsection (1) applies to a provision of an Act, a reference in a law (including the Act) to subordinate legislation of a particular type made under the provision, or the Act generally, includes a reference to a regulation that makes provision with respect to a matter for the purposes of the provision.

Example—

If a provision of an Act refers to orders in council made under section 6 of the Act and subsection (1) applies in relation to section 6, the reference includes a reference to a regulation that makes provision with respect to a matter for the purposes of section 6.

Correct year in statutory instrument's short title etc.

20B. If—

- (a) a statutory instrument is made in a particular year (the “**year of making**”); and
- (b) apart from this section, the statutory instrument's citation would include 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 inserting the year of making.

Continuance etc. of statutory instruments made under amended provisions

20C.(1) This section applies if—

- (a) a provision of a law expressly or impliedly authorises or requires a statutory instrument to be made for a purpose; and
- (b) the provision is amended; and
- (c) under the amended provision—
 - (i) a type of instrument is no longer specified for the purpose; or
 - (ii) another type of instrument is specified for the purpose; or
 - (iii) the same type of instrument is specified for the purpose.

(2) If subsection (1)(c)(i) applies, a statutory instrument that was in force immediately before the commencement of the amendment—

- (a) continues to have effect after the commencement; and
- (b) may be amended or repealed by an instrument of the type specified in the provision before the amendment.

(3) If subsection (1)(c)(ii) applies, a statutory instrument that was in force immediately before the commencement of the amendment—

- (a) continues to have effect after the commencement; and
- (b) is taken to be an instrument of the type specified in the amended provision.

(4) If subsection (1)(c)(iii) applies, a statutory instrument that was in force immediately before the commencement of the amendment continues to have effect after the commencement as if it had been made under the amended provision.

(5) In this section—

“**amend**” includes omit and re-enact in the same law (with or without modification), but does not include omit and re-enact in another law.

Subdivision 2—Whether statutory instruments within power

Statutory instrument to be interpreted not to exceed powers conferred by authorising law

21.(1) A statutory instrument is to be interpreted as operating—

- (a) to the full extent of, but not to exceed, the power conferred by the law under which it is made (the “**authorising law**”); and
- (b) distributively.

(2) Without limiting subsection (1), if a provision of a statutory instrument would, apart from this section, be interpreted as exceeding power—

- (a) the provision is valid to the extent to which it does not exceed power; and
- (b) the remainder of the statutory instrument is not affected.

(3) Without limiting subsection (1), if the application of a provision of a statutory instrument to a person, matter or circumstance would, apart from

this section, be interpreted as exceeding power, the provision's application to other persons, matters or circumstances is not affected.

(4) This section applies to a statutory instrument in addition to, and without limiting, any provision of the statutory instrument or authorising law.

Power to make statutory instrument under Act etc.

22.(1) If an Act or statutory instrument (the “**authorising law**”) authorises or requires the making of a statutory instrument under the authorising law or an Act or statutory instrument (the “**other law**”), the power enables a statutory instrument to be made with respect to any matter that—

- (a) is required or permitted to be prescribed by the authorising law or other law; or
- (b) is necessary or convenient to be prescribed for carrying out or giving effect to the authorising law or other law.

(2) Subsection (1) applies to the authorising law even though the authorising law also authorises the making of a statutory instrument for a particular purpose.

(3) Power conferred by the authorising law to make a statutory instrument for a particular purpose is in addition to, and does not limit the effect of, power conferred by the authorising law to make a statutory instrument under the authorising law or other law unless the authorising law expressly provides otherwise.

Statutory instrument may make provision by applying another document

23.(1) If an Act or statutory instrument (the “**authorising law**”) authorises or requires the making of a statutory instrument with respect to a matter, a statutory instrument made under the authorising law may make provision for the matter by applying, adopting or incorporating (with or without modification) the provisions of—

- (a) an Act, statutory instrument or other law; or
- (b) another document (whether of the same or a different kind);

as in force at a particular time or from time to time.

(2) If a statutory instrument made after 1 January 1992 applies, adopts or incorporates the provisions of a document, the provisions applied, adopted or incorporated are the provisions as in force from time to time unless the statutory instrument expressly provides otherwise.

(3) In this section—

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

Statutory instrument may make provision in relation to land by reference to map, plan or register

23A.(1) This section applies if an Act authorises or requires provision to be made by statutory instrument in relation to land, whether the expression ‘declare’, ‘dedicate’, ‘set apart’, ‘specify’ or another expression is used.

(2) Provision may be made by reference to—

- (a) a map or plan held by a person, department or body; or
- (b) a particular entry in a register kept by a person, department or body;

if the map, plan or register is available for inspection by members of the public.

(3) In this section—

“**land**” includes Queensland waters.

Statutory instrument may be of general or limited application

24. A statutory instrument may—

- (a) apply generally throughout the State or be limited in its application to a particular part of the State; or
- (b) apply generally to all persons and matters or be limited in its application to—
 - (i) particular persons or matters; or
 - (ii) particular classes of persons or matters; or

- (c) otherwise apply generally or be limited in its application by reference to specified exceptions or factors.

Statutory instrument may make different provision for different categories

25. A statutory instrument may—

- (a) make different provision in relation to—
- (i) different persons or matters; or
 - (ii) different classes of persons or matters; or
- (b) apply differently by reference to specified exceptions or factors.

Statutory instrument may authorise determination etc. by specified person etc.

26. A statutory instrument may authorise any matter to be determined, applied or regulated, from time to time, by any specified person or body.

Example—

If an Act provides that an application is to be in a prescribed form, the regulation concerned may provide that the prescribed form is to be that approved, or made available for use, by the Minister.

Statutory instrument may prohibit

27. If an Act or statutory instrument authorises or requires a matter to be regulated by statutory instrument, the power may be exercised by prohibiting by statutory instrument the matter or any aspect of the matter.

Relationship between authorising law and statutory instrument concerning the same matter

28. If an Act or statutory instrument (the “**authorising law**”) authorises or requires provision to be made with respect to a matter by statutory instrument, a statutory instrument made under the authorising law may make provision with respect to a particular aspect of the matter despite the fact that provision is made by the authorising law in relation to another

aspect of the matter or in relation to another matter.

Statutory instrument may provide review

29.(1) A statutory instrument may provide for the review of, or a right of appeal against, a decision made under—

- (a) the statutory instrument; or
- (b) the Act or other statutory instrument under which the statutory instrument is made or in force.

(2) A statutory instrument that is a statutory rule may, for the purpose of subsection (1), confer jurisdiction on any court, tribunal, person or body.

Statutory instrument may require verification of form etc.

30. A statutory instrument may require a form prescribed by or under the statutory instrument, or information or documents (whether or not included in, attached to or given with a form), to be verified by statutory declaration.

Reasonable cost etc. may be prescribed as fee

30A. If a power is conferred by a law for a statutory instrument to be made with respect to a fee for doing a thing, the power includes a power to prescribe the fee as an amount—

- (a) that a specified person or body considers to be reasonable; and
- (b) that is not more than the reasonable cost of doing the thing.

Statutory instrument may exempt from fee

30B.(1) If a power is conferred under a law for a statutory instrument to prescribe a fee, the power includes a power to—

- (a) exempt any person or matter from payment of the fee; or
- (b) waive payment of the fee for any person or matter.

(2) If—

- (a) a law requires payment of a fee prescribed under a statutory instrument by a person or for a matter; and

- (b) either—
- (i) the person or matter is exempted under the statutory instrument from payment of the fee; or
 - (ii) the fee is waived for the person or matter under the statutory instrument;

the requirement to pay the fee is taken to have been satisfied.

Statutory instruments purporting to be made under a particular power

31. A statutory instrument is taken to be made under all powers under which it may be made, even though it purports to be made under a particular Act or another statutory instrument (the “**authorising law**”) or a particular provision of the authorising law.

Subdivision 3—Commencement of statutory instruments

Prospective commencement

32.(1) Subject to section 34 (Beneficial retrospective commencement), a statutory instrument commences—

- (a) if it is required to be notified or published in the Gazette—on the day on which it is notified or published; or
- (b) if it is not required to be notified or published in the Gazette—on the day on which it is made; or
- (c) if a later day or time is fixed in the statutory instrument—on that day or at that time.

(2) If a statutory instrument that is required to be notified or published in the Gazette is notified or published on a day after the day or time fixed by the statutory instrument for its commencement, the statutory instrument is valid, but commences on the day on which it is notified or published.

Commencement of citation and commencement provisions

33.(1) The provisions of a statutory instrument providing for its citation and commencement commence, by force of this subsection—

- (a) if the statutory instrument is required to be notified or published in the Gazette—on the day on which it is notified or published; or
- (b) if it is not required to be notified or published in the Gazette—on the day on which it is made.

(2) A reference—

- (a) in an Act to the commencement of a statutory instrument (the “**law concerned**”); or
- (b) in a statutory instrument to the commencement of an Act, the statutory instrument, or another statutory instrument, (also the “**law concerned**”);

is a reference to—

- (c) if the provisions of the law concerned (other than those providing for its citation and commencement) commence, or are required to commence, on a single day or at a single time—the commencement of the remaining provisions; or
- (d) if paragraph (a) does not apply and the reference is in a provision of the law concerned—the commencement of the provision; or
- (e) in any other case—the commencement of the relevant provision of the law concerned.

(3) Subsection (1) applies to a statutory instrument despite anything in the statutory instrument unless the statutory instrument expressly provides that it does not apply.

Beneficial retrospective commencement

34.(1) A beneficial provision of a statutory instrument may be given retrospective operation if the statutory instrument expressly provides for that operation.

(2) In this section—

“**beneficial provision**” means a provision that does not operate to the

disadvantage of a person (other than the State, a State authority or a local government) by—

- (a) decreasing the person's rights; or
- (b) imposing liabilities on the person.

Subdivision does not apply until necessary Governor or Governor in Council action taken

35. If—

- (a) an Act or statutory instrument provides for the making of a statutory instrument by a person or body other than the Governor or Governor in Council; but
- (b) the instrument is required by law to be approved, confirmed or otherwise consented to by the Governor or Governor in Council;

this Subdivision does not apply to the instrument until the approval, confirmation or consent has been given.

Subdivision 4—Evidence of procedural details

Evidence of procedural details

36.(1) This section applies to a copy of a statutory instrument if—

- (a) in the case of a copy in printed form—the copy is printed by the Government Printer; or
- (b) in any other case—the copy is authorised by the Parliamentary Counsel.

(2) In a copy of a statutory instrument to which this section applies, a statement of any of the following matters is evidence of the matters—

- (a) when and by whom the statutory instrument was made, approved, confirmed or otherwise consented to; or
- (b) when and where the statutory instrument was published or notified; or
- (c) when the statutory instrument was laid before the Legislative

Assembly.

(3) A document or matter purporting to be a copy of a statutory instrument to which this section applies is taken to be such a copy unless the contrary is established.

Subdivision 5—Terms and references in statutory instruments

Words and expressions

37. Words and expressions used in a statutory instrument have the same meanings as they have, from time to time, in the Act or statutory instrument (the “**authorising law**”), or relevant provisions of the authorising law, under which the statutory instrument is made or in force.

Reference to “the Act”, “this by-law” etc. in statutory instrument

38. In a statutory instrument—

“**the Act**” means the Act under which the statutory instrument is made or in force;

“**these rules of court**” includes any statutory instrument made under the rules;

“**this by-law**” includes any statutory instrument made under the by-law;

“**this order in council**” includes any statutory instrument made under the order;

“**this ordinance**” includes any statutory instrument made under the ordinance;

“**this regulation**” includes any statutory instrument made under the regulation;

“**this rule**” includes any statutory instrument made under the rule.

Reference to enactment etc. of Acts

39. In a statutory instrument, a reference to the enactment of an Act or the passing of an Act is a reference to the fact of the Act's having received the Royal Assent.

PART 5—PROCEDURAL MATTERS RELATING TO SUBORDINATE LEGISLATION

Notification

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

(2) In the case of subordinate legislation that is not an exempt instrument under the *Legislative Standards Act 1992*, subsection (1) may be complied with in either of the following ways—

- (a) by publication in the Gazette of a notice of—
 - (i) the making of the subordinate legislation; and
 - (ii) a place or places where copies can be obtained (by purchase or otherwise);
- (b) by publication in the Gazette of the subordinate legislation.

(3) In the case of subordinate legislation that is an exempt instrument under the *Legislative Standards Act 1992*, subsection (1) may only be complied with by publication in the Gazette of the subordinate legislation.

Copies to be made available

41.(1) On the day of publication of a notice under section 40 (Notification) or as soon as practicable after that day, copies of the relevant subordinate legislation must be available to be obtained (by purchase or otherwise) at the place, or at each of the places, specified in the notice.

(2) Failure to comply with subsection (1) does not affect the validity of the notification under section 40.

Consequence of failing to make copies available

42.(1) If, on the day of publication of a notice under section 40 (Notification), copies of the subordinate legislation are not available at the place or any of the places specified in the notice, the relevant Minister must cause to be laid before the Legislative Assembly within 14 sitting days a statement—

- (a) that copies of the subordinate legislation were not so available; and
- (b) of the reasons why they were not available.

(2) Failure to comply with subsection (1) does not affect the validity of the notification under section 40.

(3) In this section—

“relevant Minister” means the Minister charged with the business connected with the Government Printing Service.

Tabling

43.(1) Subordinate legislation must be laid before the Legislative Assembly within 14 sitting days after notification in the Gazette.

(2) If subordinate legislation is not laid before the Legislative Assembly in accordance with subsection (1), it ceases to have effect.

(3) This section applies to a form declared, under an Act or a regulation made under this Act, to be a form requiring tabling in the Legislative Assembly in the same way as it applies to subordinate legislation.

Disallowance

44.(1) A member of the Legislative Assembly may give notice of a motion to disallow subordinate legislation within 14 sitting days after it is tabled in the Assembly.

(2) If notice is given under subsection (1), the Assembly may pass a resolution disallowing subordinate legislation.

(3) If the Assembly passes the resolution, the subordinate legislation’s effect ends.

(4) The subordinate legislation's effect also ends at the end of 14 sitting days after the notice is given unless the motion has been otherwise disposed of (including by withdrawal or lapsing).

(5) For the purpose of calculating the number of sitting days in subsection (1), it does not matter whether the days are within the same or different Parliaments or sessions of Parliament.

(6) This section applies to a provision of subordinate legislation in the same way as it applies to the entire subordinate legislation.

(7) This section also applies to a form tabled under section 43 (Tabling) in the same way as it applies to subordinate legislation.

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

45. If any subordinate legislation ceases to have effect because of section 43 (Tabling) or 44 (Disallowance)—

- (a) anything done or suffered under, or for the purposes of, the legislation before it ceased to have effect is not affected; but
- (b) except as provided in paragraph (a), the legislation is taken never to have been made and any law or provision of a law repealed or amended by the legislation is revived.

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

46. A provision of another Act so far as it relates to the notification, gazettal, tabling or disallowance of subordinate legislation is of no effect.

Forms—availability and notification

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

(2) Copies of a form under the authorising law must be made available (by purchase or otherwise) to a person who asks for them.

(3) A form under the authorising law must have a heading stating the

name of the authorising law and briefly indicating the form's purpose.

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

Examples—

1. Forms may be numbered consecutively starting with the number '1'.
2. Forms may be numbered to reflect the Part of the Act to which they relate. For example, forms dealing with mining leases covered by Part 7 of the *Mineral Resources Act 1989* and the *Mineral Resources Regulation 1990* may be numbered 7.1, 7.2, 7.3 etc.

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

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

(7) Subsection (6) may be complied with in either of the following ways—

- (a) by publication in the Gazette of a notice of—
 - (i) the approval or availability of the form; and
 - (ii) the form's heading, number and version number; and
 - (iii) a place or places where copies can be obtained (by purchase or otherwise);
- (b) by publication in the Gazette of the form.

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

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

(10) This section does not apply to a form, or a version of a form, approved or made available by an entity before the commencement of this section.

PART 6—MISCELLANEOUS**Regulations**

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

SCHEDULE 1**PROVISIONS OF ACTS INTERPRETATION ACT 1954
THAT APPLY TO STATUTORY INSTRUMENTS**

section 14(1)

section 7

sections 14–14D

sections 14F–14J

section 15B

section 15D(1)

section 15E

section 17

sections 18–25

sections 27A–29B

Part 8 (other than section 36, definitions “**enactment**” and “**passing**”)

Parts 9–11

sections 48A–51

section 52(3)

SCHEDULE 2

**PROVISIONS OF ACTS INTERPRETATION ACT 1954
THAT DO NOT APPLY TO STATUTORY
INSTRUMENTS**

section 19

Part 1

sections 10–13

sections 15–15A

section 15C

section 16

section 17A

ENDNOTES**1 Index to Endnotes**

		Page
2	Date to which amendments incorporated	31
3	Table of previous reprints	31
4	Tables in earlier reprints	31
5	List of legislation	32
6	List of annotations	33
7	Table of changed names and titles	35
8	Provisions that have not commenced and are not incorporated into reprint	35

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 1 July 1994. Future amendments of the Statutory Instruments 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. 85 of 1993	23 December 1993

4 Tables in earlier reprints**TABLES IN EARLIER REPRINTS**

Name of Table	Reprint No.
Corrected minor errors	4

5 List of legislation

Statutory Instruments Act 1992 No. 22

date of assent 1 June 1992
commenced on date of assent

as amended by—

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 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

Local Government Act 1993 No. 70 s 804 Sch

date of assent 7 December 1993
commenced 26 March 1994 (see s 2(5))

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

date of assent 14 December 1993
commenced on date of assent

Native Title (Queensland) Act 1993 No. 85 Pts 1, 13 Div 5

date of assent 17 December 1993
ss 1–2(2) commenced on date of assent
remaining provisions not yet proclaimed into force

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

date of assent 10 May 1994
amendment 2 commenced 1 July 1994 (see ss 2, 3 Sch 1)
remaining amendments commenced on date of assent

6 List of annotations

Key to abbreviations in list of annotations

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

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

Meaning of “statutory instrument”

s 7 amd 1992 No. 68 s 3 Sch 1
 sub 1993 No. 76 s 3 Sch 1
 amd 1993 No. 70 s 804 Sch

Meaning of “subordinate legislation”

s 9 amd 1993 No. 70 s 804 Sch

Modified application—s 14B

s 15 amd 1993 No. 32 s 3 Sch 1

Regulation may be used instead of another type of subordinate legislation

s 20A ins 1992 No. 68 s 3 Sch 1
 amd 1993 No. 32 s 3 Sch 1

Correct year in statutory instrument’s short title etc.

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

Continuance etc. of statutory instruments made under amended provisions

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

Statutory instrument to be interpreted not to exceed powers conferred by authorising law

s 21 amd 1992 No. 68 s 3 Sch 1
 sub 1993 No. 32 s 3 Sch 1

Power to make statutory instrument under Act etc.

prov hdg amd 1993 No. 76 s 3 Sch 1
 s 22 amd 1993 No. 76 s 3 Sch 1

Statutory instrument may make provision in relation to land by reference to map, plan or register

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

Reasonable cost etc. may be prescribed as fee

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

Statutory instrument may exempt from fee

s 30B ins 1993 No. 76 s 3 Sch 1

Beneficial retrospective commencement

s 34 amd 1992 No. 68 s 3 Sch 1

Subdivision 5—Terms and references in statutory instruments**Sdiv hdg** reloc to before s 37 1992 No. 68 s 3 Sch 1**Notification**

s 40 amd 1993 No. 32 s 3 Sch 1

Tabling

s 43 amd 1993 No. 76 s 3 Sch 1

Disallowances 44 sub 1993 No. 76 s 3 Sch 1
amd 1994 No. 15 s 3 Sch 1**Regulations**s 47 prev s 47 renum as s 48 1994 No. 15 s 3 Sch 1
new s 47 ins 1994 No. 15 s 3 Sch 1**PART 7—AMENDMENT OF ACTS INTERPRETATION ACT 1954****Pt hdg** om R1 (see RA s 40)**Regulations**s 48 prev s 48 om R1 (see s 40 RA)
pres s 48 (prev s 47) renum 1994 No. 15 s 3 Sch 1**PART 8—AMENDMENT OF CRIMINAL CODE****Pt 8 (ss 49–50)** om R1 (see s 40 RA)**SCHEDULE 1—PROVISIONS OF ACTS INTERPRETATION ACT 1954 THAT APPLY TO STATUTORY INSTRUMENTS**

amd 1993 No. 32 s 3 Sch 1; 1993 No. 85 s 181; 1994 No. 15 s 3 Sch 1

SCHEDULE 3—AMENDMENT OF ACTS INTERPRETATION ACT 1954

om R1 (see s 40 RA)

7 Table of changed names and titlesTABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
local authority	local government	Local Government Act 1993 s 755(1)(a)

8 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992 s 5(c)).

Native Title (Queensland) Act 1993 Pt 13 Div 5 reads as follows—

*Division 5—Amendment of Statutory Instruments Act 1992***Amended Act**

180. The *Statutory Instruments Act 1992* is amended as set out in this Division.

Amendment of Schedule 1 (Provisions of Acts Interpretation Act 1954 that apply to Statutory Instruments)

181. Schedule 1—

insert ‘section 13A’.