

Queensland



ACTS INTERPRETATION ACT 1954

**Reprinted as in force on 12 December 1995
(includes amendments up to Act No. 58 of 1995)**

Warning—see last endnote for uncommenced amendments

Reprint No. 8

This reprint is prepared by
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Warning—This reprint is not an authorised copy

Information about this reprint

This Act is reprinted as at 12 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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—

- use expressions consistent with current drafting practice (s 29)
- use aspects of format and printing style consistent with current 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 earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

Queensland



ACTS INTERPRETATION ACT 1954

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ACTS INTERPRETATION ACT 1954

[as amended by all amendments that commenced on or before 12 December 1995]

An Act to assist in the shortening and interpretation of Queensland Acts

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Interpretation Act 1954*.

Act applies to all Acts

- 2.(1) This Act applies to all Acts (including this Act).
- (2) In this Act, a reference to “**an Act**” includes a reference to this Act.

Displacement of Act by contrary intention

4. The application of this Act may be displaced, wholly or partly, by a contrary intention appearing in any Act.

Act binds Crown

5. This Act binds the Crown.

PART 2—MEANING OF ACT

References to “Act”

6. In an Act—

“**Act**” means an Act of the Queensland Parliament, and includes—

- (a) a British or New South Wales Act that is in force in Queensland; and
- (b) an enactment of an earlier authority empowered to pass laws in Queensland that has received assent.

Act includes statutory instruments under Act etc.

7.(1) In an Act, a reference (either generally or specifically) to a law (including the Act), or a provision of a law (including the Act), includes a reference to the statutory instruments made or in force under the law or provision.

(2) In subsection (1)—

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

PART 3—GENERAL PROVISIONS APPLYING TO ACTS

Act to be interpreted not to exceed Parliament’s legislative power

9.(1) An Act is to be interpreted as operating—

- (a) to the full extent of, but not to exceed, Parliament’s legislative power; and
- (b) distributively.

(2) Without limiting subsection (1), if a provision of an Act 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 Act is not affected.

(3) Without limiting subsection (1), if the application of a provision of an Act 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 an Act in addition to, and without limiting, any provision of the Act.

Declaration of validity of certain laws

9A. Each provision of an Act enacted, or purporting to have been enacted, before the commencement of the Australia Acts has (and always has had) the same effect as it would have had, and is (and always has been) as valid as it would have been, if the Australia Acts had been in operation at the time of its enactment or purported enactment.

Section has effect as substantive enactment

10. Every section of an Act has effect as a substantive enactment without introductory words.

Acts to be public Acts

11. Every Act passed after 26 July 1852 is a public Act unless the Act otherwise expressly provides.

Private Acts not to affect rights of others

12.(1) A private Act does not—

- (a) affect pre-existing rights in a way prejudicial to the Crown or another person; or
- (b) impose liabilities on the Crown or another person in relation to previous acts or omissions;

except so far as the Act otherwise expressly provides.

(2) Subsection (1) does not affect rights conferred, or liabilities imposed, on—

- (a) a person at whose instance, or for whose special benefit, the Act is passed; or
- (b) another person claiming by, through or under such a person.

Private Acts amended by public Acts do not become public Acts

12A. A private Act does not become a public Act merely because it has been amended by or under a public Act.

Future Acts when binding on the Crown

13. No Act passed after the commencement of this Act shall be binding on the Crown or derogate from any prerogative right of the Crown unless express words are included in the Act for that purpose.

Acts not to affect native title except by express provision

13A.(1) An Act enacted after the commencement of this section affects native title only so far as the Act expressly provides.

(2) For the purposes of subsection (1), an Act affects native title if it extinguishes the native title rights and interests or it is otherwise wholly or partly inconsistent with their continued existence, enjoyment or exercise.

Material that is, and is not, part of an Act

14.(1) A heading to a chapter, part, division or subdivision of an Act is part of the Act.

(2) A heading to a section, subsection or another provision of an Act is part of the Act if—

- (a) the Act is enacted after 30 June 1991; or
- (b) the heading is amended or inserted after 30 June 1991.

(3) An example in an Act of the operation of a provision of the Act is part of the Act.

- (4) A schedule or appendix of an Act is part of the Act.
- (5) Punctuation in an Act is part of the Act.
- (6) A footnote to an Act or to a provision of an Act, and an endnote to an Act, are not part of the Act.

Interpretation best achieving Act's purpose

14A.(1) In the interpretation of a provision of an Act, the interpretation that will best achieve the purpose of the Act is to be preferred to any other interpretation.

(2) Subsection (1) does not create or extend criminal liability, but applies whether or not the Act's purpose is expressly stated in the Act.

(3) To remove any doubt, it is declared that this section applies to an Act passed after 30 June 1991 despite any presumption or rule of interpretation.

Example—

There is judicial authority for a rule of interpretation that taxing legislation is to be interpreted strictly and in a taxpayer's favour (for example, see *Partington v AG* (1869) LR 4 HL 100 at 122). Despite such a possible rule, this section requires a provision imposing taxation to be interpreted in the way that best achieves the Act's purpose, whether or not to do so would be in a taxpayer's favour.

Use of extrinsic material in interpretation

14B.(1) Subject to subsection (2), in the interpretation of a provision of an Act, consideration may be given to extrinsic material capable of assisting in the interpretation—

- (a) if the provision is ambiguous or obscure—to provide an interpretation of it; or
- (b) if the ordinary meaning of the provision leads to a result that is manifestly absurd or is unreasonable—to provide an interpretation that avoids such a result; or
- (c) in any other case—to confirm the interpretation conveyed by the ordinary meaning of the provision.

(2) In determining whether consideration should be given to extrinsic material, and in determining the weight to be given to extrinsic material,

regard is to be had to—

- (a) the desirability of a provision being interpreted as having its ordinary meaning; and
- (b) the undesirability of prolonging proceedings without compensating advantage; and
- (c) other relevant matters.

(3) In this section—

“extrinsic material” means relevant material not forming part of the Act concerned, including, for example—

- (a) material that is set out in the document containing the text of the Act as printed by the government printer; and
- (b) 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 before the provision concerned was enacted; and
- (c) a report of a committee of the Legislative Assembly that was made to the Legislative Assembly before the provision was enacted; and
- (d) a treaty or other international agreement that is mentioned in the Act; and
- (e) an explanatory note or memorandum relating to the Bill that contained the provision, or any other relevant document, that was laid before, or given to the members of, the Legislative Assembly by the member bringing in the Bill before the provision was enacted; and
- (f) the speech made to the Legislative Assembly by the member in moving a motion that the Bill be read a second time; 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 to be a relevant document for the purposes of this section.

“ordinary meaning” means the ordinary meaning conveyed by a provision

having regard to its context in the Act and to the purpose of the Act.

Changes of drafting practice not to affect meaning

14C. If—

- (a) a provision of an Act expresses an idea in particular words; and
- (b) a provision enacted later appears to express the same idea in different words for the purpose of implementing a different legislative drafting practice, including, for example—
 - (i) the use of a clearer or simpler style; or
 - (ii) the use of gender-neutral language;

the ideas must not be taken to be different merely because different words are used.

Examples

14D. If an Act includes an example of the operation of a provision—

- (a) the example is not exhaustive; and
- (b) the example does not limit, but may extend, the meaning of the provision; and
- (c) the example and the provision are to be read in the context of each other and the other provisions of the Act, but, if the example and the provision so read are inconsistent, the provision prevails.

PART 4—REFERENCE TO AND CITATION OF ACTS

References to Acts generally

14E. An Act passed by Parliament, or any earlier legislature empowered to pass laws for Queensland, may be referred to by the word “**Act**” alone.

References to particular Acts

14F.(1) An Act may be cited—

- (a) by its short title; or
- (b) by reference to the year in which it was passed and its number.

(2) A Commonwealth Act may be cited—

- (a) by its short title; or
- (b) in another way sufficient in a Commonwealth Act for the citation of such an Act;

together with a reference to the Commonwealth.

(3) An Act of another State or a Territory may be cited—

- (a) by its short title; or
- (b) in another way sufficient in an Act of the State or Territory for the citation of such an Act;

together with a reference to the State or Territory.

(4) A British Act may be cited—

- (a) by its short title; or
- (b) in another way sufficient in a British Act for the citation of such an Act;

together with a reference to the United Kingdom or the term ‘UK’, ‘Imperial Act’ or ‘Imp’.

References to enactments

14G.(1) An enactment may be cited by reference to the provision of the Act in which it is contained.

(2) The reference is to be made according to the copy of the Act printed by the relevant government printer or a person authorised by law to print the Act.

(3) In this section—

“**Act**” includes Commonwealth Act, Act of another State, Territory Act or

British Act.

“**enactment**” includes any portion of an Act.

References taken to be included in citation of law

14H.(1) In an Act, a reference to a law (including the Act) includes a reference to the following—

- (a) the law as originally made, and as amended from time to time since it was originally made;
- (b) if the law has been repealed and remade (with or without modification) since the reference was made—the law as remade, and as amended from time to time since it was remade;
- (c) if a relevant provision of the law has been omitted and remade (with or without modification) in another law since the reference was made—the other law as in force when the provision was remade, and as amended from time to time since the provision was remade.

(2) In an Act, a reference to a provision of a law (including the Act) includes a reference to the following—

- (a) the provision as originally made, and as amended from time to time since it was originally made;
- (b) if the provision has been omitted and remade (with or without modification and whether in the law or another law) since the reference was made—the provision as remade, and as amended from time to time since it was remade.

(3) In this section—

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

“**make**” includes enact.

References to changed short titles and citations

14I.(1) If the short title or citation of a law is amended, a reference in an Act to the short title or citation includes a reference to the short title or citation as amended.

(2) In this section—

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

References to repealed or expired laws

14J.(1) If an Act refers to another law as repealed or expired, the reference is to the other law as in force immediately before it was repealed or expired.

Example—

The ‘repealed *ABC Act 1950*’ is a reference to the *ABC Act 1950* as in force immediately before it was repealed.

(2) In this section—

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

PART 5—COMMENCEMENT OF ACTS

References to enactment etc. of Acts

15. In an Act, 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.

Commencement of Acts on date of assent

15A. An Act commences on the date of assent except so far as the Act otherwise expressly provides.

Time of commencement of Acts

15B. If an Act or a provision of an Act commences on a day, it commences at the beginning of the day.

Commencement of citation and commencement provisions on date of assent etc.

15C.(1) The provisions of an Act providing for its citation and commencement commence on the date of assent by force of this subsection.

(2) A reference in an Act to the commencement of the Act, or another Act, (the “**Act concerned**”), is a reference to—

- (a) if the provisions of the Act 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
- (b) if paragraph (a) does not apply and the reference is in a provision of the Act concerned—the commencement of the provision; or
- (c) in any other case—the commencement of the relevant provision of the Act concerned.

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

Commencement by proclamation etc.

15D.(1) If an Act or provisions of an Act is or are expressed to commence on a day to be fixed by proclamation or other instrument—

- (a) a single day or time may be fixed; or
- (b) different days or times may be fixed for different provisions.

(2) If the day or time fixed by a proclamation for the commencement of an Act or a provision of an Act happens before the day on which the proclamation is notified in the gazette (the “**notification day**”)—

- (a) the proclamation is valid; but
- (b) the Act or provision commences on the notification day.

Automatic commencement of postponed law

15DA.(1) In this section—

“**assent day**” means the date of assent of—

- (a) if the postponed law is an Act—the Act; or
- (b) if the postponed law is a provision of an Act—the Act that enacts the provision.

“postponed law” means an Act or provision of an Act that does not commence on the assent day because a provision of an Act postpones its commencement until a day fixed under an instrument.

(2) If a postponed law has not commenced within 1 year of the assent day, it automatically commences on the next day.

(3) However, within 1 year of the assent day, a regulation may extend the period before commencement under subsection (2) to not more than 2 years of the assent day.

(4) The regulation mentioned in subsection (3) may be made under—

- (a) the Act that is the postponed law; or
- (b) the Act of which the postponed law is a provision; or
- (c) an Act that the postponed law amends;

as if the Act mentioned in paragraph (a), (b) or (c) included a provision that had commenced and authorised the regulation to be made.

(5) This section—

- (a) only applies to a postponed law enacted after 31 December 1994; and
- (b) applies to a postponed law unless an Act expressly states it does not apply.

Example—

The *Hypothetical Act 1995* was assented to on 5 April 1995 and was expressed to commence on a day to be fixed by proclamation. If the Act was not commenced by 5 April 1996, it would commence on 6 April 1996 under subsection (2) unless a regulation had been made under subsection (3) extending time for commencement.

Commencement of paragraphs etc. in amending Act

15E. If an Act amends another Act and the amendment is in the form of—

- (a) a paragraph, or subparagraph, of a section or subsection of the

amending Act; or

- (b) any other provision that is not self-contained;

the amendment may be given a separate commencement.

Evidence of date of assent

16. In a proceeding, a copy of an Act on which the government printer has purported to print the date of assent is admissible as evidence of that date.

Exercise of powers between enactment and commencement

17.(1) If a provision of an Act (the “**empowering provision**”) that does not commence on its enactment would, had it commenced—

- (a) confer a power—
- (i) to make an appointment; or
 - (ii) to make a statutory instrument of a legislative or administrative character; or
 - (iii) to do any other thing; or
- (b) amend a provision of another Act so that the other Act would confer such a power;

then—

- (c) the power may be exercised; and
- (d) anything may be done for the purpose of—
- (i) enabling the exercise of the power; or
 - (ii) bringing the appointment, instrument or other thing into effect;

before the empowering provision commences.

(2) If—

- (a) an Act that has commenced confers a power to make a statutory instrument (the “**basic instrument-making power**”); and
- (b) a provision of an Act that does not commence on its enactment

would, had it commenced, amend the Act mentioned in paragraph (a) so as to confer additional power to make a statutory instrument (the “**additional instrument-making power**”);

then—

- (c) the basic instrument-making power and the additional instrument-making power may be exercised by making a single instrument; and
- (d) any provision of the instrument that required an exercise of the additional instrument-making power is to be treated as made under subsection (1).

(3) If an instrument, or a provision of an instrument, is made under subsection (1) that is necessary for the purpose of—

- (a) enabling the exercise of a power mentioned in subsection (1)(a); or
- (b) bringing an appointment, instrument or other thing made or done under such a power into effect;

the instrument or provision takes effect—

- (c) on the making of the instrument; or
- (d) if the instrument or provision is expressed to take effect at a later time—the later time.

(4) If—

- (a) an appointment is made under subsection (1); or
- (b) an instrument, or provision of an instrument, made under subsection (1) is not necessary for a purpose mentioned in subsection (3);

the appointment, instrument or provision takes effect—

- (c) on the commencement of the relevant empowering provision; or
- (d) if the appointment, instrument or provision is expressed to take effect at a later time—the later time.

(5) Anything done under subsection (1) does not confer a right, or impose a liability, on a person before the relevant empowering provision commences.

(6) After the enactment of a provision mentioned in subsection (1)(b) but before the provision's commencement, this section applies as if the references in subsections (1) and (4) to the commencement of the empowering provision were references to the commencement of the provision mentioned in subsection (1)(b) as amended by the empowering provision.

PART 6—AMENDMENT AND REPEAL OF ACTS

Act may be amended or repealed in same parliamentary session

17A. An Act may be amended or repealed in the session of Parliament in which it is passed.

Time of expiry of Act etc.

18. If an Act or a provision of an Act—

- (a) expires on a day; or
- (b) is expressed to remain or continue in force, or otherwise have effect, until a day;

the Act or provision has effect until the end of the day.

Repealed and amended Acts not revived on repeal of repealing and amending Acts

19.(1) In this section—

“**Act**” includes a provision of an Act.

“**repeal**” includes expiry.

(2) If an Act (the “**first Act**”) is repealed by another Act (the “**other Act**”), the first Act is not revived merely because the other Act is repealed.

Examples—

1. Act A repeals Act B. Act A is repealed. The repeal of Act A does not revive Act B.

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2. Act A repeals Act B. Act A is automatically repealed under section 22C. The repeal of Act A does not revive Act B.

(3) If an Act (the “**first Act**”) is amended by another Act (the “**other Act**”), the continuing operation of the amendments made by the other Act is not affected merely because the other Act is repealed and, in particular, the first Act is not revived in the form in which it was in before the amendments took effect merely because of the repeal.

Examples—

1. Act A amends Act B. Act A is repealed after it has commenced by a later Act C. The amendments made by Act A continue to operate, even though Act A has been repealed.

2. Act A amends Act B. Act A is automatically repealed under section 22C. The amendments made by Act A continue to operate, even though Act A has been repealed.

(4) This section is in addition to, and does not limit, sections 20 and 20A, or any provision of the law by which the repeal is made.

Commencement not undone if omitted

19A. If a provision of an Act provides for the commencement of a law and the law has commenced, the later omission of the provision does not affect the continuing operation of the law.

Saving of operation of repealed Act etc.

20.(1) In this section—

“**Act**” includes a provision of an Act.

“**repeal**” includes expiry.

(2) The repeal or amendment of an Act does not—

- (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
- (b) affect the previous operation of the Act or anything suffered, done or begun under the Act; or
- (c) affect a right, privilege or liability acquired, accrued or incurred under the Act; or

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- (d) affect a penalty incurred in relation to an offence arising under the Act; or
- (e) affect an investigation, proceeding or remedy in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).

(3) The investigation, proceeding or remedy may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.

(4) Without limiting subsections (1) and (2), the repeal or amendment of an Act does not affect—

- (a) the proof of anything that has happened; or
- (b) any right, privilege or liability saved by the operation of the Act; or
- (c) any repeal or amendment made by the Act; or
- (d) any savings, transitional or validating effect of the Act.

(5) This section is in addition to, and does not limit, sections 19 and 20A, or any provision of the law by which the repeal or amendment is made.

Repeal does not end saving, transitional or validating effect etc.

20A.(1) In this section—

“**Act**” includes a provision of an Act.

“**repeal**” includes expiry.

(2) If an Act—

- (a) declares a thing for a saving or transitional purpose (whether or not the Act is expressed to be made for a purpose of that type); or
- (b) validates a thing that may otherwise be invalid; or
- (c) declares a thing for a purpose that is consequential on a declaration mentioned in paragraph (a) or a validation mentioned in paragraph (b) (whether or not the Act is expressed to be made for a purpose of that type);

the declaratory or validating effect of the Act does not end merely because of the repeal of the Act.

Example of paragraph (a)—

A provision stating that an existing licence under a repealed law is taken to be a licence of a particular kind under another law and authorising the imposition of conditions under the other law.

Example of paragraph (b)—

A provision declaring an instrument to have been validly made and acts done in reliance on the instrument to have been validly done.

Examples of paragraph (c)—

1. A provision stating that a matter that is declared valid is not justiciable.
2. A provision stating that an instrument that is declared valid is taken to have been amended in a particular way.

(3) If an Act (the “**savings law**”) declares an Act (the “**declared law**”) to be a law to which this section applies—

- (a) the effect of the declared law does not end merely because of its repeal; and
- (b) the effect of the savings law does not end merely because of its repeal.

(4) A declaration may be made for subsection (2) about an Act whether or not the Act is a law to which subsection (1) applies.

(5) A declaration made for subsection (2) about an Act does not imply that, in the absence of a declaration about it, another Act is not a law to which this section applies.

(6) This section is in addition to, and does not limit, sections 19 and 20, or any provision of the law by which the repeal is made.

Continuance of appointments etc. made under amended provisions

20B.(1) This section applies if—

- (a) a provision of a law expressly or impliedly authorises or requires—
 - (i) the making of an appointment; or
 - (ii) the delegation of a power; or
 - (iii) the doing of anything else (other than the making of a

statutory instrument); and

- (b) the provision is amended by an Act; and
- (c) under the amended provision—
 - (i) the appointment may be made; or
 - (ii) the power may be delegated; or
 - (iii) the thing may be done.

(2) An appointment, delegation or other thing mentioned in subsection (1) that was in force immediately before the commencement of the amendment continues to have effect after the commencement as if it had been done under the amended provision.

(3) 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.

Creation of offences and changes in penalties

20C.(1) In this section—

“**Act**” includes a provision of an Act.

“**repeal**” includes expiry.

(2) If an Act makes an act or omission an offence, the act or omission is only an offence if committed after the Act commences.

(3) If an Act increases the maximum or minimum penalty, or the penalty, for an offence, the increase applies only to an offence committed after the Act commences.

Continuance of repealed provisions

21. If an Act repeals some or all of the provisions of an Act and enacts new provisions in substitution for the repealed provisions, the repealed provisions continue in force until the new provisions commence.

Act and amending Acts to be read as one

22. An Act and all Acts amending the Act are to be read as one.

Insertion of provisions by amending Act

22A.(1) If an Act amends a provision of a law by inserting a subsection that is to form part of a series of subsections, and does not specify the position in the provision where it is to be inserted, the subsection is to be inserted in the appropriate numerical or alphanumerical position.

(2) If an Act amends a provision of a law by inserting a paragraph that is to form part of a series of paragraphs, and does not specify the position in the provision where it is to be inserted, the paragraph is to be inserted in the appropriate alphabetical position.

(3) If an Act amends a provision of a law by inserting a subparagraph that is to form part of a series of subparagraphs, and does not specify the position in the provision where it is to be inserted, the subparagraph is to be inserted in the appropriate numerical or alphanumerical position.

(4) If an Act amends a provision of a law by inserting a sub-subparagraph that is to form part of a series of sub-subparagraphs, and does not specify the position in the provision where it is to be inserted, the sub-subparagraph is to be inserted in the appropriate alphabetical position.

(5) If an Act amends a provision of a law by inserting a definition that is to form part of a series of definitions, and does not specify the position in the provision where it is to be inserted, the definition is to be inserted in the appropriate alphabetical position, determined on a letter-by-letter basis.

(6) If an Act otherwise amends a provision of a law by inserting a provision that is to form part of a series of provisions, and does not specify the position in the first provision where it is to be inserted, the second provision is to be inserted in the appropriate position.

(7) In determining the appropriate position in which a provision is to be inserted, regard may be had to current Queensland legislative drafting practice.

Amendment to be made wherever possible in provision

22B. If an Act amends a provision of a law—

- (a) by omitting a word; or
- (b) by omitting a word and inserting another word; or
- (c) by inserting a word before or after a particular word;

the amendment is to be made wherever possible in the provision.

Automatic repeal of amending Act

22C.(1) An amending Act enacted after 30 June 1994 is automatically repealed at the beginning of the day after all of its provisions have commenced.

(2) A repeal under subsection (1) has effect for all purposes, including, for example, sections 19 to 20A.¹

(3) This section is in addition to, and does not limit the operation of any other provision of this Act about repeals.

(4) In this section—

“amending Act” means an Act that consists only of provisions of the following types—

- (a) the Act’s long title;
- (b) the Act’s preamble (if any);
- (c) a provision about the Act’s citation;
- (d) a provision (if any) about the Act’s commencement;
- (e) a provision providing for the amendment or repeal of an Act or other instrument (including a provision identifying the amended or repealed instrument);
- (f) a provision declaring an Act or a provision of an Act to be a law to which section 20A applies.

¹ Section 19 (Repealed and amended Acts not revived on repeal of repealing and amending Acts)
Section 20 (Saving of operation of repealed Act etc.)
Section 20A (Repeal does not end saving, transitional or validating effect etc.)

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Example 1—

The *Hypothetical Amending Act 1995* amends the *ABC Act* and the *LMN Act*. It also repeals a list of Acts set out in a schedule. Apart from—

- a long title
- a provision about the Act's citation (that is, the Act's short title)
- a provision about the Act's commencement
- amending provisions (that is, provisions stating that the *ABC Act* and the *LMN Act* are amended and the provisions amending the Acts)
- repealing provisions (that is, a provision stating that the Acts set out in the schedule are repealed and a schedule)
- a provision about the application of section 20A to a provision being repealed;

the *Hypothetical Amending Act 1995* contains no other provisions. Its repealing provisions commence on assent, 21 March 1995. Its amending provisions commence on proclamation, 12 April 1995. Under subsection (1), the *Hypothetical Amending Act 1995* is automatically repealed at the beginning of 13 April 1995.

Example 2—

The *Example Act 1995* contains provisions establishing a new scheme. It also amends several Acts and repeals others. Because it contains the scheme provisions, it is not an amending Act covered by subsection (1).

PART 7—FUNCTIONS AND POWERS CONFERRED BY ACTS

Performance of statutory functions etc.

23.(1) If an Act confers a function or power on a person or body, the function may be performed, or the power may be exercised, as occasion requires.

(2) If an Act confers a function or power on a specified officer or the holder of a specified office, the function may be performed, or the power may be exercised, by the person for the time being occupying or acting in the office concerned.

(3) If an Act confers a function or power on a body (whether or not

incorporated), the performance of the function, or the exercise of the power, is not affected merely because of vacancies in the membership of the body.

Conferral of statutory power on another entity

23A.(1) If a provision of an Act, whether expressly or by implication, confers a power (the “**first power**”) on an entity to authorise or require another entity to exercise a power (the “**second power**”), then, if the first power is exercised, the provision is taken to confer the second power on the other entity.

(2) In this section—

“**power**” includes doing an act or making a decision for the purpose of performing a function.

Power to make instrument or decision includes power to amend or repeal

24AA. If an Act authorises or requires the making of an instrument or decision—

- (a) the power includes power to amend or repeal the instrument or decision; and
- (b) the power to amend or repeal the instrument or decision is exercisable in the same way, and subject to the same conditions, as the power to make the instrument or decision.

Appointments may be made by name or office

24A.(1) If an Act authorises or requires a person or body—

- (a) to appoint a person to an office; or
- (b) to appoint a person or body to exercise a power; or
- (c) to appoint a person or body to do another thing;

the person or body may make the appointment by—

- (d) appointing a person or body by name; or
- (e) appointing a specified officer, or the holder of a specified office,

by reference to the title of the office concerned.

(2) An appointment of a specified officer, or the holder of a specified office, is taken to be the appointment of the person for the time being occupying or acting in the office concerned.

Acting appointments

24B.(1) If an Act authorises a person or body to appoint a person to act in an office, the person or body may, in accordance with the Act, appoint—

- (a) a person by name; or
- (b) a specified officer, or the holder of a specified office, by reference to the title of the office concerned;

to act in the office.

(2) The appointment may be expressed to have effect only in the circumstances specified in the instrument of appointment.

(3) The appointer may—

- (a) determine the terms and conditions of the appointment, including remuneration and allowances; and
- (b) end the appointment at any time.

(3A) If the appointer is a body, the appointment may be made or ended by a resolution of the body.

(4) The appointment, or the ending of the appointment under subsection (3)(b), must be in, or evidenced by, writing, signed by the appointer or, if the appointer is a body, by a person authorised by the body for the purpose.

(5) The appointee must not act for more than 1 year during a vacancy in the office.

(6) If the appointee is acting in the office otherwise than because of a vacancy in the office and the office becomes vacant, then, subject to subsection (2), the appointee may continue to act until—

- (a) the appointer otherwise directs; or
- (b) the vacancy ends; or

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(c) the end of a year from the day of the vacancy;
whichever happens first.

(7) The appointment ends if the appointee resigns by writing signed and delivered to the appointer.

(7A) If the vacancy in the office in which a person is acting ends, the person's appointment to act in the office because of the vacancy also ends.

(7B) If the holder of the office in which a person is acting resumes the office, the person's appointment to act in the office because of the absence of the holder of the office ends.

(7C) Subsections (7A) and (7B) apply even if a contrary intention appears in the instrument of, or evidencing the, appointment to act.

(7D) A person's substantive appointment to an office does not end merely because the person acts in another office.

(7E) To avoid any doubt, it is declared that subsections (7A) to (7D) do not change the law of Queensland.

(8) While the appointee is acting in the office—

- (a) the appointee has all the functions and powers of the holder of the office; and
- (b) laws apply to the appointee as if the appointee were the holder of the office.

(9) Anything done by or in relation to a person purporting to act in the office is not invalid merely because—

- (a) the occasion for the appointment had not arisen; or
- (b) the appointment had ended; or
- (c) the occasion for the person to act had not arisen or had ended.

(10) If the Act authorises the appointer to appoint a person to act during a vacancy in the office, an appointment to act in the office may be made by the appointer whether or not an appointment has previously been made to the office.

(11) If—

- (a) the appointer is a specified officer or the holder of a specified office; and

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- (b) the person who was the specified officer or holder of the specified office when the appointment was made ceases to be the officer or holder of the office;

then—

- (c) the appointment continues in force; and
- (d) the person for the time being occupying or acting in the office concerned is taken to be the appointer for the purposes of this section.

(12) If—

- (a) the appointer is a body; and
- (b) there is a change in the membership of the body;

then—

- (c) the appointment continues in force; and
- (d) the body as constituted for the time being is taken to be the appointer for the purposes of this section.

(13) Writing purporting to be, or to contain, an appointment, or the ending of an appointment under subsection (3)(b), is evidence of the appointment or the ending of the appointment.

(14) A certificate signed by the appointer (or, if the appointer is a body, by a person authorised by the body for the purpose) stating anything in relation to an appointment is evidence of the thing.

(15) A document purporting to be a certificate mentioned in subsection (14) is taken to be the certificate, and to have been properly given, unless the contrary is established.

Acting person nominated by Act etc.

24C.(1) This section applies if an Act provides that a specified officer, or the holder of a specified office, (the “**nominated person**”) acts as another specified officer or in another specified office on a specified occasion.

(2) While the nominated person is acting as the other officer or in the other office—

- (a) the nominated person has all the functions and powers of the

officer or holder of the office; and

- (b) laws apply to the nominated person as if the nominated person were the officer or holder of the office.

(3) Anything done by or in relation to the nominated person while the nominated person is purporting to act as the other officer or in the other office is not invalid merely because the occasion for the nominated person to act had not happened or had ceased.

Powers of appointment imply certain incidental powers

25.(1) If an Act authorises or requires a person or body to appoint a person to an office—

- (a) the power may be exercised as occasion requires; and
- (b) the power includes—
 - (i) power to remove or suspend, at any time, a person appointed to the office; and
 - (ii) power to appoint another person to act in the office if a person appointed to the office is removed or suspended; and
 - (iii) power to reinstate or reappoint a person removed or suspended; and
 - (iv) power to appoint a person to act in the office if it is vacant (whether or not the office has ever been filled); and
 - (v) power to appoint a person to act in the office if the person appointed to the office is absent or is unable to discharge the functions of the office (whether because of illness or otherwise); and
- (c) the power also includes power to reappoint a person to the office if the person is eligible to be appointed to the office.

(2) The power to remove or suspend a person under subsection (1)(b) may be exercised even if the Act under which the person was appointed provides that the holder of the office to which the person was appointed is to hold office for a specified period.

(3) The power to make an appointment under subsection (1)(b) may be exercised as occasion requires.

(4) An appointment under subsection (1)(b) may be expressed to have effect only in the circumstances specified in the instrument of appointment.

Appointment not affected by defect etc.

26. The appointment of a person to an office, to act in an office, to exercise a power or to do anything else is not invalid merely because of a defect or irregularity in relation to the appointment.

Power to hear and determine includes power to administer oath

27. A person or body authorised by law, or by consent of parties, to conduct a hearing for the purpose of the determination (by that or another person or body) of any matter has authority—

- (a) to receive evidence; and
- (b) to examine witnesses, and to administer oaths to witnesses, who have been lawfully called before the person or body.

Delegation of powers

27A.(1A) Authority to delegate a person's or body's powers includes authority to delegate doing an act or making a decision for performing a function of the person or body.

(1) If an Act authorises a person or body to delegate a power, the person or body may, in accordance with the Act and any other applicable law, delegate the power to—

- (a) a person or body by name; or
- (b) a specified officer, or the holder of a specified office, by reference to the title of the office concerned.

(2) The delegation may be—

- (a) general or limited; and
- (b) made from time to time; and
- (c) revoked, wholly or partly, by the delegator.

(3) The delegation, or a revocation of the delegation, must be in, or

evidenced by, writing signed by the delegator or, if the delegator is a body, by a person authorised by the body for the purpose.

(3A) If the delegator is a body, the delegation may be made or revoked by a resolution of the body.

(3B) All conditions and preliminary steps required for the exercise of a delegation are presumed to have been satisfied and performed unless the contrary is established.

(3C) Laws apply to the delegate in the exercise of a delegated power as if the delegate were the delegator.

(4) A delegated power may be exercised only in accordance with any conditions to which the delegation is subject.

(5) The delegate may, in the exercise of a delegated power, do anything that is incidental to the delegated power.

(6) A delegated power that purports to have been exercised by the delegate is taken to have been properly exercised by the delegate unless the contrary is proved.

(7) A delegated power that is properly exercised by the delegate is taken to have been exercised by the delegator.

(8) If, when exercised by the delegator, a power is dependent on the delegator's opinion, belief or state of mind, then, when exercised by the delegate, the power is dependent on the delegate's opinion, belief or state of mind.

(8A) If—

- (a) the delegator is a specified officer or the holder of a specified office; and
- (b) the person who was the specified officer or holder of the specified office when the delegation was made ceases to be the officer or holder of the office;

then—

- (c) the delegation continues in force; and
- (d) the person for the time being occupying or acting in the office concerned is taken to be the delegator for the purposes of this section.

(8B) If—

- (a) the delegator is a body; and
- (b) there is a change in the membership of the body;

then—

- (c) the delegation continues in force; and
- (d) the body as constituted for the time being is taken to be the delegator for the purposes of this section.

(9) If a power is delegated to a specified officer or the holder of a specified office—

- (a) the delegation does not cease to have effect merely because the person who was the specified officer or the holder of the specified office when the power was delegated ceases to be the officer or the holder of the office; and
- (b) the power may be exercised by the person for the time being occupying or acting in the office concerned.

(10) A power that has been delegated may, despite the delegation, be exercised by the delegator.

(10A) The delegation of a power does not relieve the delegator of the delegator's obligation to ensure that the power is properly exercised.

(11) Subject to subsection (12), this section applies to a subdelegation of a power in the same way as it applies to a delegation of a power.

(12) If an Act authorises the delegation of a power, the power may be subdelegated only if the Act expressly authorises the power to be subdelegated.

(13) Writing purporting to be, or to contain, a delegation, or the revocation of a delegation, is evidence of the delegation or revocation.

(14) A certificate signed by the delegator (or, if the delegator is a body, by a person authorised by the body for the purpose) stating anything in relation to a delegation is evidence of the thing.

(15) A document purporting to be a certificate mentioned in subsection (14) is taken to be the certificate, and to have been properly given, unless the contrary is established.

(16) In this section—

“**power**” includes doing an act or making a decision for the purpose of performing a function.

Content of statement of reasons for decision

27B. If an Act requires a tribunal, authority, body or person making a decision to give written reasons for the decision (whether the expression ‘reasons’, ‘grounds’ or another expression is used), the instrument giving the reasons must also—

- (a) set out the findings on material questions of fact; and
- (b) refer to the evidence or other material on which those findings were based.

Legislative Assembly’s resolutions to be interpreted not to exceed authority

29.(1) A resolution of the Legislative Assembly, or a committee of the Legislative Assembly, made under an Act is to be interpreted as operating—

- (a) to the full extent of, but not to exceed, the Legislative Assembly’s constitutional powers; and
- (b) subject to the Act; and
- (c) distributively.

(2) Without limiting subsection (1), if part of a resolution would, apart from this section, be interpreted as exceeding authority—

- (a) the resolution is valid to the extent to which it does not exceed authority; and
- (b) the remainder of the resolution is not affected.

(3) Without limiting subsection (1), if the application of part of a resolution to a person, matter or circumstance would, apart from this section, be interpreted as exceeding authority, the part’s application to other persons, matters or circumstances is not affected.

(4) This section applies to an Act in addition to, and without limiting, any provision of the Act.

Tabling of reports when Legislative Assembly not sitting

29A.(1) This section applies to a report that, under an Act—

- (a) is received by a Minister or the speaker; and
- (b) is required or permitted to be tabled in the Legislative Assembly.

(2) If the Minister or speaker wants to table the report when the Legislative Assembly is not sitting, the Minister or speaker may give a copy of it to the Clerk of the Parliament.

(3) The clerk may authorise the printing of the report.

(4) If the report is printed under the clerk's authority, the clerk must table the report in the Legislative Assembly on the next sitting day.²

(5) For subsection (1)(b), if a report is required or permitted to be tabled in the Legislative Assembly, a part of the report or a document accompanying the report is also taken to be required or permitted to be tabled in the Legislative Assembly.

(6) In this section—

“**report**” includes—

- (a) part of a report; and
- (b) a document accompanying a report.

Working out number of sitting days

29B. In working out a particular number of sitting days of the Legislative Assembly, it does not matter whether the days are within the same or different Parliaments or within different sessions of Parliament.

PART 8—TERMS AND REFERENCES IN ACTS

² The report is a parliamentary document under the *Parliamentary Papers Act 1992*, section 6 and the House is taken to have authorised the clerk to publish the report. A person does not incur civil or criminal liability for publishing a document under the House's authority (*Parliamentary Papers Act 1992*, section 10(1)).

Defined terms—other parts of speech and grammatical forms

32. If an Act defines a word or expression, other parts of speech and grammatical forms of the word or expression have corresponding meanings.

Definitions to be read in context

32A. Definitions in or applicable to an Act apply except so far as the context or subject matter otherwise indicates or requires.

Definitions generally apply to entire Act

32AA. A definition in or applying to an Act applies to the entire Act.

Terms defined both in this Act and another Act

32AB. If—

- (a) a word or expression is defined non-exhaustively for the purposes of an Act other than this Act (the “**non-exhaustive definition**”); and
- (b) the word or expression is also defined in this Act (the “**Interpretation Act definition**”);

then, for the purposes of the first Act—

- (c) the non-exhaustive definition does not exclude or limit, but may extend, the meaning of the word or expression given by the Interpretation Act definition; and
- (d) the non-exhaustive and Interpretation Act definitions are to be read in the context of each other and the other provisions of the first Act, but, if the definitions so read are inconsistent, the Interpretation Act definition is displaced.

Gender

32B. In an Act, words indicating a gender include each other gender.

Number

32C. In an Act—

- (a) words in the singular include the plural; and
- (b) words in the plural include the singular.

Meaning of “may” and “must” etc.

32CA.(1) In an Act, the word “**may**”, or a similar word or expression, used in relation to a power indicates that the power may be exercised or not exercised, at discretion.

(2) In an Act, the word “**must**”, or a similar word or expression, used in relation to a power indicates that the power is required to be exercised.

(3) To remove any doubt, it is declared that this section applies to an Act passed after 1 January 1992 despite any presumption or rule of interpretation.

Words and expressions used in amending Acts

32CB.(1) Words and expressions used in an Act that amends another law have the same meanings as they have in the other law.

(2) Subsection (1) does not limit section 22 (Act and amending Acts to be read as one).

(3) To remove any doubt, it is declared that this section applies to an Act passed after 1 January 1992 despite any presumption or rule of interpretation.

References to persons generally

32D.(1) In an Act, a reference to a person generally includes a reference to a corporation as well as an individual.

(2) Subsection (1) is not displaced merely because there is an express reference to either an individual or a corporation elsewhere in the Act.

Examples of references to a person generally—

- ‘another’

- ‘anyone’
- ‘no-one’
- ‘one’
- ‘party’
- ‘person’
- ‘someone’
- ‘whoever’.

Examples of express references to a corporation—

- body corporate
- company
- corporation sole.

Examples of express references to an individual—

- adult
- child
- spouse.

Production of records kept in computers etc.

32E. If a person who keeps a record of information by way of a mechanical, electronic or other device is required by or under an Act—

- (a) to produce the information or a document containing the information to a court, tribunal or person; or
- (b) to make a document containing the information available for inspection by a court, tribunal or person;

then, unless the court, tribunal or person otherwise directs—

- (c) the requirement obliges the person to produce or make available for inspection, as the case may be, a document that reproduces the information in a form capable of being understood by the court, tribunal or person; and
- (d) the production to the court, tribunal or person of the document in that form complies with the requirement.

References to commencement

32F.(1) In an Act, a reference to “**commencement**” for an Act or a provision of an Act is a reference to the time the Act or provision comes into operation.

(2) In a provision of an Act, a reference to “**the commencement**” without indicating a particular Act or provision is a reference to the commencement of the provision in which the reference occurs.

Example of subsection (2)—

If section 24(3) of an Act stated ‘This section expires 1 month after the commencement’, ‘the commencement’ referred to is the commencement of section 24(3).

References to Ministers, departments and chief executives

33.(1) In an Act—

- (a) a reference to a Minister is a reference to a Minister of the Crown; and
- (b) a reference to a particular Minister by title, or to “**the Minister**” without specifying a particular Minister by title, includes a reference to another Minister, or member of the Executive Council, who is acting for the Minister.

(2) In a provision of an Act, a reference to “**the Minister**” without specifying a particular Minister by title is a reference to—

- (a) the Minister administering the provision; or
- (b) if, for the time being, different Ministers administer the provision in relation to different matters—
 - (i) if only 1 Minister administers the provision in relation to the relevant matter—the Minister; or
 - (ii) if 2 or more Ministers administer the provision in relation to the relevant matter—any 1 of the Ministers; or
- (c) if paragraph (b) does not apply and, for the time being, 2 or more Ministers administer the provision—any 1 of the Ministers.

(3) If a provision of an Act refers to a Minister and specifies the Minister merely by reference to the fact that the Minister administers a specified Act

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or enactment, subsection (2) applies as if references in paragraphs (a) to (c) to the provision were references to the specified Act or enactment.

(4) If an Act defines the expression ‘Minister’ or ‘the Minister’ for the purposes of the Act or a provision of the Act in a way that does not specify a particular Minister by title, subsections (2) and (3) apply to the provision despite that definition of the expression.

(4A) In an Act, a reference to a specified Minister who no longer exists—

- (a) is a reference to the Minister specified by notification by the Governor in Council; and
- (b) includes another Minister, or a member of the Executive Council, who is acting for the specified Minister.

(4B) In an Act, a reference to a department is a reference to an entity specified as a department of government in the *Public Service Management and Employment Act 1988*, schedule 1.

(5) In a provision of an Act, a reference to “**the department**” without specifying a particular department of government by name is a reference to—

- (a) if, for the time being, different Ministers administer the provision in relation to different matters—the department of government that—
 - (i) deals with the relevant matter; and
 - (ii) is administered by the Minister or Ministers administering the provision in relation to the matter; or
- (b) in any other case—the department of government that—
 - (i) deals with the matters to which the provision relates; and
 - (ii) is administered by the Minister or Ministers for the time being administering the provision.

(5A) In an Act, a reference to a specified department of government that no longer exists is a reference to the department specified by notification by the Governor in Council.

(5AB) If a provision of an Act refers to a department of government and specifies the department by reference to the administration (however

described) of a specified Act or enactment, subsection (5) applies as if references in paragraphs (a) and (b) to the provision were references to the specified Act or enactment.

(5AC) In an Act, a reference to a chief executive is a reference to a chief executive of a unit of the public sector.

(5B) In a provision of an Act, a reference to the “**chief executive**” without specifying a particular unit of the public sector by name is a reference to the chief executive of—

- (a) if, for the time being, different Ministers administer the provision in relation to different matters—the unit of the public sector that—
 - (i) deals with the relevant matter; and
 - (ii) is administered by the Minister or Ministers administering the provision in relation to the matter; or
- (b) in any other case—the unit of the public sector that—
 - (i) deals with the matters to which the provision relates; and
 - (ii) is administered by the Minister or Ministers for the time being administering the provision.

(5C) If a provision of an Act refers to a chief executive by reference to the administration (however described) of a specified Act or enactment, subsection (5B) applies as if references in paragraph (a) or (b) to the provision were references to the specified Act or enactment.

(6) To remove any doubt, it is declared that if—

- (a) a provision of an Act is administered by 2 or more Ministers; and
- (b) under this section, the provision authorises or requires anything to be done by or in relation to any 1 of the Ministers;

the provision does not authorise or require it to be done in a particular case by or in relation to more than 1 of the Ministers.

(7) Any notification of administrative arrangements by the Governor in Council distributing the public business, or any of that business, amongst the several departments of government or any of those departments, or showing the offices or any of the offices placed under the control of, or the Acts or any of the Acts administered by, each Minister respectively, or by any Minister, shall upon publication in the gazette be judicially noticed.

References to States include Territories

33A.(1) In an Act, a reference to a State (other than a reference to Queensland or a particular State by name) includes a reference to the Australian Capital Territory and the Northern Territory.

Examples—

1. ‘A law of a State’ includes a law of the Australian Capital Territory and a law of the Northern Territory.

2. ‘A law of the Commonwealth or another State’ includes a law of the Australian Capital Territory and a law of the Northern Territory.

(2) Subsection (1) is not displaced merely because there is an express reference to a Territory elsewhere in the Act.

(3) This section applies to an Act (other than this Act) enacted before 1 July 1994 only if the Act includes a definition to the effect that a reference to a State includes a reference to a Territory.

References to officers and holders of offices

34. In an Act, a reference to a particular officer, or to the holder of a particular office, includes a reference to the person for the time being occupying or acting in the office concerned.

References to Queensland to be implied

35.(1) In an Act—

- (a) a reference to an officer, office or entity is a reference to such an officer, office or entity in and for Queensland; and
- (b) a reference to a locality, jurisdiction or other thing is a reference to such a locality, jurisdiction or other thing in and of Queensland.

(2) In an Act, a reference to an office or entity established by or under an Act need not include the words ‘Queensland’ or ‘of Queensland’ merely because the words form part of its name or title.

References to person with interest in land includes personal representative etc.

35A. In an Act, a reference to a person as proprietor, transferor, transferee, mortgagor, mortgagee, lessor, lessee, trustee or as having an interest in land includes a reference to the person's personal representatives, successors and assigns.

References to provisions designated by number without mentioning another Act

Definitions

35B.(1) In this section—

“body of the Act” means the Act apart from any preamble, schedule or appendix of the Act.

“provision unit” means—

- (a) the body of the Act or the preamble, a schedule or appendix of the Act; or
- (b) a chapter, part, division, subdivision, section, subsection, paragraph, subparagraph, or sub-subparagraph, of the body of the Act or a schedule or appendix of the Act; or
- (c) another provision of the body of the Act or a schedule or appendix of the Act; or
- (d) a provision of a preamble of the Act.

Purpose of section

(2) This section explains the meaning of a reference in an Act (the **“Act concerned”**) to a provision, designated by a number, that does not mention another Act.

Examples of references to which section applies—

1. ‘chapter 10’.
2. ‘part 5, division 4’.
3. ‘section 10 of this Act’.
4. ‘paragraph (a) of this subsection’.

References in a provision unit of an Act mentioning the Act or larger provision unit of Act

(3) If a reference in an Act to a provision also mentions the Act or a

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larger provision unit of the Act, the reference itself indicates the provision of the Act to which it refers.

Examples—

1. A reference in the body of the Act to ‘section 10 of this Act’ is a reference to section 10 of the body of the Act concerned.

2. A reference in a schedule of an Act to ‘section 10 of this schedule’ is a reference to section 10 of the schedule where the reference occurs.

3. A reference to ‘paragraph (a) of this subsection’ is a reference to paragraph (a) of the subsection where the reference occurs.

(4) For subsection (3), a reference in a schedule or appendix of an Act to a provision, designated by a number, together with the words ‘of the Act’ is a reference to the provision, designated by the number, of the body of the Act concerned.

Example—

A reference in a schedule of an Act to ‘section 10 of the Act’ is a reference to section 10 of the body of the Act.

Other references in body of Act

(5) If—

- (a) the reference is in the body of an Act; and
- (b) subsection (4) does not apply to the reference;

the reference is a reference to the provision, designated by the number, of the body of the Act or, if there are 2 such provisions, the provision, designated by the number, of the next larger, appropriate provision unit where the reference occurs.

Examples in the body of an Act—

1. A reference in the body of an Act to ‘chapter 10’ is a reference to chapter 10 of the body of the Act.

2. A reference to ‘part 1’ is a reference to—

- (a) if the body of the Act is divided into chapters (that is, at least 2 of the chapters are further divided into parts)—part 1 of the chapter where the reference occurs; or
- (b) if the body of the Act is not divided into chapters (that is, there is only 1 part 1)—part 1 of the body of the Act.

3. A reference in the body of an Act to ‘division 2’ is a reference to division 2 of

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the part of the Act where the reference occurs.

4. A reference in the body of an Act to ‘subdivision 3’ is a reference to subdivision 3 of the division of the Act where the reference occurs.

5. A reference in the body of an Act to ‘section 10’ is a reference to section 10 of the body of the Act.

6. A reference in the body of an Act to ‘subsection (1)’ is a reference to subsection (1) of the section of the Act where the reference occurs.

7. A reference in the body of an Act to ‘paragraph (a)’ is a reference to—

- (a) if the section where the reference occurs is divided into subsections—paragraph (a) of the subsection where the reference occurs; or
- (b) if the section where the reference occurs is not divided into subsections—paragraph (a) of the section of the Act where the reference occurs.

8. A reference to ‘subparagraph (i)’ is a reference to subparagraph (i) of the paragraph where the reference occurs.

Other references in preamble, schedule or appendix

(6) If—

- (a) the reference is in the preamble or a schedule or appendix of an Act; and
- (b) subsection (4) does not apply to the reference; and
- (c) the reference is a reference to a provision that does not occur in the preamble, schedule or appendix;

the reference is a reference to the provision, designated by the number, of the body of the Act.

Examples—

1. A reference in a schedule that is not divided into chapters to ‘chapter 10’ is a reference to chapter 10 in the body of the Act.

2. A reference in a dictionary schedule to ‘section 30’ is a reference to section 30 in the body of the Act.

(7) If—

- (a) the reference is in the preamble or a schedule or appendix of an Act; and
- (b) subsection (4) does not apply to the reference; and

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- (c) the reference is a reference to a provision that does occur in the preamble, schedule or appendix;

the reference is a reference to the provision designated by the number, of the schedule, appendix or preamble or, if there are 2 such provisions, the provision, designated by the number, of the next larger, appropriate provision unit where the reference occurs.

Examples—

1. A reference in a schedule divided into parts to ‘part 1’ is a reference to—
 - (a) if the schedule is divided into chapters (that is, at least 2 of the chapters are further divided into parts)—part 1 of the chapter where the reference occurs; or
 - (b) if the schedule is not divided into chapters (that is, there is only 1 part 1)—part 1 of the schedule.
2. A reference in a schedule divided into sections to ‘section 10’ is a reference to section 10 of the schedule.
3. A reference in a schedule divided into a single series of items to ‘item 5’ is a reference to item 5 of the schedule.
4. A reference in a schedule divided into 2 or more series of items to ‘item 5’ is a reference to item 5 of the series in which the reference occurs.

Headings part of provision etc.

35C.(1) The heading to a chapter, part, division, subdivision, section, subsection, schedule or another provision of an Act forms part of the provision to which it is a heading.

(2) An example of the operation of a provision of the Act at the end of the provision is part of the provision unless the example relates to a different provision.

Example of subsection (2)—

This example forms part of subsection (2) and an amendment omitting subsection (2) would omit this example.

(3) A penalty at the end of a subsection of an Act—

- (a) is part of the subsection unless the penalty relates to other subsections of the section; or
- (b) in any other case—is part of the section.

(4) A penalty at the end of a section of an Act that is not divided into subsections is part of the section.

(5) The word ‘and’, ‘or’ or ‘but’, or a similar word, at the end of a paragraph, subparagraph, sub-subparagraph or another provision of an Act forms part of the provision concerned.

(6) The word ‘and’, ‘or’ or ‘but’, or a similar word, between paragraphs, subparagraphs, sub-subparagraphs or other provisions of an Act forms part of the first of the provisions.

Reference to provisions of a law is inclusive

35D. In an Act, a reference to a part of a law (including the Act) is a reference to the following—

- (a) the provision of the law that forms the beginning of the part;
- (b) the provision of the law that forms the end of the part;
- (c) any provision of the law between the beginning and end of the part.

Example 1—

A reference to ‘sections 5 to 9’ includes both section 5 and section 9. It is not necessary to refer to ‘sections 5 to 9 (both inclusive)’ to ensure that the reference is given an inclusive interpretation.

Example 2—

A reference to ‘sections 260 to 264’ includes a provision such as a part heading between section 260 and 261.

Instrument made under the Act

35E. In an Act, a reference to a type of statutory instrument is a reference to an instrument of that type made or in force under the Act in which the reference is used.

Example—

The word ‘by-law’ means a by-law made under the Act in which the word is used.

Meaning of commonly used words and expressions

36. In an Act—

“Aboriginal local government” means a body that has the function of local government under the *Community Services (Aborigines) Act 1984*.

“Aboriginal people” means people of the Aboriginal race of Australia.

“Aboriginal tradition” means the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people, and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects or relationships.

“Aborigine” means a person of the Aboriginal race of Australia.

“Act” has the meaning given by sections 6 and 7.

“additional territorial unit” of a local government (other than an Aboriginal, Torres Strait Islander or joint local government) means any place outside its basic territorial unit that is put under its control or acquired by it.

“adjacent area in respect of the State” means the area the boundary of which is described in the *Petroleum (Submerged Lands) Act 1967* (Cwlth), schedule 2, as in force immediately before the commencement of the *Coastal Waters (State Powers) Act 1980* (Cwlth).

“Administrator” means a person for the time being administering the Government.

“adult” means an individual who is 18 or more.

“affidavit”, in relation to a person allowed by law to affirm, declare or promise, includes affirmation, declaration and promise.

“AFIC (Queensland) Code” means the provisions applying because of the *Australian Financial Institutions Commission Act 1992*, section 9, and includes the AFIC (Queensland) Regulations.

“AFIC (Queensland) Regulations” means the provisions applying because of the *Australian Financial Institutions Commission Act 1992*, section 10.

“amend” includes—

- (a) for an Act, instrument or provision of an Act or instrument—omit, insert, and omit and insert; and
- (b) for an Act or provision of an Act—amend by implication; and
- (c) for an instrument or provision of an instrument—alter or vary.

“appoint” includes reappoint.

“area” of a local government means—

- (a) for an Aboriginal, Torres Strait Islander or joint local government—its territorial unit; or
- (b) for another local government—its basic territorial unit.

“ASC Law” has the meaning given by the *Corporations (Queensland) Act 1990*, part 11.

“ASC Regulations” has the meaning given by the *Corporations (Queensland) Act 1990*, part 11.

“asset” includes property of any type.

“Australia” means the Commonwealth of Australia but, when used in a geographical sense, does not include an external Territory.

“Australia Acts” means the *Australia Act 1986* (Cwlth) and the *Australia Act 1986* (UK).

“bank” means a bank—

- (a) as defined in the *Banking Act 1959* (Cwlth), section 5; or
- (b) constituted under a law of a State.

“basic territorial unit” of a local government (other than an Aboriginal, Torres Strait Islander or joint local government) means its local government area.

“breach” includes fail to comply with.

“British Act” means an Act of the British Parliament.

“British Parliament” means—

- (a) the Parliament of England; or
- (b) the Parliament of Great Britain; or

- (c) the Parliament of the United Kingdom of Great Britain and Ireland; or
- (d) the Parliament of the United Kingdom of Great Britain and Northern Ireland;

as the case requires.

“building society” has the meaning given by the AFIC (Queensland) Code.

“burial” includes cremation.

“business day” means a day that is not—

- (a) a Saturday or Sunday; or
- (b) a public holiday, special holiday or bank holiday in the place in which any relevant act is to be or may be done.

“calendar month” means a period starting at the beginning of any day of 1 of the 12 named months and ending—

- (a) immediately before the beginning of the corresponding day of the next named month; or
- (b) if there is no such corresponding day—at the end of the next named month.

“calendar year” means a period of 12 months beginning on 1 January.

“change” includes change by omission, substitution or addition.

“charge”, of an offence, means a charge in any form, including, for example, the following—

- (a) a charge on an arrest;
- (b) a complaint under the *Justices Act 1886*;
- (c) a charge by a court under the *Justices Act 1886*, section 42(1A)³ or another provision of an Act;
- (d) an indictment.

“cheque” includes payment order.

³ Section 42 (Commencement of proceedings)

“chief executive”—

- (a) for a unit of the public sector specified by name—means the chief executive (however described) under whose control the unit is placed; or
- (b) in any other case—has the meaning given by section 33.

“chief executive officer” of a local government includes the town clerk of the Brisbane City Council.

“child”, if age rather than descendance is relevant, means an individual who is under 18.

“citation” of an Act includes the Act’s short title.

“coastal waters of the State” means—

- (a) the parts of the territorial sea of Australia that are within the adjacent area in respect of the State, other than any part mentioned in the *Coastal Waters (State Powers) Act 1980* (Cwlth), section 4(2); or
- (b) any sea that is on the landward side of any part of the territorial sea of Australia and within the adjacent area in respect of the State, but is not within the limits of the State.

“commencement” see section 32F.

“committal proceeding” means an examination of witnesses under the *Justices Act 1886* about an indictable offence.

“Commonwealth” means the Commonwealth of Australia but, when used in a geographical sense, does not include an external Territory.

“Commonwealth Constitution” means the Constitution of the Commonwealth.

“Commonwealth Minister” means a Minister of the Crown in right of the Commonwealth.

“community or group of Aboriginal people” includes—

- (a) the descendants of the community or group; and
- (b) if there is only 1 surviving member of a community or group of Aboriginal people—that person.

“community or group of Torres Strait Islanders” includes—

- (a) the descendants of the community or group; and
- (b) if there is only 1 surviving member of a community or group of Torres Strait Islanders—that person.

“company GOC” has the same meaning as in the *Government Owned Corporations Act 1993*.

“complaint and summons” means a complaint and summons under the *Justices Act 1886*.

“confer”, in relation to a function, includes impose.

“consolidated fund” has the meaning given by the *Financial Administration and Audit Act 1977*, section 5(1).

“Constitution of Queensland” means the following—

- (a) the order in council dated 6 June 1859 mentioned in the preamble to the *Constitution Act 1867*;
- (b) the *Constitution Act 1867*;
- (c) each Act amending the order in council or Act.

“contravene” includes fail to comply with.

“corporation” includes a body politic or corporate.

“Corporations Law” has the meaning given by the *Corporations (Queensland) Act 1990*, part 3.

“Corporations Regulations” has the meaning given by the *Corporations (Queensland) Act 1990*, part 3.

“credit union” has the meaning given by the AFIC (Queensland) Code.

“date of assent”, in relation to an Act, means the day on which the Act receives the royal assent.

“definition” means a provision of an Act (however expressed) that—

- (a) gives a meaning to a word or expression; or
- (b) limits or extends the meaning of a word or expression.

Examples of definitions—

1. “X” means Y.
2. A reference to X is a reference to Y.

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3. Words and expressions used in the *XYZ Act* have the same respective meanings in this Act.

“department” has the meaning given by section 33.

“Deputy Governor” means the person for the time being appointed to act for the Governor as the Governor’s deputy.

“descendant” includes—

- (a) in relation to Aboriginal people—a descendant under Aboriginal tradition; and
- (b) in relation to Torres Strait Islanders—a descendant under Island custom.

“District Court” means a District Court appointed under the *District Courts Act 1967*.

“District Court judge” means a judge of a District Court or District Courts.

“doctor” means medical practitioner.

“document” includes—

- (a) any paper or other material on which there is writing; and
- (b) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them; and
- (c) any disc, tape or other article or any material from which sounds, images, writings or messages are capable of being produced or reproduced (with or without the aid of another article or device).

“enactment”, in relation to an Act, has the meaning given by section 15.

“entity” includes a person and an unincorporated body.

“establish” includes constitute and continue in existence.

“estate” includes easement, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity.

“expire” includes lapse or otherwise cease to have effect.

“external Territory” means a Territory, other than an internal Territory, for the government of which as a Territory provision is made by a

Commonwealth Act.

“**fail**” includes refuse.

“**Federal Court**” means the Federal Court of Australia.

“**file**” includes lodge.

“**financial institution**” means a bank, building society or credit union.

“**Financial Institutions (Queensland) Code**” means the provisions applying because of the *Financial Institutions (Queensland) Act 1992*, section 4, and includes the Financial Institutions (Queensland) Regulations.

“**Financial Institutions (Queensland) Regulations**” means the provisions applying because of the *Financial Institutions (Queensland) Act 1992*, section 5.

“**financial year**” means a period of 1 year beginning on 1 July.

“**finding**”, in relation to an indictment, includes taking, exhibiting or making.

“**fix**” includes determine and appoint.

“**foreign country**” means a country (whether or not an independent sovereign state) outside Australia and the external Territories.

“**freehold land register**” means the freehold land register established under the *Land Title Act 1994*.

“**function**” includes duty.

“**fundamental legislative principles**” has the meaning given by the *Legislative Standards Act 1992*.

“**gazette**” means the Queensland Government Gazette.

“**gazetted**” means—

- (a) in relation to subordinate legislation (other than an exempt instrument within the meaning of the *Legislative Standards Act 1992*)—notified or published in the gazette; and
- (b) in any other case—published in the gazette.

“**gazette notice**” means notice published in the gazette.

“**GOC**” (or “**government owned corporation**”) has the same meaning as

in the *Government Owned Corporations Act 1993*.

“Government Gazette” means the Queensland Government Gazette.

“government printer” means the Government Printer of Queensland, and includes any other person authorised by the Government to print an Act or instrument.

“Governor” means—

- (a) for Queensland—the Governor of Queensland, and includes the Lieutenant Governor, the Administrator and the Deputy Governor; or
- (b) for another State (other than the Australian Capital Territory or the Northern Territory)—the State’s Governor, and includes a person administering the State’s Government; or
- (c) for the Northern Territory—the Territory’s Administrator, and includes a person administering the Territory’s Government.

“Governor-General” means the Governor-General of the Commonwealth, and includes a person for the time being administering the Government of the Commonwealth.

“Governor in Council” means—

- (a) for Queensland—the Governor acting with the advice of Executive Council; or
- (b) for another State (other than the Australian Capital Territory)—the State’s Governor acting with the advice of the State’s Executive Council.

“grant of representation”, for a deceased person, means a grant of probate of the will or letters of administration of the deceased person’s estate, and includes the grant of an order to administer and the filing of an election to administer the deceased person’s estate.

“High Court” means the High Court of Australia.

“Imperial Act” means a British Act.

“Imperial Parliament” means the British Parliament.

“indictable offence” includes an act or omission committed outside Queensland that would be an indictable offence if it were committed in

Queensland.

“**indictment**” includes information, inquisition and presentment.

“**individual**” means a natural person.

“**industrial commission**” means the Industrial Relations Commission.

“**Industrial Court**” means the Industrial Court established under the *Industrial Relations Act 1990*.

“**industrial gazette**” means the Queensland Government Industrial Gazette.

“**industrial gazette notice**” means notice published in the industrial gazette.

“**industrial magistrate**” has the meaning given by the *Industrial Relations Act 1990*.

“**Industrial Relations Commission**” means the commission established under the *Industrial Relations Act 1990* under the name the Queensland Industrial Relations Commission.

“**insert**”, in relation to a provision of an Act, includes substitute.

“**instrument**” has the meaning given by the *Statutory Instruments Act 1992*, and includes a statutory instrument.

“**interest**”, in relation to land or other property, means—

- (a) a legal or equitable estate in the land or other property; or
- (b) a right, power or privilege over, or in relation to, the land or other property.

“**internal Territory**” means the Australian Capital Territory, the Jervis Bay Territory or the Northern Territory.

“**Island custom**”, known in the Torres Strait as Ailan Kastom, means the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular community or group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships.

“**Jervis Bay Territory**” means the Territory referred to in the *Jervis Bay Territory Acceptance Act 1915* (Cwlth).

“**joint local government**” means a joint local government established

under the *Local Government Act 1993*.

“justice” means a justice of the peace.

“land” includes messuages, tenements and hereditaments, corporeal or incorporeal, of any tenure or description, and whatever may be the interest in the land.

“Land Appeal Court” means the Land Appeal Court established under the *Land Act 1994*.

“Land Court” means the Land Court established under the *Land Act 1994*.

“land registry” means the land registry established under the *Land Title Act 1994*.

“law” of a State includes—

- (a) a law of the State; and
- (b) a law in force in the State as part of the law of the State.

“lawyer” means a barrister, solicitor, barrister and solicitor or legal practitioner of the High Court or the Supreme Court of a State.

“lease” includes demise, tenancy and sublease, whether for a term, for a period or at will.

“lessee” includes tenant.

“lessor” includes landlord.

“liability” means any liability or obligation (whether liquidated or unliquidated, certain or contingent, or accrued or accruing).

“Lieutenant Governor” means the person for the time being appointed as Lieutenant Governor.

“local government” means—

- (a) the Brisbane City Council; or
- (b) a local government or joint local government established under the *Local Government Act 1993*; or
- (c) an Aboriginal or Torres Strait Islander local government.

“local law” means a local law made by a local government, and includes a by-law or ordinance made by a local government.

“**local law policy**” means a local law policy made by a local government.

“**magistrate**” means a stipendiary magistrate.

“**Magistrates Court**” means a Magistrates Court established under the *Justices Act 1886*.

“**make**” includes issue and grant.

“**medical practitioner**” has the meaning given by the *Medical Act 1939*, section 4.

“**midnight**”, in relation to a particular day, means the point of time at which the day ends.

“**Minister**” has the meaning given by section 33.

“**minor**” means an individual who is under 18.

“**modification**” includes addition, omission and substitution.

“**month**” means a calendar month.

“**mortgage**” includes a charge on a property for securing money or money’s worth.

“**mortgagee in possession**” means a mortgagee who in right of a mortgage has entered into and is in possession of the mortgaged property.

“**named month**” means 1 of the 12 months of the year.

“**native title**” means the communal, group or individual rights and interests of Aboriginal people or Torres Strait Islanders in land or waters if—

- (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal people or Torres Strait Islanders; and
- (b) the Aboriginal people or Torres Strait Islanders, by the laws and customs, have a connection with the land or waters; and
- (c) the rights and interests are recognised by the common law of Australia.

Examples of rights and interests

Hunting, gathering and fishing rights and interests.

“**Northern Territory**” means the Northern Territory of Australia.

“**number**” means—

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- (a) a number expressed in figures or words; or
- (b) a letter; or
- (c) a combination of a number so expressed and a letter.

“**oath**”, in relation to a person allowed by law to affirm, declare or promise, includes affirmation, declaration and promise.

“**office**” includes position.

“**officer of the public service**” has the meaning given by the *Public Service Management and Employment Act 1988*, section 4.

“**of this Act**”, when used in a schedule or appendix of an Act, means the Act apart from a schedule or appendix of the Act.

“**omit**”, in relation to a provision of an Act, includes repeal.

“**order in council**” has the meaning given by the *Statutory Instruments Act 1992*.

“**Parliament**” means—

- (a) for Queensland—the Sovereign and the Legislative Assembly; or
- (b) for another State—the State’s legislature.

“**party**” includes an individual and a corporation.

“**passing**”, in relation to an Act, has the meaning given by section 15.

“**penalty**” includes forfeiture and punishment.

“**penalty unit**” has the meaning given under the *Penalties and Sentences Act 1992*, section 5.

“**person**” includes an individual and a corporation.

“**personal representative**” of a deceased individual means the executor (whether original or by representation) or administrator of the individual’s estate.

“**police officer**” means a police officer within the meaning of the *Police Service Administration Act 1990*.

“**possession**” of land includes the receipt of income from the land.

“**power**” includes authority.

“**prescribed**” means prescribed by, or by a statutory rule made or in force

under, the Act in which the word is used.

“printed” includes typewritten, lithographed or produced or reproduced by any mechanical or electronic means.

“proceeding” means a legal or other action or proceeding.

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

“property” means any legal or equitable estate or interest (whether present or future, vested or contingent, or tangible or intangible) in real or personal property of any description (including money), and includes things in action.

“provision”, in relation to an Act, means words or other matter that form or forms part of the Act, and includes—

- (a) a chapter, part, division, subdivision, section, subsection, paragraph, subparagraph, sub-subparagraph, of the Act apart from a schedule or appendix of the Act; and
- (b) a schedule or appendix of the Act or a section, subsection, paragraph, subparagraph, sub-subparagraph, item, column, table or form of or in a schedule or appendix of the Act; and
- (c) the long title and any preamble to the Act.

“public holiday” means a day appointed under the *Holidays Act 1983* or another Act as a public holiday.

“public service” has the meaning given by the *Public Service Management and Employment Act 1988*, section 4(1).

“purpose”, for an Act, includes policy objective.

“Queensland lawyer” means a barrister or solicitor of the Supreme Court.

“Queensland waters” means all waters that are—

- (a) within the limits of the State; or
- (b) coastal waters of the State.

“record” includes information stored or recorded by means of a computer.

“repeal” includes—

- (a) for a provision of an Act or instrument—repeal the provision by

omitting it; and

- (b) for an Act, instrument or provision of an Act or instrument—abrogate or limit its effect or exclude from its application any person, matter or circumstance; and
- (c) for an instrument or a provision of an instrument—revoke or rescind it.

“reprint” of a law includes a reprint of a law to which the *Reprints Act 1992* applies.

“rules of court” has the meaning given by the *Statutory Instruments Act 1992*.

“serve” has the meaning given by section 39.

“serve by post” has the meaning given by section 39A.

“sign” includes the attaching of a seal and the making of a mark.

“sitting day”, in relation to the Legislative Assembly, means a day on which the Legislative Assembly actually sits.

“speaker” means the Speaker of the Legislative Assembly.

“State” means a State of the Commonwealth, and includes the Australian Capital Territory and the Northern Territory.

“statutory declaration” means—

- (a) a declaration made under the *Oaths Act 1867*; or
- (b) a declaration made under another Act, or under a Commonwealth Act or an Act of another State or a Territory, that authorises a declaration to be made otherwise than in the course of a judicial proceeding.

“statutory GOC” has the same meaning as in the *Government Owned Corporations Act 1993*.

“statutory instrument” has the meaning given by the *Statutory Instruments Act 1992*.

“statutory rule” has the meaning given by the *Statutory Instruments Act 1992*.

“stipendiary magistrate” means a stipendiary magistrate appointed under the *Stipendiary Magistrates Act 1991*.

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

“**summary**”, for an offence or proceeding, has the meaning given by section 44.

“**Supreme Court judge**” or “**judge**” means a judge of the Supreme Court.

“**swear**”, in relation to a person allowed by law to affirm, declare or promise, includes affirm, declare and promise.

“**table**” in the Legislative Assembly means lay before the Assembly.

“**territorial sea of Australia**” means the territorial sea of Australia within the limits mentioned in the *Coastal Waters (State Powers) Act 1980* (Cwlth), section 4(1).

“**territorial unit**” means—

- (a) for an Aboriginal or Torres Strait Islander local government—the area for which it may exercise the functions of local government; or
- (b) for a joint local government—its joint local government area; or
- (c) for another local government—its basic territorial unit and any additional territorial units.

“**Territory**” means a Territory of the Commonwealth.

“**the State**” means the State of Queensland.

“**Torres Strait Islander**” is a person who is a descendant of an indigenous inhabitant of the Torres Strait Islands.

“**Torres Strait Islander local government**” means a body that has the function of local government under the *Community Services (Torres Strait) Act 1984*.

“**transfer**” of an interest in land means the passing of the interest other than by transmission.

“**transmission**” of an interest in land means the passing of the interest because of death or under a law about bankruptcy, insolvency or the liquidation of corporations.

“**under**”, for an Act or a provision of an Act, includes—

- (a) by; and

- (b) for the purposes of; and
- (c) in accordance with; and
- (d) within the meaning of.

“United Kingdom” means the United Kingdom of Great Britain and Northern Ireland.

“unit of the public sector” has the meaning given by the *Public Sector Management Commission Act 1990*.

“will” includes codicil.

“word” includes any drawing, expression, figure and symbol.

“writing” includes any mode of representing or reproducing words in a visible form.

“year”, without specifying the type of year, means calendar year.

PART 9—DISTANCE, TIME AND AGE

Measurement of distance

37. In applying an Act, distance is to be measured along the shortest road ordinarily used for travelling unless there is a contrary intention that distance is to be measured in a straight line on a horizontal plane or in another way.

Reckoning of time

38.(1) If a period beginning on a given day, act or event is provided or allowed for a purpose by an Act, the period is to be calculated by excluding the day, or the day of the act or event, and—

- (a) if the period is expressed to be a specified number of clear days or at least a specified number of days—by excluding the day on which the purpose is to be fulfilled; and
- (b) in any other case—by including the day on which the purpose is to be fulfilled.

(2) If the last day of a period provided or allowed by an Act for doing anything is not a business day in the place in which the thing is to be or may be done, the thing may be done on the next business day in the place.

(3) If the last day of a period provided or allowed by an Act for the filing or registration of a document is a day on which the office is closed where the filing or registration is to be or may be done, the document may be filed or registered at the office on the next day that the office is open.

(4) If no time is provided or allowed for doing anything, the thing is to be done as soon as possible, and as often as the relevant occasion happens.

Age

38A. For the purposes of an Act, a person is an age in years at the beginning of the person's birthday for the age.

PART 10—SERVICE OF DOCUMENTS

Service of documents

39.(1) If an Act requires or permits a document to be served on a person, the document may be served—

- (a) on an individual—
 - (i) by delivering it to the person personally; or
 - (ii) by leaving it at, or by sending it by post, telex, facsimile or similar facility to, the address of the place of residence or business of the person last known to the person serving the document; or
- (b) on a body corporate—by leaving it at, or sending it by post, telex, facsimile or similar facility to, the head office, a registered office or a principal office of the body corporate.

(2) Subsection (1) applies whether the expression 'deliver', 'give', 'notify', 'send' or 'serve' or another expression is used.

(3) Nothing in subsection (1)—

- (a) affects the operation of another law that authorises the service of a document otherwise than as provided in the subsection; or
- (b) affects the power of a court or tribunal to authorise service of a document otherwise than as provided in the subsection.

Meaning of service by post etc.

39A.(1) If an Act requires or permits a document to be served by post, service—

- (a) may be effected by properly addressing, prepaying and posting the document as a letter; and
- (b) is taken to have been effected at the time at which the letter would be delivered in the ordinary course of post, unless the contrary is proved.

(2) If an Act requires or permits a document to be served by a particular postal method, the requirement or permission is taken to be satisfied if the document is posted by that method or, if that method is not available, by the equivalent, or nearest equivalent, method provided for the time being by Australia Post.

(3) Subsections (1) and (2) apply whether the expression ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used.

PART 11—OFFENCES AND CRIMINAL PROCEEDINGS

Penalty at end of provision

41. In an Act, a penalty specified at the end of—

- (a) a section (whether or not the section is divided into subsections); or
- (b) a subsection (but not at the end of a section); or
- (c) a section or subsection and expressed in such a way as to indicate

that it applies only to part of the section or subsection;

indicates that an offence mentioned in the section, subsection or part is punishable on conviction (whether or not a conviction is recorded) or, if no offence is mentioned, a contravention of the section, subsection or part constitutes an offence against the provision that is punishable on conviction (whether or not a conviction is recorded)—

- (d) if a minimum as well as a maximum penalty is specified—by a penalty not less than the minimum and not more than the maximum; or
- (e) in any other case—by a penalty not more than the specified penalty.

Penalty other than at end of provision

41A.(1) In an Act, a penalty specified for an offence, or a contravention of a provision, indicates that the offence is punishable on conviction (whether or not a conviction is recorded), or the contravention constitutes an offence against the provision that is punishable on conviction (whether or not a conviction is recorded)—

- (a) if a minimum as well as a maximum penalty is specified—by a penalty not less than the minimum and not more than the maximum; or
- (b) in any other case—by a penalty not more than the specified penalty.

(2) This section does not apply to a penalty to which section 41 applies.

Any person may prosecute etc.

42. Any person may take a proceeding for the imposition or enforcement of a penalty, or the making of a forfeiture order, under an Act.

Appropriation of penalties

43.(1) The following rules apply to an amount recovered because of the imposition of a penalty or the making of a forfeiture order—

- (a) any part of the amount that is ordered under subsection (2) to be paid to the party prosecuting must first be paid to the party;
- (b) the remaining part of the amount must then be paid to the consolidated fund.

(2) The court that imposes the penalty, or makes the forfeiture order, may order that not more than half of the amount recovered be paid to the party prosecuting.

(3) Subsection (2) does not apply if the party prosecuting is prosecuting as an officer or employee of the State or an officer of the public service.

Summary proceedings

44.(1) In an Act, a provision of the type mentioned in subsection (2) means that a proceeding for an offence, or a specified offence, against the Act is a summary proceeding under the *Justices Act 1886*.

(2) Subsection (1) applies to provisions of the following type—

- (a) a provision to the effect that a proceeding for the offence is to be heard and decided summarily;
- (b) a provision to the effect that a proceeding for the offence is to be heard and decided by or before justices or a magistrate;
- (c) a provision to the effect that the offence is a summary offence or is punishable on summary conviction or summarily;
- (d) a provision for an offence that does not expressly or impliedly make the offence an indictable offence.

(3) In an Act, a provision that provides that another type of proceeding is to be heard and decided summarily, or before justices or a magistrate, means that the proceeding is a summary proceeding under the *Justices Act 1886*.

(4) A provision providing for the imposition of a penalty or the making of a forfeiture order, without providing how the penalty is to be recovered or the order made, is taken to mean that the penalty may be recovered, or the order made, under the *Justices Act 1886*.

Offence punishable only once

45.(1) If an act or omission is an offence under each of 2 or more laws, the offender may be prosecuted and punished under any of the laws, but the offender may not be punished more than once for the same offence.

(2) Subsection (1) applies to a law unless an Act otherwise expressly provides.

(3) In this section—

“**law**” includes the common law.

Bodies corporate

46. A provision of an Act relating to offences punishable on indictment or summary conviction applies to bodies corporate as well as individuals.

PART 12—THE EXECUTIVE GOVERNMENT OF THE STATE**Purpose of part**

47.(1) This part declares certain matters.

(2) A declaration about a matter is intended to remove any doubt about the matter.

Meaning of “State” in part

47A. In this part—

“**the State**” means the Executive Government of the State of Queensland.

Powers of State

47B.(1) The State has all the powers, and the legal capacity, of an individual.

(2) The State may exercise its powers—

- (a) inside and outside Queensland; and
- (b) inside and outside Australia.

(3) This part does not limit the State’s powers.

Example—

This part does not affect any power a Minister has apart from this part to bind the State by contract.

Commercial activities by State

47C.(1) The State may carry out commercial activities.

(2) This section is sufficient statutory authority for the State to carry out a commercial activity.

(3) Commercial activities may be carried out—

- (a) without further statutory authority; and
- (b) without prior appropriation from the public accounts for the purpose.

(4) Commercial activities may be carried out—

- (a) inside and outside Queensland; and
- (b) inside and outside Australia.

(5) In this section—

“commercial activities” includes—

- (a) commercial activities that are not within the ordinary functions of the State; and
- (b) commercial activities of a competitive nature; and
- (c) activities declared by a regulation to be commercial activities;

but does not include activities declared by a regulation not to be commercial activities.

“State” includes—

- (a) a department of government of the State; and

(b) a part of a department of government of the State.

Commercial activities by Minister

47D. A Minister may carry out commercial activities for the State.

Delegation by Minister

47E.(1) A Minister may delegate the State's powers to an officer of the State.

(2) An officer of the State may subdelegate delegated powers to another officer of the State.

(3) In this section—

“officer of the State” means—

- (a) a chief executive, or employee, of a unit of the public sector; or
- (b) an officer of the public service.

Regulation making power

47F. The Governor in Council may make regulations under this part.

PART 13—MISCELLANEOUS

Verification of documents

48A. If an Act requires that, for a purpose of the Act or another law, a document, or information or a document included in, attached to or given with a document, be verified in a specified way, the purpose is not fulfilled unless the requirement is satisfied.

Example—

If an Act requires a document accompanying an application form to be verified by statutory declaration and the document is lodged without being verified in this way, the document has not been properly lodged for the purposes of the Act.

Forms

49.(1) If a form is prescribed or approved under an Act, strict compliance with the form is not necessary and substantial compliance is sufficient.

(2) If a form prescribed or approved under an Act requires—

- (a) the form to be completed in a specified way; or
- (b) specified information or documents to be included in, attached to or given with the form; or
- (c) the form, or information or documents included in, attached to or given with the form, to be verified in a specified way;

the form is not properly completed unless the requirement is complied with.

(3) If—

- (a) a form (“**form 1**”) may be prescribed or approved under an Act for a purpose or 2 or more purposes; and
- (b) another form (“**form 2**”) may be prescribed or approved under the Act or another Act for the same or another purpose or purposes;

then, if separate forms 1 and 2 are prescribed or approved, a combined form 1 and 2 may be prescribed or approved and used for the purpose or all the purposes.

(4) If, under an Act, a form is required or permitted to be filed with, or served on, a person (whether the expression ‘file’, ‘lodge’, ‘deliver’, ‘give’, ‘notify’, ‘send’ or ‘serve’ or another expression is used), the form may be filed with, or served on, another person under arrangements made between the persons.

(5) If a form may be prescribed or approved under an Act for a purpose or 2 or more purposes, the form may only require information or documents to be included in, attached to or given with the form that are reasonably necessary for the purpose or 1 or more of the purposes.

Example 1—

A prescribed or approved form may not require the provision of personal information irrelevant to a purpose for which the form is required.

Example 2—

A prescribed or approved form may not require the provision of personal

information that has some relevance to a purpose for which the form is required, but is excessively intrusive to personal privacy.

Jurisdiction of courts and tribunals

49A. If a provision of an Act, whether expressly or by implication, authorises a proceeding to be instituted in a particular court or tribunal in relation to a matter, the provision is taken to confer jurisdiction in the matter on the court or tribunal.

References to Acts Shortening Act 1867

51A. In an Act or document, a reference to the Acts Shortening Act or *Acts Shortening Act 1867* may, if the context permits, be taken to be a reference to this Act.

References to the Crown etc.

52. In every Act—

- (a) reference to the Sovereign reigning at the time of the passing of such Act, or to ‘Her Majesty’, ‘His Majesty’, ‘the Queen’, ‘the King’, or ‘the Crown’, shall be construed as references to the Sovereign for the time being, and, where necessary, shall include the heirs and successors of such Queen or King; and
- (b) references to any style or titles appertaining to the Crown at the time of the passing of such Act, shall be construed as references to the style and titles appertaining to the Crown for the time being adopted, with the assent of the Parliament of the Commonwealth of Australia, by the Sovereign for the time being for use in relation to the Commonwealth of Australia and its Territories.

ENDNOTES**1 Index to endnotes**

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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 12 December 1995. Future amendments of the Acts Interpretation Act 1954 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[x]	=	Reprint No.[x]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

Reprint No.	Amendments included	Reprint date
1	to Act No. 27 of 1992	1 July 1992
2	to Act No. 68 of 1992	9 December 1992
3	to Act No. 32 of 1993	24 June 1993
4	to Act No. 85 of 1993	23 December 1993
5	to Act No. 15 of 1994	25 May 1994
6	to Act No. 87 of 1994	15 December 1994
7	to Act No. 37 of 1995	7 July 1995

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of Table	Reprint No.
Changed citations and remade laws	7
Corrected minor errors	4, 5

6 List of legislation

Acts Interpretation Act 1954 3 Eliz 2 No. 3

date of assent 27 April 1954
commenced on date of assent
as amended by—

Acts Interpretation Act Amendment Act 1957 6 Eliz 2 No. 18

date of assent 11 November 1957
commenced 12 August 1957 (see s 1(4))

Acts Interpretation Acts Amendment Act 1960 9 Eliz 2 No. 14

date of assent 31 October 1960
commenced on date of assent

Acts Interpretation Acts Amendment Act 1962 No. 2

date of assent 17 September 1962
commenced on date of assent

British Subject (Interpretation) Act 1970 No. 10 s 3

date of assent 13 April 1970
commenced 20 February 1973 (proc pubd gaz 17 February 1973 p 682)

Acts Interpretation Act Amendment Act 1971 No. 43

date of assent 1 November 1971
commenced on date of assent

Acts Interpretation Act Amendment Act 1977 No. 37

date of assent 23 September 1977
commenced 1 January 1978 (proc pubd gaz 17 December 1977 p 1598)

Evidence Act 1977 No. 47 s 3(6) sch 1 pt F

date of assent 3 October 1977
commenced 1 January 1978 (see s 1(2))

Penalty Units Act 1985 No. 73 s 13

date of assent 23 October 1985
commenced 1 May 1986 (proc pubd gaz 12 April 1986 p 1571)

Corrective Services (Consequential Amendments) Act 1988 No. 88 s 3 sch 1

date of assent 1 December 1988
commenced 15 December 1988 (see s 2(2) and order pubd gaz 10 December 1988 p 1675)

Acts Interpretation Act and Another Act Amendment Act 1989 No. 28 pt 1

date of assent 28 April 1989
commenced on date of assent

Corporations (Consequential Amendments) Act 1990 No. 99 s 3.1 sch

date of assent 12 December 1990
commenced 1 January 1991 (proc pubd gaz 22 December 1990 p 2270)

Acts Interpretation Amendment Act 1991 No. 30

date of assent 12 June 1991

commenced 1 July 1991 (proc pubd gaz 22 June 1991 p 975)

Supreme Court of Queensland Act 1991 No. 68 ss 1–2, 111 sch 2

date of assent 24 October 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 14 December 1991 (1991 SL No. 173)

Stipendiary Magistrates Act 1991 No. 75 ss 1–2, 26 sch 3

date of assent 21 November 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 1992 (1991 SL No. 211)

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 ss 1–3 sch 1

date of assent 17 December 1991

s 3 sch 1 amendments 21 and 22 in sch 1 commenced on 1 January 1992

remaining provisions commenced on date of assent

Judicial Review Act 1991 No. 100 ss 1–2, 61

date of assent 17 December 1991

ss 1–2 commenced on date of assent

remaining provision commenced 1 June 1992 (1992 SL No. 110)

Queensland Office of Financial Supervision Act 1992 No. 12 ss 1–2, 66 sch

date of assent 6 May 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 29 May 1992 (1992 SL No. 109)

Nature Conservation Act 1992 No. 20 ss 1–2, 159 sch 2

date of assent 22 May 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1992 (1992 SL No. 159)

Statutory Instruments Act 1992 No. 22 ss 1, 48 sch 3

date of assent 1 June 1992

commenced on date of assent

Legislative Standards Act 1992 No. 26 s 1, pt 5

date of assent 1 June 1992

commenced on date of assent

Reprints Act 1992 No. 27 s 1, pt 9

date of assent 1 June 1992

commenced on date of assent

Penalties and Sentences Act 1992 No. 48 ss 1–2, 207 sch

date of assent 24 November 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 27 November 1992 (1992 SL No. 377)

Nursing Act 1992 No. 55 ss 1–2, 163 sch 2

date of assent 30 November 1992

commenced on date of assent (see s 2)

Lands Legislation Amendment Act 1992 No. 64 ss 1–3 sch 1

date of assent 7 December 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 18 December 1992 (1992 SL No. 448)

Statute Law (Miscellaneous Provisions) Act (No. 2) 1992 No. 68 ss 1–3 sch 1

date of assent 7 December 1992

commenced on date of assent (see s 2)

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 1 (as amd 1993 Act No. 76 ss 1–3 sch 1 (as from 14 December 1993))

date of assent 3 June 1993

s 3 sch 1 amendment 12 commenced 1 July 1990

remaining provisions commenced on date of assent

Local Government Act 1993 No. 70 ss 1–2, 804 sch

date of assent 7 December 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1994 (see s 2(5))

Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76 ss 1–3 sch 1

date of assent 14 December 1993

commenced on date of assent (see s 2)

Native Title (Queensland) Act 1993 No. 85 ss 1–2(2), pt 13 div 4 (as amd 1994 No. 61 s 1–2 sch 1 (as from 24 November 1994))

date of assent 17 December 1993

ss 1–2(2) commenced on date of assent

remaining provisions commenced 28 November 1994 (1994 SL No. 408)

Land Title Act 1994 No. 11 ss 1–2, 194 sch 2

date of assent 7 March 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 24 April 1994 (1994 SL No. 132)

Statute Law (Miscellaneous Provisions) Act (No. 1) 1994 No. 15 ss 1–3 sch 1

date of assent 10 May 1994

commenced on date of assent

Fire Service Legislation Amendment Act 1994 No. 71 pts 1, 4

date of assent 1 December 1994

commenced on date of assent

Acts Interpretation (State Commercial Activities) Amendment Act 1994 No. 73

date of assent 1 December 1994

commenced on date of assent

Statutory Instruments and Legislative Standards Amendment Act 1994 No. 83 pts 1, 4

date of assent 1 December 1994

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 1

date of assent 1 December 1994
 commenced on date of assent

Justice and Attorney-General (Miscellaneous Provisions) Act 1995 No. 24 pts 1–2

date of assent 11 April 1995
 commenced on date of assent

Criminal Code (1995) No. 37 ss 1–2, 458 sch 2 pts 1–2 (as amd 1995 No. 58 ss 1–2, 4 sch 1 (as from 28 November 1995))

date of assent 16 June 1995
 ss 1–2, 458 sch 2 pt 1 commenced on date of assent (see s 2(1))
 remaining provisions not yet proclaimed into force

Statute Law (Minor Amendments) Act (No. 2) 1995 No. 51 s 4 sch

date of assent 22 November 1995
 commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

7 List of annotations

Long title sub 1992 No. 68 s 3 sch 1

PART 1—PRELIMINARY

pt hdg ins 1991 No. 97 s 3 sch 1

Act applies to all Acts

s 2 prev s 2 om 1991 No. 30 s 3 sch 2
 pres s 2 ins 1991 No. 97 s 3 sch 1

Application of this Act

hdg prec s 3 om 1991 No. 97 s 3 sch 1

Act applies to statutory instruments

s 3 amd 1991 No. 30 s 3 schs 1–2
 sub 1991 No. 97 s 3 sch 1
 om 1992 No. 22 s 48 sch 3

Construction subject to Legislative Powers of State

hdg prec s 4 om 1991 No. 97 s 3 sch 1

Displacement of Act by contrary intention

s 3A renum as s 4 1991 No. 97 s 3 sch 1

Displacement of Act by contrary intention

s 4 pres s 4 (prev s 3A) ins 1991 No. 30 s 4
 renum 1991 No. 97 s 3 sch 1

Meaning of Act

hdg prec s 5 om 1991 No. 97 s 3 sch 1

Act binds Crown

- s 5** amd 1991 No. 30 s 3 schs 1–2
sub 1991 No. 97 s 3 sch 1

PART 2—MEANING OF ACT

- pt hdg** ins 1991 No. 97 s 3 sch 1

Reference to and Citation of Acts

- hdg prec s 6** om 1991 No. 97 s 3 sch 1

References to “Act”

- s 6** prev s 6 renum as s 14E 1991 No. 97 s 3 sch 1
pres s 6 ins 1991 No. 97 s 3 sch 1
amd 1991 No. 97 s 3 sch 1; 1992 No. 68 s 3 sch 1

Act includes statutory instruments under Act etc.

- s 7** prev s 7 renum as s 14F 1991 No. 97 s 3 sch 1
pres s 7 ins 1991 No. 97 s 3 sch 1
amd 1991 No. 97 s 3 sch 1
sub 1992 No. 22 s 48 sch 3; 1993 No. 32 s 3 sch 1

References to enactments

- s 7A** renum as s 14G 1991 No. 97 s 3 sch 1

References to “the Act” in statutory instrument

- s 8** prev s 8 renum as s 14H 1991 No. 97 s 3 sch 1
new s 8 ins 1991 No. 97 s 3 sch 1
om 1992 No. 22 s 48 sch 3

PART 3—GENERAL PROVISIONS APPLYING TO ACTS

- pt hdg** sub 1991 No. 97 s 3 sch 1

Act to be interpreted not to exceed Parliament’s legislative power

- s 9** prev s 9 renum as s 14I 1991 No. 97 s 3 sch 1
pres s 9 ins 1991 No. 97 s 3 sch 1
sub 1993 No. 32 s 3 sch 1

Declaration of validity of certain laws

- s 9A** ins 1995 No. 51 s 4 sch

General Provisions as to Legislative Enactments

- hdg prec s 10** om 1991 No. 97 s 3 sch 1

Section has effect as substantive enactment

- s 10** sub 1991 No. 97 s 3 sch 1

Acts to be public Acts

- s 11** amd 1977 No. 47 s 3(6) sch 1 pt F
sub 1991 No. 97 s 3 sch 1

Private Acts not to affect rights of others

- s 12** sub 1991 No. 97 s 3 sch 1

Private Acts amended by public Acts do not become public Acts

- s 12A** ins 1991 No. 97 s 3 sch 1

Acts not to affect native title except by express provision

s 13A ins 1993 No. 85 s 178 (as amd 1994 No. 61 s 2 sch 1)

Material that is, and is not, part of an Act

s 14 amd 1962 No. 2 s 3

sub 1991 No. 30 s 10

amd 1991 No. 97 s 3 sch 1; 1993 No. 76 s 3 sch 1; 1994 No. 87 s 3 sch 1

Interpretation best achieving Act's purpose

s 14A ins 1991 No. 30 s 11(1)

amd 1994 No. 71 s 14

Use of extrinsic material in interpretation

s 14B ins 1991 No. 30 s 11(1)

Changes of drafting practice not to affect meaning

s 14C ins 1991 No. 30 s 11(2)

Examples

s 14D ins 1991 No. 30 s 11(2)

PART 4—REFERENCE TO AND CITATION OF ACTS

pt hdg ins 1991 No. 97 s 3 sch 1

References to Acts generally

s 14E (prev s 6) sub 1991 No. 30 s 5

renum 1991 No. 97 s 3 sch 1

References to particular Acts

s 14F (prev s 7) amd 1962 No. 2 s 2

sub 1991 No. 30 s 6

renum 1991 No. 97 s 3 sch 1

amd 1994 No. 87 s 3 sch 1

References to enactments

s 14G (prev s 7A) ins 1991 No. 30 s 7

renum 1991 No. 97 s 3 sch 1

amd 1993 No. 32 s 3 sch 1

References taken to be included in citation of law

s 14H (prev s 8) sub 1991 No. 30 s 8

renum 1991 No. 97 s 3 sch 1

sub 1993 No. 32 s 3 sch 1

References to changed short titles and citations

s 14I (prev s 9) sub 1991 No. 30 s 9

renum 1991 No. 97 s 3 sch 1

sub 1993 No. 32 s 3 sch 1

References to repealed or expired laws

s 14J ins 1993 No. 32 s 3 sch 1

PART 5—COMMENCEMENT OF ACTS

pt hdg sub 1991 No. 97 s 3 sch 1

References to enactment etc. of Acts

s 15 sub 1991 No. 30 s 12

Commencement of Acts on date of assent

prov hdg sub 1991 No. 97 s 3 sch 1

s 15A ins 1991 No. 30 s 13

Time of commencement of Acts

s 15B ins 1991 No. 30 s 13

amd 1993 No. 76 s 3 sch 1

Commencement of citation and commencement provisions on date of assent etc.

prov hdg sub 1991 No. 97 s 3 sch 1

s 15C ins 1991 No. 30 s 13

amd 1992 No. 22 s 48 sch 3

Commencement by proclamation etc.

s 15D ins 1991 No. 30 s 13

amd 1992 No. 68 s 3 sch 1

Automatic commencement of postponed law

s 15DA ins 1994 No. 15 s 3 sch 1

Commencement of paragraphs etc. in amending Act

s 15E ins 1991 No. 30 s 13

Evidence of date of assent

s 16 sub 1991 No. 30 s 14

Exercise of powers between enactment and commencement

s 17 sub 1977 No. 37 s 3; 1991 No. 30 s 15

amd 1991 No. 97 s 3 sch 1; 1993 No. 32 s 3 sch 1

PART 6—AMENDMENT AND REPEAL OF ACTS

pt hdg ins 1991 No. 97 s 3 sch 1

Act may be amended or repealed in same parliamentary session

s 17A ins 1991 No. 97 s 3 sch 1

REPEAL OF ACTS AND ACTS CEASING TO HAVE EFFECT

hdg prec s 18 ins 1991 No. 30 s 3 sch 2

om 1991 No. 97 s 3 sch 1

Time of expiry of Act etc.

s 18 sub 1991 No. 30 s 16; 1993 No. 76 s 3 sch 1

Repealed and amended Acts not revived on repeal of repealing and amending Acts

s 19 sub 1991 No. 30 s 17

amd 1993 No. 76 s 3 sch 1; 1994 No. 87 s 3 sch 1

sub 1995 No. 58 s 4 sch 1

Commencement not undone if omitted

s 19A ins 1994 No. 87 s 3 sch 1

Saving of operation of repealed Act etc.

s 20 sub 1991 No. 30 s 18

amd 1992 No. 48 s 207 sch; 1993 No. 32 s 3 sch 1; 1994 No. 15 s 3 sch 1;
 1995 No. 37 s 458 sch 2 pt 1; 1995 No. 58 s 4 sch 1
 (2C)–(4) renum as s 20C(1)–(3) 1995 No. 58 s 4 sch 1

Repeal does not end saving, transitional or validating effect etc.

s 20A ins 1993 No. 32 s 3 sch 1
 amd 1993 No. 76 s 3 sch 1; 1994 No. 15 s 3 sch 1; 1995 No. 58 s 4 sch 1

Continuance of appointments etc. made under amended provisions

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

Creation of offences and changes in penalties

prov hdg ins 1995 No. 58 s 4 sch 1

s 20C new s 20C (prev s 20(2C)–(4)) renum 1995 No. 58 s 4 sch 1

Continuance of repealed provisions

prov hdg ins 1991 No. 30 s 3 sch 2
 amd 1991 No. 97 s 3 sch 1

s 21 amd 1991 No. 30 ss 19, 3 sch 2; 1991 No. 97 s 3 sch 1

Amending Acts

hdg prec s 22 om 1991 No. 97 s 3 sch 1

Act and amending Acts to be read as one

s 22 amd 1991 No. 30 s 3 sch 1
 sub 1991 No. 97 s 3 sch 1

Insertion of provisions by amending Act

s 22A ins 1991 No. 30 s 20
 sub 1993 No. 32 s 3 sch 1

Amendment to be made wherever possible in provision

s 22B ins 1993 No. 32 s 3 sch 1

Automatic repeal of amending Act

s 22C ins 1994 No. 15 s 3 sch 1
 amd 1994 No. 83 s 12; 1995 No. 58 s 4 sch 1

PART 7—FUNCTIONS AND POWERS CONFERRED BY ACTS

pt hdg sub 1991 No. 30 s 3 sch 2; 1991 No. 97 s 3 sch 1

Performance of statutory functions etc.

s 23 sub 1991 No. 30 s 21
 amd 1993 No. 32 s 3 sch 1

Conferral of statutory power on another entity

s 23A ins 1993 No. 76 s 3 sch 1

Power to make statutory rules for purposes of Act

s 24 amd 1991 No. 30 s 3 schs 1–2
 sub 1991 No. 97 s 3 sch 1
 om 1992 No. 22 s 48 sch 3

Power to make instrument or decision includes power to amend or repeal

s 24AA ins 1991 No. 97 s 3 sch 1

Appointments may be made by name or office

s 24A ins 1991 No. 30 s 22
amd 1991 No. 97 s 3 sch 1; 1993 No. 32 s 3 sch 1; 1993 No. 76 s 3 sch 1

Acting appointments

s 24B ins 1991 No. 30 s 22
amd 1992 No. 22 s 48 sch 3; 1993 No. 32 s 3 sch 1; 1994 No. 15 s 3 sch 1

Acting person nominated by Act etc.

s 24C ins 1993 No. 32 s 3 sch 1

Powers of appointment imply certain incidental powers

s 25 amd 1971 No. 43 s 2; 1991 No. 30 s 3 schs 1–2
sub 1991 No. 97 s 3 sch 1
amd 1992 No. 55 s 163 sch 2; 1993 No. 32 s 3 sch 1

Appointment not affected by defect etc.

s 26 prev s 26 om 1991 No. 97 s 3 sch 1
pres s 26 ins 1992 No. 55 s 163 sch 2

Power to hear and determine includes power to administer oath

s 27 sub 1991 No. 97 s 3 sch 1

Delegation of powers

s 27A ins 1971 No. 43 s 3
sub 1991 No. 30 s 23
amd 1991 No. 97 s 3 sch 1; 1992 No. 68 s 3 sch 1; 1993 No. 32 s 3 sch 1;
1993 No. 76 s 3 sch 1; 1994 No. 87 s 3 sch 1

Content of statement of reasons for decision

27B ins 1991 No. 100 s 61(2)

Instruments and Resolutions

hdg prec s 28 om 1991 No. 97 s 3 sch 1

Statutory instruments to be construed not to exceed powers conferred by Acts under which made

s 28 amd 1991 No. 30 s 3 schs 1–2
sub 1991 No. 97 s 3 sch 1
om 1992 No. 22 s 48 sch 3

Matters for which statutory rules may make provision

s 28AA ins 1991 No. 30 s 24
amd 1991 No. 97 s 3 sch 1
om 1992 No. 22 s 48 sch 3

Presumption of validity

s 28AB ins 1991 No. 97 s 3 sch 1
om 1992 No. 22 s 48 sch 3

Statutory instruments purporting to be made under a particular power

s 28AC ins 1991 No. 97 s 3 sch 1
om 1992 No. 22 s 48 sch 3

Regulations

s 28A ins 1971 No. 43 s 4
 amd 1977 No. 37 s 4; 1977 No. 47 s 3(6) sch 1 pt F; 1991 No. 30 s 3
 sch 1; 1991 No. 97 s 3 sch 1
 om 1992 No. 22 s 48 sch 3

Legislative Assembly's resolutions to be interpreted not to exceed authority

s 29 amd 1991 No. 30 s 3 sch 1
 sub 1993 No. 32 s 3 sch 1

Tabling of reports when Legislative Assembly not sitting

s 29A ins 1989 No. 28 s 3
 sub 1995 No. 24 s 3

Working out number of sitting days

s 29B ins 1992 No. 22 s 48 sch 3
 sub 1994 No. 83 s 13

Private Acts

hdg prec s 30 om 1991 No. 97 s 3 sch 1

No private Act to affect property of Crown or persons not named

s 30 amd 1991 No. 30 s 3 sch 1
 om 1991 No. 97 s 3 sch 1

The Crown

hdg prec s 31 om 1991 No. 97 s 3 sch 1

Form of oath of allegiance

s 31 renum as s 52 1991 No. 97 s 3 sch 1

PART 8—TERMS AND REFERENCES IN ACTS

pt hdg sub 1991 No. 97 s 3 sch 1

Defined terms—other parts of speech and grammatical forms

s 32 sub 1991 No. 30 s 25

Definitions to be read in context

s 32A ins 1991 No. 30 s 26

Definitions generally apply to entire Act

s 32AA prev s 32AA ins 1993 No. 32 s 3 sch 1
 amd 1994 No. 87 s 3 sch 1
 renum as 32AB 1995 No. 37 s 458 sch 2 pt 2 (never commenced and om
 1995 No. 58 s 4 sch 1)
 renum as s 32AB 1995 No. 58 s 4 sch 1
 pres s 32AA ins 1995 No. 58 s 4 sch 1

Terms defined both in this Act and another Act

s 32AB (prev s 32AA) renum 1995 No. 37 s 458 sch 2 pt 2 (never commenced and
 om 1995 No. 58 s 4 sch 1)
 new s 32AB (prev s 32AA) renum 1995 No. 58 s 4 sch 1

Gender

s 32B ins 1991 No. 30 s 26

Number

s 32C ins 1991 No. 30 s 26

Meaning of “may” and “must” etc.

s 32CA ins 1991 No. 97 s 3 sch 1
amd 1994 No. 87 s 3 sch 1

Words and expressions used in amending Acts

s 32CB ins 1991 No. 97 s 3 sch 1
amd 1993 No. 32 s 3 sch 1

Words and expressions used in statutory instruments

s 32CC ins 1991 No. 97 s 3 sch 1
om 1992 No. 22 s 48 sch 3

References to persons generally

s 32D ins 1991 No. 30 s 26
amd 1991 No. 97 s 3 sch 1; 1994 No. 15 s 3 sch 1
sub 1993 No. 76 s 3 sch 1

Production of records kept in computers etc.

s 32E ins 1991 No. 30 s 26
amd 1993 No. 32 s 3 sch 1

References to commencement

s 32F ins 1994 No. 87 s 3 sch 1

References to Ministers, departments and chief executives

prov hdg sub 1991 No. 30 s 27(1); 1993 No. 32 s 3 sch 1
s 33 amd 1957 6 Eliz 2 No. 18 s 2; 1971 No. 43 s 5; 1991 No. 30 ss 27(2), 3
sch 2; 1993 No. 32 s 3 sch 1; 1993 No. 76 s 3 sch 1; 1994 No. 15 s 3
sch 1; 1994 No. 87 s 3 sch 1

References to States to include Territories

s 33A ins 1994 No. 15 s 3 sch 1
amd 1995 No. 24 s 4

References to officers and holders of offices

s 34 sub 1991 No. 30 s 28

References to Queensland to be implied

s 35 sub 1991 No. 30 s 29
amd 1992 No. 68 s 3 sch 1; 1993 No. 32 s 3 sch 1; 1993 No. 76 s 3 sch 1

References to person with interest in land includes personal representative etc.

s 35A prev s 35A ins 1971 No. 43 s 6
sub 1977 No. 37 s 5; 1991 No. 30 s 30
om 1992 No. 27 s 52
pres s 35A ins 1994 No. 11 s 194 sch 2

References to provisions designated by number without mentioning another Act

s 35B ins 1991 No. 30 s 31
amd 1992 No. 22 s 48 sch 3
sub 1993 No. 32 s 3 sch 1; 1994 No. 87 s 3 sch 1; 1995 No. 58 s 4 sch 1

Naming of certain statutory instruments

s 35BA ins 1991 No. 97 s 3 sch 1
om 1992 No. 27 s 53

Name of provision units in statutory instruments

s 35BB ins 1991 No. 97 s 3 sch 1
om 1992 No. 27 s 54

Headings part of provision etc.

s 35C ins 1991 No. 30 s 31
amd 1993 No. 32 s 3 sch 1; 1994 No. 87 s 3 sch 1

Reference to provisions of a law is inclusive

s 35D ins 1991 No. 97 s 3 sch 1
sub 1993 No. 32 s 3 sch 1

Instrument made under the Act

s 35E ins 1992 No. 22 s 48 sch 3

Reference to brief description of offence or circumstance of aggravation

s 35F ins 1995 No. 37 s 458 sch 2 pt 2

Meaning of commonly used words and expressions

s 36 def “alien” om 1970 No. 10 s 3(1)(a)
def “ASC Law” and “ASC Regulations” ins 1990 No. 99 s 3.1 sch
def “Australian citizen” om 1970 No. 10 s 3(1)(a)
def “British subject” om 1970 No. 10 s 3(1)(a)
def “Corporations Law” and “Corporations Regulations” ins 1990
No. 99 s 3.1 sch
def “District Court” ins 1971 No. 43 s 7(a)
def “District Court Judge” ins 1971 No. 43 s 7(a)
def “Industrial Commission” ins 1971 No. 43 s 7(b)
def “Minister” ins 1971 No. 43 s 7(c)
def “Order in Council” sub 1971 No. 43 s 7(d)
def “Petty Sessions” om 1971 No. 43 s 7(e)
def “Proclamation” sub 1971 No. 43 s 7(f)

s 36 sub 1991 No. 30 s 32
def “Aboriginal local government” ins 1993 No. 70 s 804 sch
def “Aboriginal people” ins 1992 No. 26 s 24
def “Aboriginal tradition” ins 1992 No. 26 s 24
def “Aborigine” ins 1993 No. 32 s 3 sch 1
def “Act” sub 1993 No. 32 s 3 sch 1; 1993 No. 76 s 3 sch 1
def “additional territorial unit” ins 1993 No. 70 s 804 sch
def “adjacent area in respect of the State” ins 1992 No. 20 s 159 sch 2
def “Administrator” ins 1991 No. 97 s 3 sch 1
def “adult” ins 1991 No. 97 s 3 sch 1
sub 1993 No. 32 s 3 sch 1
def “AFIC (Queensland) Code” ins 1992 No. 12 s 66 sch
def “AFIC (Queensland) Regulations” ins 1992 No. 12 s 66 sch
def “amend” sub 1993 No. 76 s 3 sch 1
def “area” ins 1993 No. 70 s 804 sch
def “ASC Law” ins 1993 No. 32 s 3 sch 1
def “ASC Law” and “ASC Regulations” om 1993 No. 32 s 3 sch 1

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- def “**ASC Regulations**” ins 1993 No. 32 s 3 sch 1
 - def “**asset**” ins 1993 No. 76 s 3 sch 1
 - def “**Australia**” amd 1991 No. 97 s 3 sch 1
 - def “**bank**” ins 1993 No. 32 s 3 sch 1
 - def “**basic territorial unit**” ins 1993 No. 70 s 804 sch
 - def “**breach**” ins 1993 No. 76 s 3 sch 1
 - def “**building society**” ins 1993 No. 32 s 3 sch 1
 - def “**business day**” ins 1991 No. 97 s 3 sch 1
 - def “**by-law**” om 1992 No. 22 s 48 sch 3
 - def “**change**” ins 1993 No. 76 s 3 sch 1
 - def “**charge**” ins 1995 No. 37 s 458 sch 2 pt 1
 - def “**cheque**” ins 1993 No. 32 s 3 sch 1
 - def “**chief executive**” sub 1993 No. 32 s 3 sch 1; 1993 No. 76 s 3 sch 1; 1994 No. 15 s 3 sch 1
 - def “**chief executive officer**” ins 1994 No. 87 s 3 sch 1
 - def “**child**” ins 1993 No. 76 s 3 sch 1
 - def “**citation**” ins 1993 No. 76 s 3 sch 1
 - def “**coastal waters of the State**” ins 1992 No. 20 s 159 sch 2
 - def “**commencement**” sub 1994 No. 87 s 3 sch 1
 - def “**committal proceeding**” ins 1993 No. 76 s 3 sch 1
 - def “**community or group of Aboriginal people**” ins 1992 No. 26 s 24
 - def “**community or group of Torres Strait Islanders**” ins 1992 No. 26 s 24
 - def “**company GOC**” ins 1994 No. 87 s 3 sch 1
 - def “**complaint and summons**” ins 1994 No. 87 s 3 sch 1
 - def “**Constitution of Queensland**” sub 1993 No. 32 s 3 sch 1
 - def “**contravene**” sub 1993 No. 32 s 3 sch 1; 1993 No. 76 s 3 sch 1
 - def “**Corporations Law**” ins 1993 No. 32 s 3 sch 1
 - def “**Corporations Law**” and “**Corporations Regulations**” om 1993 No. 32 s 3 sch 1
 - def “**Corporations Regulations**” ins 1993 No. 32 s 3 sch 1
 - def “**Court of Criminal Appeal**” om 1991 No. 68 s 111 sch 2
 - def “**credit union**” ins 1993 No. 32 s 3 sch 1
 - def “**definition**” amd 1994 No. 87 s 3 sch 1
 - def “**Deputy Governor**” ins 1991 No. 97 s 3 sch 1
 - def “**descendant**” ins 1992 No. 26 s 24
 - def “**doctor**” ins 1993 No. 76 s 3 sch 1
 - def “**document**” sub 1993 No. 32 s 3 sch 1
 - def “**entity**” ins 1993 No. 76 s 3 sch 1
 - def “**estate**” amd 1991 No. 97 s 3 sch 1
 - def “**Executive Council**” om 1993 No. 32 s 3 sch 1
 - def “**file**” ins 1993 No. 76 s 3 sch 1
 - def “**financial institution**” ins 1993 No. 32 s 3 sch 1
 - def “**Financial Institutions (Queensland) Code**” ins 1992 No. 12 s 66 sch
 - def “**Financial Institutions (Queensland) Regulations**” ins 1992 No. 12 s 66 sch
 - def “**financial year**” sub 1993 No. 76 s 3 sch 1
 - def “**fix**” ins 1991 No. 97 s 3 sch 1

- def **“freehold land register”** ins 1994 No. 11 s 194 sch 2
- def **“fundamental legislative principles”** ins 1993 No. 32 s 3 sch 1
- def **“gazetted”** sub 1993 No. 32 s 3 sch 1
- def **“GOC”** ins 1994 No. 87 s 3 sch 1
- def **“Government”** om 1993 No. 32 s 3 sch 1
- def **“Governor”** sub 1991 No. 97 s 3 sch 1; 1993 No. 76 s 3 sch 1
- def **“Governor in Council”** sub 1993 No. 76 s 3 sch 1
- def **“grant of representation”** ins 1993 No. 76 s 3 sch 1
- def **“indictable offence”** ins 1992 No. 55 s 163 sch 2
- def **“indictment”** sub 1995 No. 37 s 458 sch 2 pt 2
- def **“industrial commission”** ins 1991 No. 97 s 3 sch 1
- def **“Industrial Commission”** or **“Industrial Relations Commission”**
om 1991 No. 97 s 3 sch 1
- def **“industrial magistrate”** sub 1993 No. 32 s 3 sch 1
- def **“Industrial Relations Commission”** ins 1991 No. 97 s 3 sch 1
- def **“insert”** ins 1991 No. 97 s 3 sch 1
- def **“instrument”** sub 1992 No. 22 s 48 sch 3
- def **“interest”** amd 1991 No. 97 s 3 sch 1
- def **“Island custom”** ins 1992 No. 26 s 24
- def **“joint local government”** ins 1993 No. 70 s 804 sch
- def **“land registry”** ins 1992 No. 64 s 3 sch 1
sub 1994 No. 11 s 194 sch 2
- def **“law”** ins 1993 No. 32 s 3 sch 1
- def **“lawyer”** ins 1994 No. 87 s 3 sch 1
- def **“lease”** ins 1993 No. 32 s 3 sch 1
sub 1994 No. 11 s 194 sch 2
- def **“Legislative Assembly”** om 1993 No. 76 s 3 sch 1
- def **“lessee”** ins 1993 No. 32 s 3 sch 1
sub 1994 No. 11 s 194 sch 2
- def **“lessor”** ins 1993 No. 32 s 3 sch 1
sub 1994 No. 11 s 194 sch 2
- def **“Lieutenant Governor”** ins 1991 No. 97 s 3 sch 1
- def **“local authority”** ins 1991 No. 97 s 3 sch 1
om 1993 No. 70 s 804 sch
- def **“local government”** ins 1993 No. 70 s 804 sch
- def **“local law”** ins 1993 No. 70 s 804 sch
- def **“local law policy”** ins 1993 No. 70 s 804 sch
- def **“medical practitioner”** ins 1992 No. 55 s 163 sch 2
- def **“minor”** sub 1993 No. 32 s 3 sch 1
- def **“mortgage”** ins 1993 No. 32 s 3 sch 1
- def **“mortgagee”** ins 1993 No. 32 s 3 sch 1
om 1994 No. 11 s 194 sch 2
- def **“mortgagee in possession”** ins 1993 No. 32 s 3 sch 1
- def **“mortgagor”** ins 1993 No. 32 s 3 sch 1
om 1994 No. 11 s 194 sch 2
- def **“native title”** ins 1993 No. 85 s 179
- def **“of this Act”** ins 1994 No. 87 s 3 sch 1
- def **“order in council”** amd 1991 No. 97 s 3 sch 1
sub 1992 No. 22 s 48 sch 3

- def “**ordinance**” om 1992 No. 22 s 48 sch 3
- def “**Parliament**” orig om 1993 No. 76 s 3 sch 1
pres ins 1994 No. 87 s 3 sch 1
- def “**penalty unit**” ins 1993 No. 76 s 3 sch 1
- def “**personal representative**” ins 1994 No. 11 s 194 sch 2
- def “**possession**” ins 1993 No. 32 s 3 sch 1
- def “**prescribed**” amd 1991 No. 97 s 3 sch 1
- def “**printed**” ins 1993 No. 32 s 3 sch 1
- def “**proclamation**” sub 1992 No. 22 s 48 sch 3
- def “**provision**” amd 1994 No. 87 s 3 sch 1
- def “**purpose**” sub 1994 No. 83 s 14
- def “**Queensland lawyer**” ins 1994 No. 87 s 3 sch 1
- def “**Queensland waters**” ins 1992 No. 20 s 159 sch 2
- def “**regulation**” amd 1991 No. 97 s 3 sch 1
om 1992 No. 22 s 48 sch 3
- def “**repeal**” sub 1993 No. 76 s 3 sch 1
- def “**reprint**” ins 1991 No. 97 s 3 sch 1
sub 1992 No. 27 s 55
- def “**rule**” amd 1991 No. 97 s 3 sch 1
om 1992 No. 22 s 48 sch 3
- def “**rules of court**” sub 1992 No. 22 s 48 sch 3
- def “**sign**” sub 1993 No. 76 s 3 sch 1
- def “**speaker**” ins 1995 No. 24 s 5
- def “**State**” sub 1993 No. 32 s 3 sch 1
- def “**statutory GOC**” ins 1994 No. 87 s 3 sch 1
- def “**statutory instrument**” sub 1992 No. 22 s 48 sch 3
- def “**statutory rule**” sub 1992 No. 22 s 48 sch 3
- def “**stipendiary magistrate**” amd 1991 No. 75 s 26 sch 3
- def “**subordinate legislation**” ins 1992 No. 22 s 48 sch 3
- def “**summary**” ins 1993 No. 76 s 3 sch 1
- def “**table**” ins 1993 No. 76 s 3 sch 1
- def “**territorial sea of Australia**” ins 1992 No. 20 s 159 sch 2
- def “**territorial unit**” ins 1993 No. 70 s 804 sch
- def “**the Act**” ins 1993 No. 32 s 3 sch 1
om 1993 No. 76 s 3 sch 1
- def “**this Act**” om 1993 No. 76 s 3 sch 1
- def “**Torres Strait Islander**” ins 1992 No. 26 s 24
- def “**Torres Strait Islander local government**” ins 1993 No. 70 s 804
sch
- def “**transfer**” ins 1994 No. 11 s 194 sch 2
- def “**transmission**” ins 1994 No. 11 s 194 sch 2
- def “**under**” ins 1993 No. 32 s 3 sch 1
sub 1993 No. 76 s 3 sch 1
amd 1994 No. 87 s 3 sch 1
- def “**unit of the public sector**” ins 1992 No. 26 s 24
- def “**will**” ins 1994 No. 11 s 194 sch 2
- def “**word**” sub 1995 No. 37 s 458 sch 2 pt 1
- def “**year**” ins 1993 No. 32 s 3 sch 1

pt hdg sub 1991 No. 30 s 3 sch 2; 1991 No. 97 s 3 sch 1

Measurement of distance

s 37 sub 1993 No. 32 s 3 sch 1

Reckoning of time

s 38 sub 1991 No. 97 s 3 sch 1
amd 1993 No. 32 s 3 sch 1

Age

s 38A ins 1991 No. 30 s 33
sub 1993 No. 32 s 3 sch 1
amd 1993 No. 76 s 3 sch 1

PART 10—SERVICE OF DOCUMENTS

pt hdg sub 1991 No. 97 s 3 sch 1

Service of documents

s 39 amd 1960 9 Eliz 2 No. 14 s 2
sub 1991 No. 30 s 34
amd 1993 No. 32 s 3 sch 1; 1993 No. 76 s 3 sch 1

Meaning of service by post etc.

s 39A ins 1991 No. 30 s 35
amd 1993 No. 76 s 3 sch 1

Forms

hdg prec s 40 om 1991 No. 97 s 3 sch 1

Variation of forms

s 40 amd 1991 No. 30 s 3 sch 1
om 1991 No. 97 s 3 sch 1

PART 11—OFFENCES AND CRIMINAL PROCEEDINGS

pt hdg sub 1991 No. 97 s 3 sch 1

Penalty at end of provision

s 41 amd 1977 No. 37 s 6; 1988 No. 88 s 3 sch 1; 1991 No. 30 s 3 schs 1–2
sub 1991 No. 97 s 3 sch 1
amd 1993 No. 76 s 3 sch 1; 1995 No. 37 s 458 sch 2 pt 2

Penalty other than at end of provision

s 41A ins 1991 No. 97 s 3 sch 1
amd 1993 No. 76 s 3 sch 1

Any person may prosecute etc.

prov hdg sub 1993 No. 76 s 3 sch 1
s 42 sub 1993 No. 32 s 3 sch 1
amd 1993 No. 76 s 3 sch 1

Appropriation of penalties

s 43 sub 1993 No. 32 s 3 sch 1

Summary Proceedings

hdg prec s 44 om 1991 No. 97 s 3 sch 1

Summary proceedings

- s 44** amd 1985 No. 73 s 13(1); 1991 No. 30 s 3 sch 1
 sub 1993 No. 32 s 3 sch 1
amd 1995 No. 37 s 458 sch 2 pt 2
(3) and (4) reloc to 1886 50 Vic No. 17 s 19(2) and (3) 1995 No. 37 s 458
sch 2 pt 2
om 1995 No. 37 s 458 sch 2 pt 2

Offences under Two or more Laws

- hdg prec s 45** om 1991 No. 97 s 3 sch 1

Offence punishable only once

- s 45** sub 1993 No. 32 s 3 sch 1
om 1995 No. 37 s 458 sch 2 pt 2

Corporations

- hdg prec s 46** om 1991 No. 97 s 3 sch 1

Bodies corporate

- s 46** amd 1991 No. 30 s 3 sch 1
 sub 1992 No. 48 s 207 sch
 om 1995 No. 37 s 458 sch 2 pt 1 (as om 1995 No. 58 s 4 sch 1)
om 1995 No. 37 s 458 sch 2 pt 2

PART 12—THE EXECUTIVE GOVERNMENT OF THE STATE

- pt hdg** sub 1991 No. 30 s 3 sch 2; 1991 No. 97 s 3 sch 1
 prev om 1992 No. 27 s 56
 pres ins 1994 No. 73 s 3

Purpose of part

- s 47** amd 1991 No. 30 s 36; 1991 No. 97 s 3 sch 1
 prev om 1992 No. 27 s 56
 pres ins 1994 No. 73 s 3

Meaning of “State” in part

- s 47A** ins 1991 No. 30 s 37
 amd 1991 No. 97 s 3 sch 1
 prev om 1992 No. 27 s 56
 pres ins 1994 No. 73 s 3

Powers of State

- s 47B** ins 1991 No. 30 s 37
 amd 1991 No. 97 s 3 sch 1
 prev om 1992 No. 27 s 56
 pres ins 1994 No. 73 s 3

Commercial activities by State

- s 47C** ins 1991 No. 30 s 37
 amd 1991 No. 97 s 3 sch 1
 prev om 1992 No. 27 s 56
 pres ins 1994 No. 73 s 3

Commercial activities by Minister

- s 47D** ins 1991 No. 30 s 37

amd 1991 No. 97 s 3 sch 1
 prev om 1992 No. 27 s 56
 pres ins 1994 No. 73 s 3

Delegation by Minister

s 47E ins 1991 No. 30 s 37
 prev om 1992 No. 27 s 56
 pres ins 1994 No. 73 s 3

Reprints may use updated references, expression and format and correct errors

s 47F prev s 47F ins 1991 No. 30 s 37
 amd 1991 No. 97 s 3 sch 1
 om 1992 No. 27 s 56
 pres s 47F ins 1995 No. 58 s 4 sch 1

Amendment of Act may be made in accordance with reprint etc.

s 47G ins 1991 No. 30 s 37
 om 1992 No. 27 s 56

PART 13—MISCELLANEOUS

pt hdg sub 1991 No. 97 s 3 sch 1

Mode of pleading affirmation instead of oath

s 48 reloc to 1867 31 Vic No. 12 s 42 1995 No. 24 s 6

Verification of documents

s 48A ins 1993 No. 32 s 3 sch 1

Proclamations and Orders in Council

hdg prec s 49 om 1991 No. 97 s 3 sch 1

Forms

prov hdg s 49 sub 1992 No. 68 s 3 sch 1
 sub 1991 No. 97 s 3 sch 1
 amd 1992 No. 22 s 48 sch 3; 1992 No. 68 s 3 sch 1; 1993 No. 32 s 3 sch 1;
 1993 No. 76 s 3 sch 1

JURISDICTION AND RULES OF COURT

hdg prec s 49A ins 1991 No. 30 s 38
 om 1991 No. 97 s 3 sch 1

Jurisdiction of courts and tribunals

s 49A ins 1991 No. 30 s 38

Rules of Court

hdg prec s 50 om 1991 No. 30 s 3 sch 2

Rules of court

s 50 sub 1991 No. 30 s 39
 om 1995 No. 58 s 4 sch 1

Judges of Supreme Court

s 51 amd 1991 No. 30 s 3 sch 1; 1991 No. 68 s 111 sch 2
 om 1995 No. 58 s 4 sch 1

References to Acts Shortening Act 1867

s 51A ins 1995 No. 58 s 4 sch 1

References to the Crown etc.

s 52 prev s 52 om 1970 No. 10 s 3(1)(b)
 pres s 52 (prev s 31) amd 1991 No. 30 s 3 sch 1
 renum 1991 No. 97 s 3 sch 1
 amd 1992 No. 22 s 48 sch 3; 1992 No. 27 s 57; 1995 No. 24 s 7(1)
 (1) and (2) reloc to 1867 31 Vic No. 12 s 5A(1) and (2) 1995 No. 24
 s 7(2)

Regulations

s 53 prev s 53 om 1991 No. 97 s 3 sch 1
 pres s 53 ins 1994 No. 73 s 3
 om 1995 No. 58 s 4 sch 1

Construction of certain references to Commonwealth Bank of Australia upon the establishment of the Commonwealth Trading Bank of Australia

s 54 om 1991 No. 30 s 3 sch 2

SCHEDULE

om 1991 No. 30 s 3 sch 2

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)).

Criminal Code (1995) No. 37 sch 2 pt 2 (as amended by Statute Law Revision Act (No. 2) 1995 No. 58 s 4 sch 1) reads as follows—

ACTS INTERPRETATION ACT 1954

3. After section 35E—

insert—

‘Reference to brief description of offence or circumstance of aggravation

‘35F.(1) In this section—

“brief description” means—

- (a) of an offence—the brief description of the offence mentioned in subsection (2)(a); or
- (b) of a circumstance of aggravation—the brief description of the circumstance of aggravation mentioned in subsection (2)(b).

“described offence” means an offence mentioned in subsection (2)(a) or (b).

“described circumstance of aggravation” means a circumstance of aggravation mentioned in subsection (2)(b).

(2) This section applies if, in an Act—

- (a) a provision that creates an offence has set out, after the penalty, a brief description of the offence; or
- (b) a provision that creates an offence with 1 or more circumstances of aggravation has set out, after the penalty, a series of brief descriptions of the offence with and without the circumstance or circumstances of aggravation.

(3) In an Act, a reference to an offence using the brief description of the offence includes a reference to the described offence with any circumstance of aggravation

Example—

The Criminal Code, section 114⁴—

- makes it an offence to assault anyone
- provides that it is a circumstance of aggravation if the assault is committed with intent to commit a crime
- sets out, after the penalty, a brief description of the crime as ‘assault’.

In the Code or another Act, a reference to the offence of ‘assault’ includes a reference to the offence of assault with intent to commit a crime.

(4) Subsection (3) applies even if the brief description does not mention every variation of the described offence or any circumstance of aggravation.

Example—

In an Act, a provision creates an offence consisting of the doing of, or an attempt to do, an act. The brief description of the offence does not mention the attempt. In an

⁴ Criminal Code, section 114 (Assault)

Act, the brief description of the offence is taken to include a reference to the attempt.

‘(5) In an Act, a reference to a circumstance of aggravation using the brief description of the circumstance of aggravation is taken to be a reference to the described circumstance of aggravation.

‘(6) Subsection (5) applies even if the brief description does not mention every variation of the described circumstance of aggravation.

Example—

In an Act, a provision creates an offence that has as a circumstance of aggravation that the offender also did or attempted to do another act. The brief description of the circumstance of aggravation does not mention the attempt. In an Act, the brief description of the circumstance of aggravation is taken to include a reference to the attempt.

‘(7) If a provision provides for a brief description of an offence or circumstance of aggravation created by the provision, the brief description has no effect on the interpretation of the provision.’.

4. Section 36, definition, ‘ “indictment” ’—

omit.

5. Section 36—

insert—

‘ “indictment” has the meaning given by the Criminal Code, section 325.⁵’.

6. Section 41—

insert—

‘(2) In deciding whether a penalty is specified at the end of a provision, a brief description of an offence or circumstance of aggravation provided for an offence created by the section is to be disregarded.’.

⁵ Criminal Code, section 325 (Nature of indictment)

7. Section 44(3), ‘another type of proceeding’—

omit, insert—

‘a proceeding other than a proceeding for an offence’.

8. Section 44(3) and (4), as amended—

relocate to Justices Act 1886 as section 19(2)⁶ and (3).

9. Section 44—

omit.

10. Section 45—

omit.

11. Section 46—

omit.

⁶ *Justices Act 1886*, section 19 (General provision)