



# **Statutory Instruments Act 1992**

**Reprinted as in force on 18 November 2005**

**Reprint No. 10D**

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# Information about this reprint

This Act is reprinted as at 18 November 2005. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to 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 reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Statutory Instruments Act 1992

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# **Statutory Instruments Act 1992**

[as amended by all amendments that commenced on or before 18 November 2005]

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

### **Part 1 Preliminary**

#### **1 Short title**

This Act may be cited as the *Statutory Instruments Act 1992*.

#### **2 Purposes of Act**

The purposes of this Act are to—

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

#### **3 Act applies to all statutory instruments**

This Act applies to all statutory instruments.

**4 Displacement of Act by contrary intention**

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

**5 Dictionary**

The dictionary in schedule 3 defines particular words used in this Act.

**5A Act binds the State**

This Act binds the State.

**Part 2 Types of statutory instruments****Division 1 General concepts****6 Meaning of *instrument***

An *instrument* is any document.

**7 Meaning of *statutory instrument***

- (1) A *statutory instrument* is an instrument that satisfies subsections (2) and (3).
- (2) The instrument must be made under—
  - (a) an Act; or
  - (b) another statutory instrument; or
  - (c) power conferred by an Act or statutory instrument and also under power conferred otherwise by law.

*Example of paragraph (c)—*

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



- (3) The instrument must be of 1 of the following types—
- a regulation
  - an order in council
  - a rule
  - a local law
  - a by-law
  - an ordinance
  - a subordinate local law
  - a statute
  - a proclamation
  - a notification of a public nature
  - a standard of a public nature
  - a guideline of a public nature
  - another instrument of a public nature by which the entity making the instrument unilaterally affects a right or liability of another entity.
- (4) However, to remove doubt, an Executive Council minute is not itself a statutory instrument.

## **8 Meaning of *statutory rule***

A *statutory rule* is a statutory instrument—

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

**9 Meaning of *subordinate legislation***

- (1) Subject to subsection (2), the following instruments are *subordinate legislation*—
- (a) a statutory rule that is a regulation, rule, by-law, ordinance or statute;
  - (b) a statutory rule that is an order in council or proclamation of a legislative character;
  - (c) any statutory instrument (including an order in council or proclamation) that is declared to be subordinate legislation by an Act or a regulation made under this Act;
  - (d) any other statutory instrument that fixes or otherwise determines the commencement of—
    - (i) an Act or a provision of an Act; or
    - (ii) an instrument, or a provision of an instrument, mentioned in paragraph (a), (b) or (c).
- (2) The following instruments are not subordinate legislation—
- (a) a local law or other statutory instrument made by a local government;
  - (b) a rule, order, direction or practice of the Legislative Assembly;
  - (c) a statutory rule (other than a regulation) that is mentioned in schedule 1A or declared not to be subordinate legislation by—
    - (i) an Act; or
    - (ii) in the case of a statutory rule made under a provision commencing before the commencement of this Act—a regulation made under this Act.

## **Division 2                      Orders in council, proclamations and rules of court**

### **10        Meaning of *order in council***

An *order in council* is an order made by the Governor in Council and—

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

### **11        Meaning of *proclamation***

A *proclamation* is a proclamation made by the Governor and—

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

### **12        Meaning of *rules of court***

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

## **Part 3                              Provision relating to instruments**

### **13        Power to do matter by instrument**

If—

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

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

## **Part 4**                      **Provisions relating to statutory instruments**

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

#### **14**      **Applicable provisions**

- (1) Subject to this division, a provision of the *Acts Interpretation Act 1954* mentioned in schedule 1 applies to a statutory instrument, and to matters authorised or required to be done by a statutory instrument, in the same way as it applies to an Act, and matters authorised or required to be done by an Act, as if—
  - (a) a reference to an Act included a reference to a statutory instrument; and
  - (b) a reference to enactment or passage included a reference to making.
- (2) A copy of the *Acts Interpretation Act 1954* showing the text of the Act as it applies to a statutory instrument because of this Act may be authorised by the parliamentary counsel.
- (3) If a copy mentioned in subsection (2) is authorised under that subsection, the copy—
  - (a) is to indicate that fact in a suitable place; and
  - (b) is a reprint of a law authorised by the parliamentary counsel for the purposes of the *Reprints Act 1992*.

**15 Modified application—s 14B**

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

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

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

- (i) before the end of 14 sitting days after the statutory instrument was laid before the Legislative Assembly; and
- (ii) by the clerk of the Parliament or the member who laid the statutory instrument before the Legislative Assembly; and
- (g) material in the Votes and Proceedings of the Legislative Assembly or in any official record of debates in the Legislative Assembly; and
- (h) a document that is declared by an Act or statutory instrument to be a relevant document for the purposes of this section; and
- (i) if the statutory instrument was made under another statutory instrument—material that is extrinsic material within the meaning of this section in relation to the other statutory instrument.

## **16 Modified application—s 27A**

For the purposes of applying section 27A<sup>1</sup> of the *Acts Interpretation Act 1954*, omit subsection (12) and insert—

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

## **17 Modified application—s 36 (def *provision*)**

For the purposes of applying section 36<sup>2</sup> of the *Acts Interpretation Act 1954*, insert after paragraph (c) of the definition *provision*—

- ‘(d) any words of notification.’.

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<sup>1</sup> *Acts Interpretation Act 1954*, section 27A (Delegation of powers)

<sup>2</sup> *Acts Interpretation Act 1954*, section 36 (Meaning of commonly used words and expressions)

**18 Modified application—s 49A**

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

**Division 2 Provisions of Acts Interpretation Act 1954 that do not apply to statutory instruments****19 Non-applicable provisions**

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

**Division 3 Other provisions applying to statutory instruments****Subdivision 1 Making statutory instruments****20 Presumption of validity**

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

**20A Regulation may be used instead of another type of subordinate legislation**

(1) If—

(a) an Act authorises or requires the Governor, the Governor in Council, a Minister, an officer of the public service or the holder of a prescribed office established by or under an Act to make provision with respect to a matter by subordinate legislation; and

(b) the Act or another Act—

- (i) does not specify the type of subordinate legislation to be used; or
- (ii) specifies that a type of subordinate legislation other than a regulation is to be used;

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

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

*Example 1—*

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

*Example 2—*

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

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

*Example—*

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

## **20B Correct year in statutory instrument's short title etc.**

If—

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

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



**20C Continuance etc. of statutory instruments made under amended provisions**

- (1) This section applies if—
  - (a) a provision of a law expressly or impliedly authorises or requires a statutory instrument to be made for a purpose; and
  - (b) the provision is amended; and
  - (c) under the amended provision—
    - (i) a type of instrument is no longer specified for the purpose; or
    - (ii) another type of instrument is specified for the purpose; or
    - (iii) the same type of instrument is specified for the purpose.
- (2) If subsection (1)(c)(i) applies, a statutory instrument that was in force immediately before the commencement of the amendment—
  - (a) continues to have effect after the commencement; and
  - (b) may be amended or repealed by an instrument of the type specified in the provision before the amendment.
- (3) If subsection (1)(c)(ii) applies, a statutory instrument that was in force immediately before the commencement of the amendment—
  - (a) continues to have effect after the commencement; and
  - (b) is taken to be an instrument of the type specified in the amended provision.
- (4) If subsection (1)(c)(iii) applies, a statutory instrument that was in force immediately before the commencement of the amendment continues to have effect after the commencement as if it had been made under the amended provision.
- (5) In this section—

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

## **Subdivision 2      Whether statutory instruments within power**

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

- (1) A statutory instrument is to be interpreted as operating—
  - (a) to the full extent of, but not to exceed, the power conferred by the law under which it is made (the *authorising law*); and
  - (b) distributively.
- (2) Without limiting subsection (1), if a provision of a statutory instrument would, apart from this section, be interpreted as exceeding power—
  - (a) the provision is valid to the extent to which it does not exceed power; and
  - (b) the remainder of the statutory instrument is not affected.
- (3) Without limiting subsection (1), if the application of a provision of a statutory instrument to a person, matter or circumstance would, apart from this section, be interpreted as exceeding power, the provision's application to other persons, matters or circumstances is not affected.
- (4) This section applies to a statutory instrument in addition to, and without limiting, any provision of the statutory instrument or authorising law.

### **22      Power to make statutory instrument under Act etc.**

- (1) If an Act or statutory instrument (the *authorising law*) authorises or requires the making of a statutory instrument under the authorising law or an Act or statutory instrument (the *other law*), the power enables a statutory instrument to be made with respect to any matter that—
  - (a) is required or permitted to be prescribed by the authorising law or other law; or
  - (b) is necessary or convenient to be prescribed for carrying out or giving effect to the authorising law or other law.

- (2) Subsection (1) applies to the authorising law even though the authorising law also authorises the making of a statutory instrument for a particular purpose.
- (3) Power conferred by the authorising law to make a statutory instrument for a particular purpose is in addition to, and does not limit the effect of, power conferred by the authorising law to make a statutory instrument under the authorising law or other law unless the authorising law expressly provides otherwise.

### **23 Statutory instrument may make provision by applying another document**

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

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

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

- (2) If a statutory instrument made after 1 January 1992 applies, adopts or incorporates the provisions of a document, the provisions applied, adopted or incorporated are the provisions as in force from time to time unless the statutory instrument expressly provides otherwise.
- (3) In this section—  
*law* includes a law of the Commonwealth, another State, a Territory or a foreign country.

### **23A Statutory instrument may make provision in relation to land by reference to map, plan or register**

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

- (2) Provision may be made by reference to—
- (a) a map or plan held by a person, department or body; or
  - (b) a particular entry in a register kept by a person, department or body;
- if the map, plan or register is available for inspection by members of the public.
- (3) In this section—
- land* includes Queensland waters.

**24 Statutory instrument may be of general or limited application**

A statutory instrument may—

- (a) apply generally throughout the State or be limited in its application to a particular part of the State; or
- (b) apply generally to all persons and matters or be limited in its application to—
  - (i) particular persons or matters; or
  - (ii) particular classes of persons or matters; or
- (c) otherwise apply generally or be limited in its application by reference to specified exceptions or factors.

**25 Statutory instrument may make different provision for different categories**

A statutory instrument may—

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

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

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

*Example—*

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

**27 Statutory instrument may prohibit**

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

**28 Relationship between authorising law and statutory instrument concerning the same matter**

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

**29 Statutory instrument may provide review**

- (1) A statutory instrument may provide for the review of, or a right of appeal against, a decision made under—
  - (a) the statutory instrument; or
  - (b) the Act or other statutory instrument under which the statutory instrument is made or in force.
- (2) A statutory instrument that is a statutory rule may, for the purpose of subsection (1), confer jurisdiction on any court, tribunal, person or body.

**30 Statutory instrument may require verification of form etc.**

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

**30A Reasonable cost etc. may be prescribed as fee**

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

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

**30B Statutory instrument may exempt from fee**

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

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

(2) If—

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

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

**31 Statutory instruments purporting to be made under a particular power**

A statutory instrument is taken to be made under all powers under which it may be made, even though it purports to be

made under a particular Act or another statutory instrument (the *authorising law*) or a particular provision of the authorising law.

### **Subdivision 3 Commencement of statutory instruments**

#### **32 Prospective commencement**

- (1) Subject to section 34,<sup>3</sup> a statutory instrument commences—
  - (a) if it is required to be notified or published in the gazette—on the day on which it is notified or published; or
  - (b) if it is not required to be notified or published in the gazette—on the day on which it is made; or
  - (c) if a later day or time is fixed in the statutory instrument—on that day or at that time.
- (2) If a statutory instrument that is required to be notified or published in the gazette is notified or published on a day after the day or time fixed by the statutory instrument for its commencement, the statutory instrument is valid, but commences on the day on which it is notified or published.

#### **33 Commencement of citation and commencement provisions**

- (1) The provisions of a statutory instrument providing for its citation and commencement commence, by force of this subsection—
  - (a) if the statutory instrument is required to be notified or published in the gazette—on the day on which it is notified or published; or
  - (b) if it is not required to be notified or published in the gazette—on the day on which it is made.
- (2) A reference—

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3 Section 34 (Beneficial retrospective commencement)

- 
- (a) in an Act to the commencement of a statutory instrument (the *law concerned*); or
  - (b) in a statutory instrument to the commencement of an Act, the statutory instrument, or another statutory instrument, (also the *law concerned*);
- is a reference to—
- (c) if the provisions of the law concerned (other than those providing for its citation and commencement) commence, or are required to commence, on a single day or at a single time—the commencement of the remaining provisions; or
  - (d) if paragraph (a) does not apply and the reference is in a provision of the law concerned—the commencement of the provision; or
  - (e) in any other case—the commencement of the relevant provision of the law concerned.
- (3) Subsection (1) applies to a statutory instrument despite anything in the statutory instrument unless the statutory instrument expressly provides that it does not apply.

### 34 Beneficial retrospective commencement

- (1) A beneficial provision of a statutory instrument may be given retrospective operation if the statutory instrument expressly provides for that operation.
- (2) In this section—
 

*beneficial provision* means a provision that does not operate to the disadvantage of a person (other than the State, a State authority or a local government) by—

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

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

If—



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

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

## **Subdivision 4 Evidence of procedural details**

### **36 Evidence of procedural details**

- (1) This section applies to a copy of a statutory instrument if—
  - (a) in the case of a copy in printed form—the copy is printed by the government printer; or
  - (b) in any other case—the copy is authorised by the parliamentary counsel.
- (2) In a copy of a statutory instrument to which this section applies, a statement of any of the following matters is evidence of the matters—
  - (a) when and by whom the statutory instrument was made, approved, confirmed or otherwise consented to; or
  - (b) when and where the statutory instrument was published or notified; or
  - (c) when the statutory instrument was laid before the Legislative Assembly.
- (3) A document or matter purporting to be a copy of a statutory instrument to which this section applies is taken to be such a copy unless the contrary is established.

## Subdivision 5      **Terms and references in statutory instruments**

### 37      **Words and expressions**

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

### 38      **References to certain instruments**

In a statutory instrument—

*Act* or *the Act*, without mentioning a particular Act, means the Act under which the statutory instrument is made or in force.

*these rules of court* includes any statutory instrument made under the rules.

*this by-law* includes any statutory instrument made under the by-law.

*this order in council* includes any statutory instrument made under the order.

*this ordinance* includes any statutory instrument made under the ordinance.

*this regulation* includes any statutory instrument made under the regulation.

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

### 39      **Reference to enactment etc. of Acts**

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

## **Subdivision 6      Miscellaneous**

### **39A      Automatic repeal of commencement instrument**

A statutory instrument made after 31 December 1994 that merely provides for the commencement of a law (including a provision of a law) is automatically repealed at the beginning of the day after the commencement, or, if different commencements are provided for, at the beginning of the day after the last commencement.

## **Part 5                      Guidelines for regulatory    impact statements**

### **Division 1              Introductory**

#### **40      What part provides**

- (1) This part provides, in division 2, guidelines for regulatory impact statements about proposed subordinate legislation.
- (2) Division 2 is directory only and does not create rights or impose legally enforceable obligations on the State, a Minister or anyone else.
- (3) However, it is Parliament's intention that the guidelines in division 2 be complied with before subordinate legislation is made.

#### **41      Effect of failure to comply with guidelines**

- (1) Failure to comply with division 2 in relation to subordinate legislation does not affect the legislation's validity.
- (2) In addition, a decision made, or appearing to be made, under division 2—
  - (a) is final and conclusive; and

- (b) can not be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, under the *Judicial Review Act 1991* (whether by the Supreme Court, another court, a tribunal or another entity); and
  - (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.
- (3) In this section—
- decision** includes—
- (a) conduct engaged in to make a decision; and
  - (b) conduct related to making a decision; and
  - (c) failure to make a decision.

## **42 Other legislation requirements are not affected**

If other legislation about a particular type of subordinate legislation provides requirements for publication or consultation about a proposal to make subordinate legislation—

- (a) division 2 does not affect the requirements; and
- (b) division 2 does not apply to the subordinate legislation if the requirements are of a comparable level to publication and consultation under the division.

## **Division 2 Regulatory impact statements**

### **43 Preparation of regulatory impact statement**

If proposed subordinate legislation is likely to impose appreciable costs on the community or a part of the community, then, before the legislation is made, a regulatory impact statement must be prepared about the legislation.<sup>4</sup>

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<sup>4</sup> Sections 42 and 46 specify particular circumstances when a regulatory impact statement is not required.

**44 Content of regulatory impact statement**

A regulatory impact statement must include the following information about the proposed subordinate legislation in clear and precise language—

- (a) the provision of the Act or subordinate legislation under which the proposed legislation will be made (the *authorising law*);
- (b) a brief statement of the policy objectives of the proposed legislation and the reasons for them;
- (c) a brief statement of the way the policy objectives will be achieved by the proposed legislation and why this way of achieving them is reasonable and appropriate;
- (d) a brief explanation of how the proposed legislation is consistent with the policy objectives of the authorising law;
- (e) if the proposed legislation is inconsistent with the policy objectives of other legislation—
  - (i) a brief explanation of the relationship with the other legislation; and
  - (ii) a brief statement of the reasons for the inconsistency;
- (f) if appropriate, a brief statement of any reasonable alternative way of achieving the policy objectives (including the option of not making subordinate legislation) and why the alternative was rejected;
- (g) a brief assessment of the benefits and costs of implementing the proposed legislation that—
  - (i) if practicable and appropriate, quantifies the benefits and costs; and
  - (ii) includes a comparison of the benefits and costs with the benefits and costs of any reasonable alternative way of achieving the policy objectives stated under paragraph (f);
- (h) a brief assessment of the consistency of the proposed legislation with fundamental legislative principles and,

if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency.

#### **45 Notification and making regulatory impact statement available**

- (1) Preparation of a regulatory impact statement for proposed subordinate legislation must be notified in the gazette and in a newspaper likely to be read by people particularly affected by the proposed legislation.
- (2) If the proposed subordinate legislation is likely to have a significant impact on a particular group of people, the notice must be published in a way likely to ensure members of the group understand the purpose and content of the notice.
- (3) The notice must—
  - (a) include a brief statement of the policy objectives sought to be achieved by the proposed subordinate legislation; and
  - (b) state where copies of the regulatory impact statement may be obtained or inspected; and
  - (c) if a draft of the proposed legislation may be obtained or inspected—state that the draft may be obtained or inspected and where; and
  - (d) state that anyone may comment on the proposed legislation; and
  - (e) state how and when comments may be made; and
  - (f) state how consultation about the proposed legislation will take place.
- (4) The notice must allow at least 28 days from publication of the notice for the making of comments.
- (5) A copy of the regulatory impact statement must be available free, or on payment of a reasonable price, at the place, or each of the places, stated in the notice.

**46 When is preparation of a regulatory impact statement unnecessary?**

- (1) A regulatory impact statement need not be prepared for proposed subordinate legislation<sup>5</sup> if the proposed legislation only provides for, or to the extent it only provides for, the following—
- (a) a matter that is not of a legislative character, including, for example, a matter of a machinery, administrative, drafting or formal nature;
  - (b) a matter that does not operate to the disadvantage of any person (other than a government entity) by—
    - (i) decreasing the person's rights; or
    - (ii) imposing liabilities on the person;
  - (c) an amendment of subordinate legislation to take account of current Queensland legislative drafting practice;
  - (d) the commencement of an Act or subordinate legislation or a provision of an Act or subordinate legislation;
  - (e) an amendment of subordinate legislation that does not fundamentally affect the legislation's application or operation;
  - (f) a matter of a savings or transitional character;
  - (g) a matter arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State;
  - (h) a matter involving the adoption of an Australian or international protocol, standard, code, or intergovernmental agreement or instrument, if an assessment of the benefits and costs has already been made and the assessment was made for, or is relevant to, Queensland;
  - (i) a matter advance notice of which would enable someone to gain unfair advantage;

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<sup>5</sup> Section 42 also specifies particular circumstances when a regulatory impact statement is not required.

- (j) an amendment of a fee, charge or tax consistent with announced government policy;
  - (k) a notice about a code of practice made under the *Workplace Health and Safety Act 1995*, section 41;<sup>6</sup>
  - (l) a notice about a code of practice made under the *Electricity Safety Act 2002*, section 44;<sup>7</sup>
  - (m) a notice about a code of practice made under the *Workers' Compensation and Rehabilitation Act 2003*, section 486A.<sup>8</sup>
- (2) A regulatory impact statement also need not be prepared for proposed subordinate legislation if, or to the extent, it would be against the public interest because of the nature of the proposed legislation or the circumstances in which it is made.

*Example—*

The subordinate legislation may need to be made urgently for controlling the spread of a disease or dealing with another urgent situation.

## **Part 6**                      **Procedures after making of subordinate legislation**

### **Division 1**                **Notification and making copies available**

#### **47**        **Notification**

- (1) Subordinate legislation must be notified in the gazette.

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6 *Workplace Health and Safety Act 1995*, section 41 (Code of practice about managing exposure to risks)

7 *Electrical Safety Act 2002*, section 44 (Code of practice about discharging electrical safety obligation)

8 *Workers' Compensation and Rehabilitation Act 2003*, section 486A (Code of practice)



- (2) For subordinate legislation (other than exempt subordinate legislation<sup>9</sup>), subsection (1) may be complied with—
  - (a) by publication in the gazette of a notice of the making of subordinate legislation and a place or places where copies are available; or
  - (b) by publication in the gazette of the subordinate legislation.
- (3) For exempt subordinate legislation, subsection (1) may only be complied with by publication in the gazette of the subordinate legislation.

#### **48 Copies to be available**

- (1) This section applies only to subordinate legislation notified under section 47(2)(a).
- (2) On the day the subordinate legislation is notified (the *notification day*) or as soon as practicable after the notification day, copies of the subordinate legislation must be available (for purchase or free of charge) at the place, or each of the places, stated in the notice.
- (3) If, on the notification day, copies of the subordinate legislation are not available at the place, or any of the places, stated in the notice, the relevant Minister must table in the Legislative Assembly within 14 sitting days a statement—
  - (a) advising that copies of the legislation were not available; and
  - (b) explaining why they were not available.
- (4) However, failure to comply with subsection (2) or (3) does not affect the validity of the notification or the subordinate legislation.
- (5) In this section—

*relevant Minister* means the Minister responsible for government printing and publishing.

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<sup>9</sup> Exempt subordinate legislation is subordinate legislation that is not drafted by the Office of the Queensland Parliamentary Counsel—see the *Legislative Standards Act 1992*, section 2, definition *exempt subordinate legislation* and section 7(e).

## Division 2                    Tabling in Legislative Assembly

### 49        Subordinate legislation must be tabled

- (1) Subordinate legislation must be tabled in the Legislative Assembly within 14 sitting days after it is notified in the gazette.<sup>10</sup>
- (2) If subordinate legislation is not tabled under subsection (1), it ceases to have effect.
- (3) In this section—

*subordinate legislation* includes a form required, under an Act or a regulation under this Act, to be tabled in the Legislative Assembly.

## Division 3                    Disallowance procedures

### 50        Disallowance

- (1) The Legislative Assembly may pass a resolution disallowing subordinate legislation if notice of a disallowance motion is given by a member within 14 sitting days after the legislation is tabled in the Legislative Assembly.
- (2) If the disallowance motion is not moved on the day for its consideration, the motion lapses.
- (3) If the resolution is passed, the subordinate legislation ceases to have effect.
- (4) Also, if the resolution has not been disposed of at the end of 14 sitting days after notice is given (whether by withdrawal or lapsing of the disallowance motion or in another way), the subordinate legislation ceases to have effect.
- (5) In this section—

*subordinate legislation* includes—

  - (a) a provision of subordinate legislation; and

---

<sup>10</sup> Under the *Legislative Standards Act 1992*, section 22, explanatory notes must be tabled with significant subordinate legislation.

- (b) a form required, under an Act or a regulation under this Act, to be tabled in the Legislative Assembly.

## **Division 4                      General**

### **51            Limited saving of operation of subordinate legislation that ceases to have effect**

- (1) This section applies if subordinate legislation ceases to have effect because it is not tabled or is disallowed.<sup>11</sup>
- (2) The subordinate legislation is taken never to have been made or approved and any law or provision of a law repealed or amended by the legislation is revived.
- (3) However, subsection (2) does not affect anything done or suffered under the legislation before it ceased to have effect.
- (4) In this section—  
*subordinate legislation* includes—
- (a) a provision of subordinate legislation; and
- (b) a form required, under an Act or a regulation under this Act, to be tabled in the Legislative Assembly.

### **52            Other notification, gazettal, tabling or disallowance provisions of no effect**

A provision of another Act that provides for, or to the extent that it provides for, the notification, gazettal, tabling or disallowance of a particular type of subordinate legislation is of no effect.

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11 Section 49 deals with tabling of subordinate legislation and section 50 deals with disallowance of subordinate legislation.

## **Part 7                                      Staged automatic expiry of subordinate legislation**

### **53            Purposes of part**

The purposes of this part are to—

- (a) reduce substantially the regulatory burden on the people of Queensland without compromising law and order and essential economic, environmental and social objectives; and
- (b) ensure subordinate legislation is relevant to the economic, social and general wellbeing of the people of Queensland; and
- (c) otherwise ensure the part of the Queensland statute book consisting of subordinate legislation is of the highest standard.

### **54            When subordinate legislation expires**

- (1) Subordinate legislation expires on 1 September first occurring after the 10th anniversary of the day of its making unless—
  - (a) it is sooner repealed or expires; or
  - (b) a regulation is made exempting it from expiry.<sup>12</sup>
- (2) Subordinate legislation exempted from expiry under a regulation under this Act expires when the exemption ends.

### **55            Notice by parliamentary counsel of impending expiry**

- (1) The parliamentary counsel must notify administering departments and agencies of when the following subordinate legislation will expire under this Act—
  - (a) subordinate legislation published in the Queensland Subordinate Legislation Series;
  - (b) subordinate legislation prescribed by regulation.

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<sup>12</sup> Sections 56 and 56A specify the subordinate legislation that may be exempted from expiry, and how the exemption lasts.

- (2) The notice must be given at least 6 months before the expiry.
- (3) Failure to give the notice does not affect the expiry.

#### **56 Exemptions from expiry—uniform subordinate legislation**

- (1) A regulation under this Act made before uniform subordinate legislation expires under this part may exempt the legislation from expiry for a stated period of not more than 5 years after the uniform subordinate legislation would otherwise expire.
- (2) If a regulation is made under subsection (1), the period of exemption stated in the regulation may be extended by regulation made under subsection (1) for further periods of not more than 5 years each.

#### **56A Exemptions from expiry—other subordinate legislation**

- (1) A regulation under this Act made before subordinate legislation, other than uniform subordinate legislation, expires under this part may exempt the legislation from expiry, for a stated period of not more than 1 year after the subordinate legislation would otherwise expire—
  - (a) for either of the following reasons—
    - (i) replacement subordinate legislation is being drafted and is proposed to be made before the stated period ends;
    - (ii) the subordinate legislation is not proposed to be replaced by other subordinate legislation made under the Act under which or in relation to which it was made or preserved when it expires at the end of the stated period; or
  - (b) for the stated reason that the Act or provision under which or in relation to which the subordinate legislation, or part of the subordinate legislation, is made or preserved is subject to review.
- (2) If a regulation is made under subsection (1), the period of exemption stated in the regulation may be further extended by regulation (*extension regulation*) for further periods of not more than 1 year each.

- (3) However, an extension regulation—
- (a) must be made before the subordinate legislation expires; and
  - (b) may be made only for the stated reason under subsection (1)(b).
- (4) Within 7 sittings days after the extension regulation is made, the responsible Minister for the subordinate legislation being exempted must table in the Legislative Assembly a report stating—
- (a) how the Act or provision is subject to review; and
  - (b) if subsection (6)(a) applies—
    - (i) the extent to which the Act or provision is being reviewed; and
    - (ii) when the Minister expects the review to end.
- (5) However, failure to comply with subsection (4) does not affect the validity of the extension regulation.
- (6) For this section, an Act or provision is ***subject to review*** if—
- (a) the Act or provision is being reviewed by any Minister; or
  - (b) because of a review of an Act or provision by any Minister, a Bill for an Act to repeal or amend the Act or provision is being drafted or has been introduced into the Legislative Assembly; or
  - (c) an Act repealing or amending the Act or provision has been enacted because of a review of an Act or provision by any Minister, but the repeal or amendment has not yet entirely commenced.
- (7) In this section—
- responsible Minister***, for subordinate legislation, means the Minister responsible for administering the Act or provision under which or in relation to which the subordinate legislation is made or preserved.

**57 Part does not apply to some subordinate legislation**

- (1) This part does not apply to subordinate legislation requiring a resolution of the Legislative Assembly before it may be repealed or the status of land to which it applies may be changed.<sup>13</sup>
- (2) Also, this part does not apply to subordinate legislation mentioned in schedule 2A.

**Part 8 Forms****58 Forms—notification and availability**

- (1) This section applies if under an Act or subordinate legislation (the *authorising law*) forms are to be approved or made available by an entity.
- (2) A form under the authorising law must have a heading stating the name of the authorising law and briefly indicating the form's purpose.
- (3) All forms under the authorising law must be numbered using a system that gives each form a unique number.

*Examples—*

- 1 Forms may be numbered consecutively starting with the number 1.
  - 2 Forms may be numbered to reflect the provisions of the Act to which they relate.
- (4) All versions of a form under the authorising law must be numbered consecutively using a system that gives each version of the form a unique number.
  - (5) The approval or availability under the authorising law of a form, or a new version of a form, must be notified in the gazette.
  - (6) Subsection (5) may be complied with—

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13 Under some Acts, for example, the *Nature Conservation Act 1992*, a resolution of the Legislative Assembly is necessary before action can be taken to revoke a dedication of land or change its status to a lesser category of protection.

- (a) by publication in the gazette of a notice of—
    - (i) the approval or availability of the form; and
    - (ii) the form's heading, number and version number; and
    - (iii) a place or places where copies are available; or
  - (b) by publication in the gazette of the form.
- (7) On the day the approval or availability of the form is notified or as soon as practicable after the day, copies of the form must be available (for purchase or free of charge) at the place, or each of the places, stated in the notice.
- (8) Failure to comply with this section does not affect a form's validity.
- (9) This section does not apply to a form declared by regulation under this Act to be a form to which this section does not apply.

## **Part 9**

## **Miscellaneous**

### **59 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), a regulation may declare subordinate legislation to be uniform subordinate legislation for this Act if there are reasonable grounds for considering the subordinate legislation to be uniform subordinate legislation.



## Part 10 Transitional

### Division 1 Transitional provision for Act No. 83 of 1994

#### 62 Transitional provisions about expiry of amending subordinate legislation

- (1) If subordinate legislation (the *expired legislation*) made before 1 July 1994<sup>14</sup> expires under this Act, any subordinate legislation made before 1 July 1994 (the *amending legislation*) that amends the expired legislation, and consists only of provisions of the following types, expires at the same time—
- (a) words of notification;
  - (b) a provision about the amending legislation's citation;
  - (c) a provision about the amending legislation's commencement;
  - (d) a provision providing for the amendment or repeal of an Act, subordinate legislation or other instrument (including a provision identifying the amended or repealed instrument);
  - (e) a provision declaring subordinate legislation or a provision of subordinate legislation to be a law to which section 20A<sup>15</sup> of the *Acts Interpretation Act 1954* applies;
  - (f) a provision that is spent, has expired or otherwise ceased to have effect;
  - (g) a savings, transitional or validating provision relating only to—

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14 Under the *Acts Interpretation Act 1954*, section 22C as applied to subordinate legislation, amending subordinate legislation notified or published after 30 June 1994 is automatically repealed on the day after the last of its provisions takes effect.

15 *Acts Interpretation Act 1954*, section 20A (Repeal does not end saving, transitional or validating effect etc.)

- (i) the expired legislation or an instrument amending the expired legislation; or
  - (ii) a time or event that has passed.
- (2) If subordinate legislation (the *unexpired legislation*) made before 1 July 1994 does not expire under this Act because it has been exempted from expiry, then, while the unexpired legislation is exempted from expiry, any subordinate legislation made before 1 July 1994 that amends the unexpired legislation, and includes provisions not of a type mentioned in subsection (1)(a) to (g), is also exempted from expiry.

## **Division 2                      Transitional provision for Statutory Instruments and Another Act Amendment Act 1999**

### **62A      Transitional provisions for exemptions**

- (1) Section 56A(6)(b) and (c) apply even though the review mentioned in the provisions started or happened before the commencement of the provisions.
- (2) For the period from the commencement of this section—
  - (a) for section 56(1), subordinate legislation mentioned in the *Statutory Instruments Regulation 1992*, schedule 2A<sup>16</sup> is taken to have been exempted under a regulation made under section 56(1); and
  - (b) for section 56A(1)(a), subordinate legislation mentioned in the *Statutory Instruments Regulation 1992*, section 8 or schedule 3 or 4<sup>17</sup> is taken to have been exempted under a regulation made under section 56A(1)(a).

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16 *Statutory Instruments Regulation 1992*, schedule 2A (Exemptions from expiry to 30 June 2003—legislation substantially uniform or complementary with legislation of the Commonwealth or another State)

17 *Statutory Instruments Regulation 1992*, section 8 (Exemptions to 31 August 2000—Act, s 56A(1)(b), subject to review) or schedule 3 (Exemptions from expiry to 30 June 1999—legislation for which a replacement is being drafted) or 4 (Exemptions from expiry to 30 June 1999—legislation not proposed to be replaced)

**Schedule 1      Provisions of Acts  
Interpretation Act 1954 that  
apply to statutory instruments**

section 14(1) of this Act

section 7

sections 9 and 9A

section 13A

section 13B

sections 14–14D

sections 14F–14J

section 15B

section 15D(1)

section 15E

section 17

sections 18–25

sections 27A–29B

part 8 (other than section 36, definitions *enactment* and *passing*)

parts 9–11

sections 48A–49A

section 52

## **Schedule 1A     Statutory rules that are not subordinate legislation**

section 9(2)(c)

- 1 A statutory rule under the *Constitution of Queensland 2001*, section 15, 40, 41, 43 or 44<sup>18</sup>
- 2 A proclamation under the *Senate Elections Act 1960*, section 3<sup>19</sup>

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18 *Constitution of Queensland 2001*, section 15 (Summoning, proroguing and dissolving the Legislative Assembly), 40 (Delegation by Governor to Deputy Governor), 41 (Administration of Government by Acting Governor), 43 (Appointment of Ministers of the State) or 44 (Administrative arrangements)

19 *Senate Elections Act 1960*, section 3 (Power to fix dates for election and place of nomination)

**Schedule 2**      **Provisions of Acts  
Interpretation Act 1954 that do  
not apply to statutory  
instruments**

section 19 of this Act

part 1

sections 10–13

sections 15–15A

section 15C

section 16

section 17A

**Schedule 2A      Subordinate legislation to  
which part 7 does not apply**

section 57

Drugs Misuse Regulation 1987

Nature Conservation (Protected Areas) Regulation 1994

Superannuation (State Public Sector) Deed 1990

Traffic Regulation 1962

Weapons Categories Regulation 1997

a management plan under the *Wet Tropics World Heritage  
Protection and Management Act 1993*

## Schedule 3      Dictionary

section 5 of this Act

*benefits* includes—

- (a) advantages; and
- (b) direct and indirect economic, environmental and social benefits.

*costs* includes—

- (a) burdens and disadvantages; and
- (b) direct and indirect economic, environmental and social costs.

*exempt subordinate legislation* has the same meaning as in the *Legislative Standards Act 1992*.

*government entity* means—

- (a) the Commonwealth, a State or a local government; or
- (b) an instrumentality or agency of the Commonwealth, a State or a local government.

*instrument* see section 6 of this Act.

*make* includes prepare.

*order in council* see section 10 of this Act.

*proclamation* see section 11 of this Act.

*rules of court* see section 12 of this Act.

*State* includes Territory.

*statutory instrument* see section 7 of this Act.

*statutory rule* see section 8 of this Act.

*subordinate legislation* see section 9 of this Act.

*uniform subordinate legislation* means subordinate legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or

**Schedule 3 (continued)**

declared under a regulation under section 59(2) to be uniform subordinate legislation.



## 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 18 November 2005. Future amendments of the Statutory Instruments Act 1992 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

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 June 1992	1 June 1992
2	1992 Act No. 68	7 December 1992	9 December 1992
3	1993 Act No. 32	3 June 1993	23 June 1993
4	1993 Act No. 76	14 December 1993	23 December 1993
5	1994 Act No. 15	1 July 1994	1 July 1994
6	1994 Act No. 87	1 December 1994	21 December 1994
6A	1995 Act No. 58	28 November 1995	25 June 1996
6B	1997 Act No. 9	15 May 1997	23 May 1997
7	1997 Act No. 9	15 May 1997	20 June 1997
7A	1997 Act No. 48	14 November 1997	21 November 1997
8	1997 Act No. 48	14 November 1997	3 July 1998
8A	1998 Act No. 42	27 November 1998	4 December 1998
8B	1998 Act No. 42	1 January 1999	5 February 1999
8C	1999 Act No. 30	16 June 1999	2 July 1999
9	1999 Act No. 30	1 January 2000	3 March 2000
9A	2000 Act No. 46	25 October 2000	8 November 2000
9B	2000 Act No. 58	17 November 2000	29 November 2000

Reprint No.	Amendments to	Effective	Reprint date
10	2000 Act No. 58	17 November 2000	2 March 2001
10A	2001 Act No. 80	6 June 2002	14 June 2002

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Reprint No.	Amendments included	Effective	Notes
10B	—	2 July 2003	provs exp 1 July 2003
10C	2004 Act No. 45	18 November 2004	
10D	2005 Act No. 53	18 November 2005	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed names and titles	5
Corrected minor errors	4, 10

## 6 List of legislation

### **Statutory Instruments Act 1992 No. 22**

date of assent 1 June 1992  
 commenced on date of assent  
 amending legislation—

### **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

### **Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–3 sch 1**

date of assent 3 June 1993  
 commenced on date of assent

### **Local Government Act 1993 No. 70 pt 1, s 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

### **Native Title (Queensland) Act 1993 No. 85 ss 1–2(2), pt 13 div 5**

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)

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

date of assent 10 May 1994

amdt 2 commenced 1 July 1994 (see ss 2, 3 sch 1)  
remaining amdts commenced on date of assent

**Statutory Instruments and Legislative Standards Amendment Act 1994 No. 83 pts 1–2**

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

**Statute Law (Minor Amendments) Act (No. 2) 1995 No. 51 ss 1, 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

**Justice and Other Legislation (Miscellaneous Provisions) Act 1997 No. 9 ss 1–2(1), pt 20**

date of assent 15 May 1997  
commenced on date of assent

**Weapons and Other Legislation Amendment Act 1997 No. 48 ss 1, 2(2), pt 4**

date of assent 29 August 1997  
ss 1–2 commenced on date of assent  
remaining provisions commenced 14 November 1997 (1997 SL No. 381)

**Statutory Instruments Amendment Act 1998 No. 42**

date of assent 27 November 1998  
s 5 commenced 1 January 1999 (see s 2)  
remaining provisions commenced on date of assent

**Statutory Instruments and Another Act Amendment Act 1999 No. 24**

date of assent 4 June 1999  
commenced on date of assent

**Local Government and Other Legislation Amendment Act 1999 No. 30 ss 1, 2(2), (4), 98 sch 3 pt 2**

date of assent 16 June 1999  
sch 3 pt 2 commenced 1 January 2000 (see s 2(2))  
remaining provisions commenced on date of assent (see s 2(4))

**Nature Conservation and Other Legislation Amendment Act 2000 No. 44 s 1 pt 3**

date of assent 25 October 2000  
commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 2000 No. 46 ss 1, 3 sch**

date of assent 25 October 2000  
commenced on date of assent

**Superannuation and Other Legislation Amendment Act 2000 No. 52 s 1 pt 4**

date of assent 17 November 2000

commenced on date of assent

**Justice and Other Legislation (Miscellaneous Provisions) Act 2000 No. 58 ss 1–2 sch**

date of assent 17 November 2000

commenced date of assent

**Constitution of Queensland 2001 No. 80 ss 1–2, 94 sch 2**

date of assent 3 December 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 6 June 2002 (see s 2)

**Workers' Compensation and Rehabilitation and Other Acts Amendment Act 2004  
No. 45 s 1, pt 6**

date of assent 18 November 2004

commenced on date of assent

**Environmental Protection and Other Legislation Amendment Act 2005 No. 53 s 1, pt  
11**

date of assent 18 November 2005

commenced on date of assent

## **7 List of annotations**

**Dictionary**

s 5 sub 1994 No. 83 s 3

**Act binds the State**

s 5A ins 1994 No. 83 s 3

**Meaning of “statutory instrument”**

s 7 amd 1992 No. 68 s 3 sch 1

sub 1993 No. 76 s 3 sch 1

amd 1993 No. 70 s 804 sch; 1999 No. 30 s 98 sch 3

**Meaning of “subordinate legislation”**

s 9 amd 1993 No. 70 s 804 sch; 1998 No. 42 s 4

**Modified application—s 14B**

s 15 amd 1993 No. 32 s 3 sch 1

**Modified application—s 49A**

prov hdg amd 2000 No. 46 s 3 sch

s 18 amd 2000 No. 46 s 3 sch

**Regulation may be used instead of another type of subordinate legislation**

s 20A ins 1992 No. 68 s 3 sch 1

amd 1993 No. 32 s 3 sch 1

**Correct year in statutory instrument's short title etc.**

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

**Continuance etc. of statutory instruments made under amended provisions**

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

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

s 21 amd 1992 No. 68 s 3 sch 1

sub 1993 No. 32 s 3 sch 1

**Power to make statutory instrument under Act etc.**

prov hdg amd 1993 No. 76 s 3 sch 1

s 22 amd 1993 No. 76 s 3 sch 1

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

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

**Reasonable cost etc. may be prescribed as fee**

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

**Statutory instrument may exempt from fee**

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

**Beneficial retrospective commencement**

s 34 amd 1992 No. 68 s 3 sch 1

**Subdivision 5—Terms and references in statutory instruments**

sdiv hdg reloc to before s 37 1992 No. 68 s 3 sch 1

**References to certain instruments**

prov hdg sub 1994 No. 87 s 3 sch 1

s 38 def “the Act” om 1994 No. 87 s 3 sch 1

def “Act” or “the Act” ins 1994 No. 87 s 3 sch 1

**Subdivision 6—Miscellaneous**

div hdg ins 1994 No. 87 s 3 sch 1

**Automatic repeal of commencement instrument**

s 39A ins 1994 No. 87 s 3 sch 1

**PART 5—GUIDELINES FOR REGULATORY IMPACT STATEMENTS**

pt hdg sub 1994 No. 83 s 4

**Division 1—Introductory**

div hdg ins 1994 No. 83 s 4

**What part provides**

s 40 amd 1993 No. 32 s 3 sch 1

sub 1994 No. 83 s 4

**Effect of failure to comply with guidelines**

s 41 sub 1994 No. 83 s 4

**Other legislation requirements are not affected**

s 42 sub 1994 No. 83 s 4

**Division 2—Regulatory impact statements**

div hdg ins 1994 No. 83 s 4

**Preparation of regulatory impact statement**

s 43      amd 1993 No. 76 s 3 sch 1  
             sub 1994 No. 83 s 4

**Content of regulatory impact statement**

s 44      sub 1993 No. 76 s 3 sch 1  
             amd 1994 No. 15 s 3 sch 1  
             sub 1994 No. 83 s 4

**Notification and making regulatory impact statement available**

s 45      sub 1994 No. 83 s 4

**When is preparation of a regulatory impact statement unnecessary?**

s 46      sub 1994 No. 83 s 4  
             amd 1995 No. 51 s 4 sch; 2004 No. 45 s 136  
             (3)–(4) exp 31 December 1996 (see s 46(4))

**PART 6—PROCEDURES AFTER MAKING OF SUBORDINATE LEGISLATION**

pt hdg    sub 1994 No. 83 s 4

**Division 1—Notification and making copies available**

div hdg   ins 1994 No. 83 s 4

**Notification**

s 47      ins 1994 No. 15 s 3 sch 1  
             sub 1994 No. 83 s 4

**Copies to be available**

s 48      prev s 48 om R1 (see RA s 40)  
             pres s 48 (prev s 47) renum 1994 No. 15 s 3 sch 1  
             sub 1994 No. 83 s 4

**Division 2—Tabling in Legislative Assembly**

div hdg   ins 1994 No. 83 s 4

**Subordinate legislation must be tabled**

s 49      prev s 49 om R1 (see RA s 40)  
             pres s 49 ins 1994 No. 83 s 4

**Division 3—Disallowance procedures**

div hdg   ins 1994 No. 83 s 4

**Disallowance**

s 50      prev s 50 om R1 (see RA s 40)  
             pres s 50 ins 1994 No. 83 s 4

**Division 4—General**

div hdg   ins 1994 No. 83 s 4

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

s 51      ins 1994 No. 83 s 4

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

s 52      ins 1994 No. 83 s 4

**PART 7—STAGED AUTOMATIC EXPIRY OF SUBORDINATE LEGISLATION**

**pt hdg** prev pt 7 hdg om R1 (see RA s 40)  
pres pt 7 ins 1994 No. 83 s 4

**Purposes of part**

**s 53** ins 1994 No. 83 s 4

**When subordinate legislation expires**

**s 54** ins 1994 No. 83 s 4  
amd 1998 No. 42 s 5

**Notice by parliamentary counsel of impending expiry**

**s 55** ins 1994 No. 83 s 4

**Exemptions from expiry—uniform subordinate legislation**

**s 56** ins 1994 No. 83 s 4  
sub 1998 No. 42 s 6; 1999 No. 24 s 3

**Exemptions from expiry—other subordinate legislation**

**s 56A** ins 1999 No. 24 s 3

**Part does not apply to some subordinate legislation**

**s 57** ins 1994 No. 83 s 4  
amd 1997 No. 48 s 55

**PART 8—FORMS**

**pt hdg** prev pt 8 hdg om R1 (see RA s 40)  
pres pt 8 hdg ins 1994 No. 83 s 4

**Forms—notification and availability**

**s 58** ins 1994 No. 83 s 4

**PART 9—MISCELLANEOUS**

**pt hdg** ins 1994 No. 83 s 4

**Regulation-making power**

**prov hdg** amd 1999 No. 24 s 4(1)  
**s 59** ins 1994 No. 83 s 4  
amd 1999 No. 24 s 4(2)

**PART 10—TRANSITIONAL**

**pt hdg** ins 1994 No. 83 s 4

**Application of Pt 5**

**s 60** ins 1994 No. 83 s 4  
exp 1 July 1995 (see s 60(3))

**Transitional provisions about expiry of subordinate legislation**

**s 61** ins 1994 No. 83 s 4  
amd 1997 No. 9 s 74  
exp 1 July 1998 (see s 61(2))

**Division 1—Transitional provision for Act No. 83 of 1994**

**div hdg** ins 1999 No. 24 s 5



**Transitional provisions about expiry of amending subordinate legislation**

**s 62** ins 1994 No. 83 s 4  
amd 1999 No. 24 s 6

**Division 2—Transitional provision for Statutory Instruments and Another Act Amendment Act 1999**

**div hdg** ins 1999 No. 24 s 7  
amd 2000 No. 46 s 3 sch

**Transitional provisions for exemptions**

**s 62A** ins 1999 No. 24 s 7  
amd 2000 No. 46 s 3 sch

**PART 11—DECLARATORY PROVISION**

**pt hdg** ins 1998 No. 42 s 7  
exp 1 July 2003 (see s 63(5))

**Exemptions**

**s 63** prev s 63 ins 1994 No. 83 s 4  
exp 1 December 1995 (see s 63(2)(a))  
AIA s 20A applies (see s 63(2)(b))  
pres s 63 ins 1998 No. 42 s 7  
amd 2000 No. 46 s 3 sch  
exp 1 July 2003 (see s 63(5))

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

amd 1993 No. 32 s 3 sch 1; 1993 No. 85 s 181; 1994 No. 15 s 3 sch 1; 1995 No. 58 s 4 sch 1; 2000 No. 46 s 3 sch; 2000 No. 58 s 2 sch

**SCHEDULE 1A—STATUTORY RULES THAT ARE NOT SUBORDINATE LEGISLATION**

ins 1998 No. 42 s 8  
sub 2001 No. 80 s 94 sch 2

**SCHEDULE 2A—SUBORDINATE LEGISLATION TO WHICH PART 7 DOES NOT APPLY**

ins 1997 No. 48 s 56  
amd 1999 No. 24 s 8; 2000 No. 44 s 41; 2000 No. 52 s 34; 2005 No. 53 s 153

**SCHEDULE 3—DICTIONARY**

ins 1994 No. 83 s 5  
def “**uniform subordinate legislation**” ins 1999 No. 24 s 9

**8 List of forms notified or published in the gazette**

(The following information about forms is taken from the gazette. Because failure to notify or publish a form in the gazette does not invalidate the form, it may be necessary to check with the relevant government department for the latest information about forms (see SIA s 58(8)).)

**Form 17 Version 2—Monthly Loan Arrears Report**

pubd gaz 16 January 1998 p 128

**Form 19—Application to transfer Spanner Crab ITQ units**

pubd gaz 14 May 1999 p 162