



Reprints Act 1992

Current as at 28 May 2014

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/Leg_Info/information.htm.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

Reprints Act 1992

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Reprints Act 1992

[as amended by all amendments that commenced on or before 28 May 2014]

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

Part 1 Preliminary

1 Short title

This Act may be cited as the *Reprints Act 1992*.

2 Object of Act

- (1) The object of this Act is to facilitate the updating and ready availability of Queensland legislation.
- (2) The object is to be achieved by modernising the law relating to reprints of Queensland legislation.

3 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

Part 2 Preparation of reprints

4 Parliamentary counsel may prepare reprints

The parliamentary counsel may prepare a reprint of a law under this Act, including a law that has not been amended and a reprint in electronic form.

Part 3 Amendments must be included in reprints

5 Amendments

If a law has been amended by—

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

a reprint of the law must—

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

Example 1—

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

‘5. A notice is to—

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

Example 2—

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

Example 3—

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

Example 4—

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

Example 5—

If a provision heading is amended, a reference to the provision mentioning the provision heading may be amended to mention the amended provision heading.

6 Reference to amending law

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

Part 4 Editorial changes may be included in reprints

Division 1 General

7 Editorial changes

- (1) In a reprint of a law, the text of the law may be given—
 - (a) using citations and references permitted by Division 2;
 - and

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- (b) using references permitted by Division 3; and
 - (c) using words and references, and otherwise expressed as, permitted by Division 4; and
 - (d) making the omissions and insertions permitted by sections 31, 33 and 33B; and
 - (e) using the names permitted by sections 32 and 33A; and
 - (f) using headings, format and printing style permitted by sections 34 and 35; and
 - (g) omitting provisions as permitted by sections 36 to 42B; and
 - (h) using the numbering and renumbering of provisions and the references permitted by section 43; and
 - (i) correcting minor errors as permitted by section 44; and
 - (j) doing anything else permitted to be done by this Act or a regulation; and
 - (k) making all necessary consequential amendments.
- (2) If the text of a law is given as permitted by subsection (1), the reprint—
- (a) must indicate that fact in a suitable place; and
 - (b) must outline in general terms, and in a suitable place, the way in which the permission was used.

8 Editorial changes not to change effect

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

9 Effect of editorial changes

If, in a reprint authorised by the parliamentary counsel under the *Legislative Standards Act 1992*, section 10A, the text of a law is given as permitted by section 7, the law has effect as if the changes made under that section had been made expressly

by another law that amended the law immediately before the reprint date.

Division 2 Updated citations and references to law

10 Omission of comma

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

11 Omission of inverted commas

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

12 Omission of ‘of’

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

13 Omission of ‘to’

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

14 Omission of ‘The’—general

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

- (a) the citation or a reference to the law or laws may be given omitting the word; and

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- (b) if the context requires—the word ‘The’ or ‘the’, as appropriate, may be inserted immediately before the citation or reference.

15 Omission of ‘The’—Criminal Code

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

16 Year law made not included in citation

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

Example—

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

17 Word ‘Act’ not included in citation etc.

- (1) If an Act has a citation that does not include the word ‘Act’, the citation or a reference to the Act may be given including the word ‘Act’, and any necessary consequential amendments made to the citation or reference.
- (2) If subordinate legislation has a citation that does not indicate the type of instrument, the citation or a reference to the legislation may be given including the type of instrument, and any necessary consequential amendments made to the citation or reference.

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

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

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

Example—

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

*'Liquor Act 1912-**1990**'.*

- (3) In subsection (2)—

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

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

- (1) The citation of a law that has been amended, or a group of laws, that is in the plural form may be given by changing the citation to the singular form.
- (2) In a provision of a law, a reference in the plural form to a law as amended may be given by changing the reference to the singular form.

Example—

'Land Act 1910' may replace *'Land Acts 1910-1958'*.

Note, however, that section 18 has also been applied to this example.

20 Citation indicating type of statutory instrument in plural

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

Example—

[s 20A]

A statutory instrument that is called by a name in column 1 of the table may be called by the corresponding name in column 2

Table

Column 1	Column 2
Regulations	Regulation
By-laws	By-law
Rules	Rule

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

20A Correct year in statutory instrument's citation etc.

If—

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

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

21 Other changes relating to citation

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

Division 3 Updated references within law

21A Changed citation

- (1) If—
 - (a) there is a reference to a law's citation; and
 - (b) since the reference was made, the citation has been amended;the reference may be given using the citation as amended.
- (2) In this section—

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

22 Remade law or provision

- (1) A reference to a law that has been repealed and remade (with or without modification) since the reference was made may be given using the law as remade.
- (2) A reference to a law, part of which has been repealed and remade (with or without modification) in another law since the reference was made, may be given using the first law and the other law.
- (3) A reference to a provision of a law that has been omitted and remade (with or without modification and whether in the law or another law) may be given using the provision as remade.
- (4) If a law provides that reference to a law or provision of a law (the *first law*) is a reference to another law or provision of the first law or another law (the *second law*), the first law is taken to have been replaced by the second law in all appropriate contexts.
- (5) In this section—

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

[s 23]

23 Changed name or title

- (1) A reference to the name or title of the Sovereign or a body, office, person, place or other thing that has been changed may be given using the name or title as changed.
- (2) Subsection (1) has effect according to its tenor, and has that effect despite the *Acts Interpretation Act 1954*, section 35.

23A Replacement of body etc.

- (1) If—
 - (a) reference is made in a law to a body, office, person, place or other thing (the *first thing*); and
 - (b) the first thing has been replaced, either generally or in a relevant respect, by another body, office, person, place or other thing (the *second thing*);the reference may be given using the second thing.
- (2) Subsection (1) has effect according to its tenor, and has that effect despite the *Acts Interpretation Act 1954*, section 35.
- (3) If a law provides that reference to a body, office, person, place or other thing (the *first thing*) is a reference to another body, office, person, place or other thing (the *second thing*), the first thing is taken to have been replaced by the second thing in all appropriate contexts.
- (4) In subsection (3)—

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

Division 4 Updated way of expression

24 Gender

If a provision of a law uses a word indicating a gender or that could be taken to indicate a gender, the provision may be

expressed in a different way that is consistent with current legislative drafting practice.

Example—

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

- 1 ‘The commissioner may, by **writing signed by him** (signed notice), delegate any of **his** (the commissioner’s) powers.’.
- 2 ‘If requested by **his servant** (an employee), the **master** (employer) must complete the application.’.
- 3 ‘If a notice under section 5 is not received by the auctioneer, real estate agent, commercial agent, motor dealer or person named in it within 30 days after **he receives** (receiving) notice of the dispute, **he** (he or she) must ...’.

25 References to gender specific offices

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

Example 1—

‘chairperson’ may replace ‘chairman’.

Example 2—

‘deputy chairperson’ may replace ‘deputy chairman’.

Example 3—

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

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

26 Spelling

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

Example 1—

‘accommodation’ may replace ‘accomodation’.

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Example 2—

‘similar’ may replace ‘similiar’.

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

Example 1—

‘authorise’ may replace ‘authorize’

and

‘organisation’ may replace ‘organization’.

Example 2—

‘connection’ may replace ‘connexion’.

Example 3—

‘program’ may replace ‘programme’.

27 Punctuation

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

Example 1—

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

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

(a) to engage in employment;

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

unless Part 5 applies.’.

Example 2—

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

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

Example 3—

‘sublet’ may replace ‘sub-let’.

Example 4—

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

‘**5.** In this Act,—’.

28 Conjunctions and disjunctions

- (1) A provision of a law may be expressed using a conjunction or disjunction at the end if the use of the conjunction or disjunction is consistent with current legislative drafting practice.

Example 1—

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

‘**5.** A statutory rule may—

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

Example 2—

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

‘**5.** The trust fund consists of—

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

- (2) If—

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

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

Example—

[s 29]

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

'domestic animal' means—

- (a) a cat; **and** (or)
- (b) a dog;'

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

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

Example 1—

'25' may replace 'twenty-five'.

Example 2—

'Part 1' may replace 'Part I'.

Example 3—

'Schedule 1' may replace 'the First Schedule'.

Example 4—

'1 January 1952'

may replace

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

Example 5—

'8a.m.' may replace '8 o'clock in the forenoon'.

Example 6—

'\$25000' may replace 'twenty-five thousand dollars'.

Example 7—

'%' may replace 'per centum' or 'percent'.

Example 8—

'*Commission*' means the Licensing Commission;'

may replace

‘*Commission*—The Licensing Commission;’.

Example 9—

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

may replace

‘*Land*—Includes land covered by water;’.

Example 10—

‘*A* means the allocated amount;’

may replace

‘*A* represents the allocated amount;’.

Example 11—

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

Example 12—

‘1.61km’ may replace ‘1 mile’

Example 13—

‘any land (the ***dominant land***)’

may replace

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

Example 14—

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

may replace

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

Example 15—

‘Maximum penalty—

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

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

may replace

‘Penalty: 35 penalty units in the case of an individual;

170 penalty units in the case of a corporation.’.

Example 16—

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

may replace

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

Example 17—

‘anything’ may replace ‘any thing’.

Example 18—

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

may replace

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

Example 19 (preferred expressions)—

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

Table

Column 1	Column 2
as a result	because
by reason	because
by reason only	merely because
by virtue of	under
firstmentioned	first
forthwith	immediately
hereby	then
in accordance with	under
in lieu	instead

Table

Column 1	Column 2
notwithstanding	despite, even though or even if
of its own motion	on its own initiative
pursuant to	under
save	other than
save as prescribed by	subject to
thereafter	afterwards
therefrom	from it
therewith	in the
whereby	under which

Example 20 (use of ‘therein’)—

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

may replace

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

Example 21 (use of ‘thereto’)—

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

may replace

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

Example 22 (plural to singular)—

‘another area’ may replace ‘other areas’.

Example 23 (plural to singular)—

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

Example 24 (outdated terms)—

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

Example 25 (Preamble)—

‘Because—’ may replace ‘Whereas—’.

Example 26 (both conjunctive and disjunctive)—

‘or’ may replace ‘and/or’.

Example 27 (specific title to general title)—

‘chief executive’ may replace ‘Director-General’, ‘Under Secretary’ or a similar title.

Note also that if the replaced terms are defined, the definition of the term may be omitted as redundant under section 39. See also section 7(1)(g) for other editorial changes that may be made.

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

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

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

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

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

Example 30 (other types of provision reference)—

- 1 ‘paragraph (a)(i)’ may replace ‘subparagraph (a)(i)’.
- 2 ‘paragraph (a)’ may replace ‘provision (a)’.

Example 31 (references to laws of other jurisdictions)—

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

Example 32 (simplified references to authorising law in section heading)—

‘Insurance premiums—Act, s 20’ may replace ‘Insurance premiums (s 20 of the Act).

Example 33—

‘\$2’ may replace ‘£1’.

30 Order of definitions

- (1) If a definition provision of a law contains definitions that are not in their appropriate alphabetical position (determined on a letter-by-letter basis), the definition provision may be expressed so that the definitions are in their appropriate alphabetical position determined on a letter-by-letter basis.
- (2) If a definition provision of a law contains definitions in a particular order, the definition provision may be expressed so that the definitions are in an order that is consistent with current legislative drafting practice.
- (3) In this section—

definition provision of a law means a provision containing a number of definitions.

30A Order of other provisions

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

Division 5 Updated naming conventions within statutory instruments

31 References to type of statutory instrument

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

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

(2) If—

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

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

32 Name of provision units in statutory instruments

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

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

Example 1—

Regulation 2 may be called section 2.

Example 2—

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

33 Reference to authorising Act

If—

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

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

Division 5A Updated naming conventions within schedules and appendixes

33A Name of provision units of schedules and appendixes

If a provision of a schedule or appendix is called a clause, subclause, sub-subclause, paragraph, subparagraph, sub-subparagraph, item, subitem, or another name, the provision may be called—

- (a) if the provision is a provision unit equivalent to a section in the body of a law—a section; or
- (b) if the provision is a provision unit equivalent to a subsection in the body of a law—a subsection; or
- (c) if the provision is a provision unit equivalent to a paragraph in the body of a law—a paragraph; or
- (d) if the provision is a provision unit equivalent to a subparagraph in the body of a law—a subparagraph; or
- (e) if the provision is a provision unit equivalent to a sub-subparagraph in the body of a law—a sub-subparagraph.

Example 1—

[s 33B]

Clause 2 may be called section 2.

Example 2—

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

33B Reference to provision of schedule or appendix

(1) If—

- (a) in the body of a law there is a reference to a provision of an unnumbered schedule or appendix; and
- (b) the words ‘of the schedule’, ‘of the appendix’, or words of similar effect, do not appear at the end of the reference;

the words ‘of the schedule’, ‘of the appendix’, or words of similar effect, may be inserted at the end of the reference.

(2) If—

- (a) in the body of a law there is a reference to a provision of a numbered schedule or appendix; and
- (b) words indicating the schedule or appendix by number do not appear at the end of the reference;

words indicating the schedule or appendix by number, or words of similar effect, may be inserted at the end of the reference.

(3) If—

- (a) in a schedule or appendix to a law there is a reference to a provision of the body of the law; and
- (b) words indicating that the reference is to the body of the law do not appear at the end of the reference;

words indicating that the reference is to the body of the law may be inserted at the end of the reference.

(4) In this section—

body of a law means the law other than a schedule or appendix to the law.

Example of subsection (3)—

In an Act, ‘of this Act’ and, in a regulation, ‘of this regulation’ could be inserted at the end of a reference in Schedule 1 to ‘section 14’ of the body of the law.

Division 6 Updated form of law

34 Relocation of marginal or cite notes

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

35 Format and printing style

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

Example 1—

‘(2) In this section—

person includes an unincorporated body.’

may replace

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

Example 2—

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

may replace

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

Example 3—

‘*Petroleum (Submerged Lands) Act 1967*’

may replace

[s 36]

‘Petroleum (Submerged Lands) Act 1967’.

Example 4—

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

‘(SECTION 2.2 INDUSTRIAL MATTER)

2.2 Industrial matter’.

Note also that section 34 could also be applied to this example.

36 Omission of arrangement provisions

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

37 Omission of expired provisions etc.

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

38 Omission of old saving, transitional and validation provisions

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

39 Omission of obsolete and redundant provisions

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

Example 1—

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

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

2 ‘In this Act, **unless the contrary intention appears—**’.

Example 2—

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

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

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

or

Director-General means the chief executive of the department;

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

40 Omission of amending and repealing provisions

If—

- (a) a provision of a law merely repeals or amends a law or a provision of a law; and
 - (b) the provision has commenced;
- the provision may be omitted.

[s 41]

41 Omission of unnecessary referential words

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

42 Omission of historical notes etc.

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

42A Omission of words of enactment or notification

Words of enactment or notification of a law may be omitted.

Example of enacting words—

The Parliament of Queensland enacts—

Example of words of notification—

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

[order]

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

XYZ, Clerk of the Council.

42B Omission of provision heading with reference

Words associated with a reference to a provision of a law indicating the provision heading of, or associated with, the provision referred to may be omitted.

Example—

If a provision states that—

‘An officer may make a disclosure under section 28(2)(a) (Public officer may disclose official misconduct)’

and the words in brackets are the section heading for section 28, the provision may be reprinted as—

‘An officer may make a disclosure under section 28(2)(a)’.

43 Numbering and renumbering of provisions

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

Example—

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

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

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

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

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

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

Example 1—

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

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

(3A) Where a proceeding for the recovery of the possession of land or premises is taken in reliance on a notice to terminate given in a manner provided in subsection (3)(a), any occupier of the land

[s 43]

or other person claiming an interest in the land or premises shall be entitled to be heard in the proceeding.

Editor's note—

Section 43(4) has also been applied to this example.

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

may replace

‘(3)—

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

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

Example 2—

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

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

may replace

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

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

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

- (a) the law may be renumbered in a way that is consistent with current legislative drafting practice; and

-
- (b) all necessary consequential numbering amendments may be made.
- (4) If a provision of a law is numbered or renumbered under this section—
- (a) a reference in any instrument to the provision is a reference to the provision as numbered or renumbered; and
 - (b) a reference in the law or another law to the provision may be changed to a reference to the provision as numbered or renumbered.

Division 7 Correction of minor errors

44 Correction of minor errors

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

Example 1—

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

Example 2—

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

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

Example 3—

In the following provision, the bracketed word may be inserted where indicated—

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

Division 8 Standardisation of structure

44A Standardisation of structure for conversion to XML format

- (1) This section applies to a reprint of a law prepared before the electronic version of the law is converted to eXtensible

[s 44B]

Markup Language for publication on the Queensland legislation website.

- (2) The structure of the law may be brought into line with current legislative drafting practice, including by omitting or inserting words in a way that does not change the effect of the law.

Example 1—

The heading 'Preamble' may be inserted before a preamble without a heading.

Example 2—

If appropriate, an uncategorised and unnumbered heading may be categorised as a part heading and numbered and the text of a broken heading may be repositioned so there is no break.

Example 3—

405 Sections 405-420 not used

may replace as a section heading

405-420 Section numbers not used.

44B Expiry of div 8

This division expires on 31 December 2014.

Part 5 Not reprinted and relocated provisions

45 Not reprinted provisions

- (1) Nothing in this Act requires every provision of a law to be shown in a reprint of the law.
- (2) If a provision of a law is not shown in a reprint, the reprint is to indicate that fact in a suitable place.

46 Relocated provisions

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

Example—

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

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

Part 7 Effect of official copies of reprints

49 Amendment of and reference to reprinted law etc.

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

Note—

See the *Evidence Act 1977*, sections 43(h) and 46A for evidentiary provisions relating to reprints.

- (2) If a reprint of the law has been produced and no amendments of the law have commenced on or after the reprint date for the latest reprint, the law may be amended or referred to having regard to the text of the law as shown in the latest reprint.
- (3) If a reprint of the law has been produced and amendments of the law have commenced on or after the reprint date for the latest reprint, the law may be amended or referred to having regard to the text of the law—
 - (a) as shown in the latest reprint; and
 - (b) as the text would be required to be shown in a subsequent reprint because of Part 3 (Amendments must be included in reprints).

[s 49]

- (4) If a reprint of the law has not been produced, the law may be amended or referred to having regard to the text of the law—
- (a) as it would be required to be shown in a reprint because of Part 3 (Amendments must be included in reprints); and
 - (b) as the text would be shown if the following provisions were used—
 - Part 4, Division 2 (Updated citations and references to law)
 - section 25 (References to gender specific offices)
 - section 26 (Spelling)
 - section 27 (Punctuation)
 - section 29 (Expression of number, year, date, time, amount of money, quantity etc.) but only to the extent stated in subsection (5)
 - Part 4, Division 5 (Updated naming conventions within statutory instruments)
 - section 34 (Relocation of marginal or cite notes)
 - section 35 (Format and printing style).
- (5) For the purpose of subsection (4), section 29 must be used only to express the designation of provision units in the law, and references to the designation of provision units in another law, in a way consistent with current legislative drafting practice.

Example of subsection (5)—

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

Table

Column 1	Column 2
Part II	Part 2
First Schedule	Schedule 1

- (6) In this section—

reprint means an official copy of a reprint.

Part 8 Miscellaneous

50 Regulations

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

Part 9 Transitional provision for Treasury and Trade and Other Legislation Amendment Act 2013

51 Reprints authorised under previous pt 6

(1) An existing authorised reprint is, from the commencement, taken to be a reprint authorised by the parliamentary counsel under the *Legislative Standards Act 1992*, section 10A.

(2) In this section—

commencement means the commencement of this section.

existing authorised reprint means a reprint—

- (a) authorised by the parliamentary counsel under part 6 as in force before the commencement; and
- (b) printed by or under the authority of the government printer or published on the Queensland legislation website.

Schedule 1 Dictionary

section 3

current legislative drafting practice means current Queensland legislative drafting practice.

law includes a pre-1992 reprint.

made includes enacted.

minor error includes—

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

pre-1992 reprint means a reprint—

- (a) authorised under any of the following laws as in force at any time before 1 June 1992—
 - (i) the repealed *Acts Shortening Act 1867*, section 29A;
 - (ii) the repealed *Statute Law Revision Act 1908*, section 3;
 - (iii) the repealed *Statutes Reprint Act 1936*;
 - (iv) the repealed *Statutory Instruments Reprint Act 1952*;
 - (v) the repealed *Queensland Statutes (1962 Reprint) Act 1962*;
 - (vi) the repealed *Acts Interpretation Act 1954*, section 47; and
- (b) printed by or under the authority of the government printer.

referential words means the words—

-
- (a) 'of this Act', 'of this regulation', 'of this order in council', 'of this rule', 'of this by-law', 'of this ordinance' or 'of this proclamation'; or
 - (b) 'to this Act', 'to this regulation', 'to this order in council', 'to this rule', 'to this by-law', 'to this ordinance' or 'to this proclamation'; or
 - (c) 'of this Schedule'; or
 - (d) 'of this Chapter'; or
 - (e) 'of this Part'; or
 - (f) 'of this Division'; or
 - (g) 'of this Subdivision'; or
 - (h) 'of this section'; or
 - (i) 'of this subsection', 'of this subregulation' or 'of this subrule'; or
 - (j) 'of this paragraph'; or
 - (k) 'of this subparagraph'; or
 - (l) 'of this sub-subparagraph'; or
 - (m) 'of this clause'; or
 - (n) 'of this subclause'; or
 - (o) 'of this sub-subclause'; or
 - (p) 'of this item'; or
 - (q) 'of this subitem'; or
 - (r) 'before-mentioned' or 'afore-mentioned'; or
 - (s) 'hereof or hereto'; or
 - (t) 'thereof or thereto'; or
 - (u) 'said or aforesaid';

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

remade includes re-enacted.

reprint means a reprint prepared under this Act.

reprint date, for a reprint, means the day, however described or identified in the reprint, from which the law included in the reprint is the law in force.

Endnotes

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
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 version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

Endnotes

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

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	20 December 1993
5	1994 Act No. 15	10 May 1994	20 May 1994
6	1994 Act No. 87	1 December 1994	19 December 1994

Reprint No.	Amendments included	Effective	Notes
6A	2002 Act No. 74	1 April 2003	
6B	2005 Act No. 55	1 January 2006	
6C	2010 Act No. 42	14 October 2010	

Current as at	Amendments included	Notes
23 September 2013	2013 Act No. 39	
28 May 2014	2014 Act No. 30	

4 List of legislation

Reprints Act 1992 No. 27

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

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

date of assent 7 December 1992
 commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 s 3 sch 1

date of assent 3 June 1993
 commenced on date of assent

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

date of assent 14 December 1993
 commenced on date of assent

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

date of assent 10 May 1994
commenced on date of assent

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

date of assent 1 December 1994
commenced on date of assent

Discrimination Law Amendment Act 2002 No. 74 ss 1–2, 90 sch

date of assent 13 December 2002
ss 1–2 commenced on date of assent
s 90 commenced 31 March 2003 (2003 SL No. 51)
remaining provisions commenced 1 April 2003 (2003 SL No. 51)

Defamation Act 2005 No. 55 ss 1–2, 48 sch 4

date of assent 18 November 2005
ss 1–2 commenced on date of assent
remaining provisions commenced 1 January 2006 (see s 2)

Justice and Other Legislation Amendment Act 2010 No. 42 s 1, pt 31

date of assent 14 October 2010
commenced on date of assent

Treasury and Trade and Other Legislation Amendment Act 2013 No. 39 s 1, ch 3 pt 5, s 111 sch 4

date of assent 23 September 2013
commenced on date of assent

Construction and Tourism (Red Tape Reduction) and Other Legislation Amendment Act 2014 No. 30 s 1, ch 4

date of assent 28 May 2014
commenced on date of assent

5 List of annotations

Definitions

s 3 amd 2013 No. 39 s 77

Note—s 3 contained definitions for this Act. Definitions are now located in schedule 1 (Dictionary). Annotations for definitions contained in s 3 are located in annotations for sch 1.

PART 2—PREPARATION OF REPRINTS

pt hdg sub 2013 No. 39 s 78

Parliamentary counsel may prepare reprints

s 4 sub 2013 No. 39 s 78

Amendments

s 5 amd 1992 No. 68 s 3 sch 1; 1993 No. 76 s 3 sch 1; 1994 No. 87 s 3 sch 1; 2013 No. 39 s 79

PART 4—EDITORIAL CHANGES MAY BE INCLUDED IN REPRINTS

Editorial changes

s 7 amd 1993 No. 76 s 3 sch 1; 1994 No. 87 s 3 sch 1

Effect of editorial changes

s 9 amd 2013 No. 39 s 80

Word ‘Act’ not included in citation etc.

s 17 amd 2005 No. 55 s 48 sch 4

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

s 19 amd 2013 No. 39 s 111 sch 4

Correct year in statutory instrument’s citation etc.

prov hdg amd 1993 No. 76 s 3 sch 1

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

Other changes relating to citation

s 21 prov hdg sub 1993 No. 32 s 3 sch 1

Changed citation

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

 amd 2013 No. 39 s 111 sch 4

Remade law or provision

s 22 sub 1993 No. 32 s 3 sch 1

 amd 1994 No. 15 s 3 sch 1; 2013 No. 39 s 111 sch 4

Replacement of body etc.

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

Gender

s 24 amd 1993 No. 32 s 3 sch 1; 1994 No. 15 s 3 sch 1; 2002 No. 74 s 90 sch

Spelling

s 26 amd 2010 Act No. 42 s 181

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

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

 No. 15 s 3 sch; 1994 No. 87 s 3 sch 1; 2013 No. 39 s 111 sch 4

Order of other provisions

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

References to type of statutory instrument

s 31 sub 1993 No. 32 s 3 sch 1

Division 5A—Updated naming conventions within schedules and appendixes

div hdg ins 1994 No. 87 s 3 sch 1

Name of provision units of schedules and appendixes

s 33A ins 1994 No. 87 s 3 sch 1

Reference to provision of schedule or appendix

s 33B ins 1994 No. 87 s 3 sch 1

Format and printing style

s 35 amd 2013 No. 39 s 111 sch 4

Omission of obsolete and redundant provisions

s 39 amd 1994 No. 15 s 3 sch 1; 2013 No. 39 s 111 sch 4

Omission of amending and repealing provisions

s 40 amd 2010 Act No. 42 s 182

Omission of words of enactment or notification

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

Omission of provision heading with reference

s 42B ins 1994 No. 87 s 3 sch 1

Numbering and renumbering of provisions

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

Division 8—Standardisation of structure

div 8 (ss 44A–44B) ins 2014 No. 30 s 50
exp 31 December 2014 (see s 44B)

PART 6—AUTHORISATION OF REPRINTS

pt 6 (s 47) om 2013 No. 39 s 81

PART 7—EFFECT OF OFFICIAL COPIES OF REPRINTS

pt hdg amd 2013 No. 39 s 82

Reprint taken as correct etc.

s 48 amd 1994 No. 87 s 3 sch 1
om 2013 No. 39 s 83

Amendment of and reference to reprinted law etc.

s 49 sub 1993 No. 32 s 3 sch 1
amd 1993 No. 76 s 3 sch 1; 2013 No. 39 s 84

PART 9—TRANSITIONAL PROVISION FOR TREASURY AND TRADE AND OTHER LEGISLATION AMENDMENT ACT 2013

pt hdg prev pt 9 hdg om R1 (see RA s 40)
pres pt 9 hdg ins 2013 No. 39 s 85

Reprints authorised under previous pt 6

s 51 prev s 51 om R1 (see RA s 40)
pres s 51 ins 2013 No. 39 s 85

Omission of s.35A (References to Chairman etc.)

s 52 om R1 (see RA s 40)

Omission of s.35BA (Naming of certain statutory instruments)

s 53 om R1 (see RA s 40)

Omission of s.35BB (Name of provision units in statutory instruments)

s 54 om R1 (see RA s 40)

Amendment of s.36 (Meaning of commonly used words and expressions)

s 55 om R1 (see RA s 40)

Omission of Part 12 (Reprints of legislation)

s 56 om R1 (see RA s 40)

Amendment of s.52

s 57 om R1 (see RA s 40)

PART 10—REPEALS

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

SCHEDULE 1—DICTIONARY

sch hdg ins 2013 No. 39 s 86

sch 1 Note—definitions for this Act were originally located in s 3.

def *current legislative drafting practice* reloc 2013 No. 39 s 77(4)

def *law* amd 1993 No. 76 s 3 sch 1; 1994 No. 15 s 3 sch 1; 1994 No. 87 s 3 sch 1

sub 2013 No. 39 s 77(1)–(2)

reloc 2013 No. 39 s 77(4)

def *made* ins 2013 No. 39 s 77(2)

def *make* om 2013 No. 39 s 77(1)

def *minor error* reloc 2013 No. 39 s 77(4)

def *pre-1992 reprint* ins 2013 No. 39 s 77(2)

def *previous reprint* ins 1994 No. 87 s 3 sch 1
om 2013 No. 39 s 77(1)

def *referential words* amd 1994 No. 15 s 3 sch 1
reloc 2013 No. 39 s 77(4)

def *remade* ins 2013 No. 39 s 77(2)

def *reprint* sub 2013 No. 39 s 77(1)–(2)

reloc 2013 No. 39 s 77(4)

def *reprint date* sub 2013 No. 39 s 77(1)–(2)

reloc 2013 No. 39 s 77(4)

def *subordinate legislation* om 2013 No. 39 s 77(1)