

# *Researching Queensland Legislation*

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## **PARLIAMENTARY PROCESS**

Queensland has a unicameral Parliament. The Legislative Council was abolished in 1922, leaving just the Legislative Assembly. Therefore the passage of a bill through Parliament is less complicated than in other Australian jurisdictions. The process is as follows:

- the bill is introduced by the sponsoring Minister and read a first time;
- the sponsoring Minister delivers the second reading speech outlining the policies behind the legislation;
- the debate is usually adjourned for at least 6 calendar days<sup>1</sup>;
- the second reading debate occurs, during which the policy of the bill is debated;
- the House resolves into the Committee of the Whole and considers the bill clause by clause, voting on each clause. Amendments to the bill are suggested and voted on at this stage;
- the bill is reported to the House with or without amendments;
- the bill is read a third time and passed by Parliament;
- the bill is given royal assent by the Governor

Once royal assent is given the bill becomes an act. Acts are given a running number each year reflecting the order in which they received royal assent. A Bills Register with details of the progress of bills is maintained by the Tables Office of the Queensland Parliament. The Register is available on the Internet<sup>2</sup>

Hansard is available on the Internet in full text from 1990<sup>3</sup>

For bills since 1992, an endnote providing details of the parliamentary process is included after each explanatory note in the annual bound volume of explanatory notes. Since 1993 this information has also been included as an endnote to the acts in the annual bound volume of acts as passed

## **BILLS AND EXPLANATORY NOTES**

Explanatory notes (ENs) have been produced for all Queensland bills since 1990.<sup>4</sup> They are distributed in green pamphlet form with the second reading print of a bill. They are rarely reissued, even when significant changes have been made during the passage of the bill

<sup>1</sup> Queensland *Standing Rules and Orders of the Legislative Assembly*, 1995 – Rule 241(d)

<sup>2</sup> see <http://www.parliament.qld.gov.au/tableoffice/index.htm>

<sup>3</sup> see <http://www.parliament.qld.gov.au/hansard/index.htm>

<sup>4</sup> *Legislative Standards Act 1992 (Qld)* Part 4

Separate explanatory notes are not issued for Statute Law Miscellaneous Bills. The notes are included in the text of the legislation, following the section to which they relate.

Since 1992, the explanatory notes have been bound in a separate volume as part of the annual volumes of Queensland acts. Because they are bound in the same year as the act to which they relate, they are not always in the same year as the bill. For example, the Workplace Relations Bill passed through Parliament in 1996, however it did not receive royal assent until 1997, becoming Act No. 1 of 1997. The explanatory notes are not included in the bound volume for 1996 but will be included in the 1997 bound volume.

Explanatory notes may be used as extrinsic material to interpret provisions of an Act<sup>5</sup>

Bills and explanatory notes are not currently available to the public in electronic format.

### **ACTS AS PASSED**

Acts are published in pamphlet form initially and then in bound volumes at the end of each year. Acts as passed are not currently available publicly in electronic form.

### **COMMENCEMENT**

The general rule is that Queensland acts commence on the date of royal assent unless the act otherwise expressly provides<sup>6</sup>

The proclamation for an act which does not commence on assent is made by the Governor in Council and published in the *Subordinate Legislation Series*. These proclamations are also notified in the *Queensland Government Gazette*.

An act which has not been brought into force by proclamation within one year of assent automatically commences the following day<sup>7</sup>. This period of postponement may be extended by regulation for up to two years<sup>8</sup>.

Commencement details for all legislation are included in the *Queensland Legislation Annotations* as updated by the *Queensland Legislation Update*.

### **SUBORDINATE LEGISLATION**

Since 1991 subordinate legislation has been published in pamphlet form in the *Subordinate Legislation Series* (SL), with bound volumes produced annually. Subordinate legislation is numbered consecutively within the relevant year and cited in the following way:

[Title] 1997 SL 372

Before July 1991, the text of subordinate legislation was published in the *Queensland Government Gazette*. Now it is merely notified in the *Gazette*. However, statutory instruments which are not classified as subordinate legislation under the *Statutory*

<sup>5</sup> *Acts Interpretation Act 1954 (Qld)* s 14B

<sup>6</sup> *Id* s 15A

<sup>7</sup> *Id* s 15DA(2)

<sup>8</sup> *Id* s 15DA(3)

*Instruments Act 1992*<sup>9</sup>, namely local laws, rules, orders, directions or practice of the Legislative Assembly and statutory rules that are declared not to be subordinate legislation, are still published in full in the *Gazette*.

Subordinate legislation comes into operation on the day it is notified or published in the *Queensland Government Gazette*<sup>10</sup>.

### **REGULATORY IMPACT STATEMENTS**

Since July 1995<sup>11</sup> Queensland government departments responsible for any subordinate legislation which is likely to impose an appreciable cost on the community, are required to prepare regulatory impact statements (RIS). A regulatory impact statement outlines the objectives of the subordinate legislation, the legislative intent, consistency with authorising law and other legislation, alternatives, cost-benefit assessment and evaluates the legislation's consistency with fundamental legislative principles. They are published as part of the *Subordinate Legislation Series*.

### **CITING QUEENSLAND LEGISLATION**

Until 1991 Queensland legislation was cited with two dates – the date of assent and the date of the last amendment. e.g. *Land Act 1962-1979*. Legislation is now cited by the short title and year of assent.

### **FORMS**

Until 1 December 1994<sup>12</sup> forms were frequently published as part of Queensland legislation or subordinate legislation. Now they need only be notified in the *Queensland Government Gazette* with details of where copies are available. To obtain a copy of a form it is necessary to contact the Department that administers the legislation. The *Queensland Legislation Annotations* lists the Departments which administer each piece of legislation. Forms are also contained in looseleaf publications such as *Queensland Conveyancing Law and Practice*.

### **REPRINTS**

The *Queensland Legislation Reprint Series* began in 1992. It contains reprints of both acts and subordinate legislation and amended and unamended legislation. Before the commencement of this series Queensland legislation was reprinted irregularly in the *Queensland Statute Reprint Series*. The aim of the new series is to reprint all current legislation and produce a new reprint each time there is a significant amendment.

<sup>9</sup> *Statutory Instruments Act 1992* (Qld) s 9(2)

<sup>10</sup> *Id* s 32

<sup>11</sup> *Id* Part 6

<sup>12</sup> *Statutory Instruments Act 1992* (Qld) s 58

Under the *Reprints Act 1992*<sup>13</sup> the series has official status and must be used in preference to any other version of the legislation. This is particularly important because under the *Reprints Act 1992*, editorial changes may be made to the text of the legislation when it is reprinted. Therefore the official reprinted version may differ markedly from the original legislation even with amendments inserted.

The aim of the *Queensland Legislation Reprint Series* is to facilitate the updating and ready availability of Queensland legislation and to modernise the text to conform with current legislative drafting practices. The changes to legislation allowed by the *Reprints Act 1992* are nonsubstantive in that they cannot affect the meaning of the legislation. They include :

- use of gender neutral language<sup>14</sup>;
- reordering definitions<sup>15</sup> and sections<sup>16</sup>;
- omission of expired provisions<sup>17</sup>, old savings, transitional or validation provisions<sup>18</sup>, obsolete or redundant provisions<sup>19</sup> and amending or repealing provisions<sup>20</sup>;
- renumbering provisions<sup>21</sup>; and,
- correction of minor errors.<sup>22</sup>

Each reprint contains extensive endnotes which explain the changes made in the process of reprinting. The endnotes may include:

- the date to which amendments are incorporated;
- a list of legislation, including the principal act, each amending act with the assent and commencement details of each;
- sectional annotations giving changes to each section with full details of the amending legislation which made the changes, including details of provisions which have been omitted or removed from the reprint;
- a table of corrected minor errors;
- a table of renumbered provisions – if the legislation has been renumbered more than once there will be a number of lists – the layout of these is not very clear and it is easy to miss the fact that there has been more than one round of renumbering; and,
- a table of uncommenced provisions, including the text of amendments which have not commenced at the date of the reprint.

Although the information contained in the endnotes to a reprint helps make sense of the reprint process, problems still arise. For example, many pieces of legislation have been renumbered, sometimes more than once. This makes tracing the development of a section very difficult and also has implications for finding case law on a section through citators, because you need to search by a number of sections to find judicial consideration of what is essentially a single section.

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<sup>13</sup> *Reprints Act 1992 (Qld)* s 48

<sup>14</sup> *Id* ss 24 and 25

<sup>15</sup> *Id* s 30

<sup>16</sup> *Id* s 30A

<sup>17</sup> *Id* s 37

<sup>18</sup> *Id* s 38

<sup>19</sup> *Id* s 39

<sup>20</sup> *Id* s 40

<sup>21</sup> *Id* s 43

<sup>22</sup> *Id* s 44

The removal of obsolete provisions is also problematic. Transitional provisions which have taken their course and provisions which merely amend other legislation are considered 'obsolete' and not included in a reprint. This creates difficulties for libraries that subscribe to the reprint series and not the acts as passed, as a reprint cannot be used to update an act. For example, the *Public Service Act 1996* which amended a large number of other acts was reprinted shortly after it came into force. The reprint removed all sections which amended other acts, therefore the reprint was useless for checking amendments made by the *Public Service Act 1996*.

### **SUBJECT INDEX**

There is no comprehensive subject index to Queensland legislation. The *Queensland Legislation Annotations* contains a very brief subject index in Table 4. Queensland Parliamentary Library has an Act database which provides subject treatment.

### **FINDING TOOLS**

Goprint, the Queensland government printer publishes a series of publications which are invaluable when working with and researching Queensland legislation. They are:

- Queensland Legislation Annotations: Current Legislation – published twice a year;
- Queensland Legislation Annotations: Repealed Legislation – published irregularly;
- Queensland Legislation Update Part 1 – published weekly; and,
- Queensland Legislation Update Part 2 – published monthly with each new reprint release.

### **Queensland Legislation Annotations: Current Legislation**

#### **Table 1 – Alphabetical Table of Current Queensland Legislation**

Table 1 lists all legislation in force in alphabetical order and provides the following details in relation to each act:

- administering Minister;
- original act including assent and commencement details;
- amending acts including assent and commencement details as they relate to the principal act;
- sectional details for amendments since the last reprint. Previous sectional details are included in the reprint and are therefore not reproduced;
- reprint history; and,
- subordinate legislation and other statutory instruments, listed under the empowering act, and including full details of commencement, amendment and reprint.

**Table 1 – Table of Current Queensland Legislation**

**Keno Act 1996**

**Administering Minister**

Deputy Premier, Treasurer and Minister for the Arts

**Original Act**

**Keno Act 1996 No. 47** [Vol 1996 p 1339]

date of assent 15 November 1996

commenced on date of assent

**TABLE OF REPRINTS**

Reprint No	Includes amendments up to	Reprint date	Renumbered under RA	Correction notice
1		6 December 1996		

**List of annotations to Act**

See latest reprint

**Regulation**

**Keno Regulation 1997 SL No.149** [SL Vol 1997 p 978]

made by the Governor in Council on 16 June 1997

notfd gaz 16 June 1997 pp 779–80

commenced on date of notification

exp 16 June 2007 (see SIA s 54)

**Rule**

**Keno Rule 1997 SL No 147** [SL Vol 1997 p960]

made by the Minister on 10 June 1997

notfd gaz 13 June 1997 pp 759–60

commenced on date of notification

exp 10 June 2007 (see SIA s54)

**Amending legislation**

**Keno Amendment Rule (No 1) 1997 SL No 160** [SL Vol 1997 p1040]

notfd gaz 20 June 1997 pp 879–82

commenced on date of notification

**TABLE OF REPRINTS**

Reprint No	Includes amendments up to	Reprint date	Renumbered under RA	Correction notice
1	1997 SL No 160	20 June 1997		

**List of annotations to rule**

See latest reprint

*Figure 1: Queensland Legislation Annotations: Current Legislation. Issue 11 (1997).*

**Queensland Legislation Annotations: Repealed Legislation**

When legislation is repealed, all information regarding its commencement and amendment is removed from the *Queensland Legislation Annotations: Current Legislation* and a brief entry is made in the *Queensland Legislation Annotations: Repealed Legislation*. Even though the *Queensland Legislation Annotations: Current Legislation* volumes are cumulative, most libraries keep the old issues in order to preserve the detailed annotations relating to legislation that has subsequently been repealed.

## Queensland Legislation Update, Part 1, Update to Queensland Legislation Annotations with Tables of Bills Introduced and Acts Assented To

### Table 1.1 – Table of New and Amended Legislation

Table 1.1 is a cumulative update to the *Queensland Legislation Annotations: Current Legislation*. The table updates from the cut off date for the current issue of the Annotations

Like the Annotations, the Update lists acts in alphabetical order with details of recent amendments. The Update does not contain details of the administering Minister, sectional annotations or reprint information. However, unlike the Annotations the Update includes details of current bills, which will amend the legislation if passed

Juvenile Justice Act 1992
<ul style="list-style-type: none"> <li>• amd by Criminal Law Amendment Act 1997 No 3 ss 1, 2(2), 122 sch 2</li> <li>• amd by Justice and Other Legislation (Miscellaneous Provisions) Act (No 2) 1997 No 82 ss 1–2 pt 15</li> </ul> <p style="margin-left: 40px;">date of assent 5 December 1997 ss 1–2 commenced on date of assent remaining provisions <u>not yet proclaimed into force</u></p> <p><b>Form</b></p> <p style="margin-left: 40px;">Form 4 Version 3—Community Conference Inquiry Form pubd gaz 5 September 1997 p 62</p>

*Figure 2: Queensland Legislation Update, Part 1. Table 1.1 Table of New and Amended Legislation. Release no. 10.*

### Table 1.2 – Table of Repealed Queensland Legislation

Table 1.2 is a cumulative update to the *Queensland Legislation Annotations: Repealed Legislation*. It lists, in alphabetical order, legislation that has been repealed since the main volume was issued.

### Table 1.4 – Alphabetical Table of Bills Introduced and Acts Assented To

Table 1.4 gives details of the parliamentary process for bills introduced during the current calendar year. The bills are listed alphabetically and those that do not pass through all parliamentary stages in a calendar year are included in the table for the following year. The table does not include commencement details for acts which are to commence on proclamation. This information is contained in Table 1.1.

**Table 1.4 Alphabetical Table of Bills Introduced and Acts Assented To**

Act/Bill	Act No.
<i>Sports Drug Testing Bill 1997</i>	
<i>(Bill withdrawn 11 July 1997)</i>	
First reading:	7 August 1996
Minister's second reading speech:	7 August 1996
Second reading:	
Committee:	
Amended in Committee:	
Third Reading	
Date of assent:	
<b>STATUTE LAW (MISCELLANEOUS PROVISIONS ) ACT 1997</b>	<b>81</b>
First reading:	29 October 1997
Minister's second reading speech:	29 October 1997
Second reading:	27 November 1997
Committee:	27 November 1997
Amended in Committee:	Yes— sch amd
Third Reading:	27 November 1997
Date of assent:	5 December 1997

*Figure 3: Queensland Legislation Update, Part 1. Table 1.4 Alphabetical Table of Bills Introduced and Acts Assented To. Release no. 10.*

**Queensland Legislation Update, Part 2. Table of Queensland Legislation Reprints**

**Table 2.1 – Table of Current Queensland Legislation Reprints**

Table 2.1 lists alphabetically, legislation that is reprinted in the Queensland Legislation Reprint series with details of the latest reprint. Subordinate legislation is listed under the empowering act.

Details of amending acts or bills since the last reprint are also included. Always check the *Queensland Legislation Update, Part 1* which is issued weekly, for amendments made since the issue of *Part 2*.

<b>TABLE 2.1—TABLE OF CURRENT QUEENSLAND LEGISLATION REPRINTS—</b>	
Legislation	Reprint No.
Community Services (Torres Strait) Act 1984 <sup>5</sup>	1
Ⓢ amd by 1996 Act No. 37	
Ⓢ amd by 1996 Act No. 54	
Ⓢ amd by 1996 Act No. 75	
• Community Services (Torres Strait) Regulation 1985	1
Ⓢ amd by 1996 SL No. 151	
Ⓢ amd by 1996 SL No. 236	
Ⓢ amd by 1996 SL No. 394	
Ⓢ amd by 1997 SL No. 68	
amd by 1997 SL No. 450	
Companies (Acquisition of Shares ) (Application of Laws) Act 1981	1

*Figure 4: Queensland Legislation Update, Part 2. Tables of Queensland Legislation Reprints. Table 2.1 Table of Current Queensland Legislation Reprints. Release no. 59.*



## Table 2.2 – Table of Queensland Statutes Reprints

Table 2.2 lists all legislation reprinted in the old series of reprints for which there has not been a reprint in the Queensland Legislation Reprint series

### *HOW TO FIND UP-TO-DATE QUEENSLAND LEGISLATION*

- 1 Check *Table 2.1 Table of Current Queensland Legislation Reprints* to determine whether the legislation has been reprinted in the *Queensland Legislation Reprint series* (new series)
- 2 If not, check *Table 2.2 Table of Queensland Statutes Reprints* to determine whether the legislation been reprinted in the *Queensland Statutes Reprint series* (old series)
- 3 If not – use the act as passed
- 4 Up-date the legislation from the relevant cut off date using the *Queensland Legislation Annotations* and the *Queensland Legislation Update*.

### *ELECTRONIC LEGISLATION*

Full text of Queensland legislation reprints is available on CD-ROM from Aunty Abha and Computer Law Services. It is also available online via *Themis*, provided by the Queensland Law Foundation. There are plans to make Queensland legislation freely available on the Internet, however at present it is unclear what form this will take and when it will be available.