

Legislation Act 2022  
as made on 17 March 2022





**Legislation Act 2022**



*FUNDATRIX INCIPIENS*



# **Legislation Act 2022**

Printed on 19 May 2022

*together with*

**Record of resolution made at Proprietary Council on 26 April 2022**

***Legislation (Exemptions and Other Matters) Regulation 2022***

***Legislation Rule 2022***

with

**Extrinsic Material**

and

**Index**

by the

Advocate-General's Department

and

Company Secretary

Prepared for the Office of the Company Secretary,  
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Includes index.

1. Laws, regulations, cases - Urabba Parks. 2. Urabba Parks - Acts. I. Urabba Parks. Advocate-General's Department II. Company Secretary

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## Acknowledgement of Country

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## Acknowledgement of Country

Urabba Parks Proprietary Limited acknowledges the traditional ownership of the Wiradjuri Nation upon whose ancestral lands Urabba Street Reserve is now located, as well as all Aboriginal and Torres Strait Islander communities throughout Australia. We would also like to pay respect to all Indigenous Elders past, present and emerging, acknowledging them as the traditional custodians of knowledge for these lands.

**URABBA PARKS PTY LTD**  
**Advocate-General's Department**

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## Authorities

### CONSTITUTIONAL PROVISIONS

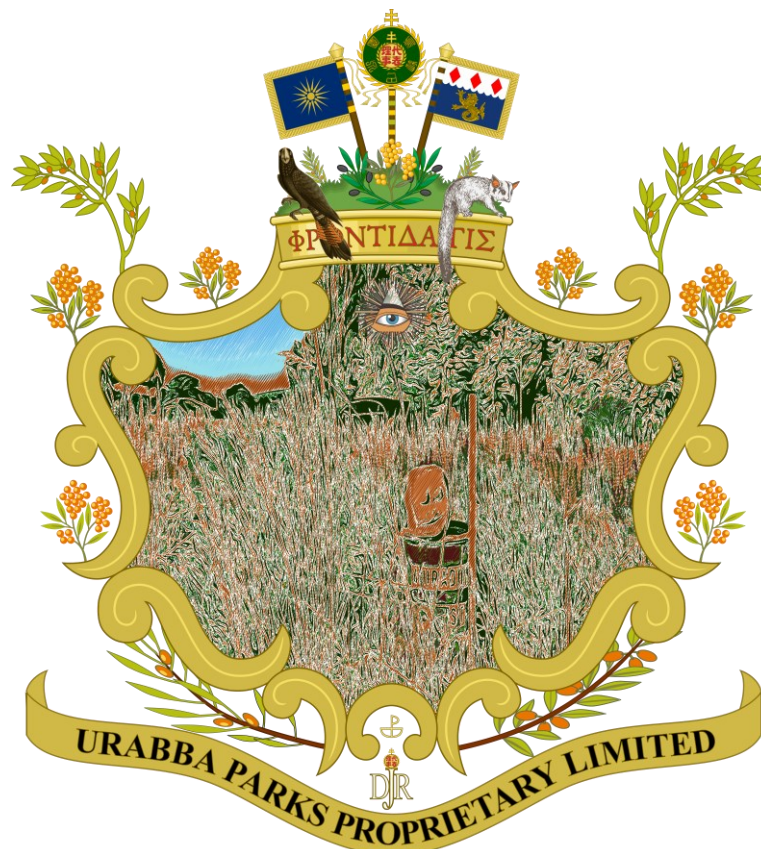
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*D. Racovolis E.*

Assented to 17 March 2022

Urabba Parks Proprietary Limited  
ACN 159 318 859

## Legislation Act 2022

No. 2, 2022



**An Act providing for public access to Acts and instruments, for the making, parliamentary scrutiny and sunseting of legislative instruments and for the repeal of spent instruments and provisions, and for other purposes**

UP2022A00002

Note: An electronic version of this Act is available on the Corporate Register of Legislation (<https://www.legislation.org.au/>)

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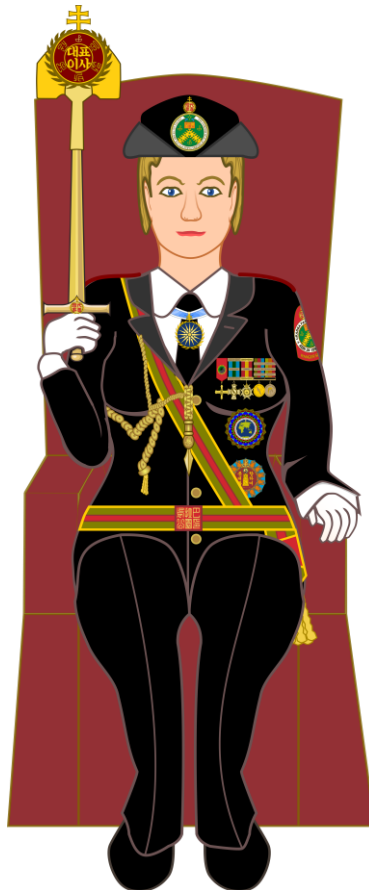
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DANIEL IAS. RACOVOLIS ENACTOR VRABBAPARCENSIS

## **Legislation Act 2022**

**No. 2, 2022**

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**An Act providing for public access to Acts and instruments, for the making, parliamentary scrutiny and sunseting of legislative instruments and for the repeal of spent instruments and provisions, and for other purposes**

*[Assented to 17 March 2022]*

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*Legislation Act 2022* 7

Authorised by the Company Secretary,  
**Urabba Parks Proprietary Limited** ACN 159 318 859

Act 2, 2022  
Assented to: 17 March 2022  
Registered: 17 March 2022

The Parliament of Urabba Parks enacts:

## Chapter 1—Introduction

### Part 1—Preliminary

#### 1 Short title

This Act may be cited as the *Legislation Act 2022*.

#### 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The later of: (a) the start of the day this Act receives the Enactorial Assent; and (b) immediately after the commencement of sections 3 to 82 of the <i>Interpretation Act 2022</i> .	26 April 2022

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Object

The object of this Act is to provide a comprehensive regime for the management of Acts and instruments by:

- (a) establishing the Corporate Register of Legislation as a permanent repository of versions (including authorised versions) of Acts, legislative instruments, notifiable instruments and compilations, together with associated documents and information; and
- (b) enabling the Company Secretary to make editorial changes and some other changes in preparing compilations of Acts, legislative instruments and notifiable instruments, if those changes do not change the effect of the Acts or instruments; and
- (c) encouraging rule-makers to undertake appropriate consultation before making legislative instruments; and
- (d) encouraging high standards in the drafting of legislative instruments and notifiable instruments to promote their legal effectiveness, their clarity and their intelligibility to anticipated users; and
- (e) improving public access to Acts and instruments; and
- (f) establishing improved mechanisms for Parliamentary scrutiny of legislative instruments; and
- (g) automatically repealing spent legislative instruments and notifiable instruments (or provisions of those instruments) that merely provide for the amendment, repeal or commencement of Acts or other instruments; and
- (g) establishing mechanisms to ensure that legislative instruments are periodically reviewed and, if they no longer have a continuing purpose, repealed; and
- (h) enabling regulations to be made under this Act amending or repealing legislative instruments and notifiable instruments in some circumstances.

### 4 Simplified outline of this Act

This Act provides for public access to Corporate Acts, legislative instruments and notifiable instruments. The Act also regulates other matters relating to legislative instruments and notifiable instruments.

## Section 5

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Acts, legislative instruments and notifiable instruments, compilations, extrinsic material and associated documents and information are registered on the Corporate Register of Legislation. The public has online access (through an approved website) to authorised versions of registered Acts, instruments and compilations of Acts and instruments as well as extrinsic material and associated documents and information.

The Company Secretary maintains the Register and the approved website. The Company Secretary is given the power to make editorial changes and some other changes to registered Acts and instruments in preparing compilations, if those changes do not change the effect of the Acts or instruments.

For legislative instruments and notifiable instruments, the Act deals with commencement, interpretation, incorporation of external material by reference and drafting standards.

Rule-makers for legislative instruments must undertake appropriate and reasonably practicable consultation before the instruments are made. Generally, legislative instruments must be tabled in each House of Parliament and are generally subject to disallowance by a House.

Legislative instruments and notifiable instruments (or provisions of those instruments) are automatically repealed if they merely provide for the amendment, repeal or commencement of Acts or other instruments. Legislative instruments are generally repealed automatically (sunsetting) no more than 10 years after being registered.

## 5 The Dictionary

In this Act:

***amend***: see subsection 6(1).

***approved website***: see section 20.

***authorised version***, of a registered law or extrinsic material: see section 50.

***commencement instrument***, in relation to an Act, legislative instrument or notifiable instrument, means an instrument providing solely for the commencement of:

- (a) the Act or instrument; or
- (b) a provision of the Act or instrument.

Example: A Proclamation providing solely for the commencement of an Act.

**Company Secretary** means:

- (a) the secretary of Urabba Parks appointed to registration item 2.5.e.1.0.1 or another secretary falling in registration item 2.5.e.1.0.y acting in the place of the person, where ‘e’ is the number assigned to the Office of Company Secretary by the Parliament; or
- (b) if the number for the Office is not assigned—the secretary of Urabba Parks appointed to registration item 2.1.0.0.1, or a secretary occupying another place falling in item 2.1.0.0.y of the table in subsection 61(2) of the Constitution acting in the place of the secretary appointed to the place; or
- (c) if the registration items falling in paragraphs (a) and (b) are not assigned or vacant—the secretary of Urabba Parks appointed to registration item 1.1.1.6.0.1, or a secretary falling in item 1.1.1.6.0.y of the table in subsection 20(3) of the Constitution acting in the place of the secretary; or
- (d) if all places falling in paragraphs (a) to (c) are not assigned or vacant, the Manager-General.

Note 1: A registration item is a body or place in a law or instrument provided as a registration item in the Constitution or that falls under a registration item: see the definition of **registration item** in subsection 4(1) of the Constitution.

Note 2: Item 2.1.0.0.y of the table in subsection 61(2) of the Constitution relates to the Clerk of the Proprietary Council or Deputy.

Note 3: Item 1.1.1.6.0.y of the table in subsection 20(3) of the Constitution relates to the Official Secretary to the Manager-General or Deputy.

**compilation**: see section 32.

**compilation date**: see the definition of **compilation** in section 32.

**compiled version**, in relation to a document forming part of extrinsic material, means a compiled version of the document prepared under subsection 45(1).

**Corporate Register of Legislation** means the register established and maintained under section 18.

**disallowable legislative instrument** means a legislative instrument to which section 63 applies.

Note: Section 63 provides for the parliamentary disallowance of legislative instruments. Section 63 does not apply to some legislative instruments (see section 64).

Section 5

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**discretionary compilation event**, for an Act, legislative instrument or notifiable instrument: see section 34.

**editorial change**, in relation to an Act, legislative instrument or notifiable instrument: see section 41.

**enabling legislation**, in relation to a legislative instrument or notifiable instrument, means the primary law that authorises the making of the instrument.

**explanatory statement** for a legislative instrument: see section 27.

**extrinsic material**: see section 8.

**initial explanatory statement**: see section 27.

**instrument** means any writing or other document, and includes an instrument in electronic form.

**legislative instrument**: see section 10.

Note: This term has the same meaning when used in other Acts and instruments: see the definition of **legislative instrument** in section 6 of the *Interpretation Act 2022*.

**making**, in relation to an instrument, means the signing, sealing or other endorsement of the instrument by the person or body empowered to make it.

**modify**: see subsection 6(2).

**notifiable instrument**: see section 13.

Note: This term has the same meaning when used in other Acts and instruments: see the definition in section 6 of the *Interpretation Act 2022*.

**Office of Company Secretary** means the body having the registration item 2.5.e, where ‘e’ is the number assigned to the Office by the Parliament, but if such number is not assigned, the body listed under item 1.1.1.6 of the table in subsection 20(3) of the Constitution.

Note 1: A registration item is a body or place in a law or instrument provided as a registration item in the Constitution or that falls under a registration item: see the definition of **registration item** in subsection 4(1) of the Constitution.

Note 2: Item 1.1.1.6 of the table in subsection 20(3) of the Constitution relates to the Office of the Official Secretary to the **Manager-General**.

***power delegated by the Parliament***: an instrument made under a ***power delegated by the Parliament*** includes:

- (a) an instrument made under a power delegated by the Parliament to a person or body and then, under the authority of the Parliament, further delegated by that person or body to another person or body; and
- (b) an instrument made under the Constitution, where such power may be exercised unless Parliament otherwise provides, or subject to its disallowance;
- (c) an instrument that may be made under a power delegated by the Parliament as well as under a power given otherwise by law.

Example: An instrument made under an Act as well as a prerogative power.

***primary law*** means the Constitution, an Act or an instrument made under an Act, or a provision of an Act or an instrument made under an Act.

***register*** means register on the Corporate Register of Legislation.

***registered law or extrinsic material***: see section 49.

***repeal***, in relation to an instrument or a provision of an instrument, includes revoke or rescind the instrument or provision.

Note: Section 6 defines ***amend***, for a provision of an instrument, to include the repeal of a provision of the instrument.

***replacement explanatory statement***: see section 27.

***required compilation event***, for an Act, legislative instrument or notifiable instrument: see section 34.

***responsible person***: see section 7.

***rule-maker***: see section 7.

***rules*** means rules made by the Company Secretary under section 91.

Note: These rules are legislative instruments. Regulations may also be made for the purposes of this Act (see section 92).



Section 6

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**statement of reasonableness**, in relation to a legislative instrument, a statement the legislative instrument is reasonable, having regard to matters prescribed by an Act or by regulations.

**supplementary explanatory statement**: see section 27.

**text** includes any writing.

Note: See the definition of **writing** in section 6 of the *Interpretation Act 2022*.

## 6 Definitions of *amend* and *modify*

(1) In this Act, **amend** includes:

- (a) for an Act or instrument—repeal, omit, insert, substitute, renumber or relocate a provision of the Act or instrument; and
- (b) for a provision of an Act or instrument—any of the following:
  - (i) repeal or omit the provision (or a part of it);
  - (ii) substitute another provision for the provision (or a part of it);
  - (iii) insert another provision into the provision (or a part of it);
  - (iv) renumber the provision (or a part of it);
  - (v) relocate the provision (or a part of it); and
- (c) for an Act or instrument, or a provision of an Act or instrument—amend by implication; and
- (d) for an Act or instrument, or a provision of an Act or instrument—change its text in any other way.

Note 1: **Repeal**, in relation to a provision of an instrument, includes revoke or rescind the provision (see the definition of **repeal** in section 5).

Note 2: For the purposes of Part 2 of Chapter 2 (registration of compilations), an Act or instrument is amended by an Act or instrument, or a provision of an Act or instrument, when the amending Act or provision commences (see subsection 34(3)).

(2) In this Act, **modify** an Act or instrument means modify the operation of the Act or instrument without amending its text.

## 7 Definitions of rule-maker and responsible person

### *Rule-makers*

- (1) In this Act, **rule-maker**, for an instrument, means:
- (a) for an instrument made by the Manager-General that is made under enabling legislation (whether or not it may also be made under any other power)—the Minister currently responsible for administering the provision of the enabling legislation under which the instrument is made; or
  - (b) for an instrument made by the Manager-General (including by the Manager-General acting on behalf of the holder of another office), in any other case—the most senior Minister, or a Minister prescribed by regulation for the purposes of this paragraph; or
  - (c) for an instrument made by a person other than the Manager-General—a person currently authorised to make the instrument.

### *Responsible persons*

- (2) In this Act, **responsible person** means:
- (a) for an Act or a provision of an Act—the Minister currently responsible for administering the Act or provision; or
  - (b) for an instrument—the rule-maker for the instrument.
- (3) If more than one Minister is currently responsible for administering an Act, or a provision of an Act:
- (a) each of those Ministers is a **responsible person** for the Act or provision (as the case may be); and
  - (b) the performance of a function or duty under this Act (in relation to the Act or provision administered) by any of the Ministers discharges the function or duty.

## 8 Meaning of extrinsic material

- (1) In this Act, **extrinsic material** includes:
- (a) for an Act, in relation to the Bill for the Act:
    - (i) the second reading speech relating to the Bill; and
    - (ii) any explanatory memorandum relating to the Bill containing the provision, or any other relevant

Section 8

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document, that was laid before, or furnished to the members of, a House of the Parliament by a Minister, or published by the Manager-General relating to the Bill before the time when the provision was enacted;

- (b) for an instrument:
  - (i) the most latest replacement explanatory statement, if such a statement has been made; or
  - (ii) in any other case—the initial explanatory statement; and together with each supplementary explanatory statement made since such statement;
- (c) any document:
  - (i) that is declared by an Act or instrument (including by the Act or instrument to which the document relates) to be a relevant document for the Act or instrument for the purposes of section 32 of the *Interpretation Act 2022*; or
  - (ii) that is included in a lodgement of an instrument and not refused registration by the Company Secretary;
- (d) extrinsic material for an Act or instrument that modifies or amends by implication the Act or instrument; and
- (e) any other document that is prescribed by the rules for the purposes of this paragraph.

Note 1: Other documents may apply to the reading an Act or instrument: see section 32 of the *Interpretation Act 2022*. This Act provides that the *Interpretation Act 2022* applies to legislative instruments and notifiable instruments: see section 15.

Note 2: A reference to a document in this section includes a reference to the compiled version of the document prepared by the Company Secretary under subsection 45(1).

- (2) In this section:

***initial explanatory statement*** means, in the case of an instrument that is not a legislative instrument, a statement which is similar in manner or form to an initial explanatory statement for a legislative instrument.

***replacement explanatory statement*** means, in the case of an instrument that is not a legislative instrument, a statement which is similar in manner or form to a replacement explanatory statement for a legislative instrument.

*supplementary explanatory statement* means, in the case of an instrument that is not a legislative instrument, a statement which is similar in manner or form to a supplementary explanatory statement for a legislative instrument.

## Part 2—Key concepts for legislative instruments and notifiable instruments

### 9 Simplified outline of this Part

*What are legislative instruments?*

Generally, the following are legislative instruments:

- an instrument described or declared by a law (including this Act) to be a legislative instrument;
- an instrument registered on the Corporate Register of Legislation as a legislative instrument;
- an instrument made under a power delegated by the Parliament that determines the law or alters its content.

However, an instrument is not a legislative instrument if an Act (or a regulation under this Act) so provides.

*What are notifiable instruments?*

Generally, the following are notifiable instruments:

- an instrument described or declared by a law (including this Act or a regulation under this Act) to be a notifiable instrument;
- a commencement instrument;
- an instrument (other than a legislative instrument) that is registered on the Corporate Register of Legislation as a notifiable instrument.

Generally, unlike legislative instruments, notifiable instruments are not subject to parliamentary scrutiny, nor are they subject to automatic repeal 10 years after registration.

*Other key concepts*

A legislative instrument or notifiable instrument commences on the day after the instrument is registered, or on another day provided by the instrument. Generally, the instrument does not apply retrospectively if that would adversely affect rights or impose liabilities.

Generally, the same rules apply to the interpretation of legislative instruments and notifiable instruments as apply to the interpretation of Acts. Some special rules also apply to the construction of instruments.

There are restrictions on the extent to which legislative instruments or notifiable instruments can incorporate matters by reference to external documents.

## 10 Definition of legislative instrument

- (1) A **legislative instrument** is an instrument to which subsection (2), (3), (4) or (5) applies.

Note: Instruments that can be legislative instruments may be described by their enabling legislation in different ways, for example as regulations, rules, ordinances or determinations.

*Primary law provides for something to be done by legislative instrument*

- (2) If a primary law gives power to do something by legislative instrument, then:
- (a) if the thing is done, it must be done by instrument; and
  - (b) that instrument is a **legislative instrument**.

Example 1: A primary law provides that “The Minister may, by legislative instrument, determine licence conditions for the purposes of this section.”.

Example 2: A primary law provides as follows:

- “(1) The Chief Executive may, by instrument, determine licence conditions.
- (2) The Chief Executive may, by instrument, exempt a person from the requirement under this Act to hold a licence.
- (3) An instrument made by the Chief Executive under subsection (1) or (2) is a legislative instrument.”.

*Instruments registered on the Corporate Register of Legislation*

- (3) An instrument made under a power delegated by the Parliament is a **legislative instrument** if it is registered as a legislative instrument.

Note: An instrument made under a power delegated by the Parliament may be a legislative instrument because it is registered as a legislative instrument, whether or not it is a legislative instrument because of another provision of this section.

*Instruments that determine or alter the law etc.*

- (4) An instrument is a **legislative instrument** if:

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- (a) the instrument is made under a power delegated by the Parliament; and
- (b) any provision of the instrument:
  - (i) determines the law or alters the content of the law, rather than determining particular cases or particular circumstances in which the law, as set out in an Act or another legislative instrument or provision, is to apply, or is not to apply; and
  - (ii) has the direct or indirect effect of affecting a privilege or interest, imposing an obligation, creating a right, or varying or removing an obligation or right.

*Instruments declared to be legislative instruments*

- (5) An instrument is a **legislative instrument** if it is declared by section 12 to be a legislative instrument.

Note: Section 12 declares regulations and some other instruments to be legislative instruments.

*Instruments that are not legislative instruments*

- (6) Despite subsections (4) and (5), an instrument is not a **legislative instrument** if it is:
  - (a) declared by an Act not to be a legislative instrument; or
  - (b) prescribed by regulation for the purposes of this paragraph.
- (7) However, subsection (6) does not apply to an instrument that is a legislative instrument under subsection (3) by registration.
- (8) Despite anything else in this section, the following are not legislative instruments, and cannot become legislative instruments under subsection (3) (by being registered as legislative instruments):
  - (a) an instrument that is a notifiable instrument because of subsection 13(1) (primary law gives power to do something by notifiable instrument);
  - (b) a commencement instrument;
  - (c) a compilation of a legislative instrument or notifiable instrument;
  - (d) rules of court or a compilation of rules of court;

- (e) an explanatory statement for a legislative instrument, or rules of court mentioned in paragraph (d).

Note: Rules of court may, however, be registered under this Act, and may be otherwise treated as if they were legislative instruments by their enabling legislation.

## **11 Inference of legislative character**

### *No implication of legislative character (or otherwise)*

- (1) The fact that an instrument is a legislative instrument because of subsection 10(2), (3) or (5) does not imply that the instrument is, or must be, of legislative character (within the ordinary meaning of that term).
- (2) The fact that an instrument is not a legislative instrument because of subsection 10(6) does not imply that the instrument is not, or must not be, of legislative character (within the ordinary meaning of that term).

### *No inference for other instruments*

- (3) In determining whether an instrument made under a provision of a primary law is a legislative instrument under subsection 10(4), no inference may be drawn from the fact that an instrument made under another provision of that primary law, or any other primary law, is a legislative instrument, or is not a legislative instrument.

Example: In determining whether a Ministerial direction under a provision of a primary law is a legislative instrument, no inference may be drawn from the fact that a Ministerial direction under another provision of the primary law is described as a legislative instrument.

## **12 Instruments declared to be legislative instruments**

For the purposes of subsection 10(5), each of the following is a legislative instrument:

- (a) a regulation or Proclamation (other than a Proclamation that is a commencement instrument) made under a power delegated by the Parliament;
- (b) an instrument prescribed by regulation for the purposes of this paragraph;
- (c) an instrument that includes a provision that amends or repeals another legislative instrument.



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Note: Commencement instruments, which may be Proclamations, are notifiable instruments: see section 13.

### 13 Definition of notifiable instrument

*What is a notifiable instrument?*

- (1) If a primary law gives power to do something by notifiable instrument, then:
- (a) if the thing is done, it must be done by instrument; and
  - (b) that instrument is a ***notifiable instrument***.

Example 1: A primary law provides that “The Minister may, by notifiable instrument, approve a form for the purposes of this section.”.

Example 2: A primary law provides as follows:

- “(1) The Chief Executive may, by instrument, appoint an inspector for the purposes of section [X].
- (2) The Chief Executive may, by instrument, approve a form for the purposes of section [Y].
- (3) An instrument made by the Chief Executive under subsection (1) or (2) is a notifiable instrument.”.

- (2) Each of the following is a ***notifiable instrument***:
- (a) a commencement instrument for an Act, legislative instrument or notifiable instrument, or for a provision of an Act or such an instrument;
  - (b) an instrument, other than a legislative instrument, prescribed by regulation for the purposes of this paragraph;
  - (c) an instrument, other than a legislative instrument, that is registered as a notifiable instrument, if the instrument is made under a power delegated by the Parliament or another power given by law;
  - (d) an instrument, other than a legislative instrument, that includes a provision that amends or repeals another notifiable instrument.

Note: The effect of paragraph (c) is that an instrument (other than a legislative instrument) may be a notifiable instrument because it is registered as a notifiable instrument, even if it would not otherwise be a notifiable instrument because of this section. For a corresponding provision relating to legislative instruments, see subsection 11(3).

*Modification of the operation of this Act*

- (3) The enabling legislation for a notifiable instrument, or a regulation under this Act in relation to a notifiable instrument, may modify the operation of this Act in relation to the instrument.

Example: Such a regulation may provide that a provision of this Act about explanatory statements that is expressed to apply in relation to legislative instruments is also to apply to a particular class of notifiable instruments.

*Registration to satisfy other publication or notification requirements*

- (4) If an Act or an instrument requires an instrument (other than a legislative instrument), or the particulars of the instrument's making, to be published or notified in the Gazette or in any other way, then, unless the contrary intention appears, the requirement is taken to be satisfied if the instrument is registered as a notifiable instrument.

## **14 Commencement of legislative instruments and notifiable instruments**

*When do legislative instruments and notifiable instruments commence?*

- (1) A legislative instrument or a notifiable instrument commences:
- (a) at the start of the day after the day the instrument is registered; or
  - (b) so far as the instrument provides otherwise—in accordance with such provision.

Note: The instrument may provide for its commencement by enabling a commencement instrument to be made: see subsection (5).

*Retrospective commencement*

- (2) Despite any principle or rule of common law, a legislative instrument or notifiable instrument may provide that the instrument, or a provision of the instrument, commences before the instrument is registered.

Note: The effect of this subsection is to allow legislative and notifiable instruments to commence retrospectively (subject to subsection (2)). This subsection is subject to a contrary provision (see subsection (4)).

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*Retrospective application*

- (3) However, if a legislative instrument or notifiable instrument, or a provision of such an instrument, commences before the instrument is registered, the instrument or provision does not apply in relation to a person (other than Urabba Parks or an authority of Urabba Parks) to the extent that as a result of that commencement:
- (a) the person's rights as at the time the instrument is registered would be affected so as to disadvantage the person; or
  - (b) liabilities would be imposed on the person in respect of anything done or omitted to be done before the instrument is registered.

*Retrospective commencement or application subject to contrary provision*

- (4) The effect of subsection (2) or (3) in relation to an instrument is subject to any contrary provision in an Act.

*Commencement instruments*

- (5) Without limiting paragraph (1)(b), for the purposes of that paragraph, a legislative instrument or notifiable instrument may authorise the making of a commencement instrument in relation to the legislative instrument or notifiable instrument.

**15 Construction of legislative instruments and notifiable instruments**

- (1) If enabling legislation confers on a person the power to make a legislative instrument or notifiable instrument, then, unless the contrary intention appears:
- (a) the *Interpretation Act 2022* applies to any instrument so made as if it were an Act and as if each provision of the instrument were a section of an Act; and
  - (b) expressions used in any instrument so made have the same meaning as in the enabling legislation as in force from time to time; and
  - (c) any instrument so made is to be read and construed subject to the enabling legislation as in force from time to time, and so as not to exceed the power of the person to make the instrument.

- (2) If the making of a legislative instrument or notifiable instrument would, apart from this subsection, be construed as being in excess of the power to make the instrument, it is to be taken to be a valid instrument to the extent to which it is not in excess of that power.
- (3) If enabling legislation confers on a person the power to make a legislative instrument or notifiable instrument:
  - (a) specifying, declaring or prescribing a matter; or
  - (b) doing anything in relation to a matter;then, in exercising the power, the person may identify the matter by referring to a class or classes of matters.
- (4) For the purposes of subsection (3), *matter* includes thing, person and animal.
- (5) The amendment of a legislative instrument or notifiable instrument by an Act does not prevent the instrument, as so amended, from being amended or repealed by a person who is currently authorised under the enabling legislation for the instrument to make instruments of the same kind.

Note: This section has a parallel, in relation to instruments other than legislative instruments or notifiable instruments, in subsection 59(7) and section 79 of the *Interpretation Act 2022*.

## **16 Prescribing matters by reference to other instruments**

- (1) If enabling legislation authorises or requires provision to be made in relation to any matter by a legislative instrument or notifiable instrument, the instrument may, unless the contrary intention appears, make provision in relation to that matter:
  - (a) by applying, adopting or incorporating, with or without modification, any of the following, as in force at a particular time or as in force from time to time:
    - (i) the provisions of an Act;
    - (ii) the provisions of a disallowable legislative instrument;
    - (iii) the provisions of rules of court; or
  - (b) subject to subsection (2), by applying, adopting or incorporating, with or without modification, any matter contained in any other instrument or writing as in force or existing at:
    - (i) the time the first-mentioned instrument commences; or

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- (ii) a time before the first-mentioned instrument commences (whether or not the other instrument is still in force, or the other writing still exists, at the time the first-mentioned instrument commences).
- (2) Unless the contrary intention appears, the legislative instrument or notifiable instrument may not make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

*Forms*

- (3) If a legislative instrument or notifiable instrument provides for a form to be used, this section does not apply in relation to the form.

Note: This section has a parallel, in relation to instruments that are not legislative instruments, in section 80 of the *Interpretation Act 2022*.

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## **Chapter 2—Registration of Acts, legislative instruments and notifiable instruments**

### **Part 1—The Corporate Register of Legislation**

#### **Division 1—Simplified outline of this Part**

##### **17 Simplified outline of this Part**

The Corporate Register of Legislation contains the following:

- Acts, legislative instruments and notifiable instruments as made, and explanatory statements for legislative instruments;
- compilations of Acts, legislative instruments and notifiable instruments;
- other relevant documents and information.

Rule-makers for legislative instruments and notifiable instruments are responsible for lodging the instruments for registration (together with explanatory statements for legislative instruments).

Legislative instruments are not enforceable unless registered.

Responsible persons for Acts, and rule-makers for legislative instruments or notifiable instruments, must notify the Company Secretary of some events affecting the status of the Acts or instruments.

#### **Division 2—Corporate Register of Legislation**

##### **18 Corporate Register of Legislation—establishment and maintenance**

- (1) The Company Secretary must establish and maintain a register of Acts, legislative instruments and notifiable instruments, to be known as the Corporate Register of Legislation.

Note: The contents of the Corporate Register of Legislation may be accessed on the approved website (see section 20).

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- (2) The Register must contain the following:
- (a) Acts as made that are registered under this Part;
  - (b) extrinsic material for Acts as made that is registered under this Part;
  - (c) legislative instruments and notifiable instruments as made that are registered under this Part;
  - (d) compilations, registered under this Part, of Acts, legislative instruments and notifiable instruments;
  - (e) explanatory statements, registered under this Part, for legislative instruments;
  - (f) other documents registered under this Part.
- (3) The Register may contain additional documents if the Company Secretary considers that the documents are likely to be useful to users of the Register, including the following (without limitation):
- (a) laws of any jurisdiction as made (other than Acts registered under this Part);
  - (b) instruments of any entity as made (other than legislative instruments or notifiable instruments registered under this Part);
  - (c) Gazette notices;
  - (d) compilations of laws or instruments (other than compilations registered under this Part);
  - (e) documents that may be considered under section 32 of the *Interpretation Act 2022* (and that section as applied by section 15 of this Act), or of the law relating to the interpretation of the entity making a law or instrument, in working out the meaning of a law, instrument or document kept on the Register, including an Act, legislative instrument or notifiable instrument (other than extrinsic material registered under this Part).
- (4) The Company Secretary may include in the Register any information that he or she considers likely to be useful to users of the Register.
- (5) Without limiting subsection (1), the Company Secretary may, subject to this Act and the rules, do anything he or she considers necessary or desirable to ensure that the Register is accurate and

up-to-date, and contains material likely to be useful to users of the Register.

### **19 Corporate Register of Legislation—complete record of registered laws**

The Corporate Register of Legislation is, for all purposes, taken to be a complete and accurate record of all registered Acts, legislative instruments and notifiable instruments.

Note: For authorised versions of Acts, legislative instruments, notifiable instruments and compilations, and judicial notice of authorised versions, see Part 3 of this Chapter.

### **20 Corporate Register of Legislation—access to registered material on approved website**

The Company Secretary must ensure that registered Acts, legislative instruments, notifiable instruments and compilations, and other registered documents, are available to the public on a website (an *approved website*) prescribed by the rules.

### **21 Corporate Register of Legislation—rectification of Register**

- (1) If:
- (a) the Company Secretary becomes aware that the Register contains an error; and
  - (b) the error is that:
    - (i) for an Act as assented to—the text of the Act as it appears in the Register is not the same as the text of the Act as assented to; or
    - (ii) for a legislative instrument or notifiable instrument as made by the rule-maker—the text of the instrument as it appears in the Register is not the same as the text of the instrument as made by the rule-maker; or
    - (iii) for a compilation—the compilation as it appears in the Register does not represent the state of the law that it purports to represent; or
    - (iv) for any other document on the Register—the text of the document as it appears in the Register is not the same as the text of the original document;



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the Company Secretary must arrange for the error in the Register to be rectified as soon as possible.

Note: A disallowable legislative instrument may be required to be re-tabled in the Parliament as a result of the rectification (see section 22).

- (2) The Company Secretary must include in the Register a statement that the rectification has been made, and a brief outline of the rectification in general terms.
- (3) The rectification:
  - (a) does not affect any right or privilege that was acquired, or that accrued, because of reliance on the content of the Register before the rectification was made; and
  - (b) does not impose or increase any obligation or liability that was incurred before the rectification was made.

*Rectification does not affect time of registration*

- (4) To avoid doubt, the rectification of an error under subsection (1) in relation to an instrument does not affect the time at which the instrument is taken to have been registered.

Note: For example, subsection (1) does not affect the commencement of an instrument that is expressed to commence on the day after registration.

## **22 Requirement for re-tabling and new disallowance period after rectification of Register**

- (1) This section applies if:
  - (a) the Company Secretary rectifies an error in the Register referred to in subparagraph 21(1)(b)(ii); and
  - (b) the rectification results in a version (the ***originally tabled version***) of a disallowable legislative instrument that was previously registered being replaced by another version (the ***correct version***) of the instrument; and
  - (c) at the time of the rectification, the originally tabled version of the instrument has been laid before either or each House of the Parliament under subsection 59(1).

*Requirement for re-tabling*

- (2) The Company Secretary must arrange for a copy of the correct version of the instrument to be delivered to each House of the

Parliament to be laid before each House within 6 sitting days of that House after the rectification.

Note: The re-tabling of the instrument does not affect any disallowance of the instrument. In all other cases, the re-tabling of the instrument starts a new disallowance period (see subsections (3) and (4)).

*Application of new disallowance period*

- (3) The following applies (subject to subsection (4)) for the purposes of this Act:
- (a) the instrument is taken to have been delivered to, and laid before, a House of the Parliament under subsection 59(1) when the instrument is delivered to, and laid before, that House under subsection (2) of this section (except for the purposes of subsection 60(2));
  - (b) the instrument becomes subject to disallowance under Part 2 of Chapter 3;
  - (c) section 66 applies as if the instrument had been registered at the time of the rectification;
  - (d) if the disallowance period for the originally tabled version has ended—any repeal of the instrument or a provision of the instrument under section 70 or 72 is taken not to have occurred;
  - (e) if:
    - (i) a notice of motion to disallow the instrument or a provision of the instrument has been given in a House of the Parliament; and
    - (ii) the notice has not been withdrawn; and
    - (iii) the motion has not been disposed of;at the time the correct version of the instrument is laid before a House as mentioned in subsection (2)—that notice of motion is taken to have been given in that House on the sitting day of that House after the correct version of the instrument is laid before that House;
  - (f) if a provision of the instrument (but not the whole instrument) has previously been disallowed—the laying before a House of the Parliament as mentioned in subsection (2) does not affect the previous disallowance of the provision.

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- (4) Subsection (3) does not apply in relation to an instrument if, at the time the instrument is delivered to a House of the Parliament under subsection (2), the instrument has been disallowed.

*Section does not affect time of registration*

- (5) To avoid doubt, the laying before a House of the Parliament of an instrument as mentioned in subsection (2) does not affect the time at which the instrument is taken to have been registered (except as provided by paragraph (3)(c)).

### **23 Corporate Register of Legislation—keeping the Register**

The rules may provide for, or in relation to, the following:

- (a) keeping the Corporate Register of Legislation;
- (b) giving unique identifiers to registered Acts, legislative instruments, notifiable instruments and compilations, and other registered documents;
- (c) numbering for series of legislative instruments, notifiable instruments and other documents in the Register;
- (d) including additional documents in the Register and removing them from the Register;
- (e) including information in the Register, changing it and removing it from the Register.

## **Division 3—Registration on Corporate Register of Legislation**

### **24 Registration of Acts**

The Company Secretary must register an Act and extrinsic material as soon as practicable after the Act is assented to.

### **25 Lodgement of legislative instruments and notifiable instruments, and other material**

#### *Legislative instruments and notifiable instruments*

- (1) The rule-maker for a legislative instrument must lodge the instrument for registration as a legislative instrument as soon as practicable after the instrument is made.
- (2) The rule-maker for a notifiable instrument must lodge the instrument for registration as a notifiable instrument as soon as practicable after the instrument is made.
- (3) The rule-maker for an instrument made under a power delegated by the Parliament, other than a legislative instrument or notifiable instrument, may lodge the instrument for registration as a legislative instrument or notifiable instrument.

Note: For instruments that become legislative instruments by registration, see subsection 10(3). For instruments that become notifiable instruments by registration, see paragraph 13(2)(c).

#### *Explanatory statements for legislative instruments*

- (4) The rule-maker for an instrument that is lodged for registration as a legislative instrument must:
  - (a) lodge an initial explanatory statement for the instrument for registration as soon as practicable after the instrument is lodged for registration; and
  - (b) lodge any supplementary explanatory statement or replacement explanatory statement for the instrument for registration as soon as practicable after it is prepared.

Note: For explanatory statements and supplementary and replacement explanatory statements, see section 27.

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*Other documents*

- (5) The rule-maker for an instrument that is, or that is to be, registered as a legislative instrument or notifiable instrument may lodge a document that relates to the instrument for registration.

**26 Registration of legislative instruments and notifiable instruments, and other documents**

- (1) If an instrument is lodged for registration as a legislative instrument or notifiable instrument in accordance with section 25 and the rules, the Company Secretary must register the instrument:
- (a) if the instrument is lodged for registration as a legislative instrument—as a legislative instrument; or
  - (b) if the instrument is lodged for registration as a notifiable instrument—as a notifiable instrument.
- (2) If an instrument or document is lodged for registration otherwise than as a legislative instrument or notifiable instrument, in accordance with section 25 and the rules, the Company Secretary must register the instrument or document accordingly.
- (3) However, the Company Secretary must not register an instrument or document if:
- (a) for a document lodged for registration otherwise than as a legislative instrument or notifiable instrument—the Company Secretary considers that:
    - (i) the document is not likely to be useful to users of the Register; or
    - (ii) it would otherwise be inappropriate to register the document; or
  - (b) before the instrument or document is registered, the person lodging the instrument or document (or another person acting on behalf of the responsible person for the instrument, or for the instrument to which the document relates) withdraws the lodgement.
- (4) If the Company Secretary does not register an instrument or document because of paragraph (3)(a), he or she must give written notice to the person lodging the instrument or document.

## 27 Explanatory statements

### *Definition of explanatory statement*

- (1) An **explanatory statement** for a legislative instrument is one of the following statements prepared for laying before each House of Parliament:
- (a) a statement (an **initial explanatory statement**) for the instrument that complies with subsection (2);
  - (b) a statement (a **replacement explanatory statement**) for the instrument that:
    - (i) replaces an explanatory statement for the instrument that has already been registered; and
    - (ii) complies with subsection (2);
  - (c) a statement (a **supplementary explanatory statement**) for the instrument that:
    - (i) amends an initial explanatory statement or a replacement explanatory statement; and
    - (ii) complies with subsection (7).

### *Requirements for initial and replacement explanatory statements*

- (2) An initial explanatory statement, or a replacement explanatory statement, for a legislative instrument must:
- (a) be approved by the rule-maker; and
  - (b) explain the purpose and operation of the instrument; and
  - (c) if any documents are incorporated in the instrument by reference—contain a description of the incorporated documents and indicate how they may be obtained; and
  - (d) if consultation was undertaken under section 54 before the instrument was made—contain a description of the nature of that consultation; and
  - (e) if no such consultation was undertaken—explain why no such consultation was undertaken; and
  - (f) if the instrument is a disallowable legislative instrument—contain a statement of reasonableness; and
  - (g) contain such other information as is prescribed by regulation.

Note: A **statement of reasonableness** is a statement that the legislative instrument is reasonable, having regard to matters prescribed by an Act or by regulations: see the definition of the term in section 5.

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*Statements of reasonableness—Option for legislative instrument that are not disallowable legislative instruments*

- (3) An initial explanatory statement for a legislative instrument that is not a disallowable legislative instrument may contain a statement of reasonableness.

*Statements of reasonableness—Inclusion of details on consultation undertaken or explanation of why no consultation undertaken*

- (4) In the case of an initial explanatory statement, or a replacement explanatory statement for a legislative instrument that contains a statement of reasonableness, information falling in paragraphs (2)(d) and (2)(e) are taken to be included in the initial explanatory statement or replacement explanatory statement if included in the statement of reasonableness.

*Statements of reasonableness—Ethical and legal obligations*

- (5) A statement of reasonableness must have regard to the ethical and legal obligations of Urabba Parks, including those:
- (a) under Australian law;
  - (b) of the rule-maker, including the power to make the instrument or any pre-conditions to the commencement or effective operation of the instrument or any provision of the instrument;
  - (c) under the Urabba Parks Bill of Rights; or
  - (d) prescribed by an Act or the regulations.

Note: The Urabba Parks Bill of Rights is in Part 2 of Chapter 9 of the Constitution.

- (6) A statement of reasonableness may also have regard to the following:
- (a) the impact of the instrument will have in advancing the objects of Urabba Parks;
  - (b) the financial impact of the instrument;
  - (c) the risk impact of the instrument;
  - (d) the regulatory impact of the instrument;
  - (e) issues arising under obligations under an applicable law of a foreign country or any agreement among non-state jurisdictions as a result of the making of the instrument,

- including (but not limited to) how the instrument will help Urabba Parks comply with the law or agreement;
- (f) the overarching purpose, nature, character and values of Urabba Parks as defined by or under the Constitution;
  - (g) a part of Chapter 9 of the Constitution (other than Part 2 of that Chapter) and any relevant law or document made under Chapter 9 of the Constitution (including a corporate policy or corporate plan);
  - (h) matters prescribed by the regulations.

*Requirements for supplementary explanatory statements*

- (7) A supplementary explanatory statement for a legislative instrument must:
  - (a) be approved by the rule-maker; and
  - (b) contain such other information as is prescribed by regulation.

*Single explanatory statements—one or more legislative instruments*

- (8) A single explanatory statement may relate to one or more legislative instruments.

## **28 Registration—enforceability of legislative instruments**

- (1) A legislative instrument is not enforceable by or against any person (including Urabba Parks) unless the instrument is registered as a legislative instrument.
- (2) A failure by the rule-maker to lodge an explanatory statement in relation to a legislative instrument for registration as required by subsection 25(4) does not affect the validity or enforceability of the instrument.

## **29 Events affecting the currency or accuracy of the Register**

- (1) The responsible person for a registered Act, legislative instrument or notifiable instrument must give notice to the Company Secretary of the occurrence of any of the following events in relation to the Act or instrument:
  - (a) an event resulting in, or otherwise affecting, the commencement of the Act or instrument (or a provision of the Act or instrument);



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- (b) a discretionary compilation event for the Act or instrument;
- (c) an event resulting in the Act or instrument (or a provision of the Act or instrument) being repealed, lapsing, expiring or otherwise ceasing to be in force;
- (d) an event resulting in the Act or instrument, or a provision of the Act or instrument, being (or being declared by a court or tribunal to be) invalid or unenforceable;
- (e) the responsible person's becoming aware of:
  - (i) an error in the Register to which subsection 21(1) (Corporate Register of Legislation—rectification of Register) may apply; or
  - (ii) any other error in the Register;
- (f) another event prescribed by the rules.

**Example:** If a registered legislative instrument is expressed to commence when a particular treaty comes into force for Australia, paragraph (1)(a) would require the responsible person for the instrument to notify the Company Secretary when the treaty comes into force.

- (2) However, subsection (1) does not require the responsible person to give notice to the Company Secretary of any of the following events in relation to a registered Act or instrument:
  - (a) the occurrence of a day or time specified in the Act or instrument, or the making of a commencement instrument, resulting in, or otherwise affecting, the commencement of the Act or instrument (or a provision of the Act or instrument);
  - (b) a required compilation event for the Act or instrument;
  - (c) for a disallowable legislative instrument—the disallowance of:
    - (i) the instrument (or a provision of the instrument); or
    - (ii) another legislative instrument (or a provision of another legislative instrument) that amends the instrument;
  - (d) for a legislative instrument or notifiable instrument—the amendment or repeal of the instrument by:
    - (i) the operation of Part 3 of Chapter 3 (repeal of spent instruments or provisions); or
    - (ii) the operation of Part 4 of Chapter 3 (sunsetting of legislative instruments);
  - (e) another event prescribed by the rules.

### **30 Rules for lodgement and registration**

The rules may provide for, or in relation to, any of the following:

- (a) the lodgement of instruments and documents for registration, including any or all of the following:
  - (i) the form in which instruments and documents must or may be lodged;
  - (ii) any other matters affecting how instruments and documents must or may be lodged;
  - (iii) the information that must or may be provided with instruments and documents;
  - (iv) the certification of instruments and documents;
  - (v) other requirements to be satisfied for lodgement;
- (b) the identification of instruments and documents lodged for registration, including authorising the Company Secretary to do any or all of the following:
  - (i) adding a name to an unnamed instrument or document;
  - (ii) amending the name of an instrument or document;
  - (iii) adding anything to an instrument or document to assist in its identification;
  - (iv) doing anything else in relation to an instrument or document to assist users of the Register to identify or refer to the instrument or document;
- (c) the withdrawal of lodgement of instruments or documents;
- (d) the registration of Acts, instruments and documents;
- (e) the refusal of registration of instruments and documents;
- (f) alternative arrangements for the registration of Acts, instruments and documents in the event of technical difficulties;
- (g) any other matter relating to the lodgement of instruments and documents;
- (h) any other matter relating to the registration of Acts, instruments and documents.

## Part 2—Compilations

### Division 1—Simplified outline of this Part

#### 31 Simplified outline of this Part

A compilation shows the text of an Act, legislative instrument or notifiable instrument as amended (if at all) and in force on the compilation date stated in the Act or instrument.

The Company Secretary must generally register a compilation after a registered Act or instrument is amended, and in some other circumstances.

A rule-maker for a legislative instrument or notifiable instrument must lodge a compilation for registration if the instrument is amended, or in some circumstances on notice from the Company Secretary.

The Company Secretary may make editorial changes and some other changes in preparing a compilation of a registered Act or instrument, as long as they do not change the effect of the Act or instrument.

This Part also makes provision in relation to the compilation of extrinsic material. The Company Secretary may prepare compiled version of documents that are extrinsic material for inclusion in such compilations.

### Division 2—Registration of compilations

#### 32 Definition of compilation

- (1) In this Act, a *compilation* means:
- (a) in relation to an Act or instrument: see subsection (2); and
  - (b) in relation to extrinsic material: see section 42.

Note: This Part deals with the registration of compilations.

- (2) A compilation of an Act or instrument, is a document showing the text of the Act or instrument:
- (a) as amended (if at all) and in force on a day (the *compilation date*) stated in the document; or

- (b) as the Act or instrument would be amended and in force on a day (the *compilation date*) stated in the document, by amendments that have not commenced, if the document indicates that the amendments have not commenced; or
- (c) as the Act or instrument is, or would be, modified by an Act or an instrument, and in force on a day (the *compilation date*) stated in the document.

### **33 Registered compilations—information requirements**

- (1) Without limiting the information that a registered compilation of an Act, legislative instrument or notifiable instrument (the *principal law*) may include, the registered compilation must include the following information:
  - (a) the compilation date;
  - (b) if any editorial changes are made in preparing the compilation—a statement that editorial changes have been made and a brief outline of the changes in general terms;
  - (c) details (including commencement details) of any Act or instrument that amends the principal law;
  - (d) the amendment history of provisions of the principal law;
  - (e) any further information prescribed by the rules.
- (2) However, the information mentioned in any of paragraphs (1)(c) to (e) does not need to be included in the compilation if:
  - (a) the Company Secretary is satisfied that the information mentioned in that paragraph is otherwise appropriately available on an approved website to users of the Corporate Register of Legislation; and
  - (b) the compilation indicates in general terms how users of the Register may access that information on the approved website.

### **34 Definitions of required compilation event and discretionary compilation event etc.**

#### *Definitions*

- (1) A *required compilation event* occurs for an Act, legislative instrument or notifiable instrument when:

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- (a) the Act or instrument is expressly amended (otherwise than under section 72 or 73); or
  - (b) in the case of a disallowable legislative instrument:
    - (i) a provision of the instrument is disallowed under section 63; or
    - (ii) a provision of another disallowable legislative instrument has amended a provision of the instrument, but the amending instrument, or the amending provision, is disallowed under section 63; or
  - (c) a provision of the Act or instrument is repealed under another Act or instrument (other than this Act), or because of the making of another Act or instrument; or
  - (d) something else happens that is prescribed by the rules for the purposes of this paragraph.
- (2) A **discretionary compilation event** occurs for an Act, legislative instrument or notifiable instrument when:
- (a) a provision of the Act or instrument commences; or
  - (b) in the case of a legislative instrument or notifiable instrument—the instrument is amended by section 72 or 73; or
  - (c) the Act or instrument is modified; or
  - (d) the Act or instrument is impliedly amended; or
  - (e) a provision of the Act or instrument is repealed under another provision of that Act or instrument; or
  - (f) if no compilation has been registered for the Act or instrument—the text of the Act or instrument as registered otherwise ceases to show the text of the Act or instrument as in force; or
  - (g) if a compilation has been registered for the Act or instrument—the text of the latest registered compilation otherwise ceases to show the text of the Act or instrument as amended (if at all) and in force; or
  - (h) something else happens that is prescribed by the rules for the purposes of this paragraph.

Note: Sections 72 and 73 provide for the automatic repeal of amending, repealing and commencement provisions of legislative instruments and notifiable instruments.

*When an Act or instrument is amended*

- (3) For the purposes of this Division, an Act or instrument is (subject to subsection (4)) amended by an Act or instrument, or a provision of an Act or instrument, when the amending Act or provision commences.
- (4) Despite any other provision of this Act, a compilation of an Act or instrument is not required to be prepared or lodged for registration to take account of a retrospective commencement of an amendment of the Act or instrument. However, such a compilation of an Act or instrument may be prepared and lodged for registration.

**35 Lodgement of compilations of instruments—required compilation events**

*Compilation required to be prepared and lodged*

- (1) If a required compilation event occurs for a legislative instrument or notifiable instrument, the rule-maker must prepare and lodge for registration a compilation of the instrument for registration.

*Compilation date*

- (2) The compilation date for the compilation must be the date of the required compilation event.

*Time for lodgement*

- (3) The rule-maker must lodge for registration the compilation required by subsection (1) within 28 days after the event occurs, or a longer period allowed by the Company Secretary.

*Exceptions*

- (4) This section does not apply to legislative instruments or notifiable instruments, or in circumstances, prescribed by rules made for the purposes of this subsection.

Example: A circumstance prescribed by the rules may be if the Company Secretary prepares and registers a compilation of a legislative instrument or notifiable instrument.

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**36 Lodgement of compilations of instruments—discretionary compilation events**

*Compilation required to be prepared and lodged if notice given*

- (1) If a discretionary compilation event occurs for a legislative instrument or notifiable instrument, the Company Secretary may, by written notice given to the rule-maker, require the rule-maker, within a period stated in the notice, to prepare and lodge for registration a compilation of the instrument for registration.

*Compilation date*

- (2) The compilation date for the compilation must be the date of the discretionary compilation event.

*Time for lodgement*

- (3) If a notice is given under subsection (1) to a rule-maker for an instrument, the rule-maker must lodge for registration a compilation of the instrument within the period stated in the notice, or a longer period allowed by the Company Secretary.

**37 Registration of compilations**

*Required compilation events for Acts*

- (1) If a required compilation event occurs for an Act, the Company Secretary must prepare and register a compilation of the Act as soon as practicable afterwards.

*Required compilation events for instruments*

- (2) If a required compilation event occurs for a legislative instrument or notifiable instrument, the Company Secretary must register a compilation of the instrument:
  - (a) if a compilation is lodged for registration within 28 days after the event, or within a longer period allowed by the Company Secretary—as soon as practicable after lodgement; or
  - (b) if a compilation is not lodged for registration within that period—as soon as practicable after the end of the period.
- (3) However, if a required compilation event occurs for a legislative instrument or notifiable instrument, and section 35 does not apply

because of subsection 35(4), the Company Secretary must prepare and register a compilation of the instrument as soon as practicable afterwards.

*Discretionary compilation events for Acts and instruments*

- (4) If a discretionary compilation event occurs for an Act or a legislative instrument or notifiable instrument, the Company Secretary may prepare and register a compilation of the Act or instrument.
- (5) If a discretionary compilation event occurs for a legislative instrument or notifiable instrument, and the Company Secretary gives the rule-maker for the instrument a notice under section 36, the Company Secretary must register a compilation of the instrument:
  - (a) if a compilation is lodged for registration within the period stated in the notice, or within a longer period allowed by the Company Secretary—as soon as practicable after lodgement; or
  - (b) if a compilation is not lodged for registration within that period—as soon as practicable after the end of the period.

*No required or discretionary compilation event for Act or instrument*

- (6) The Company Secretary may prepare and register a compilation of an Act, legislative instrument or notifiable instrument even if neither a required compilation event nor a discretionary compilation event has occurred for the Act or instrument.

*Repeal and disallowance of Act or instrument*

- (7) The Company Secretary must ensure that a registered compilation of an Act, legislative instrument or notifiable instrument is no longer shown on the Register as a compilation currently in force as soon as practicable after:
  - (a) the Act or instrument is repealed; or
  - (b) for a disallowable legislative instrument—the instrument is disallowed under section 63.



### **38 Compilations—rules**

The rules may provide for, or in relation to, any of the following in relation to compilations of Acts, legislative instruments or notifiable instruments:

- (a) the format, layout and printing style required for compilations, and any other presentational aspects of compilations;
- (b) the extent and form of the information mentioned in subsection 33(1) or (2) that is required to be included in compilations, or made available on an approved website;
- (c) any other matter relating to the preparation of compilations;
- (d) the lodgement of compilations of instruments for registration, including any of the following:
  - (i) the form in which compilations must or may be lodged;
  - (ii) how compilations must or may be lodged;
  - (iii) the information that must or may be provided with or for compilations;
  - (iv) the certification of compilations;
  - (v) other requirements to be satisfied for compilations;
- (e) the withdrawal of lodgement of compilations of instruments;
- (f) the registration of compilations of Acts and instruments;
- (g) the refusal of registration of compilations of instruments;
- (h) alternative arrangements for the registration of compilations of Acts, and for the lodgement and registration of compilations of instruments, in the event of technical difficulties;
- (i) any other matter relating to the lodgement or registration of compilations of Acts or instruments.

## Division 3—Editorial changes and other changes

### 39 Power to make editorial changes and other changes

#### *Editorial changes*

- (1) In preparing a compilation of an Act, legislative instrument or notifiable instrument for registration (including a compilation that has been lodged for registration), the Company Secretary may make editorial changes to any text that is part of the Act or instrument.

Note 1: For what is an *editorial change*, see section 41.

Note 2: For what text forms part of the Act or instrument, see section 28 of the Legislation Act 2022 (which applies in relation to instruments under section 15 of this Act).

- (2) The Company Secretary may make an editorial change to an Act or instrument under subsection (1) only if he or she considers the change to be desirable to:
  - (a) bring the Act or instrument into line, or more closely into line, with legislative drafting practice being used by the Office of Company Secretary; or
  - (b) correct an error, or ensure that a misdescribed amendment of the Act or instrument is given effect to as intended.

#### *Presentational changes*

- (3) In preparing a compilation of an Act, legislative instrument or notifiable instrument for registration (including a compilation that has been lodged for registration), the Company Secretary may make changes to the Act or instrument that affect the format, layout or printing style of the Act or instrument, or any other presentational aspect of the Act or instrument.
- (4) The Company Secretary may make a change to an Act or instrument under subsection (3) only if he or she considers the change to be desirable to bring the Act or instrument into line, or more closely into line, with legislative drafting practice being used by the Office of Company Secretary.

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*Text not part of an Act or instrument*

- (5) In preparing a compilation of an Act, legislative instrument or notifiable instrument (including a compilation that has been lodged for registration), the Company Secretary may include, omit or change any text that is not part of the Act or instrument, including (without limitation) any of the following:
- (a) a table of contents or other provision that only describes the arrangement of the Act or instrument (or provisions of the Act or instrument) into groups of provisions;
  - (b) a reader's guide, simplified outline or similar text that only describes the nature or effect of the Act or instrument;
  - (c) text, known as alternative text (or "alt text"), that does not form part of the Act or instrument because of subsection 28(3) of the *Interpretation Act 2022* (including that subsection as applied by section 15 of this Act);
  - (d) for an instrument—instrument-making words.

Note: For paragraph (c), alternative text may, for example, aurally indicate the effect of a graphic image in an Act or instrument to assist users of an approved website who have visual disabilities.

*No change of effect*

- (6) The Company Secretary must not make a change to an Act or instrument under this section that would change the effect of the Act or instrument.
- (7) Subsection (6) does not prevent the Company Secretary making a change to an Act or instrument mentioned in paragraph (2)(m) of the definition of **editorial change** in subsection 41(2), or any editorial change consequential on such a change, as mentioned in paragraph (2)(q) of that definition.

Note: Such a change consists of the incorporation into an Act or instrument of an application, savings, transitional, validation or similar provision that is contained in an amending Act or instrument.

**40 Editorial changes treated in the same way as amendments**

If the Company Secretary makes an editorial change to an Act or instrument under section 39 in preparing a compilation, then, after the registration of the compilation:

- (a) the Act or instrument has effect for all purposes as if the change had been made by an amendment of the Act or instrument that commenced on the day the compilation was registered; and
- (b) the Act or instrument may be further amended as if the change had been made by an amendment of the Act or instrument.

#### **41 Definition of *editorial change***

- (1) This section describes the kinds of editorial changes that the Company Secretary may make to an Act, legislative instrument or notifiable instrument under section 39 in preparing a compilation of the Act or instrument.

Note: An editorial change cannot be made to an Act, legislative instrument or notifiable instrument if it would change the effect of the Act or instrument (see subsection 39(6)).

- (2) An ***editorial change*** to an Act, legislative instrument or notifiable instrument is a change made by the Company Secretary that:
- (a) goes only to a matter of spelling, punctuation, grammar or syntax, or the use of conjunctives and disjunctives; or
  - (b) updates a reference to:
    - (i) a law covered by subsection (3) (or a provision of such a law); or
    - (ii) a person, body or other entity, or an office, position, place, document or thing; or
  - (c) changes the short title of an Act or the name of an instrument, or the name of the types of provision in an instrument; or
  - (d) numbers or renumbers a provision of the Act or instrument; or
  - (e) changes the order of definitions or other provisions of the Act or instrument; or
  - (f) replaces a reference to a provision of a law covered by subsection (3) with a different form of reference to the provision; or
  - (g) changes the way of referring to or expressing a number, year, date, time, amount of money or other amount, sanction, quantity, measurement or other matter, idea or concept; or

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Example: A reference in a form to “this [blank] day of [blank] 19...” may be changed to “[Date]”.

- (h) changes language that indicates gender or that could be taken to indicate gender; or
- (i) omits or changes a table of contents or other provision that only describes the arrangement of the Act or instrument (or provisions of the Act or instrument) into groups of provisions; or
- (j) omits or changes a reader’s guide, simplified outline or other text that only describes the nature or effect of the Act or instrument; or
- (k) omits a provision, or a reference to a law covered by subsection (3) (or a provision of such a law) that has expired, the operation of which is exhausted or spent, or that is otherwise obsolete or redundant; or
- (l) omits, inserts or changes a term that identifies a provision of the Act or instrument as a provision, or part of a provision, of the Act or instrument; or

Examples: The following are examples of references to provisions:

- (a) of these regulations;
  - (b) of this regulation;
  - (c) of this section;
  - (d) hereof;
  - (e) said.
- (m) incorporates into the Act or instrument (the *principal law*) an application, savings, transitional, validation or similar provision that is contained in another Act or instrument that amends the principal law; or
  - (n) shows the effect of any amendment of the Act or instrument, or is consequential on any such amendment; or

Example: The heading to a section may be changed to reflect the effect of an amendment of the section.

- (o) if an amendment of the Act or instrument is misdescribed by an amending Act or instrument—as intended; or
- (p) corrects an error covered by subsection (4); or
- (q) is consequential on any other editorial change made to the Act or instrument or to another Act or instrument.

- (3) This subsection covers the following laws:

- (a) an Act;
  - (b) an instrument made under an Act or another power given by law;
  - (d) a statute of a jurisdiction which is a member of the legislative group of which Urabba Parks is a member, an Act of the Commonwealth, a State, a Territory, or of New Zealand or the United Kingdom, or an instrument made under such an Act.
- (4) This subsection covers the following errors:
- (a) typographical and clerical errors;
  - (b) grammatical and spelling errors, and errors of punctuation;
  - (c) errors in numbering, cross-referencing and alphabetical ordering;
  - (d) errors in references to laws or instruments, or provisions of such laws, covered by subsection (3);
  - (e) errors in or arising out of an amendment of an Act or instrument, including errors relating to the number of times such an amendment is expressed to be made;
  - (f) any other errors of a nature similar to those mentioned in paragraphs (a) to (e).

## Division 4—Extrinsic material

### 42 Definition of compilation of extrinsic material

A compilation of extrinsic material for an Act or instrument, is a document showing some or all of the extrinsic material in relation to the Act or instrument:

- (a) as amended (if at all) and in force on the compilation date; or
- (b) as the Act or instrument would be amended and in force on the compilation date, by amendments that have not commenced, if the document indicates that the amendments have not commenced; or
- (c) as the Act or instrument is, or would be, modified by an Act or an instrument, and in force on the compilation date.

### 43 Registered compilations of extrinsic material—information requirements

- (1) Without limiting the information that a registered compilation of extrinsic material for an Act, legislative instrument or notifiable instrument (the *principal material*) may include, the registered compilation must include the following information:
  - (a) the compilation date;
  - (b) if any changes are made in preparing a document included in the compilation—a statement that editorial changes have been made to the document and a brief outline of the changes in general terms;
  - (c) details of any material that is incorporated in the principal material, including commencement details for the Act, legislative instrument or notifiable instrument to which it relates (if applicable);
  - (d) the amendment history of each document of the principal material;
  - (e) any further information prescribed by the rules.
- (2) Information falling in subsection (1) may be displayed in a separate part of the compilation of extrinsic material, or in a compiled version of the document to which it relates.

- (3) However, the information mentioned in any of paragraphs (1)(b) to (e) does not need to be included in the compilation if:
- (a) the Company Secretary is satisfied that the information mentioned in that paragraph is otherwise appropriately available on an approved website to users of the Corporate Register of Legislation; and
  - (b) the compilation indicates in general terms how users of the Register may access that information on the approved website.

#### **44 Registration of compilations of extrinsic material**

##### *Required compilation events for Acts and instruments*

- (1) If a required compilation event occurs for an Act, legislative instrument or notifiable instrument, the Company Secretary must prepare and register a compilation of the extrinsic material for the Act, legislative instrument or notifiable instrument as soon as practicable afterwards.

##### *Discretionary compilation events for Acts and instruments*

- (2) If a discretionary compilation event occurs for an Act, a legislative instrument or notifiable instrument, the Company Secretary may prepare and register a compilation of the extrinsic material for the Act, legislative instrument or notifiable instrument.

##### *No required or discretionary compilation event for Act or instrument*

- (3) The Company Secretary may prepare and register a compilation of extrinsic material for an Act, legislative instrument or notifiable instrument even if neither a required compilation event nor a discretionary compilation event has occurred for the Act or instrument.

##### *Repeal and disallowance of Act or instrument*

- (4) The Company Secretary must ensure that a extrinsic material for an Act, legislative instrument or notifiable instrument is no longer shown on the Register as current extrinsic material as soon as practicable after the Act, legislative instrument or notifiable instrument is to be no longer shown under subsection 37(7).



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- (5) Subsection (4) does not apply to documents that are extrinsic material for another Act, legislative instrument or notifiable instrument that remains in force following the Act, legislative instrument or notifiable instrument no longer being shown being repealed.

**45 Power to make changes to extrinsic material**

- (1) A reference to a document that is extrinsic material for the purposes of this Act includes a reference to the compiled version of the document prepared by the Company Secretary under this subsection.
- (2) For the purposes of this section an explanatory memorandum, explanatory statement or other document similar in manner and form to an explanatory memorandum or explanatory statement for an Act, legislative instrument or notifiable instrument, together with each explanatory memorandum, explanatory statement or other document of each Act, legislative instrument or notifiable instrument that has amended the Act, legislative instrument or notifiable instrument shall be taken to be done document.
- (3) In preparing a compiled version of the document under subsection (1), the Company Secretary may:
- (a) add text to a document;
  - (b) remove text from a document;
  - (c) alter the text in a document;
  - (d) relocate text in a document;
  - (e) number and renumber text in a document; and
  - (f) change the format, layout or printing style of the document, or any other presentational aspect of the document.
- (4) The Company Secretary may make a change to extrinsic material under subsection (3) only if he or she considers the change to be desirable to:
- (a) incorporate extrinsic material of an Act, legislative instrument or notifiable instrument that has amended the Act, legislative instrument or notifiable instrument to which the extrinsic material relates;
  - (b) include, alter or remove references and material relating to laws, instruments and documents or parts of such laws,

- instruments or documents (including a provision of the Act, legislative instrument or notifiable instrument to which the extrinsic material relates) that have been amended, modified or no longer in operation;
- (c) exclude material which is not to be included in a compiled version of the document, or in a published version of the extrinsic material or any part of extrinsic material;
  - (d) integrate the different parts of:
    - (i) the extrinsic material for an Act, legislative instrument or notifiable instrument as a whole; and
    - (ii) a document forming part of extrinsic material for an Act, legislative instrument or notifiable instrument;
  - (e) bring the extrinsic material into line, or more closely into line, with general drafting practice being used by the Office of Company Secretary;
  - (f) make the document more usable by users of the Act, legislative instrument or notifiable instrument to which the extrinsic material relates, or more useful to users of the Register as a whole; or
  - (g) correct an error.

*Certain changes to make documents more usable*

- (5) Without limiting paragraph (4)(f), the inclusion, change or removal of the following constitutes making a document more usable:
  - (a) a table of contents or other provision that only describes the arrangement of the Act or instrument (or provisions of the Act or instrument) into groups of provisions;
  - (b) a reader's guide, simplified outline or similar text that only describes the nature or effect of the extrinsic material or an Act or instrument to which it relates;
  - (c) text, known as alternative text (or "alt text"), that does not form part of an Act or instrument because of subsection 28(3) of the *Interpretation Act 2022* (including that subsection as applied by section 15 of this Act).

Note: For paragraph (c), alternative text may, for example, aurally indicate the effect of a graphic image in an Act or instrument to assist users of an approved website who have visual disabilities.

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*Certain other changes prescribed by the rules*

- (6) A change is taken to fall within subsection (4) if the change is of a kind prescribed in the rules.

**46 Effect of compilations of extrinsic material and compiled versions of documents that are extrinsic material**

- (1) A compilation of extrinsic material under this Division is for the purpose of convenience of to users of the Register.
- (2) The preparation or registration of a compilation of extrinsic material or a compiled version of a document that is extrinsic material does not have any effect in the interpretation of a provision of an Act, legislative instrument or notifiable instrument.

**47 Extrinsic material—rules**

The rules may provide for, or in relation to, any of the following in relation to extrinsic material for Acts and instruments (including legislative instruments or notifiable instruments), compiled versions of documents that are extrinsic material and compilations of extrinsic material (*extrinsic documents*):

- (a) the format, layout and printing style required for compilations of extrinsic documents, and any other presentational aspects of extrinsic documents;
- (b) the extent and form of the information mentioned in subsection 43(1) or (2) that is required to be included in compilations of extrinsic material, or made available on an approved website;
- (c) any other matter relating to the preparation of extrinsic documents.

## **Part 3—Authorised versions and judicial notice**

### **Division 1—Introduction**

#### **48 Simplified outline of this Part**

Authorised versions of registered Acts, legislative instruments, notifiable instruments, explanatory statements for legislative instruments and compilations may be sourced from the approved website. Judicial notice may be taken of authorised versions and related matters.

#### **49 Scope of this Part**

This Part applies in relation to each of the following documents (a *registered law or extrinsic material*) and, in the same way, to a provision or part of each document:

- (a) a registered Act;
- (b) a registered second reading speech or explanatory memorandum or other document that is registered as extrinsic material for a registered Act;
- (c) a registered legislative instrument or notifiable instrument;
- (d) a registered explanatory statement for an instrument or other document that is registered as extrinsic material for an instrument made under an Act or another power given by law;
- (e) a registered compilation of an Act, legislative instrument, notifiable instrument or extrinsic material.

### **Division 2—Authorised versions and judicial notice**

#### **50 Authorised versions**

##### *Authorised electronic versions*

- (1) An electronic copy of a registered law or extrinsic material is an *authorised version* of the registered law or extrinsic material if:
  - (a) the electronic copy is accessed at, or downloaded from, an approved website in a format prescribed by the rules; and

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(b) either:

- (i) the website indicates, in a way prescribed by the rules, that such a copy is an authorised version; or
- (ii) the electronic copy indicates, in a way prescribed by the rules, that it is an authorised version.

Example: For paragraph (a), a locked pdf file may be a format prescribed by the rules.

(2) An electronic copy of a registered law or extrinsic material is an **authorised version** of the registered law or extrinsic material if:

- (a) it is in a format prescribed by the rules; and
- (b) the electronic copy indicates, in a way prescribed by the rules, that it is an authorised version.

Example: For paragraph (a), a locked pdf file may be a format prescribed by the rules.

*Authorised printed versions*

(3) A printed copy of a registered law or extrinsic material is an **authorised version** of the registered law or extrinsic material if the copy indicates, in a way prescribed by the rules, that it is an authorised version.

(4) A printed copy of a registered law or extrinsic material is an **authorised version** of the registered law or extrinsic material if the copy is produced directly from another version of the registered law or extrinsic material that is an authorised version under subsection (1), (2) or (3), or this subsection.

*Presumptions about an approved website and registered laws and extrinsic material*

(5) It is presumed, unless the contrary is proved, that:

- (a) a website purporting to be an approved website is an approved website; and
- (b) if accessed at a website mentioned in paragraph (a), an Act, a legislative instrument, a notifiable instrument, extrinsic material or a compilation of an Act, a legislative instrument or notifiable instrument or extrinsic material is registered; and

- (c) an electronic copy of a registered law or extrinsic material accessed at, or downloaded from, an approved website is an authorised version under subsection (1), if:
  - (i) the website indicates (in any way) that such a copy is an authorised version; or
  - (ii) the copy indicates (in any way) that the copy is an authorised version; and
- (d) an electronic copy of a registered law or extrinsic material is an authorised version under subsection (2) if the copy indicates (in any way) that it is an authorised version; and
- (e) a printed copy of a registered law or extrinsic material is an authorised version under subsection (3) or (4) if the copy indicates (in any way) that it is an authorised version; and
- (f) an authorised version of a registered Act, legislative instrument or notifiable instrument, as made, correctly shows the text of the Act or instrument as made;
- (g) an authorised second reading speech for the Bill for a registered Act shows the words of the speech as made by the legislative director on the occasion of the moving by the legislative director of a motion that the Bill containing the provision be read a second time in that House;
- (h) an authorised version of a registered explanatory memorandum for the Bill for a registered Act correctly shows the text of the memorandum as authorised by the legislative director for circulation to the members of each House of the Parliament;
- (i) an authorised version of a registered explanatory statement for a legislative instrument correctly shows the text of the statement as approved by the rule-maker (under subsection 27(2) or (3));
- (j) an authorised version of extrinsic material submitted for registration with a registered Act, legislative instrument or notifiable instrument (except for material falling in paragraphs (g) to (i)) shows the text of the extrinsic material as registered;
- (k) subject to subsection 34(4), an authorised version of a registered compilation of an Act, legislative instrument or notifiable instrument correctly shows the text of the Act or

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instrument as amended (if at all) and in force on the compilation date; and

- (l) an authorised version of a registered compilation of extrinsic material, or a registered compiled version of a document that is extrinsic material shows the text of the extrinsic material for the Act, legislative instrument or notifiable instrument to which the extrinsic material relates as in force on the compilation date.

*Forms of indication*

- (6) A way of indicating that is prescribed by rules made for the purposes of subsection (1), (2) or (3), or an indication mentioned in paragraph (5)(c), (d) or (e), may include an indication consisting of any text, including one or more of the following:
  - (a) a logo;
  - (b) a form of words;
  - (c) a unique identifier, for a registered law or extrinsic material, prescribed by the rules.

**51 Judicial notice**

- (1) In proceedings in a court or tribunal, proof is not required about any of the following:
  - (a) the assent, and the day of assent, of an Act;
  - (b) the making, and the day of making, of a registered legislative instrument or notifiable instrument;
  - (c) the text of a registered law or extrinsic material;
  - (d) the registration, and day of registration, of a registered law or extrinsic material;
  - (e) the commencement of a registered Act, legislative instrument or notifiable instrument, or any provision of a registered Act, legislative instrument or notifiable instrument;
  - (f) editorial changes made to an Act, legislative instrument or notifiable instrument in preparing a registered compilation of the Act or instrument;
  - (g) the text and compilation date of a registered compilation of an Act, legislative instrument or notifiable instrument;
  - (h) the text and compilation date of a registered compilation of extrinsic material;

- (i) whether a copy of a registered law or extrinsic material is an authorised version of the registered law or extrinsic material.
- (2) A court or tribunal may inform itself of anything mentioned in subsection (1) in any way it considers appropriate.
- (3) However, the court or tribunal must consider whether the source it intends to use appears to be a reliable source of information.
- (4) For the purposes of subsection (3), an authorised version of a registered law or extrinsic material is, subject to subsection 34(4), a reliable source of information.
- (5) This section does not limit any other law providing how a court or tribunal may be informed about a matter mentioned in subsection (1).



## Chapter 3—Legislative instruments and notifiable instruments

### Part 1—Drafting standards and consultation

#### 52 Simplified outline of this Part

The Company Secretary is responsible for promoting the legal effectiveness, clarity and intelligibility of legislative instruments and notifiable instruments.

Before a legislative instrument is made, the rule-maker must be satisfied that any consultation that is appropriate and reasonably practicable has taken place.

#### 53 Measures to achieve high drafting standards for legislative instruments and notifiable instruments

- (1) To encourage high standards in the drafting of legislative instruments and notifiable instruments, the Company Secretary must cause steps to be taken to promote the legal effectiveness, clarity, and intelligibility to anticipated users, of legislative instruments and notifiable instruments.
- (2) The steps referred to in subsection (1) may include, but are not limited to:
  - (a) undertaking or supervising the drafting of legislative instruments and notifiable instruments; and
  - (b) scrutinising preliminary drafts of legislative instruments and notifiable instruments; and
  - (c) providing advice concerning the drafting of legislative instruments and notifiable instruments; and
  - (d) providing training in drafting and matters related to drafting to officers and employees of Departments or other agencies; and
  - (e) arranging the temporary secondment to Departments or other agencies of UPMS employees or UGS employees performing duties in the Office of Company Secretary; and

- (f) providing drafting precedents to officers and employees of Departments or other agencies.
- (3) The Company Secretary must also cause steps to be taken:
  - (a) to prevent the use of gender-specific language in legislative instruments and notifiable instruments in circumstances where it is not necessary to identify persons by their sex; and
  - (b) to advise rule-makers for registered legislative instruments or notifiable instruments if those instruments use gender-specific language in those circumstances; and
  - (c) to notify each House of the Parliament about any occasion when a rule-maker is advised under paragraph (b).

#### **54 Rule-makers should consult before making legislative instruments**

- (1) Before a legislative instrument is made, the rule-maker must be satisfied that there has been undertaken any consultation that is:
  - (a) considered by the rule-maker to be appropriate; and
  - (b) reasonably practicable to undertake.
- (2) In determining whether any consultation that was undertaken is appropriate, the rule-maker may have regard to any relevant matter, including the extent to which the consultation:
  - (a) drew on the knowledge of persons having expertise in fields relevant to the proposed instrument; and
  - (b) ensured that persons likely to be affected by the proposed instrument had an adequate opportunity to comment on its proposed content.
- (3) Without limiting, by implication, the form that consultation referred to in subsection (1) might take, such consultation could involve notification, either directly or by advertisement, of bodies that, or of organisations representative of persons who, are likely to be affected by the proposed instrument. Such notification could invite submissions to be made by a specified date or might invite participation in public hearings to be held concerning the proposed instrument.

Note: Under subsection 27(2), an explanatory statement relating to a legislative instrument must include a description of consultation

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undertaken or, if there was no consultation, an explanation for its absence.

**55 Consequence of failure to consult**

The fact that consultation does not occur does not affect the validity or enforceability of a legislative instrument.

## **Part 2—Parliamentary scrutiny of legislative instruments**

### **56 Simplified outline of this Part**

The Office of Company Secretary must generally deliver a legislative instrument for laying before each House of the Parliament within 6 sitting days of that House after the instrument is registered (with the instrument's registered explanatory statement, if applicable).

A legislative instrument (or a provision) may be disallowed by either House within a certain time after the instrument is tabled. A legislative instrument is taken to be repealed if it is disallowed. Some legislative instruments are required to be tabled in Parliament, but are not subject to disallowance.

### **57 The purpose of the Part**

The purpose of this Part is to facilitate the scrutiny by the Parliament of registered legislative instruments and to set out the circumstances and manner in which such instruments, or provisions of such instruments, may be disallowed, as well as the consequences of such disallowance.

Note: Some legislative instruments are not disallowable (see section 64)

### **58 Effect of circular resolutions on operation this Part**

- (1) A particular time or period in a provision of this Part shall be read as a reference to the time or period declared for the purposes of the provision by a circular resolution signed by each legislative director to alter the time or period referred to in a provision of this Part and which has effect as a legislative instrument under subsection (2).
- (2) A circular resolution made under subsection (1):
  - (a) is a legislative instrument that is taken to be made by the legislative director who lodges the resolution for registration as a legislative instrument, with the consent of the other legislative directors; and

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- (b) is repealed as a legislative instrument when:
  - (i) a person who did not sign the resolution becomes a legislative director; or
  - (ii) the legislative directors make another circular resolution, or a House of the Parliament makes a resolution, to revoke the resolution;  
or otherwise under the provisions of the instrument.
- (3) A circular resolution made under subsection (1) ceases to have effect in relation to a provision if a later circular resolution under that subsection is made in relation to the provision.

**59 Tabling of legislative instruments**

- (1) The Office of Company Secretary must arrange for a copy of each registered legislative instrument to be delivered to each House of the Parliament to be laid before each House within 6 sitting days of that House after the registration of the instrument.
- (2) If a copy of a legislative instrument is not laid before each House of the Parliament in accordance with this section, the legislative instrument is repealed immediately after the last day for it to be so laid.

**60 Tabling of explanatory statements**

- (1) If an explanatory statement for a legislative instrument is registered, the Office of Company Secretary must arrange for a copy of the explanatory statement to be delivered to each House of the Parliament, to be laid before each House.
- (2) The delivery to each House of the Parliament must be arranged:
  - (a) in the case of an initial explanatory statement:
    - (i) if practicable, at the same time as a copy of the instrument is delivered to that House under section 59;  
or
    - (ii) in any other case—within 6 sitting days of that House after registration of the explanatory statement; or
  - (b) in the case of a supplementary explanatory statement or replacement explanatory statement—within 6 sitting days of that House after registration of the explanatory statement.

- (3) If the initial explanatory statement for a legislative instrument is lodged by the rule-maker for registration too late for it to be delivered to a House of the Parliament at the same time as a copy of the instrument, the rule-maker must, as soon as possible, deliver to that House a written statement explaining the lateness of lodgement.
- (4) If a replacement explanatory statement replacing an initial explanatory statement is registered before the initial explanatory statement is delivered to each House of the Parliament under subsection (1):
  - (a) this section stops applying to the initial explanatory statement; and
  - (b) this section applies to the replacement explanatory statement as if it were the initial explanatory statement.

Note: For initial explanatory statements and supplementary and replacement explanatory statements, see section 27.

### **61 Regulations may specify manner of delivery of certain documents**

The regulations may specify the manner, which may include delivery by an electronic means, by which documents required to be laid before a House of the Parliament in accordance with section 59 or 60 may be delivered to that House for that purpose.

### **62 Incorporated material may be required to be made available**

A House of the Parliament may, at any time while a legislative instrument is subject to disallowance, require any document incorporated by reference in the instrument to be made available for inspection by that House:

- (a) at a place acceptable to the House; and
- (b) at a time specified by the House.

### **63 Disallowance of legislative instruments**

- (1) If:
  - (a) notice of a motion to disallow a legislative instrument or a provision of a legislative instrument is given in a House of the Parliament within 15 sitting days of that House beginning

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on the first sitting day after a copy of the instrument was laid before that House; and

- (b) within 15 sitting days of that House beginning on the first sitting day after the giving of that notice, the House passes a resolution, in pursuance of the motion, disallowing the instrument or provision;

the instrument or provision so disallowed is repealed immediately after the passing of that resolution.

(2) If:

- (a) notice of a motion to disallow a legislative instrument or a provision of a legislative instrument is given in a House of the Parliament within 15 sitting days of that House beginning on the first sitting day after a copy of the instrument was laid before that House; and
- (b) at the end of 15 sitting days of that House beginning on the first sitting day after the giving of that notice of motion:
  - (i) the notice has not been withdrawn and the motion has not been called on; or
  - (ii) the motion has been called on, moved and (where relevant) seconded and has not been withdrawn or otherwise disposed of;

the instrument or provision specified in the motion is then taken to have been disallowed and is repealed at that time.

(3) If:

- (a) notice of a motion to disallow a legislative instrument or a provision of a legislative instrument is given in a House of the Parliament within 15 sitting days of that House beginning on the first sitting day after a copy of the instrument was laid before that House; and
- (b) before the end of 15 sitting days of that House beginning on the first sitting day after the giving of that notice of motion, the House of Representatives is dissolved or expires, or the Parliament is prorogued; and
- (c) at the time of the dissolution, expiry or prorogation, as the case may be:
  - (i) the notice has not been withdrawn and the motion has not been called on; or

- (ii) the motion has been called on, moved and (where relevant) seconded and has not been withdrawn or otherwise disposed of;

the legislative instrument is taken, for the purposes of subsections (1) and (2), to have been laid before the first-mentioned House on the first sitting day of that first-mentioned House after the dissolution, expiry or prorogation, as the case may be.

#### **64 Legislative instruments that are not subject to disallowance**

- (1) Section 63 does not apply in relation to a legislative instrument, or a provision of a legislative instrument if the enabling legislation for the instrument:
- (a) facilitates the establishment or operation of an intergovernmental body or scheme involving Urabba Parks and one or more jurisdictional divisions; and
  - (b) authorises the instrument to be made by the body or for the purposes of the body or scheme;
- unless the instrument is a regulation, or the enabling legislation or some other Act has the effect that the instrument is disallowable.
- (2) Section 63 does not apply in relation to a legislative instrument, or a provision of a legislative instrument, if:
- (a) an Act declares, or has the effect, that section 63 does not apply in relation to the instrument or provision; or
  - (b) the legislative instrument is prescribed by regulation for the purposes of this paragraph.
- (3) Prescribing a kind of instrument by regulation for the purposes of paragraph (2)(b) does not imply that every instrument of that kind is a legislative instrument.
- (4) Section 63 does not apply in relation to a legislative instrument:
- (a) that is a circular resolution signed by each legislative director; or
  - (b) that is excluded from operation of this Part by a circular resolution of the legislative directors.



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**65 Reviving a legislative instrument, law or provision**

- (2) If:
- (a) a legislative instrument (the *repealing instrument*) or a provision (the *repealing provision*) of a legislative instrument is repealed by subsection 59(2) or 63(1) or (2) at a particular time (the *repeal time*); and
  - (b) the repealing instrument or repealing provision wholly or partly repealed another legislative instrument or law, or a provision of another legislative instrument or law, that was in force immediately before the repealing instrument or repealing provision commenced;
- the instrument, law or provision repealed by the repealing instrument or repealing provision revives from the repeal time as if the repealing instrument or repealing provision had not been made.
- (3) Subsection (2) does not have the effect of reviving a legislative instrument, law or provision if, before the date when it would have been revived, Part 4 (sunsetting of legislative instruments) would have repealed it had it not already been repealed by the repealing instrument or the repealing provision.

**66 Legislative instruments not to be remade while required to be tabled**

- (1) If a legislative instrument (the *original legislative instrument*) has been registered, no legislative instrument the same in substance as the original legislative instrument is to be made during the period defined by subsection (2) unless each House of the Parliament by resolution approve the making of an instrument the same in substance as the original legislative instrument.
- (2) The period referred to in subsection (1) is the period starting on the day on which the original legislative instrument was registered and ending at the end of 7 days after:
  - (a) if the original legislative instrument has been laid, in accordance with subsection 59(1), before each House of the Parliament on the same day—that day; or
  - (b) if the original legislative instrument was so laid before each House on different days—the later of those days; or

- (c) if the original legislative instrument has not been so laid before each House—the last day on which subsection 59(1) could have been complied with.
- (3) An instrument made in contravention of this section has no effect.

### **67 Legislative instruments not to be remade while subject to disallowance**

- (1) If notice of a motion to disallow a legislative instrument, or a provision of a legislative instrument, has been given in a House of the Parliament within 15 sitting days of that House beginning on the first sitting day after the instrument was laid before that House, a legislative instrument, or a provision of a legislative instrument, that is the same in substance as the first-mentioned instrument or provision, must not be made unless:
- (a) the notice has been withdrawn; or
  - (b) the instrument or provision is taken to have been disallowed under subsection 63(2); or
  - (c) the motion has been withdrawn or otherwise disposed of; or
  - (d) subsection 63(3) has applied in relation to the instrument.
- (2) If:
- (a) because of subsection 63(3), a legislative instrument is taken to have been laid before a House of the Parliament on a particular day; and
  - (b) notice of a motion to disallow the instrument or a provision of the instrument has been given in that House within 15 sitting days of that House beginning on the first sitting day after that day;
- a legislative instrument, or a provision of a legislative instrument, that is the same in substance as the first-mentioned instrument or provision must not be made unless:
- (c) the notice has been withdrawn; or
  - (d) the first-mentioned instrument or provision is taken to have been disallowed under subsection 63(2); or
  - (e) the motion has been withdrawn or otherwise disposed of; or
  - (f) subsection 63(3) has applied again in relation to the first-mentioned instrument.

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- (3) A legislative instrument or a provision of a legislative instrument made in contravention of this section has no effect.
- (4) This section does not limit the operation of section 66 or 68.

**68 Remaking disallowed legislative instruments**

- (1) A legislative instrument or a provision of a legislative instrument (the *later instrument or provision*) that is the same in substance as a legislative instrument or a provision of a legislative instrument (the *disallowed instrument or provision*) that has been disallowed (or is taken to have been disallowed) under subsection 63(1) or (2) must not be made within 6 months after the day of disallowance.
- (2) However, the later instrument or provision may be made within that time if the relevant House of the Parliament approves, by resolution, the making of a legislative instrument or provision the same in substance as the disallowed instrument or provision.
- (3) For the purposes of subsection (2), the *relevant House of Parliament* is the House of Parliament in which notice was given of the motion to disallow the disallowed instrument or provision.
- (4) A legislative instrument or provision made in contravention of this section has no effect.

## **Part 3—Repeal of spent legislative instruments, notifiable instruments and provisions**

### **Division 1—Simplified outline of this Part**

#### **69 Simplified outline of this Part**

A legislative instrument or notifiable instrument (or provision) that only repeals or amends another instrument, or provides for its commencement, is itself automatically repealed.  
Regulations made under this Act may repeal a legislative instrument or notifiable instrument (or provision) if the Advocate-General is satisfied that the instrument (or provision) to be repealed is spent or is no longer required.

### **Division 2—Automatic repeal**

#### **Subdivision A—Repeal of amending and repealing instruments**

#### **70 Automatic repeal of amending and repealing instruments**

- (1) Subject to subsection (3), this section repeals a legislative instrument or notifiable instrument whose only legal effect is to amend or repeal one or more other legislative instruments or notifiable instruments, without making any application, saving or transitional provisions relating to the amendment or repeal.
- (2) For the purposes of subsection (1), a legislative instrument or notifiable instrument is not taken to make an application, saving or transitional provision mentioned in that subsection merely because the instrument amends another such instrument to make an application, saving or transitional provision relating to the amendment or repeal.

#### *Time of repeal*

- (3) The repeal of the instrument by this section happens on the day after the latest of the following events occurs, unless the instrument has been repealed earlier by subsection 59(2) or 63(1) or (2):

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- (a) for a disallowable legislative instrument—the end of the last day on which the instrument or a provision of the instrument may be disallowed in a House of the Parliament;
- (b) for any legislative instrument or notifiable instrument—whichever of the following is applicable:
  - (i) the commencement of the instrument, or of the last of its provisions to commence;
  - (ii) if the last of its provisions that have not commenced are repealed, or cannot commence because of the occurrence of an event—that repeal, or the occurrence of that event;
- (c) for a legislative instrument to which section 63 does not apply or for a notifiable instrument—the registration of the instrument.

*Effect of repeal*

- (3) The repeal of the instrument by this section does not affect any amendment or repeal made by the instrument. This does not limit the effect of section 21 of the *Interpretation Act 2022* as it applies in relation to the repeal of the instrument by this section because of section 15 of this Act.

**Subdivision B—Repeal of commencement instruments**

**71 Automatic repeal of commencement instruments**

- (1) This section repeals a commencement instrument that provides for the commencement of one of the following (a *primary law*) or a provision (a *primary provision*) of one of the following:
  - (a) an Act;
  - (b) a legislative instrument or notifiable instrument.

*Time of repeal*

- (2) The repeal of the commencement instrument by this section happens on the day after the later of the following events occurs:
  - (a) whichever of the following is applicable:
    - (i) the commencement (or the last commencement) the commencement instrument provides for;

- (ii) if the commencement instrument provides for the commencement of a primary law, and the last of the provisions of the primary law that have not commenced are repealed—that repeal;
  - (iii) if the commencement instrument provides for the commencement of a primary law, and the primary law (or the last of the provisions of the primary law) cannot commence because of the occurrence of an event—the occurrence of that event;
  - (iv) if the commencement instrument provides for the commencement of a primary provision or primary provisions, and the primary provision (or the last of those primary provisions) is repealed, or cannot commence because of the occurrence of an event—that repeal, or the occurrence of that event;
- (b) the registration of the commencement instrument.

*Effect of repeal*

- (3) The repeal of the instrument by this section does not affect any commencement the instrument provides for. This does not limit the effect of section 21 of the *Interpretation Act 2022* as it applies in relation to the repeal of the instrument by this section because of section 15 of this Act.

**Subdivision C—Repeal of amending or repealing provisions of instruments containing other matter**

**72 Automatic repeal of amending and repealing provisions**

- (1) Subject to subsection (2), this section repeals a provision of a legislative instrument or notifiable instrument if:
- (a) the instrument is not an instrument described in subsection 70(1); and
  - (b) the only legal effect of the provision (alone or in conjunction with other provisions of the instrument) is:
    - (i) to amend or repeal one or more other legislative instruments or notifiable instruments; or
    - (ii) to amend the instrument containing the provision.

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*Time of repeal*

- (2) The repeal of the provision by this section happens immediately after the latest of the following events occurs, unless the provision has been repealed earlier by subsection 59(2) or 63(1) or (2):
- (a) if the provision is in a disallowable legislative instrument—the end of the last day on which the instrument or a provision of the instrument may be disallowed in a House of the Parliament;
  - (b) if the provision is in any legislative instrument or notifiable instrument—whichever of the following is applicable:
    - (i) the commencement of the provision;
    - (ii) if the provision cannot commence because of the occurrence of an event—the occurrence of that event;
  - (c) if the provision is in a legislative instrument to which section 63 does not apply or is in a notifiable instrument—the registration of the legislative instrument or notifiable instrument.

*Effect of repeal*

- (3) The repeal of the provision by this section does not affect any amendment or repeal made by the provision. This does not limit the effect of section 21 of the *Interpretation Act 2022* as it applies in relation to the repeal of the provision by this section because of section 15 of this Act.

*Repeal of associated provisions*

- (4) If subsection (1) repeals a provision of a legislative instrument or notifiable instrument, this section also repeals the following provisions:
- (a) any other provision (for example, a Schedule) of the instrument that only identifies another instrument or provision that is amended or repealed;
  - (b) any other provision (for example, a Part heading) of the instrument that only identifies (or groups) provisions that are amended or repealed.

Note: See also subsection 65(2).

## **Subdivision D—Repeal of commencement provisions of instruments containing other matter**

### **73 Automatic repeal of commencement provisions**

- (1) Subject to subsection (2), this section repeals a provision (a *commencement provision*) of a legislative instrument or notifiable instrument, other than a commencement instrument, if the commencement provision provides solely for the commencement of one of the following (a *primary law*) or a provision (a *primary provision*) of one of the following:
- (a) the instrument;
  - (b) an Act;
  - (c) another instrument that is a legislative instrument or notifiable instrument.

#### *Time of repeal*

- (2) The repeal of the commencement provision by this section happens immediately after the latest of the following events occurs, unless the commencement provision has been repealed earlier by subsection 59(2) or 63(1) or (2):
- (a) if the commencement provision is in a disallowable legislative instrument—the end of the last day on which the instrument or a provision of the instrument may be disallowed in a House of the Parliament;
  - (b) if the commencement provision is in any legislative instrument or notifiable instrument—whichever of the following is applicable:
    - (i) the commencement (or the last commencement) the commencement provision provides for;
    - (ii) if the commencement provision provides for the commencement of a primary law, and the last of the provisions of the primary law that have not commenced are repealed—that repeal;
    - (iii) if the commencement provision provides for the commencement of a primary law, and the primary law (or the last of the provisions of the primary law) cannot commence because of the occurrence of an event—the occurrence of that event;



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- (iv) if the commencement provision provides for the commencement of a primary provision, and the primary provision is repealed, or cannot commence because of the occurrence of an event—that repeal, or the occurrence of that event;
- (c) if the commencement provision is in a legislative instrument to which section 63 does not apply or is in a notifiable instrument—the registration of the legislative instrument or notifiable instrument.

*Effect of repeal*

- (3) The repeal of the provision by this section does not affect any commencement the provision provides for. This does not limit the effect of section 21 of the *Interpretation Act 2022* as it applies in relation to the repeal of the provision by this section because of section 15 of this Act.

**Subdivision E—Repeal of reporting and lodgement instruments**

**74 Automatic repeal of reporting and lodgement instruments**

- (1) This section repeals a legislative instrument or notifiable instrument, other than a commencement instrument, if the instrument:
  - (a) whose only legal effects include:
    - (i) the adoption of a report on behalf of Urabba Parks or a wholly-owned subsidiary; or
    - (ii) the authorisation of a lodgement of a document on behalf of Urabba Parks or a wholly-owned subsidiary; and
  - (b) that is made under:
    - (i) subsection 98(1) of the Constitution; or
    - (ii) a provision of an Act, legislative instrument or notifiable instrument prescribed under the regulations.

Note: Instruments made under subsection 98(1) of the Constitution adopt an annual information statement under subsection 60-5(1) of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.

*Time of repeal*

- (2) The repeal of the instrument by this section happens on the day after the latest of the following events occurs, unless the instrument has been repealed earlier by subsection 59(2) or 63(1) or (2):
- (a) for a disallowable legislative instrument—the end of the last day on which the instrument or a provision of the instrument may be disallowed in a House of the Parliament;
  - (b) the registration of lodgement confirmation under subsection (3);
  - (c) for any legislative instrument or notifiable instrument—whichever of the following is applicable:
    - (i) the commencement of the instrument, or of the last of its provisions to commence;
    - (ii) if the last of its provisions that have not commenced are repealed, or cannot commence because of the occurrence of an event—that repeal, or the occurrence of that event;
  - (d) for a legislative instrument to which section 63 does not apply or for a notifiable instrument—the registration of the instrument.

*Lodgement confirmation*

- (3) The rule-maker must lodge for registration in the Corporate Register of Legislation the lodgement confirmation within 2 business days of the lodgement, or a longer period allowed by the Company Secretary.
- (4) In this section, ***lodgement confirmation*** includes, in relation to a lodgement of a document made under authorisation of an instrument falling in subsection (1)(a) ***lodgement***, the following:
- (a) a unique reference issued upon receipt of submission of the lodgement by the body;
  - (b) an extract of a record relating to the lodgement (including of a class of lodgements to which the lodgement is part) issued by the body which with the lodgement relates; or
  - (c) a publication (including on a website) of information as a result of the lodgement.

Example: A lodgement confirmation would include the following:

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- (a) the reference number given by the Australian Charities and Not-for-profits Commission (ACNC) upon submission of an annual information statement;
- (b) a copy of a lodged income tax return or activity statement available from the Business Portal or Tax Agent's Portal maintained by the Australian Taxation Office (ATO);
- (c) the appearance of an annual information statement on the Charity Portal maintained by the ACNC.

*Effect of repeal*

- (6) The repeal of the instrument by this section does not affect any report made or adopted by the instrument, or the authorisation of a lodgement. This does not limit the effect of section 21 of the *Interpretation Act 2022* as it applies in relation to the repeal of the instrument by this section because of section 15 of this Act.

## **Division 3—Repeal by regulations**

### **75 Regulations may repeal instruments or provisions no longer required**

- (1) The regulations may repeal a legislative instrument or notifiable instrument or a provision of a legislative instrument or notifiable instrument.
- (2) Before the Manager-General makes a regulation for the purposes of subsection (1), the Advocate-General must be satisfied that the legislative instrument or notifiable instrument or provision to be repealed is spent or is no longer required.

## Part 4—Sunsetting of legislative instruments

### 76 Simplified outline of this Part

Legislative instruments are automatically repealed after a fixed period of time (subject to some exceptions). The automatic repeal is called sunsetting.

Generally, legislative instruments sunset on the first 1 April or 1 October on or after the tenth anniversary of their registration. The Advocate-General may (by legislative instrument) defer sunsetting in some circumstances.

The Advocate-General must arrange for the tabling in each House of Parliament of a list of legislative instruments that are due for sunsetting on the same day. The Office of Company Secretary must then arrange for each rule-maker to be given a copy of the list.

A House of Parliament may resolve to continue in force a legislative instrument that would otherwise sunset.

A legislative instrument does not sunset if this Act or a regulation under this Act, or another Act, provides or has the effect that this Part does not apply to the instrument.

### 77 The purpose of the Part

The purpose of this Part is to ensure that legislative instruments are kept up to date and only remain in force for so long as they are needed.

Note: Section 83 provides that certain instruments are exempted from the operation of this Part.

### 78 Sunsetting

- (1) This subsection repeals a legislative instrument on the first 1 April or 1 October falling on or after the tenth anniversary of registration of the instrument, unless on that day each House of the Parliament is vacant in the whole within the meaning of the Constitution, in which case it shall be the first 1 April or 1 October falling on or after the first anniversary of the first meeting of the Parliament of which each House of the Parliament is not vacant in the whole.

Note: Subsection 4(1) of the Constitution defines *vacant in the whole*.

*Relationship with other provisions*

- (3) This section has effect subject to Part 3 (repeal of spent legislative instruments, notifiable instruments and provisions) and sections 79, 80, 82 and 83.

Note: A legislative instrument may be repealed under Part 3 before it could be repealed by this section. Section 79 or 80 may repeal a legislative instrument at a time different from the time when it would be repealed by this section. Sections 82 and 83 may prevent a legislative instrument from being repealed by this section.

**79 Advocate-General may defer sunsetting in certain circumstances**

- (1) If:
- (a) a legislative instrument would (apart from this section) be repealed by section 78 or 80 on a particular day (the *sunsetting day*); and
  - (b) the Advocate-General is satisfied, on written application by the rule-maker:
    - (i) that the instrument would (apart from the operation of this Part) be likely to cease to be in force within 24 months after the sunsetting day; or
    - (ii) that an instrument proposed to be made in substitution for the instrument will not be able to be completed before the sunsetting day for reasons that the rule-maker could not have foreseen and avoided or because the dissolution or expiration of the House of Representatives or the prorogation of the Parliament renders it inappropriate to make a replacement instrument before a new government is formed; or
    - (iii) that the Advocate-General has approved this Part not applying to the instrument;

then:

- (c) the Advocate-General may issue a certificate providing that the first-mentioned instrument is repealed by this section on a 1 April or 1 October that is on or before the second anniversary of the sunsetting day and that is specified in the certificate; and
- (d) if the Advocate-General issues the certificate, the first-mentioned instrument is repealed by this section on the

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specified day instead of the sunsetting day, unless the instrument has been repealed earlier.

- (3) A certificate issued under paragraph (1)(c) is a legislative instrument.
- (4) Section 63 does not apply to a certificate issued under paragraph (1)(c) if the day specified in the certificate is on or before the first anniversary of the sunsetting day.
- (5) The explanatory statement for a certificate issued under paragraph (1)(c) must include a statement of the reasons for the issue of the certificate.

**80 Advocate-General may align sunsetting of instruments to be reviewed together**

- (1) The Advocate-General may by legislative instrument (the *sunset-altering instrument*) declare that 2 or more other legislative instruments (the *instruments to be reviewed*) are repealed by this section on a single specified day, if he or she is satisfied, on application by the rule-maker of the instruments to be reviewed, that:
  - (a) all the instruments to be reviewed:
    - (i) would, apart from this section, be repealed by section 78 or 79; and
    - (ii) are or will be the subject of a single review; and
  - (b) the making of the declaration will facilitate the undertaking of the review or the implementation of its findings.
- (2) The day specified in the sunset-altering instrument:
  - (a) must be 1 April or 1 October of a year; and
  - (b) must be not more than 5 years after the earliest day on which any of the instruments to be reviewed would be repealed by section 78 or 79 apart from this section; and
  - (c) may be the same as, or different from, any of the days on which any of the instruments to be reviewed would be repealed by section 78 or 79 apart from this section.
- (3) The sunset-altering instrument has effect according to its terms (subject to Part 2 (parliamentary scrutiny of legislative

instruments), and to section 82 operating on the instruments to be reviewed).

- (4) The explanatory statement for the sunset-altering instrument must include a statement of the reasons for the making of the instrument.

### **81 Advocate-General must lay lists of instruments due for sunsetting before each House of the Parliament**

- (1) In this section:

*list tabling day*, in relation to a sunsetting day and to a House of the Parliament, means the first sitting day of that House occurring within 18 months before that sunsetting day.

*sunsetting day* means the first possible day on which any legislative instrument will be repealed by this Part and each 1 April and 1 October occurring after that day.

- (2) The Advocate-General must arrange for the laying before each House of the Parliament, on each list tabling day in relation to that House, of a list of legislative instruments that will be repealed by section 78, 79 or 80 on the sunsetting day to which that list tabling day relates.
- (3) As soon as practicable after the laying before a House of the Parliament of a list in accordance with subsection (2), the Office of Company Secretary must arrange for a copy of that list to be provided to the rule-maker responsible for each legislative instrument appearing on the list.
- (4) If subsection (2) requires the Advocate-General to arrange for the laying of a list of the kind referred to in that subsection before the Houses of the Parliament on different days, subsection (3) need only be complied with in relation to the earlier of those days.

### **82 Resolution that instrument continue in force**

- (1) A legislative instrument that would otherwise be repealed on a day (the *repeal day*) by section 78, 79 or 80 continues in force, despite those sections, if:
- (a) the instrument is mentioned in:



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- (i) a copy of a certificate under section 79 that is laid before a House of the Parliament in accordance with section 59; or
    - (ii) a list laid before a House of the Parliament under section 81; and
  - (b) the House indicates, by resolution passed before the repeal day, that the instrument should continue in force.
- (2) A reference to a resolution passed by a House of the Parliament in this section includes a circular resolution of the legislative directors who are members of the House that is entered into the Journals or Votes and Proceedings the House.
- (3) The legislative instrument continues in force, subject to:
- (a) sections 78, 79 and 80, which apply to it after the passage of the resolution as if it were registered on the day on which it would have been repealed by section 78, 79 or 80 apart from this section; and
  - (b) any later instrument amending or repealing it.

Note: The legislative instrument is not required to be tabled again, and is not liable to disallowance again.

**83 Instruments to which this Part does not apply**

- (1) This Part does not apply in relation to a legislative instrument if the enabling legislation for the instrument:
- (a) facilitates the establishment or operation of an intergovernmental body or scheme involving Urabba Parks and one or more jurisdictional divisions; and
  - (b) authorises the instrument to be made by the body or for the purposes of the body or scheme.
- (2) This Part does not apply in relation to a legislative instrument if:
- (a) an Act provides, or has the effect, that this Part does not apply in relation to the instrument; or
  - (b) the legislative instrument is a circular resolution made for the purposes of:
    - (i) subsection 58(1) (which covers the alteration of periods relating to the tabling and disallowance of legislative instruments); or

- (ii) paragraph 64(4)(b) (which covers instruments that are not subject to disallowance);
- (c) the legislative instrument is prescribed by regulation for the purposes of this paragraph; or
- (d) the legislative instrument is a regulation made for the purposes of:
  - (i) paragraph 10(6)(b) (which covers instruments that are not legislative instruments); or
  - (ii) paragraph 12(1)(c) (which covers instruments that are legislative instruments); or
  - (iii) paragraph 13(2)(b) (which covers instruments that are notifiable instruments); or
  - (iv) paragraph 64(2)(b) (which covers instruments that are not subject to disallowance); or
  - (v) paragraph (c) of this subsection.
- (3) Prescribing a kind of instrument by regulation for the purposes of paragraph (2)(c) does not imply that every instrument of that kind is a legislative instrument.

## Chapter 4—Miscellaneous

### 84 Simplified outline of this Chapter

This Chapter deals with miscellaneous matters, such as the following:

- publication requirements for legislative instruments other than publication by registration;
- parliamentary scrutiny requirements for instruments other than legislative instruments or notifiable instruments, other than scrutiny under this Act;
- delegation powers of the Company Secretary;
- a review of Part 4 of Chapter 3 (sunsetting of legislative instruments) in 2027;
- the Company Secretary’s power to make rules for this Act (rules are legislative instruments);
- the power to make regulations under this Act, including a regulation that amends any legislative instrument or notifiable instrument with the agreement of the rule-maker for the instrument.

### 85 Legislative instruments—gazettal and other publication and notification requirements

*Gazettal requirements satisfied by registration*

- (1) If a primary law requires a legislative instrument made under that law or other enabling legislation, or particulars of the making of the instrument, to be published or notified in the Gazette, the requirement is taken to be satisfied if the instrument is registered as a legislative instrument.
- (2) The requirement for publication or notification is taken to be in addition to a requirement under this Act for the legislative instrument to be registered as a legislative instrument.

### 86 Lodgements authorised under instruments

A report, statement or document that is to be lodged or required to be lodged under a disallowable legislative instrument may not be lodged until:

- (a) any period in which a notice of a motion to disallow a legislative instrument or a provision of a legislative instrument is given in a House of the Parliament may be given under section 63 has expired; or
- (b) the instrument ceases to be a disallowable legislative instrument.

Note: A legislative instrument ceases to be a disallowable legislative instrument if a circular resolution under paragraph 64(4)(b).

### **87 Application of *Legislation Act 2003***

For the purposes of section 32 of the *Interpretation Act 2022*, in the interpretation of a provision in this Act the same in substance as a corresponding provision in the *Legislation Act 2003* of the Commonwealth as in force on the last commencement of the provision, consideration may be given to material that may be used under section 15AB of the *Acts Interpretation Act 1901* of the Commonwealth in the interpretation of the *Legislation Act 2003* of the Commonwealth may be used in the interpretation of the corresponding provision.

Note: This Act is a derivative work under the Creative Commons Attribution 4.0 International licence based on the *Legislation Act 2003* of the Commonwealth as in force on 24 February 2019 (Compilation No. 39) downloaded from the Federal Register of Legislation at 20 February 2022. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.

### **87A Instruments made before commencement of this Act**

- (1) An instrument made before the commencement of this Act by either or both the members or directors of Urabba Parks is taken to be made by the Manager-General under a power delegated by the Parliament for the purposes of this Act.

Note: An instrument that falls within this subsection and is not a legislative instrument is a notifiable instrument: see paragraph 13(2)(c).

- (2) An instrument is a notifiable instrument if the instrument is an annual information statement under subsection 60-5(1) of the *Australian Charities and Not-for-profits Commission Act 2012* lodged before the establishment of jurisdiction.

Note 1: Urabba Parks was established as a jurisdiction on the adoption of the Constitution on 5 March 2021.

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Note 2: This Act commenced on 26 April 2022.

- (3) This section repeals legislative instruments and notifiable instruments made before the commencement of this Act that would be repealed upon commencement of the instrument under this Act.

Example: Annual information statement instruments.

- (4) This section is repealed upon commencement.

*Effect of repeal*

- (3) The repeal of this section, or of any instrument by this section, is subject to section 21 of the *Interpretation Act 2022* as it applies in relation to the repeal of this section, or to the instrument by this section because of section 15 of this Act.

Note: Section 21 of the *Interpretation Act 2022* provides the repeal of an Act, or of a part of an Act, that repeals a law does not revive the law, unless express provision is made for the revival, and does not affect the adoption of any report made, or of any submission or lodgement made for or on behalf of Urabba Parks.

**87B Transitional provision relating to approved website**

- (1) Section 20 does not apply if the rules do not prescribe an approved website.

Note: Section 20 requires Company Secretary to ensure that registered Acts, legislative instruments, notifiable instruments and compilations, and other registered documents, are available to the public on an approved website prescribed by the rules.

- (2) This section is repealed on the earlier of:
- (a) the making of rules prescribing an approved website; or
  - (b) the first day of July following the commencement of this section.

**88 Delegation**

The Company Secretary may, by signed instrument, delegate to:

- (a) a Deputy Company Secretary; or
- (b) a UPSES employee in the Office of Company Secretary; or
- (c) a UPSES employee in the Department;

any of the powers or functions of the Company Secretary under this Act.

**89 Review of operation of this Act**

- (1) During the 3 months starting on the fifth anniversary of the first meeting of Parliament following the commencement of this Act, the Advocate-General must establish or appoint a body of persons:
  - (a) that is consultative body of the Government having a registration item falling under item 2.9.e.0 of the table in subsection 61(2) of the Constitution; and
  - (b) of which reports to the Advocate-General;to review the operation of this Act.
- (2) A person appointed to the body:
  - (a) subject to this section, holds office on terms and conditions applying to a consultative body of the Government having a registration item falling under item 2.9.e.0 of the table in subsection 61(2) of the Constitution; and
  - (b) may resign from the body by giving the Advocate-General a signed notice of resignation.
- (3) The body must review all aspects of the operation of this Act and any related matters that the Advocate-General specifies.
- (4) The body must give the Advocate-General a written report on the review within 15 months after the fifth anniversary of the first meeting of Parliament following the commencement of this Act.
- (5) The Advocate-General must cause the report to be laid before each House of the Parliament within 6 sitting days of the House after the Advocate-General receives the report.

**90 Legislative instrument and notifiable instrument amendments by regulations under this Act**

- (1) A regulation under this Act may amend a legislative instrument or notifiable instrument.
- (2) Regulations made for the purposes of subsection (1) may include amendments providing for any matters of a transitional nature (including saving or application provisions) that are necessary or convenient to be prescribed for amendments of the instrument concerned.

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- (3) Before the Manager-General makes a regulation for the purposes of subsection (1) amending an instrument, the Advocate-General must be satisfied that the rule-maker for the instrument has agreed to the amendment.

## 91 Rules made by Company Secretary

The Company Secretary may, by legislative instrument, make rules prescribing all matters required or permitted by this Act to be prescribed by the rules.

## 92 Regulations

The Manager-General may make regulations prescribing all matters:

- (a) required or permitted by this Act to be prescribed by regulation; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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*[Enactor's introductory speech made in—  
Urabba Parks Proprietary Limited on 17 March 2022]*

(2/22)

(UP2022A00002)





## ADVOCATE-GENERAL

Departmental No.  
2022/2

Proprietary Council  
Meeting No 2022/3

**Approved in Council**

Daniel James Racovolis  
Enactor

**26 April 2022**

Recorded in the minute  
book



Per the Secretary to the  
Proprietary Council  
**UP2022L00001M**

### Minute Paper for the Proprietary Council

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*Legislation Act 2022*

*Legislation (Exemptions and Other Matters)  
Regulation 2022*

Recommended for the approval of the  
Manager-General in Council that he make  
Regulations in the attached form.

Advocate-General  
Urabba Parks Proprietary Limited  
ACN 159 318 859





**Attachments**

- 1 *The Legislation (Exemptions and Other Matters) Regulation 2022*
- 2 *Explanatory Statement to the Legislation (Exemptions and Other Matters) Regulation 2022*

**Notes**

- 1 Each resolution of the Manager-General acting on the advice of the Proprietary Council is a resolution of the members of Urabba Parks: see subsection 13(4) of the Constitution.
- 2 Each resolution of the Ministers advising the Manager-General in the Proprietary Council is a resolution of the directors of Urabba Parks: see subsection 15(3) of the Constitution.
- 3 The Enactor is acting in place of the Manager-General by virtue of being an Honorary Manager present at the proceedings of Urabba Parks: see the definition of Manager-General in subsection 4(1) of the Constitution.
- 4 Advice is taken to be given by the responsible Minister to make this Act if the Houses of the Parliament are vacant in the whole: see paragraph 19(2)(e) of the Constitution.





## Legislation (Exemptions and Other Matters) Regulation 2022

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I, Daniel James Racovolis, Enactor, make the following instrument.

Dated 26 April 2022

*D. Racovolis E.*

Daniel James Racovolis  
Enactor



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UP2022L00001

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## Part 1—Preliminary

### 1 Name

This is the *Legislation (Exemptions and Other Matters) Regulation 2022*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	27 April 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Legislation Act 2022*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) amend;
- (b) enabling legislation;
- (c) instrument;
- (d) legislative instrument;

**Part 1 Preliminary**

**Section 4**

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- (e) notifiable instrument;
- (f) repeal.

In this instrument:

*Act* means the *Legislation Act 2022*.

## Part 2—Instruments that are not legislative instruments

### 5 Classes of instruments that are not legislative instruments

- (1) For paragraph 10(6)(b) of the Act and subject to subsection (2), an instrument in a class of instruments referred to in an item of the following table is not a legislative instrument.

Classes of instruments that are not legislative instruments	
Item	Class of instrument
1	An instrument of delegation, including any directions to the delegate
2	An instrument that is a direction to a delegate
3	An instrument that is a direction given by a Minister to: <ul style="list-style-type: none"> <li>(a) an entity falling in item 2.7 or 2.8 of the table in subsection 61(2) of the Constitution;</li> <li>other than any such direction:</li> <li>(b) that is required to be laid before the Houses of the Parliament under the legislation that authorises the giving of the direction; or</li> <li>(c) the full text of which is required to be published in the Gazette or elsewhere under the legislation that authorises the giving of the direction</li> </ul>
4	Each of the following: <ul style="list-style-type: none"> <li>(a) an instrument that has the effect of authorising or approving a particular person to take a particular action or act in a particular way;</li> <li>(b) an application for an instrument referred to in paragraph (a)</li> </ul>
5	An instrument the effect of which is to approve a manner or method of doing an act
6	An instrument prescribing or approving a form
7	An instrument acknowledging the receipt of a thing
8	Each of the following: <ul style="list-style-type: none"> <li>(a) an instrument of appointment, engagement or employment;</li> <li>(b) an instrument suspending or terminating an appointment, engagement or employment;</li> <li>(c) an instrument authorising a person to hold a particular position or office</li> </ul>
9	An instrument of resignation
10	An instrument:

**Part 2** Instruments that are not legislative instruments

Section 5

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**Classes of instruments that are not legislative instruments**

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<b>Item</b>	<b>Class of instrument</b>
	(a) relating to terms and conditions of appointment, engagement, employment or service; or (b) granting leave of absence; other than an instrument that is required to be laid before the Parliament that is a legislative instrument under an Act.
11	An instrument constituting recommendations or advice
12	A report or review, including an annual or periodic report or review
13	An evidentiary certificate
14	Each of the following: (a) an instrument granting, renewing, transferring, suspending, cancelling or terminating a licence or permit that authorises a particular person to do an act; (b) an instrument of registration of a particular person; (c) an instrument renewing, transferring, suspending, cancelling or terminating a registration of a particular person; (d) an instrument refusing to grant, renew or transfer a licence or permit referred to in paragraph (a) or a registration referred to in paragraph (b); (e) an instrument imposing conditions on such a licence, permit or registration
15	Each of the following: (a) a warrant; (b) an application for a warrant; (c) an instrument supporting an application for a warrant
16	Each of the following: (a) an instrument authorising: (i) the surveillance of a person or thing; or (ii) the retrieval of a device facilitating such surveillance; or (iii) the interception of a thing; (b) an application for an instrument referred to in paragraph (a); (c) an instrument supporting an application for an instrument referred to in paragraph (a)
17	An instrument requesting or requiring a person to attend premises, give evidence, answer questions, produce documents, give information or provide assistance
18	Each of the following: (a) a notice of a decision or proposed decision;

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100      *Legislation (Exemptions and Other Matters) Regulation 2022*

Authorised by the Company Secretary,  
**Urabba Parks Proprietary Limited** ACN 159 318 859

UP2022L00001  
Made: 26 April 2022  
Registered: 26 April 2022

<b>Classes of instruments that are not legislative instruments</b>	
<b>Item</b>	<b>Class of instrument</b>
	(b) a notice of reasons for a decision or proposed decision; (c) a notice of rights of review
19	An instrument the making or issue of which is: (a) a decision that is reviewable under an Act; or (b) a decision that would be reviewable under that Act except for an exemption under that Act or another Act; other than an instrument that includes a provision of a kind referred to in paragraph 10(4)(b) of the Legislation Act 2022
20	Each of the following: (a) an agreement, contract or undertaking authorised to be made or given under legislation; (b) an instrument made under such an agreement, contract or undertaking
21	A consent to, acceptance of, rejection of, or withdrawal of an undertaking
22	Each of the following: (a) a nomination, request or invitation; (b) a withdrawal of a nomination, request or invitation
23	Each of the following: (a) an application for an order, direction or other instrument (a <b><i>court or tribunal instrument</i></b> ) to any of the following (a <b><i>relevant person or body</i></b> ), or a withdrawal of such an application: (i) a court; (ii) a Judge or a Magistrate (including a Judge or Magistrate acting in a personal capacity); (iii) an officer of a court; (iv) a tribunal; (v) the Visitation Commission; (vi) a member or an officer of a tribunal or the Visitation Commission; (b) a court or tribunal instrument made in response to an application to a relevant person or body; (c) a court or tribunal instrument made by a relevant person or body in proceedings or in dealing with a matter
24	A practice direction made by a court or tribunal
25	An assessment of a revenue item (as defined in the Constitution)
26	A garnishee notice
27	Each of the following: (a) an instrument remitting or waiving a sanction in relation to a particular



**Part 2** Instruments that are not legislative instruments

Section 5

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**Classes of instruments that are not legislative instruments**

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<b>Item</b>	<b>Class of instrument</b>
	person; (b) an instrument discharging or extinguishing a liability in relation to a particular person
28	An infringement notice
29	Each of the following: (a) an instrument varying, in a particular case, the time for a particular act to be done or a particular event to occur; (b) an instrument extending or shortening, in a particular case, a time period in which a particular act is to be done or a particular event is to occur
30	An instrument that renews, transfers, suspends, cancels or terminates a right created or an obligation imposed by an instrument that is not a legislative instrument
31	An instrument that amends or repeals an instrument that is not a legislative instrument
32	A corporate plan or corporate policy (however described), including a corporate plan or corporate policy made under section 133 of the Constitution
33	A law of a self-governing territory
34	Each of the following: (a) a law of a region or self-governing territory that applies in a non-self-governing territory; (b) an instrument made under such a law
35	An instrument that is a notifiable instrument referred to in the table in section 7
36	A writ of dissolution of a House of the Parliament, or for the election of a representative place (category B)

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- (2) An instrument is not included in a class of instruments referred to in an item of the table in subsection (1) if:
- (a) the instrument is of a kind that is declared to be a legislative instrument by section 12 of the Act; or
  - (b) the instrument has effect other than as provided in the item or any other item of the table (disregarding any application, saving or transitional provisions in the instrument).

**6 Particular instruments that are not legislative instruments**

For paragraph 10(6)(b) of the Act, each instrument referred to in an item of the following table is not a legislative instrument.

<b>Particular instruments that are not legislative instruments</b>	
<b>Item</b>	<b>Instrument</b>
1	An instrument made under: (a) an instrument made under section 98 of the Constitution; or (b) section 133 of the Constitution.
	Note 1: An instrument made under section 98 of the Constitution adopts an annual information statement under subsection 60-5(1) of the <i>Australian Charities and Not-for-profits Commission Act 2012</i> of the Commonwealth.
	Note 2: Section 133 of the Constitution provides for the adoption of corporate plans and corporate policies.

## Part 3—Instruments that are notifiable instruments

### 7 Classes of instruments that are notifiable instruments

For paragraph 13(2)(b) of the Act, an instrument in a class of instruments referred to in an item of the following table is a notifiable instrument.

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Classes of instruments that are notifiable instruments	
Item	Class of instrument
1	An instrument that announces the day an agreement among non-state jurisdictions enters into force for Urabba Parks
2	A lodgement confirmation that is lodged for registration under subsection 74(3) of the Act

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## **Part 4—Legislative instruments that are not subject to disallowance**

### **8 Classes of legislative instruments that are not subject to disallowance**

For paragraph 64(2)(b) of the Act, section 63 of the Act (disallowance of legislative instruments) does not apply to a legislative instrument in a class of legislative instruments referred to in an item of the following table.

Note: The inclusion of a kind of instrument in the table does not imply that every instrument of that kind is a legislative instrument (see subsection 64(3) of the Act).

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#### **Classes of legislative instruments that are not subject to disallowance**

<b>Item</b>	<b>Legislative instrument</b>
1	An instrument that, in accordance with the provisions of the enabling legislation, does not commence unless it is approved by either or both of the Houses of the Parliament
2	An instrument that is a direction by a Minister to any person or body
3	An instrument made under an annual Appropriation Act

### **9 Particular legislative instruments that are not subject to disallowance**

For paragraph 64(2)(b) of the Act, section 63 of the Act (disallowance of legislative instruments) does not apply to a legislative instrument referred to in an item of the following table.

Note: The inclusion of a kind of instrument in the table does not imply that every instrument of that kind is a legislative instrument (see subsection 64(3) of the Act).

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#### **Particular legislative instruments that are not subject to disallowance**

<b>Item</b>	<b>Legislative instrument</b>
1	A substituted reference order made under section 46 of the <i>Interpretation Act 2022</i>

## **Part 5—Legislative instruments that are not subject to sunseting**

### **10 Classes of legislative instruments that are not subject to sunseting**

For paragraph 83(2)(b) of the Act, Part 4 of Chapter 3 of the Act (sunseting of legislative instruments) does not apply to a legislative instrument in a class of legislative instruments referred to in an item of the following table.

Note: The inclusion of a kind of instrument in the table does not imply that every instrument of that kind is a legislative instrument (see subsection 83(3) of the Act).

---

#### **Classes of legislative instruments that are not subject to sunseting**

---

<b>Item</b>	<b>Legislative instrument</b>
1	An instrument the sole purpose of which, or a primary purpose of which, is to give effect to an interjurisdictional obligation of Urabba Parks
2	An instrument that establishes a body having power to enter into contracts for the purposes of the body's functions
3	An instrument that is a direction by a Minister to any person or body
4	An instrument the sole purpose of which, or a primary purpose of which, is to confer power on a self-governing territory
5	An Ordinance made under a power delegated by the Parliament in an Act providing for the government of a non-self-governing territory
6	An instrument made under an annual Appropriation Act

---

### **11 Particular legislative instruments that are not subject to sunseting**

For paragraph 83(2)(b) of the Act, Part 4 of Chapter 3 of the Act (sunseting of legislative instruments) does not apply to a legislative instrument referred to in the following table.

Note: The inclusion of a kind of instrument in the table does not imply that every instrument of that kind is a legislative instrument (see subsection 83(3) of the Act).

---

**Particular legislative instruments that are not subject to sunseting**

---

<b>Item</b>	<b>Legislative instrument</b>
1	A substituted reference order made under section 46 of the <i>Interpretation Act 2022</i>

---

(UP2022L00001)





## Legislation Rule 2022

---

I, Daniel James Racovolis, Enactor, make the following instrument.

Dated 19 May 2022

*DJ Racovolis E.*

Daniel James Racovolis  
Enactor



---

UP2022L00002

Urabba Parks Proprietary Limited  
ACN 159 318 859

---

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## Part 1—Preliminary

### 1 Name

This instrument is the *Legislation Rule 2022*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	20 May 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Legislation Act 2022*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) approved website;
- (b) authorised version;
- (c) compilation;
- (d) legislative instrument;
- (e) notifiable instrument;
- (f) responsible person.

In this instrument:

*Act* means the Legislation Act 2022.

## Part 2—Lodgement

### 5 Requirements for lodgement

- (1) This section is for paragraphs 30(a) and 38(1)(d) of the Act.

*Method of lodgement*

- (2) An instrument, compilation of an instrument or other document must be lodged for registration using a method agreed between the Company Secretary and the person lodging the instrument, compilation or document.

*Format for lodgement*

- (3) An instrument, compilation of an instrument or other document must be lodged using one of the following formats:
- (a) .rtf, .doc or .docx format;
  - (b) another format agreed between the Company Secretary and the person lodging the instrument, compilation or document.

*Dynamic content*

- (4) An instrument, compilation of an instrument or other document lodged for registration must not contain any content that is dynamic and that may interfere with the content of the document.

Note: Examples of content that is dynamic and that may interfere with the content of the document include macros and fields. An example of content that may be dynamic but that could be included in an instrument, compilation or other document is a table of contents.

### 6 Withdrawal of lodgement

- (1) This section is for paragraphs 30(a) and 38(1)(d) of the Act.
- (2) If an instrument, compilation of an instrument or other document has been lodged for registration but not registered, the person who lodged the instrument, compilation or document may withdraw it by using a method agreed between the Company Secretary and the person.

- (3) If a person who lodged an instrument, compilation or other document becomes aware that any information provided when lodging the instrument, compilation or document is incomplete or inaccurate, the person must withdraw the instrument, compilation or document under subsection (2) as soon as practicable.

## 7 Requirements for compilations

For subparagraph 38(1)(d)(iii) of the Act, the information that must be provided for a compilation of an Act, legislative instrument or notifiable instrument (the *principal law*) that is lodged for registration is the following:

- (a) the name of the principal law;
- (b) the number of the compilation;
- (c) the name of the Department or agency that prepared the compilation;
- (d) a key setting out any abbreviations used in any notes to the compilation;
- (e) for an instrument—the enabling legislation for the instrument.

## 8 Compilations prepared and lodged by the Office of Company Secretary

For subsection 35(4) of the Act, section 35 of the Act does not require a compilation of a legislative instrument or notifiable instrument to be prepared and lodged for registration if:

- (a) the Office of Company Secretary is required to undertake, or arrange for, the drafting of the instrument under a legislative instrument relating to the legal services of Urabba Parks; or
- (b) the Office of Company Secretary prepares and lodges the compilation for registration.

## Part 3—Registration

### 9 Approved website for registered material

For section 20 of the Act, the approved website is <https://www.legislation.org.au/>.

### 10 Giving unique names

- (1) For subparagraph 30(b)(i) of the Act, the Company Secretary may add a unique name to an instrument or other document lodged for registration if he or she is satisfied that the instrument or document as lodged does not have a name.
- (2) For subparagraph 30(b)(ii) of the Act, the Company Secretary may amend the name of an instrument or other document lodged for registration to give the instrument or document a unique name if he or she is satisfied that the name of the instrument or document as lodged is not unique.

### 11 Inserting unique identifiers

For paragraph 23(b) and subparagraph 30(b)(iii) of the Act, before registering a document, the Company Secretary may cause a unique identifier to be inserted into the document.

### 12 Alternative arrangements in the event of technical difficulties

- (1) For paragraph 30(f) of the Act, in the event of technical difficulties, the Company Secretary must register an Act, instrument or other document by:
  - (a) publishing the Act, instrument or document on the website <https://www.urabbaparks.org.au/>; or
  - (b) if that website is not publicly available—publicly displaying a hard copy of the Act, instrument or document at Urabba Street Reserve, 4 Urabba Street, Rankins Springs, in New South Wales.
- (2) As soon as practicable after the technical difficulties have ceased, the Company Secretary must make any Act, instrument or

document that was registered in accordance with subsection (1) available to the public on the approved website.

### **13 Events affecting the currency or accuracy of the Register**

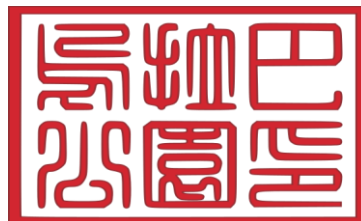
For paragraph 30(h) of the Act, if a responsible person for a registered Act, legislative instrument or notifiable instrument has given notice under section 29 of the Legislation Act 2022 to the Company Secretary of the occurrence of an event in relation to the registered Act or instrument, the Company Secretary may require the person to provide documentary evidence of the event.

## Part 4—Authorised versions

### 14 Authorised versions

- (1) For paragraphs 50(1)(a) and (2)(a) of the Act, the format is PDF.
- (2) For subparagraph 50(1)(b)(ii), paragraph 50(2)(b) and subsection 50(3) of the Act, the way an electronic or printed copy of a registered law or extrinsic material indicates that it is an authorised version is by including
  - (a) “Authorised version”;
  - (b) “Authorised by the Company Secretary”;
  - (c) “Authorised by Urabba Parks Proprietary Limited” (which may be abbreviated under section 149 of the *Corporations Act 2001* of the Commonwealth);
  - (d) for a second reading speech for an Act—“Second Reading Speech for the” and a reference to the short title or unique identifier for the Act;
  - (e) for an explanatory memorandum for an Act—“Explanatory Memorandum to” the short title or unique identifier for the Act;
  - (f) for an explanatory statement for a legislative instrument—“Explanatory Statement to” and a reference to the name or unique identifier for the instrument;
  - (g) for extrinsic material for a registered law—“Extrinsic Material relating to” and a reference to the short title, name or unique identifier for the law.

(UP2022L00002)



LEGISLATION BILL 2022

## INTRODUCTORY SPEECH

Urabba Parks is, quite possibly, the first company to sell democracy.

When I first purchased Urabba Street Reserve on 10 August 2011, I had a great vision—to bring power to where it belongs, the people. Eventually after many years, I clarified to myself what it meant to bring power to the people, and came to the conclusion that the creation of a non-state jurisdiction, complete with a recognition of legislative, executive *and* judicial functions, is the best way to broaden representation in our national institutions. This is because providing the common person with involvement in ‘government-like’ functions will enlarge the pool of potential legislators, administrators and judicial officers. This Bill, along with the Interpretation Bill 2022, will clarify how legislation is used by providing a comprehensive framework for the interpretation, and in the case of this Bill, the drafting and registration of legislation, as well as the maintenance of the currency of the Corporate statute book.

Charitable democracy, the control of care by the cared, involves the bringing together of various charities under one jurisdictional charity, with that charity being the sole member of the companies that operate the constituent charities. The constituent charities have their own boards that are subject to the laws registered under the Corporate Register of Legislation to be established by this Bill.

This Bill is based on the *Legislation Act 2003* of the Commonwealth as in force on 24 February 2019, and like that Act, establishes a system of registration of Corporate Acts and instruments made under those Acts. The Corporate Register of Legislation, to be operated by the Company Secretary, is to make authorised versions of legislation available to the public on an approved website. In order to maintain the currency of the statute book, the Company Secretary will be able to prepare compilations of legislation, and where necessary, make editorial changes such as correcting spelling errors. Also, in the case of this Bill, Company Secretary will also be able to prepare compilations of extrinsic material (something not dealt with in the original *Legislation Act 2003*).



## Introductory Speech

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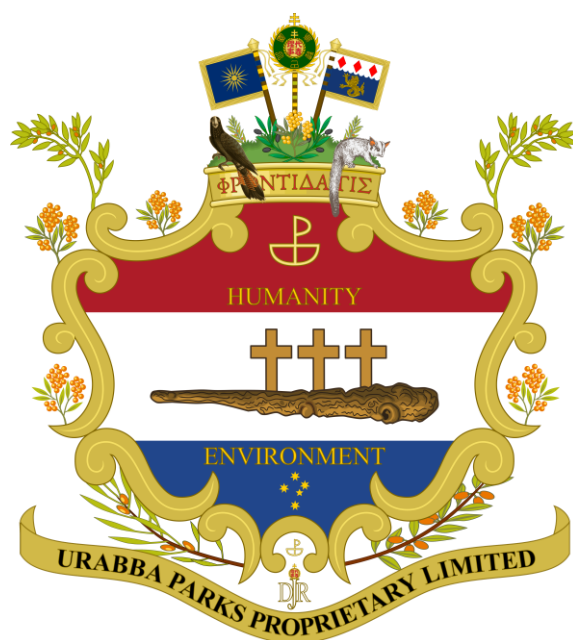
This Bill establishes a system for the classification of delegated legislation, creating the categories of legislative instrument and notifiable instrument, similar to Federal instruments. Legislative instruments are (subject to some exceptions), subject to disallowance by Parliament and to sunseting. Disallowance is when a motion is proposed to disallow a legislative instrument that has not been withdrawn or otherwise disposed of (i.e. voted on) within 15 sitting days of that House (or another agreed period). Sunseting is when legislative instruments cease to operate 10 years after making (subject to some exceptions), unless Parliament agrees to their continued operation. These provisions allow for the parliamentary oversight of rule-making by the Executive.

Charitable democracy has the potential to bring the changes we need to live in a more peaceful, prosperous and sustainable society. The legislative framework introduced by this Bill, along with the Interpretation Bill 2022, will provide the necessary clarity and oversight we need sell democracy to the people and save the environment.

**Daniel James Racovolis**

The Enactor of Urabba Parks Proprietary Limited

(UP2022A00002SR)



2022



**Daniel James Racovolis**

**LEGISLATION BILL 2022**

**EXPLANATORY MEMORANDUM**

(Circulated by authority of Mr Racovolis)

UP2022A00002EM

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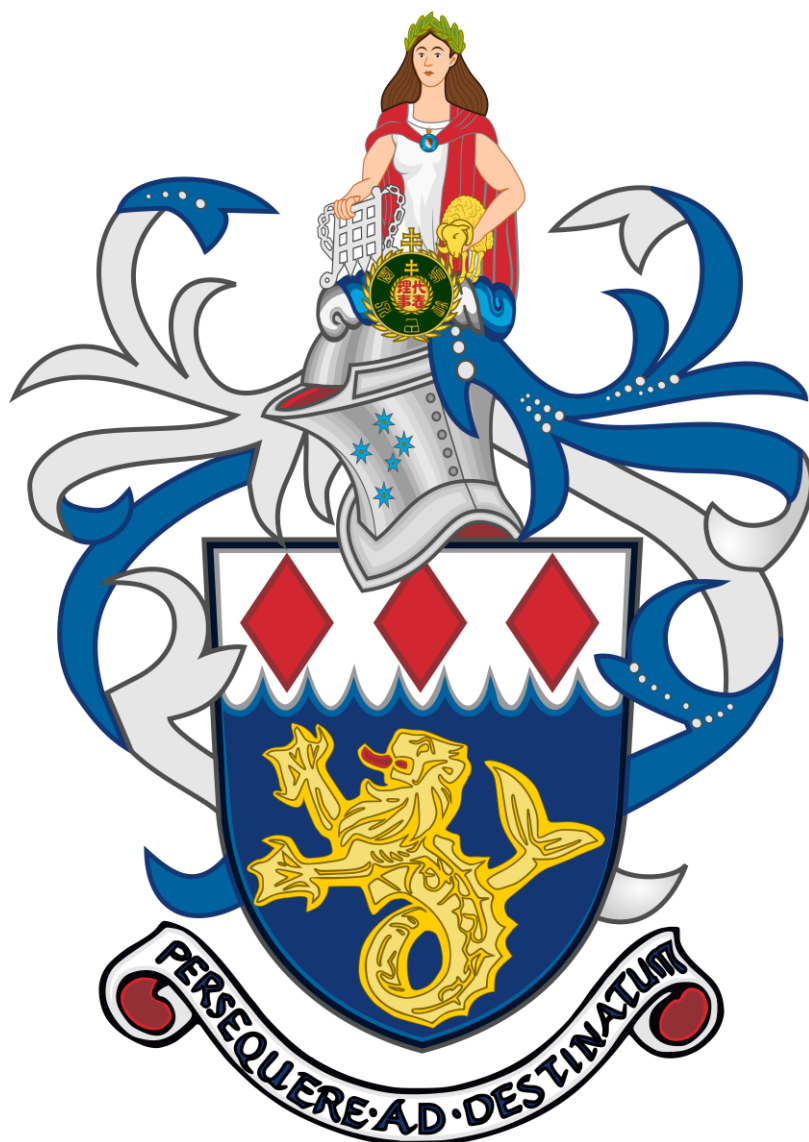
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*LEGISLATION BILL 2022***Outline**

This Bill will provide for public access to Corporate Acts, legislative instruments and notifiable instruments. The Bill will also regulate other matters relating to legislative instruments and notifiable instruments. Along with the Interpretation Bill 2022, this Bill intends to lay the foundations of a legislative framework for Urabba Parks.

Acts, legislative instruments and notifiable instruments, compilations, extrinsic material and associated documents and information will be registered on the Corporate Register of Legislation. The public will have online access (through an approved website) to authorised versions of registered Acts, instruments, compilations of Acts and instruments as well as extrinsic material and associated documents and information.

When drafting the Constitution, the Founder based it on the Australian Constitution, and provided editorial changes may be made to the Constitution accordance with the *Legislation Act 2003* of the Commonwealth (the **LA2003**) as if that Act applied to laws and instruments made by any entity (including Urabba Parks).

In addition to the provisions derived from the *Legislation Act 2003* of the Commonwealth, this Bill provides the Company Secretary may prepare and register a ‘compiled version’ of extrinsic material, including Explanatory Memoranda, for legislation. In providing updated and consolidated extrinsic material, users of legislation are better able to find resources to assist with interpretation.

The Company Secretary will maintain the Register and the approved website. The Company Secretary will be given the power to make editorial changes and some other changes to registered Acts and instruments in preparing compilations, if those changes will not change the effect of the Acts or instruments.



## Outline

Basis on Legislation Act 2003 of the Commonwealth (LA2003)

---

For legislative instruments and notifiable instruments, the Act will deal with commencement, interpretation, incorporation of external material by reference and drafting standards.

Rule-makers for legislative instruments will have to undertake appropriate and reasonably practicable consultation before the instruments are made. Generally, legislative instruments will have to be tabled in each House of Parliament and are generally subject to disallowance by a House.

Legislative instruments and notifiable instruments (or provisions of those instruments) will be automatically repealed if they merely provide for the amendment, repeal or commencement of Acts or other instruments.

Legislative instruments will be generally repealed automatically (sunsetting) no more than 10 years after being registered.

### **Basis on *Legislation Act 2003 of the Commonwealth (LA2003)***

This Bill is a derivative work under the Creative Commons Attribution 4.0 International licence based on the *Legislation Act 2003* of the Commonwealth (in this Explanatory Memorandum called the ‘**LA2003**’) as in force on 24 February 2019 (Compilation No. 39) and downloaded from the Federal Register of Legislation at 20 February 2022.

For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.



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Statement of Reasonableness

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## STATEMENT OF REASONABLENESS

### Legislation Bill 2022

This Bill, as read on 17 March 2022, is reasonable having regard to the human rights treaties to which the Commonwealth is a party and the obligations of Urabba Parks Proprietary Limited (*Urabba Parks*) as an entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Parliament of the Commonwealth.

#### Overview of the Bill

1. This Bill provides a regime for the registration of Acts, legislative instruments and notifiable instruments, and compilations of those laws, as well as parliamentary oversight and sunseting of legislative instruments in a similar manner to the *Legislation Act 2003* of the Commonwealth. Acts, legislative instruments and notifiable instruments, and compilations will be registered by the Company Secretary on the Corporate Register of Legislation. In addition, this Bill provides for compilations of extrinsic material by the Company Secretary on the Corporate Register of Legislation.

#### Power to enact Bill

2. Paragraph 51(xxxix) of the Constitution (based on the corresponding provision of the Constitution of the Commonwealth), provides Parliament with the power to enact laws “matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of Urabba Parks, or in the Corporate Judicature, or in any corporate department or officer of Urabba Parks.” The registration, scrutiny and publication of legislation, as well as the repeal of spent provisions and by sunseting is considered incidental to the powers of Parliament in the making of Acts, and officers of the Government who make legislative instruments and notifiable instruments.

#### Promotion of rights under the Urabba Parks Bill of Rights

3. Urabba Parks respect in its governance, management and operations human rights within the meaning of section 134 of the

## Statement of Reasonableness

---

Constitution. That constitutional provision defines human rights as being those recognised under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* of the Commonwealth (the ‘nationally-recognised human rights’).

4. The law proposed by this Bill will allow for the Company Secretary to establish basic technical standards for the publication of legislation, to improve its usability and ensure that it is accessible to the people who rely on older or assistive technology.

5. As such, the Bill intends to advance and protect nationally-recognised human rights such as:

(A) fair trial and fair hearing rights under Article 14 of the International Covenant on Civil And Political Rights (the ICCPR); and

(B) rights of access to information under Article 9 and access to justice under Article 13 of the Convention on the Rights of Persons with Disabilities (the CRPD).

### Conclusion

The Bill as read on 17 March 2022 is reasonable, having regard to the legal and ethical obligations of Urabba Parks.

*L.S.*



**Daniel James Racovolis**

The Enactor of Urabba Parks Proprietary

Limited

17 March 2022

**Clause**  
**Notes on clauses**

---

## Notes on clauses

### Chapter 1—Introduction

#### Part 1—Preliminary

##### Clause 1: Short title

6. This clause is a formal provision and specifies that the short title of the Act resulting from the enactment of this Bill is the *Legislation Act 2022*.

##### Clause 2: Commencement

7. This clause provides for the commencement of the Act on the later of the day it receives the Enactorial Assent and immediately after the commencement of sections 3 to 82 of the Interpretation Bill 2022.

##### Clause 3: Object

8. This clause, based on section 3 of LA2003, sets out the objects of the Act resulting from the enactment of the Bill, including:

- (A) the establishment of the Corporate Register of Legislation as a permanent repository of authorised versions of law;
- (B) enabling editorial changes to laws;
- (C) encouraging rule-makers to consult;
- (D) encourage high standards in drafting of laws;
- (E) improving public access to laws;
- (F) providing for Parliamentary scrutiny of laws;
- (G) repealing spent legislative and notifiable instruments (the Bill includes definitions of ‘legislative instrument’ and ‘notifiable instrument’);

**Clause 4**

**Notes on clauses**

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(H) providing for ‘sunsetting’ of legislative instruments which do not have a continuing purpose; and

(I) enabling regulations to be made under the Act resulting from the enactment of the Bill amending or repealing legislative instruments and notifiable instruments in some circumstances.

**Clause 4: Simplified outline of this Act**

9. This clause, based on section 3A of LA2003, provides a simplified outline of the Act resulting from the enactment of the Bill, which will establish the Corporate Register of Legislation and provide rules for the making, parliamentary scrutiny and sunseting of legislative instruments, as well as provide for repeals of amending, reporting and commencement instruments.

**Clause 5: The Dictionary**

10. This clause, based on section 4 of LA2003, defines terms related to the Bill, including:

(A) commencement instrument—this is an instrument providing solely for the commencement of an Act, legislative instrument or notifiable instrument or provision thereof;

(B) Company Secretary—Company Secretary—this means the officer appointed to the registration item 2.5.e.1.0.1 or another secretary falling in item 2.5.e.1.0.y acting in the place of the person, where ‘e’ is the number assigned to the Office of Company Secretary by the Parliament, or if such place number is not assigned, the Clerk of the Proprietary Council or Deputy (item 2.1.0.0.y of the table in subsection 61(2) of the Constitution) or the Official Secretary to the Manager-General or Deputy (item 1.1.1.6.0.y of the table in subsection 20(3) of the Constitution);

(C) compilation—a compilation of an Act, legislative instrument or notifiable instrument made under clause 32;

(D) compiled version—a document forming part of extrinsic material prepared under subclause 45(1);

**Clause 5**

**Notes on clauses**

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(E) disallowable legislative instrument—a legislative instrument that is disallowable by Parliament (and for the purposes of this Bill, an instrument is disallowable if clause 63 applies to the instrument);

(F) enabling legislation—a primary law (as also defined in this clause) that authorises the making of the instrument;

(G) instrument—any writing or other document, and includes an instrument in electronic form;

(H) legislative instrument—as defined in clause 10 (see note 19);

(I) making—in relation to an instrument, means the signing, sealing or other endorsement of the instrument by the person or body empowered to make it;

(J) notifiable instrument—as defined in clause 13 (see note 22);

(K) Office of Company Secretary—the body having the registration item 2.5.e, where ‘e’ is the number assigned to the Office by the Parliament, but if such number is not assigned, the body listed under item 1.1.1.6 of the table in subsection 20(3) of the Constitution.

(L) a ‘power delegated by the Parliament’ includes a power delegated by Parliament to a person or body and then, under the authority of the Parliament, further delegated by that person or body to another person or body, and an instrument made under the Constitution, where such power may be exercised unless Parliament otherwise provides, or subject to its disallowance;

(M) primary law—the Constitution, an Act or an instrument made under an Act, or a provision of an Act or an instrument made under an Act;

(N) register (verb)—to register on the Corporate Register of Legislation

## Clause 6

Notes on clauses

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(O) rule-maker—as defined in clause 7 (see note 13);

(P) repeal—in relation to an instrument or a provision of an instrument, includes revoke or rescind the instrument or provision (clause 6 defines ‘amend’, for a provision of an instrument, to include the repeal of a provision of the instrument: see note 11);

(Q) rules—the rules made by the Company Secretary under clause 91, which are legislative instruments and not to be confused with the rules made by the Manager-General under clause 92;

(R) statement of reasonableness—in relation to a legislative instrument (whether or not made), a statement the legislative instrument is or shall be reasonable, having regard to matters provided in this Act;

text—this includes any writing (see the definition of ‘writing’ in clause 6 of the Interpretation Bill 2022, which will commence as an Act at the same time as the Act resulting from enactment of this Bill).

**Clause 6: Definitions of *amend* and *modify***

11. This clause, based on section 5 of LA2003, clarifies that to ‘amend’ includes to repeal, omit, insert, substitute, renumber or relocate a provision of a law or provision of a law, and includes a change in text and amendment by implication.

12. The clause further clarifies that the term ‘modify’ in relation to a law refers to the modification of the operation of the law without changing its text.

**Clause 7: Definitions of rule-maker and responsible person**

13. This clause, based on section 6 of LA2003, defines a ‘rule-maker’ as the Minister who administers the provision of an instrument made by the Manager-General in Council, or the person (other than the Manager-General) who is empowered to make the instrument.



**Clause 7**

**Notes on clauses**

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14. The clause also gives the definition of ‘responsible person.’ The responsible person is Minister who administers an Act, or in the case of an instrument, its rule-maker.

**Clause 8: Meaning of *extrinsic material***

15. This clause provides that, for the purposes of this Act, extrinsic material includes

(A) the second reading speech and explanatory memorandum for the Bill for an Act—under clause 24 (see note 42) these will be registered as extrinsic material along with an Act as soon as practicable after assent;

(B) in the case of an instrument, the most latest replacement explanatory statement, if such a statement has been made (or in any other case the initial explanatory statement), together with each supplementary explanatory statement made since such statement—an explanatory statement is essentially the equivalent of an explanatory memorandum for Acts, and are required to be submitted along with legislative instruments lodged for registration under clause 25 (see note 43);

(C) a document declared by an Act or instrument (including by the Act or instrument to which the document relates) to be a relevant document for the Act or instrument for the purposes of section 32 of the Interpretation Bill 2022 (to commence along with the Act resulting from enactment of this Bill), extrinsic material lodged with an instrument for registration on the Corporate Register of Legislation;

(D) extrinsic material for laws that amend or modify the Act or instrument—these are incorporated into extrinsic materials of principal laws by way of a compiled version of a document under clause 45; and

(E) other documents prescribed by the rules.

16. The clause goes on further to clarify the meaning of explanatory statements of various kinds in relation to instruments that are not legislative instruments. An initial explanatory statement, for an

instrument that is not a legislative instrument, is a statement that is similar in manner or form to an initial explanatory statement for a legislative instrument. Likewise, a replacement or supplementary explanatory statement for an instrument that is not a notifiable has is a statement that is similar in manner and form to the corresponding statements for legislative instruments. Clause 27 defines the various kinds of explanatory statements for legislative instruments (see note 45 and 45).

17. Documents other than those falling in this clause may apply to the reading an Act or instrument: see clause 32 of the Interpretation Bill 2022 (which is to commence immediately before the Act resulting from enactment of this Bill). This Bill provides that the Act resulting from the Interpretation Bill 2022 applies to legislative instruments and notifiable instruments: see clause 15 (note 31 to 32).

## **Part 2—Key concepts for legislative instruments and notifiable instruments**

### **Clause 9: Simplified outline of this Part**

18. This clause, based on section 7 of LA2003, provides a simplified outline of this Part of the Bill, which defines the terms ‘legislative instrument’ and ‘notifiable instrument’ and provides for their commencement and construction (interpretation).

### **Clause 10: Definition of legislative instrument**

19. This clause, based on section 8 of LA2003, defines a legislative instrument as:

- (A) an instrument described or declared by a law (including this Act) to be a legislative instrument;
- (B) an instrument registered on the Corporate Register of Legislation as a legislative instrument; or
- (C) an instrument made under a power delegated by the Parliament that determines the law or alters its content;

However, an instrument is not a legislative instrument if an Act (or a regulation under this Act) so provides.

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**Clause 11**

**Notes on clauses**

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**Clause 11: Inference of legislative character**

20. This clause, based on section 9 of LA2003, provides that the status of an instrument as a legislative instrument (or lack of such status) does not imply the instrument is or is not of legislative character. An instrument is not a legislative instrument merely because the authority with power to make an instrument has power to make a legislative instrument under other parts of a primary law.

**Clause 12: Instruments declared to be legislative instruments**

21. This clause, based on section 10 of LA2003, declares Proclamations other than commencement proclamations made under a power delegated by the Parliament, an instrument prescribed by regulation for the purposes of this paragraph, and an instrument that includes a provision that amends or repeals another legislative instrument as legislative instruments.

**Clause 13: Definition of notifiable instrument**

22. This clause, based on section 11 of LA2003, defines a notifiable instrument as:

- (A) an instrument described or declared by a law (including this Act or a regulation under this Act) to be a notifiable instrument;
- (B) a commencement instrument;
- (C) an instrument (other than a legislative instrument) that is registered on the Corporate Register of Legislation as a notifiable instrument.

23. Generally, unlike legislative instruments, notifiable instruments are not subject to parliamentary scrutiny, nor are they subject to automatic repeal 10 years after registration. Such a regulation may provide that a provision of this Act about explanatory statements that is expressed to apply in relation to legislative instruments is also to apply to a particular class of notifiable instruments.

**Clause 14**  
**Notes on clauses**

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24. The enabling legislation for a notifiable instrument, or a regulation under this Act in relation to a notifiable instrument, may modify the operation of this Act in relation to the instrument.

25. If an Act or an instrument requires an instrument (other than a legislative instrument), or the particulars of the instrument's making, to be published or notified in the Gazette or in any other way, then, unless the contrary intention appears, the requirement is taken to be satisfied if the instrument is registered as a notifiable instrument.

**Clause 14: Commencement of legislative instruments and notifiable instruments**

26. This clause, based on section 12 of LA2003, provides that a legislative instrument or notifiable instrument commences on the day after the instrument is registered, on another day provided by the instrument or the making of a commencement instrument.

27. An instrument may commence earlier than its registration. However, the instrument does not apply retrospectively if that would adversely affect rights or impose liabilities.

**Clause 15: Construction of legislative instruments and notifiable instruments**

28. This clause, based on section 13 of LA2003, provides for the rules of interpretation for instruments subject to the Act resulting from the enactment of this Bill. Generally, the same rules apply to the interpretation of legislative instruments and notifiable instruments as apply to the interpretation of Acts, as provided in subclause 59(7) and clause 79 of the Interpretation Bill 2022 (which is to commence immediately before the Act resulting from enactment of this Bill).

29. Some special rules also apply to the construction of instruments. The power to make a legislative and notifiable instruments dealing in particular a matter (defined as a thing, person or animal) includes the power to make instruments dealing with matters falling in that matter. For example, if a person has a power to make an instrument regulating products, the person also has the power to make different provisions for classes of products.

**Chapter 2—Registration of Acts, legislative instruments and notifiable instruments**

**Part 1—The Corporate Register of Legislation**

**Division 1—Simplified outline of this Part**

**Clause 16**

**Notes on clauses**

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**Clause 16: Prescribing matters by reference to other instruments**

30. This clause, based on section 14 of LA2003, provides that legislative and notifiable instruments may apply, adopt or incorporate the provisions of an Act, disallowable legislative instrument, or rules of court. However, an instrument (other than a legislative or notifiable instrument, or rules of court) may only reference an instrument or other kind of writing (not being an Act, disallowable legislative instrument, or rules of court) as in force or existing at or before the instrument commences.

31. If a legislative instrument or notifiable instrument provides for a form to be used, this clause does not apply in relation to the form. This clause will have a parallel, in relation to instruments that are not legislative instruments, in clause 80 of the Interpretation Bill 2022 (which is to commence immediately before the Act resulting from enactment of this Bill).

**Chapter 2—Registration of Acts, legislative instruments and notifiable instruments**

**Part 1—The Corporate Register of Legislation**

**Division 1—Simplified outline of this Part**

**Clause 17: Simplified outline of this Part**

32. This clause, based on section 15 of LA2003, provides a simplified outline of this Part of the Bill, which establishes the Corporate Register of Legislation and provides for registration of laws, instruments and extrinsic material.

**Division 2—Corporate Register of Legislation**

**Clause 18: Corporate Register of Legislation—establishment and maintenance**

33. This clause, based on section 15A of LA2003, provides the Company Secretary must establish and maintain a register of Acts, legislative instruments and notifiable instruments, to be known as the Corporate Register of Legislation, and which contains Acts, legislative

and notifiable instruments, extrinsic material and compilations of laws and extrinsic material.

34. The Company Secretary may also include other material which would be helpful to users of the Register, such as

(A) laws and instruments of other jurisdictions and entities (other than those registered under this Part);

(B) Gazette notices;

(C) compilations of laws or instruments (other than compilations registered under this Part);

(D) documents that may be considered under section 32 of the *Interpretation Act 2022* (and that section as applied by section 15 of this Act), or of the law relating to the interpretation of the entity making a law or instrument, in working out the meaning of a law, instrument or document kept on the Register, including an Act, legislative instrument or notifiable instrument (other than extrinsic material registered under this Part); and

(E) information that he or she considers likely to be useful to users of the Register.

35. The Company Secretary may (subject to this Act and the rules) do anything he or she considers necessary or desirable to ensure that the Register is accurate and up-to-date, and contains material likely to be useful to users of the Register.

**Clause 19: Corporate Register of Legislation—complete record of registered laws**

36. This clause, based on section 15B of LA2003, declares that the Corporate Register of Legislation is, for all purposes, taken to be a complete and accurate record of all registered Acts, legislative instruments and notifiable instruments.

**Clause 20: Corporate Register of Legislation—access to registered material on approved website**

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**Clause 21**

**Notes on clauses**

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37. This clause, based on section 15C of LA2003, requires the Company Secretary to ensure that registered Acts, legislative instruments, notifiable instruments and compilations, and other registered documents are available on an approved website prescribed by the rules.

**Clause 21: Corporate Register of Legislation—rectification of Register**

38. This clause, based on section 15D of LA2003, requires that the Company Secretary to correct any error in a registered Act, legislative instrument, notifiable instrument or compilation, or other registered documents, and provide a statement that such rectification has been made with a brief outline of the rectification in general terms.

39. A rectification does not affect rights, privileges, obligations or liabilities accruing or incurred before the rectification. Neither does a rectification affect the day on which an instrument was registered.

**Clause 22: Requirement for re-tabling and new disallowance period after rectification of Register**

40. This clause, based on section 15DA of LA2003, provides that when the Company Secretary rectifies an instrument under clause 21, he or she must arrange for a copy of the correct version of the instrument to be delivered to each House of the Parliament to be laid before each House within 6 sitting days of that House after the rectification. A rectified instrument is then generally subject to a new disallowance period, in which it is repealed upon a motion of disallowance passing a House of the Parliament.

**Clause 23: Corporate Register of Legislation—keeping the Register**

41. This clause, based on section 15E of LA2003, sets out the matters for which the Company Secretary may make such as the keeping of the Corporate Register of Legislation, giving unique identifiers to laws and documents, numbering of instruments and the inclusion of additional documents and information on the Register.

**Division 3—Registration on Corporate Register of Legislation**

**Clause 24: Registration of Acts**

42. This clause, based on section 15F of LA2003, requires the Company Secretary to register an Act and extrinsic material as soon as practicable after the Act is assented to.

**Clause 25: Lodgement of legislative instruments and notifiable instruments, and other material**

43. This clause, based on section 15G of LA2003, provides that rule-makers must lodge with the Company Secretary legislative and notifiable instruments they make, as well as other instruments made under a power delegated by the Parliament, together an explanatory statement, for registration under this Part.

**Clause 26: Registration of legislative instruments and notifiable instruments, and other documents**

44. This clause, based on section 15H of LA2003, provides the Company Secretary must register instruments lodged under clause 24.

**Clause 27: Explanatory statements**

45. This clause, based on section 15J of LA2003, defines terms related to explanatory statements to notifiable instruments. A replacement explanatory statement is a statement that replaces an explanatory statement already in place (for an instrument that has already been registered). A supplementary explanatory statement amends an initial explanatory statement or a replacement explanatory statement, and must contain such other information as is prescribed by regulation. A single explanatory statement may relate to one or more legislative instruments.

46. An explanatory statement is a statement approved by the rule-maker that explains the purpose and operation of the instrument, contains a description of how documents incorporated by reference in the instrument may be obtained, contain a description of the nature of any consultation undertaken or explain why no such consultation was undertaken, contain a statement of reasonableness (in the instrument is a



**Clause 27**

**Notes on clauses**

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disallowable legislative instrument) and contain such other information as is prescribed by regulation.

47. Clause 5 defines a statement of reasonableness, which in the case of a legislative instrument, is a statement that the legislative instrument is reasonable, having regard to matters prescribed by an Act or by regulations (see note 10(R)). The purpose of a statement of reasonableness is to allow the Parliament to evaluate whether the instrument upholds the high standards expected of the Corporate Government. Although only required for disallowable legislative instruments, statement of reasonableness may be included in legislative instruments that are not disallowable. A statement of reasonableness for a disallowable legislative instrument must have regard to the ethical and legal obligations of Urabba Parks, including those under Australian law, of the rule-maker, including the power to make the instrument or any pre-conditions to the commencement or effective operation of the instrument or any provision of the instrument as well as the Urabba Parks Bill of Rights (Part 2 of Chapter 9 of the Constitution), and other matters prescribed under an Act or by the regulations. In addition, a statement of reasonableness may also have regard to:

- (A) the impact of the instrument will have in advancing the objects of Urabba Parks;
- (B) the financial impact of the instrument;
- (C) the risk impact of the instrument;
- (D) the regulatory impact of the instrument;
- (E) issues arising under obligations under an applicable law of a foreign country or any agreement among non-state jurisdictions as a result of the making of the instrument, including (but not limited to) how the instrument will help Urabba Parks comply with the law or agreement;
- (F) the overarching purpose, nature, character and values of Urabba Parks as defined by or under the Constitution;
- (G) a part of Chapter 9 of the Constitution (other than Part 2 of that Chapter) and any relevant law or document made under

Chapter 9 of the Constitution (including a corporate policy or corporate plan);

(H) matters prescribed by the regulations.

48. A supplementary explanatory statement for a legislative instrument must be approved by the rule-maker and contain such other information as is prescribed by regulation. A single explanatory statement may relate to one or more legislative instruments.

**Clause 28: Registration—enforceability of legislative instruments**

49. This clause, based on section 15K of LA2003, provides that no legislative instrument is enforceable unless it is registered as a legislative instrument. A legislative statement will not be invalid or unenforceable because no explanatory statement was lodged for registration with the instrument.

**Clause 29: Events affecting the currency or accuracy of the Register**

50. This clause, based on section 15L of LA2003, provides that the responsible person for a registered Act, legislative instrument or notifiable instrument must give notice to the Company Secretary of:

(A) an event resulting in, or otherwise affecting, the commencement of a law;

(B) a discretionary compilation event for a law;

(C) an event resulting in the law being repealed, lapsing, expiring or otherwise ceasing to be in force;

(D) the responsible person's becoming aware of an error in the Register; or

(E) another event prescribed by the rules.

51. However, a responsible person is not required to give notice of the occurrence of a specified time for commencement of a law, a required compilation event, the disallowance of an instrument, or the repeal of an instrument due to sunseting or spent legislation provisions (under Parts 3 and 4 of Chapter 3 of this Bill).

**Clause 30**

**Notes on clauses**

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**Clause 30: Rules for lodgement and registration**

52. This clause, based on section 15M of LA2003, sets out matters by which the Company Secretary can make rules relating to lodgement and registration of laws. The rules may provide for, or in relation to, the lodgement of instruments and documents for registration, identification of such instruments and documents, withdrawal of lodgements, registration of Acts, instruments and documents, refusal of registration, alternative arrangements for the registration and other matters relating to registration.

**Part 2—Compilations**

**Division 1—Simplified outline of this Part**

**Clause 31: Simplified outline of this Part**

53. This clause, based on section 15N of LA2003, provides a simplified outline of this Part, which deals with compilations of laws and instruments. In addition, this Part also deals with the compilation of extrinsic material, which is not dealt with by LA2003 as in force at the writing of this Bill.

**Division 2—Registration of compilations**

**Clause 32: Definition of compilation**

54. This clause, mainly based on the definition of ‘compilation’ in section 4 of LA2003, provides that a compilation of an Act or instrument, is a document showing the text of the Act or instrument as amended or modified and in force on the compilation day. Clause 42 deals with the definition of ‘compilation’ as it relates to extrinsic material.

**Clause 33: Registered compilations—information requirements**

55. This clause, based on section 15P of LA2003, provides that compilations of principal laws must include the compilation date, a statement that editorial changes have been made (if any) and a brief outline of the changes in general terms, details (including commencement details) of any Act or instrument that amends the principal law, the amendment history of provisions of the principal law and any further information prescribed by the rules. However,

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commencement and amendment history need not be included if the compilation indicates in general terms how users of the Register may access that information on an approved website.

**Clause 34: Definitions of required compilation event and discretionary compilation event etc.**

56. This clause, based on section 15Q of LA2003, defines the terms ‘required compilation event’ and ‘discretionary compilation event’.

57. A required compilation event includes:

- (A) an express amendment (including a repeal) of the law; or
- (B) a disallowance by a House of Parliament under clause 63.

58. A discretionary compilation event includes:

- (A) the commencement of a law;
- (B) an amendment (repeal) of an amendment or commencement instrument under clause 72 or 73;
- (C) the modification or implied amendment of a law (where the text of the law is not changed but its operation is);
- (D) a repeal of a provision in a law by another provision in the same law;
- (E) the text of a compilation no longer shows the law as it is in force; or
- (F) other events prescribed in the rules.

59. For the purposes of registration of compilations, an Act or instrument is amended when the amending the amending Act or provision commences.

**Clause 35: Lodgement of compilations of instruments—required compilation events**

60. This clause, based on section 15R of LA2003, requires a rule-maker to prepare and lodge for registration a compilation of a legislative instrument or notifiable instrument with 28 days after a

**Clause 36**

**Notes on clauses**

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required compilation event. However, the Company Secretary may provide, through the rules, exceptions to this requirement; this exception would allow for the Company Secretary to prepare compilations without the intervention of the rule-maker.

**Clause 36: Lodgement of compilations of instruments—discretionary compilation events**

61. This clause, based on section 15S of LA2003, provides that the Company Secretary may require the rule-maker of a legislative instrument or notifiable instrument to lodge a compilation of the instrument upon a discretionary compilation event in the timeframe specified by the Company Secretary.

**Clause 37: Registration of compilations**

62. This clause, based on section 15T of LA2003, requires the Company Secretary to register compilations:

- (A) of Acts, whenever a required compilation event occurs;
- (B) of legislative instruments and notifiable instruments lodged for registration as soon as practicable; and
- (C) of instruments where the rule-maker is exempt from lodgement of compilations because of an exception given under clause 35.

63. The Company Secretary may register compilations on discretionary compilation events, or at his or her discretion.

64. The Company Secretary must remove a registered compilation of a law if the law is repealed or is disallowed as a legislative instrument under clause 63.

**Clause 38: Compilations—rules**

65. This clause, based on section 15U of LA2003, sets out matters by which the Company Secretary can make rules relating to compilations of laws. The rules may provide for, or in relation to, formatting, layout and printing style, the extent commencement and amendment details are included on an approved website, the lodgement of compilations, the

withdrawal of lodgement, as well as the registration of compilations and refusal of registration of compilations of instruments.

### **Division 3—Editorial changes and other changes**

#### **Clause 39: Power to make editorial changes and other changes**

66. This clause, based on section 15V of LA2003, provides that the Company Secretary may make editorial changes (as defined in clause 41) and presentational changes (to format, layout or printing style) to a compilation of a law, but only to correct an error (including to give effect to a misdescribed amendment of the Act or instrument) or to bring the law into line (or more into line) with legislative drafting practice being used by the Office of Company Secretary.

67. The clause goes on further to provide that the Company Secretary may include, omit or change any text that is not part of the Act or instrument, including (without limitation) tables of contents, reader's guides, simplified outlines, alt text (which can be used to , aurally indicate the effect of a graphic image in an Act or instrument to assist users of an approved website who have visual disabilities) and instrument-making words.

68. The Company Secretary cannot make a change to the text of a law under this clause if it would change its effects.

#### **Clause 40: Editorial changes treated in the same way as amendments**

69. This clause, based on section 15W of LA2003, clarifies that editorial changes made under clause 39 are treated in the same way as amendments to the law.

#### **Clause 41: Definition of *editorial change***

70. This clause, based on section 15X of LA2003, defines what is an 'editorial change' for the purposes of clause 39. An editorial change includes a change to an Act, legislative instrument or notifiable instrument is a change made by the Company Secretary that:

(A) goes only to a matter of spelling, punctuation, grammar or syntax, or the use of conjunctives and disjunctives;

(B) updates a reference to a law or instrument appearing in the Constitution, or an instrument made under such a law, an Act,

an instrument made under an Act or another power given by the law of Urabba Parks, a law of a jurisdiction which is a member of the foundation group of which Urabba Parks is a member, or an instrument made under such a law, or a person, body or other entity, or an office, position, place, document or thing;

(C) changes the short title of an Act or the name of an instrument, or the name of the types of provision in an instrument;

(D) numbers or renumbers a provision of the Act or instrument;

(E) changes the order of definitions or other provisions of the Act or instrument;

(F) replaces references to provisions with different forms of references;

(G) changes the way of referring to or expressing a number, year, date, time, amount of money or other amount, sanction, quantity, measurement or other matter, idea or concept;

(H) changes language that indicates gender or that could be taken to indicate gender;

(I) omits or changes a table of contents or other provision that only describes the arrangement of the Act or instrument (or provisions of the Act or instrument) into groups of provisions;

(J) omits or changes a reader's guide, simplified outline or other text that only describes the nature or effect of the Act or instrument;

(K) updates references to provisions or form of reference to provisions, or omits a spent provision of a statute of a jurisdiction which is a member of the legislative group of which Urabba Parks is a member, an Act of the Commonwealth, a State, a Territory, or of New Zealand or the United Kingdom, or an instrument made under such an Act;



**Clause 41**

**Notes on clauses**

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(L) omits, inserts or changes a term that identifies a provision or part thereof to eliminate wordiness (for example ‘of this section’ etc);

(M) incorporates application, savings, transitional, validation or similar provisions;

(N) shows the effect of any amendment of the Act or instrument, or is consequential on any such amendment;

(O) gives effect to a misdescribed amendment;

(P) corrects typographical and clerical errors, grammatical and spelling errors, and errors of punctuation, numbering, cross-referencing, alphabetical ordering and references to laws as well as errors relating to the number of times such an amendment is expressed to be made; or

(Q) is consequential on any other editorial change.

**Division 4—Extrinsic material**

**Clause 42: Definition of compilation of extrinsic material**

71. The clause defines a ‘compilation’ in relation to extrinsic material as being a document showing some or all of the extrinsic material in relation to the Act or instrument as amended and in force on the compilation date.

**Clause 43: Registered compilations of extrinsic material—information requirements**

72. This clause sets out the information the Company Secretary must include in each compilation of extrinsic material in a similar way to clause 33.

**Clause 44: Registration of compilations of extrinsic material**

73. This clause provides for the registration of compilations of extrinsic material. The Company Secretary shall register a compilation of the extrinsic material for an Act, legislative instrument or notifiable instrument as soon as practicable after a required compilation event. The Company Secretary may also register compilations

**Clause 45: Power to make changes to extrinsic material**

74. This clause will enable the Company Secretary to prepare compiled versions of explanatory memoranda and explanatory statements. The Company Secretary make make changes to documents that are extrinsic material that are considered desirable to incorporate extrinsic material of amending laws, remove or alter references to laws that have been amended and repealed or no longer in operation, exclude material from a document, integrate different parts of extrinsic material, brining into line with general drafting practice, make the document more usable by users of the law or useful to users of the Register as a whole or correct an error.

75. For the purposes of this clause, adding a table of contents, a reader’s guide, simplified outline or similar text that only describes the nature or effect of the law or alternative text (known as “alt text”). Alt text does will form part of an Act or instrument because of clause 28(3) of the Interpretation Bill 2022 (to commence along with the Act resulting from enactment of this Bill). Clause 28(3) of the Interpretation Bill 2022 will apply to legislative instruments and notifiable instruments because of clause 15 of this Bill. The Company Secretary also has the power to declare that something is a change for a purpose set out in this clause by way of making rules; this allows the Company Secretary to make and have solid rules around what constitutes a valid change for the purposes of this clause.

**Clause 46: Effect of compilations of extrinsic material and compiled versions of documents that are extrinsic material**

76. This clause declares that a compilation of extrinsic material under this Division is for the purpose of convenience of to users of the Register. It also clarifies that the preparation or registration of a compilation of extrinsic material or a compiled version of a document that is extrinsic material does not have any effect in the interpretation of a provision of an Act, legislative instrument or notifiable instrument.

**Clause 47: Extrinsic material—rules**

77. This clause sets out matters in which the rules may provide in relation to extrinsic material, such as the formatting, layout and printing

**Chapter 2—Registration of Acts, legislative instruments and notifiable instruments**

**Part 3—Authorised versions and judicial notice**

**Division 1—Introduction**

**Clause 48**

**Notes on clauses**

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style, the extent and form of the information mentioned in clause 43 that is required to be included in compilations of extrinsic material, or made available on an approved website, and any other matter relating to the preparation of extrinsic documents.

**Part 3—Authorised versions and judicial notice**

**Division 1—Introduction**

**Clause 48: Simplified outline of this Part**

78. This clause, based on section 15Y of LA2003, provides a simplified outline of this Part, which provides for authorised versions of laws and instruments, and judicial notice of those authorised versions. An authorised version of a law or instrument is the ‘official’ version of the law or instrument which must be taken as a true and correct copy by the Corporate judicial system.

**Clause 49: Scope of this Part**

79. This clause, based on section 15Z of LA2003, provides that this Part shall apply to a registered law or extrinsic material. This includes a registered Act, legislative instrument, notifiable instrument and related extrinsic material, as well as a registered compilation (such compilations being the subject of Part 2).

**Division 2—Authorised versions and judicial notice**

**Clause 50: Authorised versions**

80. This clause, based on section 15ZA of LA2003, provides an authorised version of a registered law or extrinsic material includes:

(A) an electronic copy in a format prescribed by the rules (including a copy downloaded from an approved website) where the website or the electronic copy indicates (in a way prescribed by the rules) that it is an authorised version;

(B) a printed copy (including a copy produced directly from another authorised version) that indicates (in a way prescribed by the rules) that it is an authorised version.

81. The clause further sets out the assumptions that can be lawfully made when dealing with authorised versions of registered laws or extrinsic material, such as:

- (A) a website purporting to be an approved website is an approved website;
- (B) if accessed at an approved website, an Act, a legislative instrument, a notifiable instrument, extrinsic material or a compilation of an Act, a legislative instrument or notifiable instrument or extrinsic material is registered;
- (C) an electronic copy is an authorised version if the copy or the website it was downloaded from indicates it is an authorised version;
- (D) a printed copy is an authorised version if the copy indicates it is an authorised version;
- (E) an authorised version of a registered Act, legislative instrument or notifiable instrument, as made, correctly shows the text of the Act or instrument as made; and
- (F) an authorised version of registered extrinsic material (including a second reading speech, explanatory memorandum, explanatory statement, or a compiled version or compilation of extrinsic material) shows the text of the material as authorised or approved by the legislative director or rule-maker, or is a registered compilation of extrinsic material for an Act, legislative instrument or notifiable instrument as in force on the compilation date.

82. An authorised version may be indicated by a logo, form of words or a unique identifier, for a registered law or extrinsic material, prescribed by the rules.

**Clause 51: Judicial notice**

83. This clause, based on section 15ZB of LA2003, provides that if a court or tribunal uses a reliable source of information in relation to a registered law or extrinsic material, proof is not required in the court or tribunal about the assent or day of assent of an Act, the making of an

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**Notes on clauses**

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instrument, the text, registration or day of registration of a registered law or extrinsic material, commencement of a registered Act, legislative instrument or notifiable instrument (or any provision thereof), editorial changes, compilation dates or whether a copy of a registered law or extrinsic material is an authorised version.

84. The clause goes on further to clarify that an authorised version of a registered law or extrinsic material is a reliable source of information.

**Chapter 3—Legislative instruments and notifiable instruments**

**Part 1—Drafting standards and consultation**

**Clause 52: Simplified outline of this Part**

85. This clause, based on section 15ZC of LA2003, provides a simplified outline of this Part.

**Clause 53: Measures to achieve high drafting standards for legislative instruments and notifiable instruments**

86. This clause, based on section 16 of LA2003, requires the Company Secretary to cause steps to ‘promote the legal effectiveness, clarity, and intelligibility to anticipated users’ of legislative instruments and notifiable instruments, such as supervising drafters, scrutinising preliminary drafts, providing advice and training and arranging temporary secondment to Departments or other agencies of Urabba Parks Management Service employees or Urabbaparcensian Governance Service employees performing duties in the Office of Company Secretary.

87. The clause also requires the Company Secretary must cause steps to prevent the use of gender-specific language in legislative instruments and notifiable instruments (except when necessary to identify persons by their sex), and to advise rule-makers and each House of the Parliament if gender-specific language is used unnecessarily.

**Clause 54: Rule-makers should consult before making legislative instruments**

88. This clause, based on section 17 of LA2003, provides that rule-makers must be satisfied any appropriate and reasonably practicable consultation has taken place. Consultation would be deemed appropriate if it drew on the knowledge of experts or allowed for comment by affected stakeholders, which could take place at a public hearing of bodies or representative organisations of those stakeholders.

**Clause 55: Consequence of failure to consult**

89. This clause, based on section 19 of LA2003, provides that there is no effect on the validity of a law by reason of there being no consultation done in accordance with clause 54

**Clause 56**

**Notes on clauses**

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**Part 2—Parliamentary scrutiny of legislative instruments**

**Clause 56: Simplified outline of this Part**

90. This clause, based on section 36 of LA2003, provides a simplified outline of this Part.

**Clause 57: The purpose of the Part**

91. This clause, based on section 37 of LA2003, declares that the purpose of this Part is to allow for the disallowance of registered legislative instruments by Parliament. A legislative instrument (or a provision) may be disallowed by either House within a certain time after the instrument is tabled. A legislative instrument is taken to be repealed if it is disallowed.

**Clause 58: Effect of circular resolutions on operation this Part**

92. This clause provides for the substitution of references to particular times or periods by way of a circular resolution that has effect as a legislative instrument. A circular resolution repeals as a legislative instrument when a person who did not sign the resolution becomes a legislative director, or the legislative directors make another circular resolution, or a House of the Parliament makes another resolution revoking the resolution.

**Clause 59: Tabling of legislative instruments**

93. This clause, based on section 38 of LA2003, requires the Office of Company Secretary to arrange for delivery of each registered legislative instrument to each House of the Parliament for laying before the House within 6 sitting days after registration. If a legislative instrument is not laid before each House of the Parliament under this clause by the 6 sitting days after registration (or other period as agreed to by a circular resolution of the legislative directors under clause 58), the instrument is repealed.

**Clause 60: Tabling of explanatory statements**

94. This clause, based on section 39 of LA2003, requires the Office of Company Secretary to deliver explanatory statements for each

**Clause 61**  
**Notes on clauses**

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registered legislative instrument to each House of the Parliament, for laying before the House, at the same time as the instrument or within 6 sitting days after registration of the statement. The rule maker of a legislative instrument where the initial explanatory statement (or replacement explanatory statement, as the case may be) is too late for it to be delivered to a House of the Parliament at the same time as a copy of the instrument must make a statement to the House about why it was lodged late.

**Clause 61: Regulations may specify manner of delivery of certain documents**

95. This clause, based on section 40 of LA2003, provides the regulations (to be made by the Manager-General under clause 92) may specify the manner (including by electronic means) by which documents may be delivered to a House of the Parliament in accordance with clause 59 or 60 for laying before the House.

**Clause 62: Incorporated material may be required to be made available**

96. This clause, based on section 41 of LA2003, provides a House of the Parliament may require that a document incorporated by reference in a legislative instrument is subject to disallowance be made available for inspection by that House at an acceptable place at a specified time.

**Clause 63: Disallowance of legislative instruments**

97. This clause, based on section 42 of LA2003, sets out the circumstances where a legislative instrument is disallowed by Parliament and provides for its repeal upon disallowance.

98. If notice of a motion to disallow a legislative instrument or a provision of a legislative instrument is given in a House of the Parliament within 15 sitting days of the House beginning on the first sitting day after a copy of a legislative instrument being laid before the House (or another period as agreed to by a circular resolution having effect under clause 58), and the motion has been passed or not withdrawn or otherwise disposed of, the legislative instrument is disallowed.



## Clause 64

### Notes on clauses

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99. In the case of a dissolution, expiry or prorogation of Parliament, any disallowance motion of a House lapses and the instrument is taken to be laid before the House on the first sitting day after the dissolution, expiry or prorogation.

### **Clause 64: Legislative instruments that are not subject to disallowance**

100. This clause, based on section 44 of LA2003, sets out the circumstances where a legislative instrument is not subject to disallowance, such as:

(A) where enabling legislation that facilitates an intergovernmental body or scheme involving Urabba Parks and one or more jurisdictional divisions, or authorises the making of an instrument to be made by the body, unless some other Act provides otherwise; and

(B) exemptions provided under an Act or the regulations as made under this Act;

(C) legislative instruments that are circular resolutions of the legislative directors or excluded from the operation of this Part by such a circular resolution.

### **Clause 65: Reviving a legislative instrument, law or provision**

101. This clause, based on section 45 of LA2003, provides that if a repealing instrument (a legislative instrument that repeals a provision of a principal law or a provision of such a law) is disallowed, the principal law (or provision thereof) is revived from the time it was repealed by the repealing instrument, as if the repealing instrument had not been made.

### **Clause 66: Legislative instruments not to be remade while required to be tabled**

102. This clause, based on section 46 of LA2003, prevents the making of legislative instruments the same in substance as another instrument liable to be tabled until 7 days after the instrument has been laid before each House, or the last day on which it can be so laid. An instrument that would be made in contravention of this clause will have no effect.

**Clause 67: Legislative instruments not to be remade while subject to disallowance**

103. This clause, based on section 47 of LA2003, prevents the making of legislative instruments the same in substance as another instrument that is the subject of a notice of a motion of disallowance. An instrument that would be made in contravention of this clause will have no effect.

**Clause 68: Remaking disallowed legislative instruments**

104. This clause, based on section 48 of LA2003, prevents the making of legislative instruments the same in substance as an instrument which has been disallowed within the previous 6 months.

**Part 3—Repeal of spent legislative instruments, notifiable instruments and provisions**

**Division 1—Simplified outline of this Part**

**Clause 69: Simplified outline of this Part**

105. This clause, based on section 48AA of LA2003, provides a simplified outline of this Part.

**Division 2—Automatic repeal**

**Clause 70: Automatic repeal of amending and repealing instruments**

106. This clause, based on section 48A of LA2003, repeals an instrument that only amends or repeals another instrument, and does not contain any other substantive provisions such as application, saving or transitional provisions relating to the amendment or repeal. A repeal of a repealing instrument does not affect any repeal made by the instrument. The repeal happens on the later of the commencement of the instrument, the registration of an instrument not subject to disallowance or the lapsing of the period in which it may be disallowed.

**Clause 71: Automatic repeal of commencement instruments**

107. This clause, based on section 48B of LA2003, repeals commencement instruments on the later of the time of commencement of the relevant law or provisions of such law (as the case may be) or an

### **Chapter 3—Legislative instruments and notifiable instruments**

Part 3—Repeal of spent legislative instruments, notifiable instruments and provisions

Division 2—Automatic repeal

#### **Clause 72**

##### **Notes on clauses**

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event or repeal of a law that prevents such commencement. The repeal of a commencement instrument will not limit the effect of clause 21 of the Interpretation Bill 2022 (which is to commence immediately before the Act resulting from enactment of this Bill), which will apply to the instrument because of clause 15 of this Bill.

#### **Clause 72: Automatic repeal of amending and repealing provisions**

108. This clause, based on section 48C of LA2003, repeals a provision of an instrument (including headings and Schedules that only relate to the provision) that only amends or repeals another provision (whether or not in the same instrument). The repeal happens on the later of the commencement of the provisions, the registration of an instrument not subject to disallowance or the lapsing of the period in which it may be disallowed.

#### **Clause 73: Automatic repeal of commencement provisions**

109. This clause, based on section 48D of LA2003, repeals commencement provisions (contained in instruments containing other matter) on the later of the time of commencement of the relevant law or provisions of such law (as the case may be) or an event or repeal of an instrument that prevents such commencement.

#### **Clause 74: Automatic repeal of reporting and lodgement instruments**

110. This clause repeals instruments that adopt reports on behalf of Urabba Parks or a wholly-owned subsidiary, including instruments made under subsection 98(1) of the Constitution (which adopt annual information statements required for lodgement under subsection 60-5(1) of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth), or a provision of an Act or instrument prescribed under the regulations. The repeal is effective on the latest of the end of the last day on which the instrument or a provision of the instrument may be disallowed in a House of the Parliament or the registration of lodgement confirmation. The repeal of the instrument by this section does not affect any report made or adopted by the instrument, or the authorisation of a lodgement.

111. The rule-maker or person who made the lodgement must lodge for registration in the Corporate Register of Legislation the lodgement

**Chapter 3—Legislative instruments and notifiable instruments**

Part 3—Repeal of spent legislative instruments, notifiable instruments and provisions

Division 2—Automatic repeal

**Clause 74**

**Notes on clauses**

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confirmation within 2 business days of the lodgement, or a longer period allowed by the Company Secretary. This could include unique reference for the submission (the reference number given by the Australian Charities and Not-for-profits Commission (ACNC) upon submission of an annual information statement), a copy of a lodged income tax return or activity statement available from the Business Portal or Tax Agent's Portal maintained by the Australian Taxation Office (ATO) or the appearance of an annual information statement on the Charity Portal maintained by the ACNC.

**Chapter 3—Legislative instruments and notifiable instruments**

Part 4—Sunsetting of legislative instruments

Division 3—Repeal by regulations

**Clause 75**

**Notes on clauses**

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**Division 3—Repeal by regulations**

**Clause 75: Regulations may repeal instruments or provisions no longer required**

112. This clause, based on section 48E of LA2003, provides the regulations may repeal a legislative instrument or notifiable instrument or a provision of a legislative instrument or notifiable instrument. However, before the Manager-General makes a regulation that repeals an instrument under this clause, the Advocate-General must be satisfied that the legislative instrument or notifiable instrument or provision to be repealed is spent or is no longer required.

**Part 4—Sunsetting of legislative instruments**

**Clause 76: Simplified outline of this Part**

113. This clause, based on section 48F of LA2003, provides a simplified outline of this Part.

**Clause 77: The purpose of the Part**

114. This clause, based on section 49 of LA2003, provides that the purpose of this Part is to ensure that legislative instruments are kept up to date and only remain in force for so long as they are needed. Clause 83 will provide that certain instruments are exempted from the operation of this Part.

**Clause 78: Sunsetting**

115. This clause, based on section 50 of LA2003, repeals a legislative instrument on the first 1 April or 1 October falling on or after the tenth anniversary of registration of the instrument, unless on that day each House of the Parliament is vacant in the whole within the meaning of the Constitution (as defined in subsection 4(1) of the Constitution), in which case it shall be the first 1 April or 1 October falling on or after the first anniversary of the first meeting of the Parliament of which each House of the Parliament is not vacant in the whole. This repeal of legislative instruments is known as ‘sunsetting’.

**Clause 79**  
**Notes on clauses**

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116. A legislative instrument may be repealed under Part 3 before it could be sunsetted. Clause 79 or 80 may repeal a legislative instrument at a time different from the time when it would be repealed by this section. Also, clause 82 and 83 may prevent a legislative instrument from being sunsetted.

**Clause 79: Advocate-General may defer sunsetting in certain circumstances**

117. This clause, based on section 51 of LA2003, allows for the Advocate-General to defer sunsetting of a legislative instrument by up to two years if he or she is satisfied the instrument will cease to operate within those two years, a substitute instrument cannot be made because of a change in government or that the Advocate-General has approved this Part not applying to the instrument. An instrument that defers sunsetting is a legislative instrument and is disallowable if it provides for an extension of longer than one year. The explanatory statement for the deferral instrument must include a statement of the reasons for its making.

**Clause 80: Advocate-General may align sunsetting of instruments to be reviewed together**

118. This clause, based on section 51A of LA2003, provides the Advocate-General may defer sunsetting for up to 5 Years from the original sunsetting day for 2 or more other legislative instruments to be reviewed together. The sunset-altering instrument is disallowable under Part 2 and also has effect subject to clause 82, which provides the continuation of instruments due for sunset. The explanatory statement for the sunset-altering instrument must include a statement of the reasons for its making.

**Clause 81: Advocate-General must lay lists of instruments due for sunsetting before each House of the Parliament**

119. This clause, based on section 52 of LA2003, requires the Advocate-General to table before each House of the Parliament a list of instruments on the first sitting day of that House occurring within 18 months before the instruments are due to sunset under this Part. The list must also be provided to each rule-maker of each listed instrument.

**Clause 82**

**Notes on clauses**

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**Clause 82: Resolution that instrument continue in force**

120. This clause, based on section 53 of LA2003, provides that the Houses of Parliament may resolve, prior to the sunset of an instrument, that the instrument is not sunsetted and may continue in force. A reference to a resolution passed by a House of the Parliament in this clause will include a circular resolution of the legislative directors who are members of the House that is entered into the Journals or Votes and Proceedings the House.

121. A legislative instrument that will continue in force under this clause will be subject to sunset in another 10 years after it would have been sunset if not for the resolution under this clause. However, the legislative instrument is not required to be tabled again, and is not liable to disallowance again.

**Clause 83: Instruments to which this Part does not apply**

122. This clause, based on section 54 of LA2003, sets out the circumstances by which this Part does not apply, including:

- (A) where the enabling legislation for the instrument facilitates the establishment or operation of an intergovernmental body or scheme involving Urabba Parks and one or more jurisdictional divisions, or authorises the instrument to be made by the body or for the purposes of the body or scheme;
- (B) exclusions given under an Act or the regulations;
- (C) a regulation which covers instruments are or that are not legislative instruments, or that are notifiable instruments, instruments that are not subject to disallowance or excluding an instrument from sunset provisions.

**Chapter 4—Miscellaneous**

**Clause 84: Simplified outline of this Chapter**

123. This clause, based on section 55 of LA2003, provides a simplified outline of this Chapter.

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**Clause 85: Legislative instruments—gazettal and other publication and notification requirements**

124. This clause, based on section 56 of LA2003, provides a legislative instrument is taken to be published or notified in the Gazette if registered as a legislative instrument under this Act.

**Clause 86: Lodgements authorised under instruments**

125. This clause prevents lodgements made or required to be made under a disallowable legislative instrument may not be made until the period in which a notice of a motion to disallow a legislative instrument or a provision of a legislative instrument is given in a House of the Parliament may be given has expired, or the instrument ceases to be a disallowable legislative instrument. A legislative instrument ceases to be a disallowable legislative instrument if a circular resolution under paragraph 64(4)(b).

**Clause 87: Application of *Legislation Act 2003***

126. This clause provides, for the purposes of clause 32 of the Interpretation Bill 2022 (which is to commence immediately before the Act resulting from enactment of this Bill), for the application of extrinsic material relating to the *Legislation Act 2003* of the Commonwealth, where a provision in that Act the same in substance as a provision in this Act. Section 15AB of the *Acts Interpretation Act 1901* of the Commonwealth (on which clause 32 of the Interpretation Bill 2022 is based) governs the use of extrinsic material for Federal legislation.

**Clause 87A: Instruments made before commencement of this Act**

124A. This clause declares instruments made by either or both the members or directors of Urabba Parks before the commencement of this clause as made under a power delegated by the Parliament for the purposes of this Bill. Instruments that that are annual information statements under subsection 60-5(1) of the *Australian Charities and Not-for-profits Commission Act 2012* lodged before the establishment of jurisdiction are declared as notifiable instruments. Going forward, these instruments will be lodged by section 98 of the Constitution.



**Clause 87B**

**Notes on clauses**

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124B. This clause also repeals annual information statement instruments and instruments made before the establishment of jurisdiction (on the adoption of the Constitution on 5 March 2021). Although this clause will repeal upon commencement, it will not affect the declaration of any instrument as a legislative instrument or notifiable instrument: see clause 21 of the Interpretation Bill 2022 (which is to commence immediately before the Act resulting from enactment of this Bill).

**Clause 87B: Transitional provision relating to approved website**

124C. This clause provides that clause 20 does not apply if the rules do not prescribe an approved website for the purposes of that provision. Section 20 (as the provision will be known once enacted) will require Company Secretary to ensure that registered Acts, legislative instruments, notifiable instruments and compilations, and other registered documents, are available to the public on an approved website prescribed by the rules. This clause will be repealed on the earlier of the making of rules prescribing an approved website, or the first day of July following the commencement of this clause as a section.

**Clause 88: Delegation**

127. This clause, based on section 58 of LA2003, allows for the delegation of the Company Secretary of his or her functions under this Act.

**Clause 89: Review of operation of this Act**

128. This clause, based on section 59 of LA2003, requires the Advocate-General to appoint persons to a body to review the operation of this Act during the 3 months starting on the fifth anniversary of the first meeting of Parliament following the commencement of this Act. The body must be a consultative body of the Government having a registration item falling under item 2.9.e.0 of subsection 61(2) of the Constitution of which reports to the Advocate-General. A person appointed to the body holds office on terms and conditions applying to consultative bodies of the Government and may resign from it by giving the Advocate-General a signed notice of resignation. The body must review all aspects of the operation of this Act and any related matters that the Advocate-General specifies. The body must give the

**Clause 90**  
**Notes on clauses**

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Advocate-General a written report on the review within 15 months after the fifth anniversary of the first meeting of Parliament following the commencement of this Act, and the Advocate-General must cause the report to be laid before each House of the Parliament within 6 sitting days of the House after the Advocate-General receives the report.

**Clause 90: Legislative instrument and notifiable instrument amendments by regulations under this Act**

129. This clause, based on section 61 of LA2003, provides that the Manager-General can make a regulation to amend an instrument to add transitional, saving or application provisions. However, before a regulation is made under this clause, the Advocate-General must be satisfied that the rule-maker for the instrument has agreed to the amendment.

**Clause 91: Rules made by Company Secretary**

130. This clause, based on section 61A of LA2003, provides that the Company Secretary may, by legislative instrument, make rules prescribing all matters required or permitted by this Act to be prescribed by the rules.

**Clause 92: Regulations**

131. This clause, based on section 62 of LA2003, provides the Manager-General may make regulations prescribing all matters required or permitted by this Act to be prescribed by regulation or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(UP2022A00002EM)

Clause 92  
Notes on clauses

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2022



**Daniel James Racovolis**

**LEGISLATION (EXEMPTIONS AND OTHER MATTERS) REGULATION 2022**

**EXPLANATORY STATEMENT**

(Circulated by authority of Mr Racovolis)

UP2022L00001ES

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**Explanatory Statement**

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*Legislation (Exemptions and Other Matters) Regulation 2022*

**Explanatory Statement**

**Introduction**

The *Legislation Act 2022* (the ***Legislation Act***) established a comprehensive regime for the registration, tabling, parliamentary scrutiny and sunseting (automatic repeal) of Corporate legislative instruments. That Act also established an authoritative, complete and accessible register of those instruments, including compilations and explanatory statements.

The Legislation Act implements many of the substantive provisions of the *Legislation Act 2003* of the Commonwealth, and makes other amendments to improve the operation and clarity of legislative frameworks for Corporate Acts and instruments. The Act provides a comprehensive framework for the publication of Corporate Acts and the registration of legislative and other instruments. The Legislation Act received Enactorial Assent, which was 17 March 2022.

**Outline**

This Regulation sets out exemptions from legislative instrument status, and disallowance by the Parliament and sunseting (automatic ceasing) for instrument classes and particular instruments.

Sections 10, 64 and 83 of the Legislation Act provide exemptions from registration, disallowance and sunseting. These sections also provide that regulations can be made to exempt further instruments from registration, disallowance and sunseting. The instrument consolidates the tables of exemptions to disallowance and sunseting. Providing a central list of exemptions will make it easier for users to access information about exemptions.

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**Explanatory Statement**


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Under the new framework, it will continue to be possible to prescribe, by regulation, additional instruments which are not legislative instruments, or are not subject to disallowance or sunseting. It will also continue to be possible to declare in an enabling Act that an instrument is not a legislative instrument, or is not subject to disallowance or sunseting.

**Other issues****Basis of Regulation and Explanatory Statement**

This instrument is a derivative work under the Creative Commons Attribution 4.0 International licence based on the *Legislation (Exemptions and Other Matters) Regulation 2015* of the Commonwealth downloaded from the Federal Register of Legislation at 22 April 2022.

This Explanatory Statement is based on the Explanatory Statement to the *Legislation (Exemptions and Other Matters) Regulation 2015* of the Commonwealth made by the Federal Attorney-General, Senator The Honourable G.H. Brandis, registered on the Federal Register of Legislation on 22 September 2015 and downloaded on 22 April 2022.

For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.

**Processes for review of this regulation**

This instrument is subject to tabling and disallowance under Chapter 3, Part 2 of the Legislation Act.

**Matter incorporated by reference**

This instrument does not apply, adopt or incorporate other matter by reference.

**Authorities**CONSTITUTIONAL PROVISIONS

Constitution, Part 3 of Chapter 1

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**Other issues**

Statutes

**Explanatory Statement**

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**More information**

Further information about an instrument may be requested from the administering department or its relevant agencies.



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**Explanatory Statement**

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**Statement of Reasonableness**

1. This Statement of Reasonableness is for the *Legislation (Exemptions and Other Matters) Regulation 2022*. The instrument:
  - (A) excludes instruments from the definition of **legislative instrument** for the purposes of the *Legislation Act 2022* ; and
  - (B) includes instruments in the from the definition of **notifiable instrument** for the purposes of the *Legislation Act*; and
  - (C) provides exemptions from disallowance and sunseting from the *Legislation Act*.

**Regulatory impact analysis**

2. As this instrument has no or low impact on entities formed within Urabba Parks outside of the Corporate Government, no regulatory impact analysis was undertaken.

**Financial impact statement**

3. The making of this rule is not expected to cause any immediate financial impact for Urabba Parks. As the case with the Act, costs associated with the preparation of the rule and this Explanatory Statement are minimal and have been borne by the Enactor personally.

**Promotion of rights under the Urabba Parks Bill of Rights**

4. Urabba Parks is required to respect the rights falling in Part 2 of Chapter 9 of the Constitution (the ***Urabba Parks Bill of Rights***). Urabba Parks is required to respect in its governance, management and operations human rights within the meaning of section 134 of the Constitution, which forms part of the Urabba Parks Bill of Rights. Section 134 defines human rights as being those recognised under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* of the Commonwealth (the ‘nationally-recognised human rights’).

## Explanatory Statement

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5. Nothing in this instrument is incompatible with the rights falling in the Urabba Parks Bill of Rights.

### Consultation before making

6. Before the Regulation was made, the Enactor (in place of the Advocate-General) considered the general obligation to consult imposed by section 54 of the Act. The Enactor was satisfied that consultation was not appropriate as the benefits of creating the regulation as part of the legislative framework before members and personnel join Urabba Parks outweighs waiting for any consultation with them to make the instrument. It is noted the instrument may be amended as a result of consultation with relevant stakeholders.

### Statutory preconditions and Parliamentary undertakings relevant to this Regulation

7. There are no other statutory preconditions or Parliamentary undertakings relevant to the making of this regulation.

### Conclusion

This instrument, as made on 26 April 2022, is reasonable having regard to the legal and ethical obligations of Urabba Parks.

*L.S.*

**Daniel James Racovolis**

The Enactor of Urabba Parks Proprietary  
Limited  
17 March 2022



**Section 1**  
**Explanatory Statement**

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**Notes on sections**

**Part 1 – Preliminary**

**Section 1: Name of Regulation**

8. This section provides for the Regulation to be named as the *Legislation (Exemptions and Other Matters) Regulation 2022*. The Regulation may be cited by that name.

**Section 2: Commencement**

9. This section provides for the Regulation to commence at the start of the day after the day the instrument is registered.

**Section 3: Authority**

10. This section identifies the Act that authorises the making of the Regulation, the *Legislation Act 2022* (the ***Legislation Act***).

**Section 4: Definitions**

11. This section provides a list of key terms used in the Regulation which are defined in the Legislation Act, to assist in the interpretation and implementation of the Regulation.

**Part 2 – Instruments that are not legislative instruments**

**Section 5: Classes of instruments that are not legislative instruments**

12. Paragraph 10(6)(b) of the Legislation Act provides that an instrument is not a legislative instrument if it is prescribed by regulation for the purposes of that paragraph. This Part prescribes instrument classes and particular instruments for that purpose.

Subsection 5(1)

13. This subsection provides that for the purposes of paragraph 10(6)(b) of the Legislation Act, an instrument that is in a class of instruments referred to in the table under this subsection is not a legislative instrument. These classes of instruments are generally

## **Section 5**

### **Explanatory Statement**

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administrative in character. This subsection will assist users by clarifying the types of instruments that do not need to be registered.

#### Item 1

14. Item 1 is an instrument of delegation, including any directions to the delegate. These instruments are administrative in character, as they facilitate the carrying out of powers and functions but do not alter the scope or effect of those powers and functions.

#### Item 2

15. Item 2 is an instrument that is a direction to a delegate. Similar to item 1, this type of instrument is also administrative in character. This exemption is a companion measure to item 1.

#### Item 3

16. Item 3 is a Minister's direction to:

(A) an entity falling in item 2.7 or 2.8 of the table in subsection 61(2) of the Constitution;

other than any such direction:

(B) that is required to be laid before the Houses of the Parliament under the legislation that authorises the giving of the direction; or

(C) the full text of which is required to be published in the Gazette or elsewhere under the legislation that authorises the giving of the direction.

17. This item preserves the exemption in item 5 of the table in subsection 7(1) of the Legislative Instruments Act. These instruments are administrative in character as they do not determine the law or alter the content of the law; rather they determine how the law does or does not apply in particular cases or circumstances.

#### Item 4

**Section 5**  
**Explanatory Statement**

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18. Item 4 is an instrument that has the effect of authorising or approving a particular person to take a particular action or act in a particular way. It is also an application for such an instrument.

Item 5

19. Item 5 is an instrument the effect of which is to approve a matter or method of doing an act. These instruments are administrative in character as they do not determine the law or alter the content of the law. Rather, they provide for the manner in which or method by which an action authorised by law is to be carried out.

Item 6

20. Item 6 is an instrument prescribing or approving a form. These instruments are administrative in character because they facilitate the processing of an administrative application or the provision of information.

Item 7

21. Item 7 is an instrument acknowledging the receipt of a thing. These instruments are not legislative instruments because they do not determine the law or alter the content of the law.

Item 8

22. Item 8 is an instrument of appointment, engagement or employment, or an instrument of suspension or termination of an appointment, engagement or employment or an instrument authorising a person to hold a particular position or office. These instruments are administrative in character. This exemption is a companion measure to item 10 below.

Item 9

23. Item 9 is an instrument of resignation. These instruments are not legislative instruments and are merely a means of formalising a notification made to the Manager-General or the executive.

Item 10

## **Section 5**

### **Explanatory Statement**

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24. Item 10 is an instrument relating to terms and conditions of appointment, engagement, employment or service, or granting leave of absence. This is now encompassed within the general phrase ‘terms and conditions of appointment, engagement, employment or service’.

25. These instruments are not legislative instruments because they arise from an individual's employment contract. It is not appropriate to treat these instruments as legislative instruments, as treatment as such would hinder employment arrangements.

26. This item excludes an instrument that is required to be laid before the Parliament other than an instrument that is required to be laid before the Parliament that is a legislative instrument under an Act. For example, an Act may require a Minister to cause a copy of certain determinations relating to remuneration to be laid before each House of the Parliament, subjecting it to appropriate scrutiny.

#### Item 11

27. Item 11 is an instrument constituting recommendations or advice. These instruments are not legislative instruments because they do not have substantive effect as they do not determine the law or alter the content of the law.

#### Item 12

28. Item 12 is a review or report, including an annual or periodic report or review. Those instruments are not legislative instruments because they do not have substantive effect. The text of the former item has been amended to include reviews or reports which are not periodic, as such documents do not determine the law or alter the content of the law. These materials are administrative in character and are currently considered not to be legislative instrument. Including reviews and non-annual or periodic reports clarifies the status of these documents in accordance with the standard practice.

#### Item 13

29. Item 13 is an evidentiary certificate. Evidentiary certificates may be issued to assist the proving of a matter before a court or tribunal by a person who has particular knowledge of a matter. Such certificates are

**Section 5**  
**Explanatory Statement**

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not legislative instruments but merely facilitate the proof of a matter in an efficient way.

Item 14

30. Item 14 is:

- (A) an instrument granting, renewing, transferring, suspending, cancelling or terminating a licence or permit that authorises a particular person to do an act;
- (B) an instrument of registration of a particular person;
- (C) an instrument renewing, transferring, suspending, cancelling or terminating a registration of a particular person;
- (D) an instrument refusing to grant, renew or transfer a licence or permit referred to in (a) or a registration referred to in (b); and
- (E) an instrument imposing conditions on such a licence, permit or registration.

31. The licences and registrations referred to in this item are individual licences or registrations rather than licences or registrations applying to a general class of persons. These instruments do not determine the law or alter the content of the law, but rather determine how the law does or does not apply in particular cases or circumstances.

Item 15

32. Item 15 is a warrant, an application for a warrant, or an instrument supporting such an application. These instruments are made as part of a disciplinary or grievance investigation. They are not legislative instruments because they do not determine the law or alter the content of the law; they determine how the law does or does not apply in particular cases or circumstances.

Item 16

33. Item 16 is:



## **Section 5**

### **Explanatory Statement**

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- (A) an instrument authorising the surveillance of a person or thing, the retrieval of a device facilitating such surveillance, or the interception of a thing;
- (B) an application for such an instrument; or
- (C) an instrument supporting such an application.

34. Similar to the instruments referred to in item 15, the instruments in paragraph (a) are issued as part of a disciplinary or grievance investigation. They are not legislative instruments because they do not determine the law or alter the content of the law, but rather, they determine how the law does or does not apply in particular cases or circumstances. Similarly, applications for such instruments, or instruments which support such applications, are not legislative in character, as they do not determine the law or alter the content of the law.

#### Item 17

35. Item 17 is an instrument requesting or requiring a person to attend premises, give evidence, answer questions, produce documents, give information or provide assistance. Legislation allows the issuing of these instruments by or on behalf of a court, tribunal or other investigatory body in a range of circumstances. Power to make instruments requiring a person to provide assistance is provided for in some enforcement legislation. These instruments would not generally be regarded as legislative in character. Accordingly, the modification to item 19 reflects existing practice.

#### Item 18

36. Item 18 is a notice of a decision or proposed decision, a notice of reasons for a decision or proposed decision, or a notice of rights of review. These instruments generally indicate the commencement of a period for a person to challenge a particular administrative decision. They are not legislative instruments because they do not determine the law or alter the content of the law, but rather they determine how the law does or does not apply in particular cases or circumstances.

#### Item 19

37. Item 19 is an instrument the making or issue of which is:

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**Section 5**  
**Explanatory Statement**

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- (A) a decision that is reviewable under an Act, or
- (B) a decision that would be reviewable under that Act except for an exemption under that Act or another Act;

other than an instrument that includes a provision of a kind referred to in paragraph 10(4)(b) of the Legislation Act 2022.

38. Decisions which fall under this item are administrative decisions. This item clarifies that the exemption does not apply to instruments referred to in paragraph 10(4)(b) of the Legislation Act 2022. That is, the exemption does not apply to instruments where any provision of the instrument determines or alters the content of the law, or directly or indirectly affects a privilege, interest or right. They are declared to be legislative instruments under subsection 10(4) of the Legislation Act 2022. Accordingly, instruments which have a provision of legislative character will not fall within the exemption.

Item 20

39. Item 20 is an agreement, contract or undertaking authorised to be made or given under legislation, or an instrument made under such an agreement, contract or undertaking. These are not legislative instruments under section 10 of the Legislation Act. They do not determine the law or alter the content of the law, rather they determine how the law does or does not apply in particular cases or circumstances.

Item 21

40. Item 21 is a consent to, acceptance of, rejection of or withdrawal of an undertaking. Undertakings are not legislative instruments but promises to perform certain actions. Consenting to, accepting, rejecting, or withdrawing an undertaking is an administrative action that does not determine the law or alter the content of the law. Item 21 also exempts cover consents to and withdrawals of undertakings. As consents to and withdrawals of undertakings are not considered legislative in character, this modification updates the exemption to reflect existing practice.

Item 22

41. Item 22 is a nomination, request or invitation, or a withdrawal of a nomination, request or invitation. These instruments directly relate to a

## **Section 5**

### **Explanatory Statement**

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particular person or body. They are not legislative instruments as they do not determine the law or alter the content of the law.

#### Item 23

42. Item 23 is an application for an order, direction, or other instrument made to a court, a Judge or Magistrate, an officer of a court, a tribunal or the Visitorial Commission, or a member or an officer of a tribunal or the Visitorial Commission. It also covers an order, direction or other instrument made in response to such an application or in proceedings before a relevant person or body.

43. This item deals with instruments made in the course of a grievance, administrative or disciplinary proceeding or proposed proceeding, and applications for such instruments. Instruments covered by this item are not legislative in character, they do not determine or alter the content of the law.

44. Sub-item 23(a) provides an exemption for an application for a court or tribunal instrument, or withdrawal of such an application. For ease of reference, item 23(a) defines a ‘relevant person or body’ as the following entities:

- (i) a court
- (ii) a judge or magistrate (including such a person acting in a personal capacity)
- (iii) an officer of a court
- (iv) a tribunal
- (v) the Visitorial Commission
- (vi) a member or an officer of a tribunal or the Visitorial Commission.

45. Sub-item 23(a) also defines ‘a court or tribunal instrument’ as an order, direction or other instrument. This sub-item provides an exemption for a court or tribunal instrument made in response to an application to a relevant person or body, as defined in sub-item 23(a).

46. Sub-item 23(c) provides an exemption for a court or tribunal instrument made in proceedings before a relevant person or body, as defined in sub-item 23(a). Such instruments are included regardless of whether there has been an application for the court or tribunal instrument.

**Section 5**  
**Explanatory Statement**

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Item 24

47. Item 24 is a practice direction made by a court or tribunal. These instruments are administrative in character. They are a means by which a court or tribunal communicates their expectations of parties that come before them. They do not determine or alter the content of the law.

Item 25

48. Item 25 is an assessment of revenue items, such as income levies on associations and Corporate membership fees. These instruments relate to a particular person or body. They are not legislative instruments as they do not determine the law or alter the content of the law; rather they determine how the law does or does not apply in particular cases or circumstances.

Item 26

49. Item 26 is a garnishee notice. These instruments are typically made by a court on application of a party. They do not determine the law or alter the content of the law; rather they determine how the law does or does not apply in particular cases or circumstances.

Item 27

50. Item 27 is an instrument remitting or waiving a sanction, or discharging or extinguishing a liability, in relation to a particular person. As these instruments are linked to a particular entity, they do not determine the law or alter the content of the law; they determine how the law does or does not apply in particular cases or circumstances.

Item 28

51. Item 28 is an infringement notice. Typically, such an instrument is an administrative notice given to a person who is believed to have breached a law, and gives the person the option of meeting some lesser penalty rather than being subject to prosecution. Such instruments are not mandatory, and do not determine the law or alter the content of the law.

Item 29

52. Item 29 is:

## **Section 5**

### **Explanatory Statement**

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(A) an instrument varying, in a particular case, the time for a particular act to be done or a particular event to occur

(B) an instrument extending or shortening, in a particular case, a time period in which a particular act is to be done or a particular event is to occur

53. For clarity, item 29 separates the existing exemption into two subclasses contained in separate paragraphs, as these exemptions apply in similar but distinct circumstances. Instruments that fall within this exemption are not legislative instruments as they do not determine the law or alter the content of the law; rather they determine how the law does or does not apply in particular cases or circumstances.

#### Item 30

54. Item 30 is an instrument that renews, transfers, suspends, cancels or terminates a right created or an obligation imposed by an instrument that is not a legislative instrument. These instruments are not legislative instruments because they do not determine the law or alter the content of the law; rather they determine how the law does or does not apply in particular cases or circumstances.

#### Item 31

55. Item 31 is an instrument that amends or repeals an instrument that is not a legislative instrument. The exemption applies to instruments that amend or repeal an instrument that is not a legislative instrument, for consistency with current drafting practice and the language of the Legislation Act. Such instruments are not legislative instruments as they cannot determine the law or alter the content of the law by repealing or amending an instrument that also does not have the effect of determining the law or altering the content of the law.

#### Item 32

56. Item 32 is a corporate plan or corporate policy (however described). This item makes it clear that the exemption applies to such a plan or policy however described. This means that it applies to plans and policies of management, which may be described differently, but are of the same character as corporate plans and policies. Corporate plans and

**Section 5**  
**Explanatory Statement**

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policies are not legislative in character, as they do not determine the law or alter the content of the law.

Item 33

57. Item 33 is a law of a self-governing Territory. This exempts laws which would otherwise be captured by the definition of a legislative instrument, because the power to make these laws has been delegated by the Parliament. It is not appropriate for these instruments to be subject to the requirements of the Legislation Act, as these instruments provide for the continued good governance of self-governing territories.

58. Specific categories are not reproduced in item 33 because they are declared to be legislative instruments by the combined operation of paragraphs 12(1)(b), 12(2)(b) and 12(2)(c) of the Legislation Act. As these classes of instrument are declared to be legislative instruments under the Legislation Act, it is not necessary to exclude them from the class of instruments exempt from legislative instrument status under the item, due to the operation of paragraph 5(2)(a) of the Regulation.

Item 34

59. Item 34 is:

- (A) a law of a State or self-governing Territory that applies in a non-self-governing Territory
- (B) an instrument made under such a law

60. For clarity, new item 34 separates the existing exemption into two subclasses contained in separate paragraphs, as these exemptions apply in related but distinct circumstances. This item excludes laws that would otherwise be captured by the definition of a legislative instrument, because they are applied as Corporate laws. It is not appropriate for these instruments to be subject to the requirements of the Legislation Act, as these instruments provide for the continued good governance of self-governing territories.

Item 35

61. Item 35 confirms that an instrument that is a notifiable instrument referred to in Part 3 of the Regulation is not a legislative instrument. The

## **Section 6: Explanatory Statement**

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addition of this exemption is consequential to the creation of the new category of ‘notifiable instruments’ under section 13 of the Legislation Act.

### Item 36

62. A writ of dissolution of a House of the Parliament, or for the election of a representative place (category B). This item excludes laws that would otherwise be captured by the definition of a legislative instrument, because they are made under provisions of Part 3 of Chapter 1 of the Constitution, which is modifiable by Parliament. This item would include writs issued by the Manager-General for dissolution of the House of Ordinaries and the general election, and to writs issued by the Speaker of the House for elections for a member in the case of a casual vacancy. It is not appropriate for these instruments to be subject to the requirements of the Legislation Act, as these instruments deal with the constitution of the Houses of the Parliament as required by the Constitution of Urabba Parks.

### Subsection 5(2)

63. This subsection provides for instruments that are not included in the classes referred to in the table in subsection 5(1). Paragraph 5(2)(a) provides that an instrument is not included in a class of instruments referred to in the table in this subsection if it is of a kind referred to in section 12 of the Legislation Act. Section 10 declares certain instruments to be legislative instruments. Paragraph 5(2)(a) clarifies that the table in subsection 5(1) does not override the operation of section 12 of the Legislation Act.

64. Paragraph 5(2)(b) provides that an instrument is not included in a class of instruments referred to in the table in subsection 5(1) if it has effect other than as provided in the item or any other item of the table, disregarding any application, saving or transitional provision. This paragraph clarifies that an instrument does not fall within an exemption if it contains other provisions which go beyond the types of instruments or effects prescribed in the table, other than application, saving or transitional provisions.

## **Section 6: Particular instruments that are not legislative instruments**

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**Section 7:  
Explanatory Statement**

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65. This section provides that for the purposes of paragraph 10(6)(b) of the Legislation Act, an instrument referred to in the table is not a legislative instrument.

66. There are two general reasons for including an instrument in the table (and thereby excluding it from the requirements of the Legislation Act). The first is to confirm that the instrument is not in fact a legislative instrument in circumstances where there is some prospect of doubt and it is important to provide certainty. The second is to recognise certain strong countervailing policy considerations that make registration undesirable or inappropriate, even though the instruments may be legislative in character. For example, the need to avoid publicising the content of certain instruments, or the need to avoid fettering employment arrangements.

Item 1

67. Item 1 relates to an instrument that is made under:

(A) an instrument made under section 98 of the Constitution, which adopts an annual information statement under subsection 60-5(1) of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth; and

(B) section 133 of the Constitution, which provides for the adoption of corporate plans and corporate policies.

68. Item 1 clarifies the exemption for reporting, corporate plan and policy instruments, in line with the standard exemptions provided under subsection 5(1).

**Part 3 – Instruments that are notifiable instruments**

**Section 7: Notifiable Instruments**

69. Paragraph 13(2)(b) of the Legislation Act provides an instrument, other than a legislative instrument, is a notifiable instrument if it is prescribed by regulation for the purposes of that paragraph. The table in this section prescribes a class of instruments for that purpose. Further classes may be added in future.



## **Section 8**

### **Explanatory Statement**

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#### Item 1

70. Item 1 is an instrument that announces the day on which an agreement among non-state jurisdictions comes into force for Urabba Parks is a notifiable instrument. These instruments are declared to be notifiable instruments to ensure that they are registered and accessible to users. The entering into force of such obligations may trigger the commencement of other instruments and so it is desirable that the instruments specified in this item should be easily accessible via the Corporate Register of Legislation.

#### Item 2

71. Item 2 is a lodgement confirmation that is lodged for registration under subsection 74(3) of the Legislation Act. A rule-maker for an instrument is required to lodge for registration in the Corporate Register of Legislation the lodgement confirmation for a document authorised for lodgement under a legislative instrument or notifiable instrument within two days of lodgement. Lodgement confirmations can take the form of a unique reference issued upon lodgement, or an extract or published version of the lodged record. As the instrument authorising the lodgement is generally repealed upon registration of the lodgement confirmation, it is desirable that lodgement confirmations should be easily accessible via the Corporate Register of Legislation.

## **Part 4 – Legislative instruments that are not subject to disallowance**

### **Section 8: Classes of legislative instruments that are not subject to disallowance**

72. Paragraph 64(2)(b) of the Legislation Act provides that the disallowance requirements of that Act do not apply to legislative instruments prescribed by regulation for the purposes of that paragraph. This Part prescribes instrument classes and particular instruments for that purpose.

73. This section provides classes of legislative instruments that are not subject to the disallowance regime provided under section 64 of the Legislation Act. A note has been inserted within this section to clarify that including a class of legislative instrument in the table does not imply

**Section 9**  
**Explanatory Statement**

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that every instrument that falls within that class is necessarily a legislative instrument. This note replicates the text of subsection 64(3) of the Legislation Act.

Item 1

74. Item 1 is any instrument that does not commence unless it is approved by either or both Houses of the Parliament, in accordance with the provisions of its enabling Act. This exemption prevents the disallowance provisions from overriding the more stringent requirement of approval by Parliament.

Item 2

75. Item 2 is a direction by a Minister to any person or body. This exemption recognises that executive control is intended in these instances.

Item 3

76. Item 3 is instruments made under annual Appropriation Acts. Determinations under annual Appropriation Acts are intended to remain within executive control, such as the Advance to the Finance Minister. In these circumstances, a delay until the period for disallowance expires would frustrate a usually urgent matter, often requiring the immediate payment of invoices. It would also be contrary to the nature of the determination.

**Section 9: Particular legislative instruments that are not subject to disallowance**

77. This section provides that for the purposes of paragraph 64(2)(b) of the Legislation Act, the disallowance requirements of that Act do not apply to legislative instruments listed in the table. A note has been inserted within this section to clarify that including a particular kind of instrument in the table does not imply that every instrument listed is necessarily a legislative instrument. This note replicates the text of subsection 64(3) of the Legislation Act.

Item 1

## **Section 10**

### **Explanatory Statement**

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78. Item 1 is a substituted reference order made under section 46 of the *Interpretation Act 2022*. Section 46 of the *Interpretation Act 2022* provides for the Manager-General to make substituted reference orders where a provision of an Act refers to a particular authority (a Minister, Department, Agency or office) and there is no longer any such authority, the name of the authority has changed, there is a change in the matters dealt with by the authority or the reference to the authority is no longer appropriate. Substituted reference orders make clear how provisions of Acts should be read when such machinery of government changes have occurred. Accordingly, they are appropriate for executive control. In addition, certainty as to their affect is important for the correct interpretation of legislation. It is not appropriate that they be subject to disallowance.

## **Part 5 – Legislative instruments that are not subject to sunseting**

### **Section 10: Classes of legislative instruments that are not subject to sunseting**

79. Paragraph 83(2)(b) of the Legislation Act provides that the sunseting requirements of that Act do not apply to legislative instruments prescribed by regulation for the purposes of that paragraph. This Part prescribes instrument classes and particular instruments for that purpose.

80. This section provides classes of legislative instruments that are not subject to the sunseting regime under Part 4 of Chapter 3 of the Act. A note has been inserted within this section to clarify that including a class of legislative instrument in the table does not imply that every instrument that falls within that class is necessarily a legislative instrument. This note replicates the text of subsection 83(3) of the Legislation Act.

81. There are a range of reasons why sunseting may be inappropriate for particular classes of instruments.

#### Item 1

82. Item 1 is an instrument whose sole or primary purpose is to give effect to an interjurisdictional obligation of Urabba Parks. Sunseting in

**Section 10**  
**Explanatory Statement**

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these instances is inappropriate as the multilateral obligation will not cease upon a unilateral sunseting process.

Item 2

83. Item 2 is an instrument that establishes a body having power to enter into contracts for the purposes of the body's functions. Sunseting of such instruments would undermine commercial certainty in contracts entered into by these bodies.

Item 3

84. Item 3 is a direction by a Minister to any person or body. Sunseting is not appropriate for such directions which are intended to remain in place until revoked by the relevant Minister.

Item 4

85. Item 4 is an instrument whose sole or primary purpose of which is to confer heads of power on a self-governing territory. Such instruments are intended to have enduring operation and it is not necessary that they be subject to regular review.

Item 5

86. Item 5 is an Ordinance made under a power delegated by the Parliament in an Act providing for the government of a non-self-governing territory. It is not appropriate for these instruments to be subject to the sunseting requirements of the Legislation Act, as these instruments provide for the continued good governance of self-governing territories.

Item 6

87. Item 6 is instruments made under an annual Appropriation Act. Determinations under an annual Appropriation Act, such as an Advance to the Finance Minister, are by their nature 'exhausted' once the funds appropriated are expended. The appropriations provided by the Appropriation Acts are exhausted in a similar way. Repealing the determinations would thus normally have no effect. However, there may be cases of determinations which are not exhausted and so remain 'active'. It would also be anomalous for the determinations to be subject

## Section 11

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to repeal when the parent Appropriation Acts are not, such as prior year Acts.

### Section 11: Particular legislative instruments that are not subject to sunseting

88. Section 11 provides for the purposes of paragraph 83(2)(b) of the Legislation Act, the sunseting requirements of that Act do not apply to legislative instruments listed in the table. Further classes may be added in future.

#### Item 1

89. Item 1 is a substituted reference order made under section 46 of the *Interpretation Act 2022*. Section 46 of the *Interpretation Act 2022* provides for the Manager-General to make substituted reference orders where a provision of an Act refers to a particular authority (a Minister, Department, Agency or office) and there is no longer any such authority, the name of the authority has changed, there is a change in the matters dealt with by the authority or the reference to the authority is no longer appropriate. Substituted reference orders make clear how provisions of Acts should be read when such machinery of government changes have occurred. As these instruments are intended to be enduring, it is not appropriate that they be subject to sunseting.

(UP2022L00001ES)



2022



**Daniel James Racovolis**

**LEGISLATION RULE 2022**

**EXPLANATORY STATEMENT**

(Circulated by authority of Mr Racovolis)

UP2022L00002ES

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**Explanatory Statement**

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*Legislation Rule 2022*

## **Explanatory Statement**

### **Outline**

This rule was made for the purposes of the Legislation Act 2022 (the *Act*), and is a legislative instrument under section 91 of that Act.

Company Secretary has a general power to make rules under section 91 of the Act, and must make a rule prescribing the approved website on which registered laws and other documents on the Corporate Register of Legislation are to be available to the public under section 20 of the Act. The Enactor is acting as the Advocate-General by virtue of paragraph 19(2)(e) of the Constitution, and in turn acting as Company Secretary under the definition of the term Company Secretary in section 5 of the Act.

This rule prescribes an approved website, namely <https://www.legislation.org.au/>. This URL aligns with the short title of the Act and with the URLs for similar sites maintained by other jurisdictions.

Company Secretary may also make rules on a range of other matters as detailed in sections 23 and 50 of the Act, and in various sections in between. Drawing on these powers, this rule goes into some technical detail about what should or may need to happen before and after registration. The purpose of these provisions is to ensure that:

- documents are lodged in a format that is suitable for registration; and
- lodgements are managed (and if appropriate, edited) in a consistent and transparent matter.

### **Other issues**

### **Basis of Regulation and Explanatory Statement**



**Other issues**

Statutes

**Explanatory Statement**

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For the latest information on Australian Government law please go to <https://www.legislation.gov.au>.

**Processes for review of this rule**

This rule is subject to tabling and disallowance under Part 2 of Chapter 3 of the Act, and to sunseting under Part 4 of Chapter 3 of the Act.

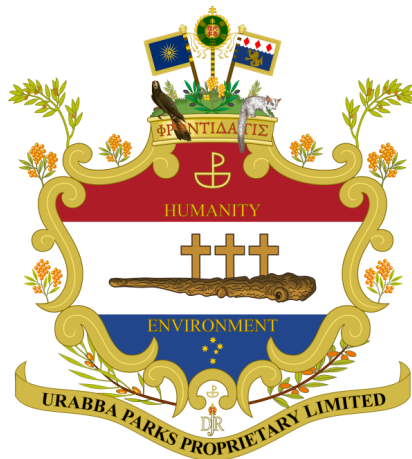
**Matter incorporated by reference**

As noted in the rule, a number of expressions used in the rule are defined in the Act. The rule does not apply, adopt or incorporate any other matter by reference.

**Authorities**

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**Explanatory Statement**

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**Statement of reasonableness**

1. This statement of reasonableness is for the *Legislation Rule 2022*. This instrument makes rules for the lodgement, registration and availability of laws and extrinsic material under Legislation Act 2022, which was assented to on 17 March 2022 and commenced at the start of Tuesday, 26 April 2022.

**Regulatory impact analysis**

2. This rule is not expected to impact on businesses, community organisations or individuals, and a full Regulation Impact Statement is not required.

**Financial impact statement**

3. The making of this rule is not expected to cause any immediate financial impact for Urabba Parks. As the case with the Act, costs associated with the preparation of the rule and this Explanatory Statement are minimal and have been borne by the Enactor personally.

**Consultation before making**

4. Before this rule was made, the Enactor (as Company Secretary) considered the general obligation to consult imposed by section 54 of the Act. No consultation was considered necessary as:

(A) the benefit of having this rule in place so that legislation can be registered outweighs any benefit of delaying the making of the rule until consultation can be undertaken; and

(B) the rule can be amended, with a specific procedure on how to lodge instruments for registration, once a review of the registration procedure is done, along with consultation with relevant stakeholders.

**Statutory preconditions and Parliamentary undertakings relevant to this rule**

## Explanatory Statement

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5. There are no statutory preconditions or Parliamentary undertakings directly relevant to the making of this rule.

### Promotion of rights under the Urabba Parks Bill of Rights

6. Urabba Parks is required to respect the rights falling in Part 2 of Chapter 9 of the Constitution (the *Urabba Parks Bill of Rights*). Urabba Parks is required to respect in its governance, management and operations human rights within the meaning of section 134 of the Constitution, which forms part of the Urabba Parks Bill of Rights. Section 134 defines human rights as being those recognised under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* of the Commonwealth (the ‘nationally-recognised human rights’).

7. The rule establishes basic technical standards for the publication of legislation, to improve its usability and ensure that it is accessible to the people who rely on older or assistive technology.

8. As such, the rule intends to advance and protect nationally-recognised human rights such as:

(A) fair trial and fair hearing rights under Article 14 of the International Covenant on Civil And Political Rights (the ICCPR); and

(B) rights of access to information under Article 9 and access to justice under Article 13 of the Convention on the Rights of Persons with Disabilities (the CRPD).

### Conclusion

This instrument, as made on 9 May 2022, is reasonable having regard to the legal and ethical obligations of Urabba Parks.



*L.S.*

**Daniel James Racovolis**  
The Enactor of Urabba Parks Proprietary Limited  
19 May 2022

**Section 1**  
**Explanatory Statement**

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**Notes on sections**

**Part 1—Preliminary**

**Section 1: Name**

9. This section provides for the rule to be cited as the *Legislation Rule 2022*.

**Section 2: Commencement**

10. This section provides for the rule to commence at the start of the day after the rule is registered. This date is the default commencement that would apply if no commencement date was specified, and is important to avoid making the rule retrospective.

**Section 3: Authority**

11. This section identifies the Act that authorises the making of the rule, namely the Legislation Act 2022.

**Section 4: Definitions**

12. This section defines a number of key terms used throughout the rule, including by reference to expressions defined in the Act.

**Part 2—Lodgement**

**Section 5: Requirements for lodgement**

13. This section prescribes how documents must be lodged for registration under the Act, and requires documents to be lodged:

- (A) using a method agreed to by the Company Secretary and the person lodging the instrument, compilation or document; and
- (B) in a particular format to enable the document to be converted; and
- (C) without content that is dynamic and that may interfere with the content of the document.

## **Section 6**

### **Explanatory Statement**

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14. These requirements are important to enable documents to be registered quickly as required by the Act, and to be converted accurately into a choice of file formats as required by long-standing government accessibility standards for websites.

15. There is also provision for Company Secretary to agree to the use of other methods and formats. This may be necessary if, for example, technical difficulties prevent timely lodgement of an instrument that is about to commence.

### **Section 6: Withdrawal of lodgement**

16. This section makes clear that a person who lodges a document for registration has an obligation to withdraw the lodgement if they become aware that it is incomplete or inaccurate. This requirement is consistent with section 29 of the Act, which requires Company Secretary to be notified of events affecting the currency or accuracy of the Register.

### **Section 7: Requirements for compilations**

17. This section of the rule builds on the minimum content requirements for compilations set out in subsection 33(1) of the Act. To ensure that compilations are useful to users of the Register, it requires compilations to include:

- (A) the name of the principal law;
- (B) the number of the compilation;
- (C) the name of the Department or agency that prepared the compilation;
- (D) a key setting out any abbreviations used in any notes to the compilation;
- (E) for an instrument—the enabling legislation for the instrument.

18. With the exception of paragraph (b), these requirements are consistent with the way compilations of Acts and regulations have been prepared over many years, and extending them to all instruments will help ensure greater consistency across the statute book.

**Section 8**  
**Explanatory Statement**

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19. The requirement for a compilation number (paragraph (b)) is new but will enable users of the Register to more easily identify a particular compilation.

**Section 8: Compilations prepared and lodged by OCS**

20. This section of the rule clarifies that a rule-maker does not need to prepare and lodge a compilation under section 35 of the Act if this is to be done by OCS. In particular, OCS:

(A) routinely prepares compilations for all instruments that must be drafted by OCS; and

(B) is able to prepare compilations for other instruments by agreement.

## **Section 9 Explanatory Statement**

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### **Part 3—Registration**

#### **Section 9: Approved website for registered material**

21. This section prescribes the approved website where registered documents will be available to the public, namely <https://www.legislation.org.au/>.

22. This URL, which is new, aligns with the new title of the Act and with the URLs for similar sites maintained by other jurisdictions.

#### **Section 10: Giving unique names**

23. This section clarifies that Company Secretary may name or rename a document lodged for registration, if the document does not have a name or has the same name as a document that is already on the Register. This provision is expressly permitted by subparagraphs 30(b)(i) and (ii) of the Act.

#### **Section 11: Inserting unique identifiers**

24. This section recognises the practice of inserting a unique identifier into every document before it is registered, to assist with its identification. This provision is expressly permitted by paragraph 23(v) and subparagraph 30(b)(iii) of the Act.

#### **Section 12: Alternative arrangements in the event of technical difficulties**

25. This section specifies alternative arrangements for registering documents in the event that technical difficulties prevent registration and publication on the approved website. This provision is expressly permitted by paragraph 30(f) of the Act, and it provides for an Act, instrument or other document to be registered by:

(A) publishing it on the OCS website  
<https://www.urabbaparks.org.au/>; or

(B) if that website is not available—displaying it at OCS’s place of business at Urabba Street Reserve.

**Section 13**  
**Explanatory Statement**

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26. The section also clarifies that a document registered using an alternative arrangement must be made available to the public on the approved website as soon as practicable after technical difficulties have ceased.

27. A deeming provision is no longer needed because of the way paragraph 30(f) of the Act is framed. The date of registration for a registered document will be the earliest day on which it is registered by whatever means (the approved website, the OCS website, or OCS's place of business).

**Section 13: Events affecting the currency or accuracy of the Register**

28. This section allows Company Secretary to require documentary evidence of the occurrence of an event that affects the currency or accuracy of the Register. This power is limited to the situation where a responsible person has notified such an event under section 29 of the Act, and is permitted by paragraph 30(h) of the Act.

29. The provision is not prescriptive about the exact form of document that may be required, because it is not practical to anticipate every event that could affect the currency or accuracy of the Register. However, to illustrate what may be required, if a rule-maker notifies one of the following events then it may be appropriate to require documentation as follows:

(A) if a court or tribunal has found a registered law or a provision of such a law to be invalid or unenforceable—a copy of the written judgement

(B) if the commencement of a law is tied to a treaty that commences on an exchange of letters between Ministers or similar—a notice of treaty commencement.

30. A document required by Company Secretary under this provision is likely to be registered under paragraph 18(3)(e) of the Act, if it may be considered in determining the meaning of a registered law under section 32 of the *Acts Interpretation Act 1901*.

**Part 4—Authorised versions**

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## **Section 14** **Explanatory Statement**

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### **Section 14: Authorised versions**

31. This section specifies the form of words that must be included in a registered law or explanatory statement to indicate that it is an authorised version. The acceptable terms for registered laws or extrinsic material include “Authorised version”, “Authorised by the Company Secretary” and “Authorised by Urabba Parks Proprietary Limited” (which may be abbreviated under section 149 of the *Corporations Act 2001* of the Commonwealth).

32. A second reading speech for an Act may be referred to as “Second Reading Speech for the” and a reference to the short title or unique identifier for the Act, an explanatory memorandum for an Act as “Explanatory Memorandum to” with the short title or unique identifier for the Act (or “Explanatory Statement to” and a reference to the name or unique identifier for the instrument in the case of a legislative instrument), and for extrinsic material generally, “Extrinsic Material relating to” and a reference to the short title, name or unique identifier for the law.

33. The section also specifies that, for electronic copies of registered documents, only the .pdf format is regarded as authoritative. A registered document will normally be published in a choice of file formats to comply with government accessibility requirements, but its appearance can be subtly distorted by the conversion process and also by the end user’s device and software choices.

34. In particular, complex formatting and special symbols may not always display correctly in .doc,.docx and .html formats and this can significantly alter the meaning of a document. For example, the Greek letter “Mu” ( $\mu$ ) can be misread as an “m” as part of an international unit of measurement, resulting in the user seeing a much larger measurement than was intended by the rule-maker.

35. In light of such issues, only the .pdf format will be authorised for Corporate legislation.

36. This section of the rule is intended to satisfy the various requirements in section 50 of the Act regarding authorised versions of registered laws and their explanatory statements.



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This index does not form part of the Act or related materials, and is included for convenience of reference only.

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together with record of resolution made at Proprietary Council on 26 April 2022,  
*Legislation (Exemptions and Other Matters) Regulation 2022 as made on*  
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