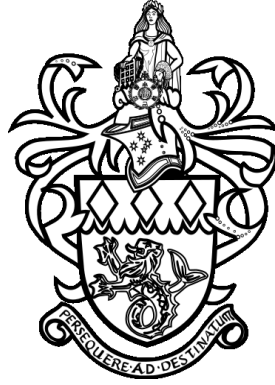


2022



Daniel James Racovolis

LEGISLATION BILL 2022

EXPLANATORY MEMORANDUM

(Circulated by authority of Mr Racovolis)

UP2022A00002EM

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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 Act 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>.

Authorities

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Statement of Reasonableness

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

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

(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 sunsetting 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

(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

(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

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.

Clause 11

Notes on clauses

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.

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

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

Clause 21

Notes on clauses

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

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

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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 a 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

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,

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

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.

Clause 39

Notes on clauses

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

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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

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Division 1—Introduction

Clause 48

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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

Notes on clauses

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

Clause 55
Notes on clauses

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

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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

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

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

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

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

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’.

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 sunseting in certain circumstances

117. This clause, based on section 51 of LA2003, allows for the Advocate-General to defer sunseting 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 sunseting 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 sunseting of instruments to be reviewed together

118. This clause, based on section 51A of LA2003, provides the Advocate-General may defer sunseting for up to 5 Years from the original sunseting 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 sunseting 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

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.

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

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

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

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)

