



Legislation Act 2022

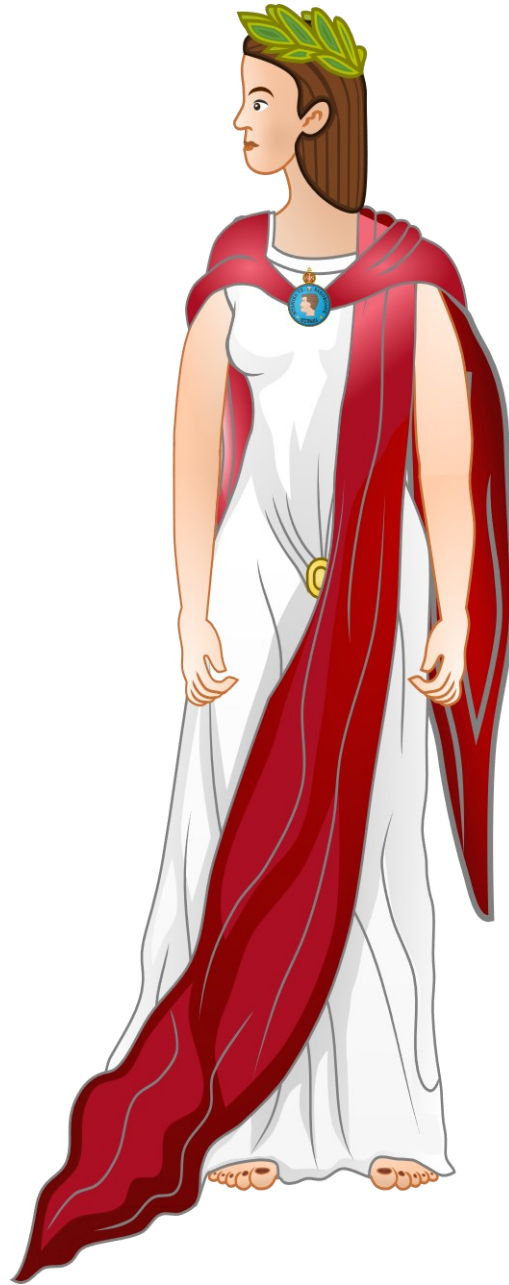
Compilation No. 1 in force on 3 May 2024







Legislation Act 2022





Legislation Act 2022

Printed on 21 May 2024

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,
Advocate-General's Department, Urabbapolis



Published for the Urabbaparcensian Government by Racomedia
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A catalogue record for this book is available from the
National Library of Australia.

Legislation Act 2022 in force on 3 May 2024, *Legislation (Exemptions and Other Matters) Regulation 2022* in force on 3 May 2024, *Legislation Rule 2022* in force on 3 May 2024.

Includes index.

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

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Acknowledgement of Country



Acknowledgement of Country

The Urabbaparcensian Government acknowledges the traditional owners of Urabbaparcensia, 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.

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Legislation Act 2022

No. 2, 2022

Compilation No. 1

Compilation date: 3 May 2024
Includes amendments up to: Act No. 4, 2024
Registered: 21 May 2024

UP2024C00003

Prepared by the Office of Company Secretary, Urabbapolis
Enactorate of Urabbaparcensia Proprietary Limited ACN 159 318 859

About this compilation

This compilation

This is a compilation of the Constitution as made by and including the *Legislation Act 2022* that shows the text of the law as amended and in force on 3 May 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending law and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.org.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified.

Self repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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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

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.

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
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.	

Section 3

- (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.

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.

Section 5

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 the Enactorate appointed to a position falling in registration item 2.5.e.1.0.1 or another secretary appointed to a position 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 the Enactorate appointed to registration item 2.1.0.0.1, or a secretary holding another position 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 the Enactorate appointed to the position in registration item 1.1.1.6.0.1, or a secretary holding a position 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 position 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.

consolidated extrinsic material: see section 42.

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).

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*.

Section 5

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).

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

Section 7

(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 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: 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.

Section 8

(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.

Section 10

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:
- (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;

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- (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.

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;

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- (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:
- at the start of the day after the day the instrument is registered; or
 - 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)).

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 the Enactorate or an authority of the Enactorate) 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
 - (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*.

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).

- (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.

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- (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;

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

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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.
- (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.

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.

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- (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.

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 the Enactorate, 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 Urabbaparcensian Bill of Rights; or
 - (d) prescribed by an Act or the regulations.

Note: The Urabbaparcensian 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:

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- (a) the impact of the instrument will have in advancing the objects of the Enactorate;
- (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 the Enactorate comply with the law or agreement;
- (f) the overarching purpose, nature, character and values of the Enactorate 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 the Enactorate) 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);
 - (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;

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- (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.

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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.

The Company Secretary may also prepare and register consolidated extrinsic material for a compilation of a registered Act or instrument.

Division 2—Registration of compilations

32 Definition of *compilation*

In this Act, 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.

Note: This Part deals with the registration of compilations.

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

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- (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 *Interpretation 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 rennumbers a provision of the Act or instrument; or
 - (e) changes the order of definitions or other provisions of the Act or instrument; or

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- (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
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 the Enactorate 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).

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Division 4—Consolidated extrinsic material

42 Definition of *consolidated extrinsic material*

For an Act or instrument, *consolidated extrinsic material* is a document consolidating 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 Consolidated extrinsic material—information requirements

- (1) Without limiting the information that a registered consolidated extrinsic material for an Act, legislative instrument or notifiable instrument (the *principal material*) may include, the registered material must include the following information:
 - (a) the compilation date;
 - (b) a statement, being:
 - (ii) in the case of principal material that is replacement of previous material—a statement to that effect; or
 - (iii) in any other case—a statement that the material is a compilation of the principal material;
 - (c) if a statement is made under subparagraph (b)(ii):
 - (i) if any changes are made in preparing the material—a statement that changes have been made to the document and a brief outline of the changes in general terms;
 - (ii) the amendment history of principal material;
 - (d) 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);
 - (e) any further information prescribed by the rules.

- (2) However, the information mentioned in any of paragraphs (1)(b) to (d) does not need to be included in the material 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

- (1) The Company Secretary:
- (a) may register consolidated extrinsic material for a compilation of an Act, legislative instrument or notifiable instrument at any time at or after the registration of the compilation; and
 - (b) is not required to prepare or register material even if a required compilation event or a discretionary compilation event has occurred for the Act or instrument.

Repeal and disallowance of Act or instrument

- (2) The Company Secretary must ensure that 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).
- (3) Subsection (2) 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 consolidated extrinsic material

- (1) In preparing consolidated extrinsic material, the Company Secretary may:
- (a) add text to existing material;

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- (b) remove text from existing material;
 - (c) alter the text in existing material;
 - (d) relocate text in existing material;
 - (e) number and renumber text in existing material; and
 - (f) change the format, layout or printing style of the document, or any other presentational aspect of the existing material.
- (2) For the purposes of this section *existing material* means an explanatory memorandum, explanatory statement or other document similar in manner and form to an explanatory memorandum or explanatory statement:
- (a) for an Act, legislative instrument or notifiable instrument as made
 - (b) for each Act, legislative instrument or notifiable instrument that has amended the Act, legislative instrument or notifiable instrument; or
 - (c) that is already issued consolidated extrinsic material.
- (3) The Company Secretary may make a change to existing material under subsection (1) 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 the consolidated extrinsic material, 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 extrinsic material drafting practice being used by the Office of Company Secretary;
- (f) make the material 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

- (4) Without limiting paragraph (3)(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) 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 (b), 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.

Certain other changes prescribed by the rules

- (5) A change is taken to fall within subsection (3) if the change is of a kind prescribed in the rules.

46 Effect of consolidated extrinsic material

- (1) A document that is or forms part of consolidated extrinsic material for a compilation of an Act, legislative instrument or notifiable instrument is declared to be a relevant document for the purposes of section 32 of the *Interpretation Act 2022* in respect of the compilation.

Note: Other documents may apply to the reading an Act or instrument: see section 32 of the *Interpretation Act 2022*. This Act provides that the

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Interpretation Act 2022 applies to legislative instruments and notifiable instruments: see section 15.

- (2) The preparation or registration of consolidated extrinsic material does not have any effect in the interpretation of a provision of an Act, legislative instrument or notifiable instrument, to the extent the material:
- (a) explains or relates the effect of a provision that is no longer extant because of the amendment or repeal and substitution of a provision, as to
 - (b) relates to a provision that has been repealed and not substituted for a provision of similar effect; or
 - (c) is ultimately derived from material that is not extrinsic material of an Act, legislative instrument or notifiable instrument as made that is subject to or affecting the compilation.

47 Extrinsic material—rules

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

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

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:

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- (a) the electronic copy is accessed at, or downloaded from, an approved website in a format prescribed by the rules; and
- (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;

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- (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 instrument as amended (if at all) and in force on the compilation date; and
- (l) an authorised version of registered consolidated extrinsic material correctly 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 UCS 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.

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

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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 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 the Enactorate 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.

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- (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.

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

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- 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.
- (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:

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- (i) to amend or repeal one or more other legislative instruments or notifiable instruments; or
- (ii) to amend the instrument containing the provision.

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

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- 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;
 - (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 the Enactorate or a wholly-owned subsidiary; or
 - (ii) the authorisation of a lodgement of a document on behalf of the Enactorate 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:

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- (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:

- (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

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- 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 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.

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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:
 - (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 the Enactorate 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 commencement of this Act, 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>.

88 Delegation

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

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

- (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.

(UP2024C00003)

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key in endnote 2 sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending law and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The Legislation Act 2022 authorises Company Secretary to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Company Secretary.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history. If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	Ord = Ordinance
am = amended	orig = original
amdt = amendment	par = paragraph(s)/subparagraph(s)
art = article	/sub-subparagraph(s)
c = clause(s)	pres = present
C[x] = Compilation No. x	prev = previous
Ch = Chapter(s)	(prev...) = previously
def = definition(s)	Pt = Part(s)
Dict = Dictionary	r = regulation(s)/rule(s)
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
ed = editorial change	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2022</i>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sub-Ch = Sub-Chapter(s)
mod = modified/modification	SubPt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced
o = order(s)	UP = Corporate Register of Legislation

Endnote 3—Legislation history

Act or Instrument	Number and year	Assent	Commencement	Application, saving and transitional provisions
Legislation Act 2022	2, 2022	17 Mar 2022	26 Apr 2022 (s 2(1) and gaz 2022, p. 4)	
Statute Law Revision (Bodyguard) Act 2024	4, 2024	03 May 2024	03 May 2024	

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Chapter 1	
Part 1	
s 5.....	am. No 4, 2024
s 7 heading	am. No 4, 2024
Note to s 8(4) (prev note 1)	rs. No 4, 2024
Note 2 to s 8(4)	rep. No 4, 2024
Part 2	
s 14.....	am. No 4, 2024
Chapter 2	
Part 1	
Division 3	
ss. 27, 28	am. No 4, 2024
Note to s 27(5)	am. No 4, 2024
Part 2	
Division 1	
s 31	am. No 4, 2024
Division 2	
s 32.....	rs. No 4, 2024
Note 2 to s 39(1)	rs. No 4, 2024
Division 4	
Division 4 heading	rs. No 4, 2024
ss 42-47	rs. No 4, 2024
Part 3	
Division 2	
s 50.....	am. No 4, 2024
Chapter 3	
Part 1	
s 53.....	am. No 4, 2024
Part 2	

Endnote 4—Amendment history

Provision affected	How affected
s 64.....	am. No 4, 2024
Part 3	
Division 2	
Subdivision E	
s 74.....	am. No 4, 2024
Part 4	
s 83.....	am. No 4, 2024
Chapter 4	
s 87.....	am. No 4, 2024
s 87A.....	rep. No 1, 2022
s 87B.....	rep. No 1, 2022
s 88.....	am. No 4, 2024

Endnotes

Endnote 5—Miscellaneous

Endnote 5—Miscellaneous

Derivation table

The *Legislation Act 2022* is based on content from the Federal Register of Legislation at 20 February 2022, and is a derivative work under the Creative Commons Attribution 4.0 International (the CC BY 4.0 licence) of Compilation No. 39 of the *Legislation Act 2003* (No. 139, 2003) of the Commonwealth. Compilation date 24 February 2019. Includes amendments up to Act No. 130, 2018. Registered 25 February 2019. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. The sections of the *Legislation Act 2022* derived from the *Legislation Act 2003* of the Commonwealth as in force on the compilation date appears in the table below.

Section of the <i>Legislation Act 2003</i> of the Commonwealth (as in force on 24 February 2019)		Section of the <i>Legislation Act 2022</i>
1	Short title	1
2	Commencement	2
3	Object	3
3A	Simplified outline of this Act	4
3AA	Norfolk Island	Not included
4	The Dictionary	5
5	Definitions of amend and modify	6
6	Definitions of rule-maker and responsible person	7
7	Simplified outline of this Part	9
8	Definition of legislative instrument	10
9	Inference of legislative character	11
10	Instruments declared to be legislative instruments	12
11	Definition of notifiable instrument	13
12	Commencement of legislative instruments and notifiable instruments	14
13	Construction of legislative instruments and notifiable instruments	15
14	Prescribing matters by reference to other instruments	16
15	Simplified outline of this Part	17
15A	Federal Register of Legislation—establishment and maintenance	18 (Note 1)

Endnote 5—Miscellaneous

Section of the <i>Legislation Act 2003</i> of the Commonwealth (as in force on 24 February 2019)	Section of the <i>Legislation Act 2022</i>	
15B	Federal Register of Legislation—complete record of registered laws	19 (Note 1)
15C	Federal Register of Legislation—access to registered material on approved website	20 (Note 1)
15D	Federal Register of Legislation—rectification of Register	21 (Note 1)
15DA	Requirement for re-tabling and new disallowance period after rectification of Register	22
15E	Federal Register of Legislation—keeping the Register	23 (Note 1)
15F	Registration of Acts	24
15G	Lodgement of legislative instruments and notifiable instruments, and other material	25
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15W	Editorial changes treated in the same way as amendments	40
15X	Definition of editorial change	41
15Y	Simplified outline of this Part	48
15Z	Scope of this Part	49
15ZA	Authorised versions	50
15ZB	Judicial notice	51

Endnotes

Endnote 5—Miscellaneous

Section of the <i>Legislation Act 2003</i> of the Commonwealth (as in force on 24 February 2019)	Section of the <i>Legislation Act 2022</i>
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16	Measures to achieve high drafting standards for legislative instruments and notifiable instruments 53
17	Rule-makers should consult before making legislative instruments 54
19	Consequence of failure to consult 55
36	Simplified outline of this Part 56
37	The purpose of the Part 57
38	Tabling of legislative instruments 59
39	Tabling of explanatory statements 60
40	Regulations may specify manner of delivery of certain documents 61
41	Incorporated material may be required to be made available 62
42	Disallowance of legislative instruments 63
44	Legislative instruments that are not subject to disallowance 64
45	Reviving a legislative instrument, law or provision 65
46	Legislative instruments not to be remade while required to be tabled 66
47	Legislative instruments not to be remade while subject to disallowance 67
48	Remaking disallowed legislative instruments 68
48AA	Simplified outline of this Part 69
48A	Automatic repeal of amending and repealing instruments 70
48B	Automatic repeal of commencement instruments 71
48C	Automatic repeal of amending and repealing provisions 72
48D	Automatic repeal of commencement provisions 73
48E	Regulations may repeal instruments or provisions no longer required 75
48F	Simplified outline of this Part 76
49	The purpose of the Part 77
50	Sunsetting 78
51	Attorney-General may defer sunsetting in certain circumstances 79 (Note 2)

Endnote 5—Miscellaneous

Section of the <i>Legislation Act 2003</i> of the Commonwealth (as in force on 24 February 2019)	Section of the <i>Legislation Act 2022</i>
51A Attorney-General may align sunseting of instruments to be reviewed together	80 (Note 2)
52 Attorney-General must lay lists of instruments due for sunseting before each House of the Parliament	81 (Note 2)
53 Resolution that instrument continue in force	82
54 Instruments to which this Part does not apply	83
55 Simplified outline of this Chapter	84
56 Legislative instruments—gazettal and other publication and notification requirements	85
57 Effect on existing tabling and disallowance requirements	Not included
57A Legislative instruments made under power delegated by the Parliament before 1 January 2005	Not included
58 Delegation	88
59 Review of operation of this Act	89
61 Legislative instrument and notifiable instrument amendments by regulations under this Act	90
61A Rules made by First Parliamentary Counsel	91 (Note 3)
62 Regulations	92

Note 1: The word “Corporate” has been substituted for “Federal” in the section heading.

Note 2: The word “Advocate-General” has been substituted for “Attorney-General” in the section heading.

Note 3: The words “Company Secretary” has been substituted for “First Parliamentary Counsel” in the section heading.

Endnotes

Endnote 5—Miscellaneous





Legislation (Exemptions and Other Matters) Regulation 2022

made under the

Legislation Act 2022

Compilation No. 1

Compilation date:	3 May 2024
Includes amendments up to:	Act No. 4, 2024
Registered:	21 May 2024

Prepared by the Office of Company Secretary, Urabbapolis
Enactorate of Urabbaparcensia Proprietary Limited ACN 159 318 859

About this compilation

This compilation

This is a compilation of the *Legislation (Exemptions and Other Matters) Regulation 2022* that shows the text of the law as amended and in force on 3 May 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.org.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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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;

Part 1 Preliminary

Section 4

- (c) instrument;
- (d) legislative instrument;
- (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"> (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: <ul style="list-style-type: none"> (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
4	Each of the following: <ul style="list-style-type: none"> (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; (b) an application for an instrument referred to in paragraph (a)
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"> (a) an instrument of appointment, engagement or employment; (b) an instrument suspending or terminating an appointment, engagement or employment; (c) an instrument authorising a person to hold a particular position or office

Part 2

Section 5

Classes of instruments that are not legislative instruments

Item	Class of instrument
9	An instrument of resignation
10	An instrument: (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)

Classes of instruments that are not legislative instruments

Item	Class of instrument
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; (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 <i>Legislation Act 2022</i>
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

Part 2

Section 5

Classes of instruments that are not legislative instruments

Item	Class of instrument
23	Each of the following: <ul style="list-style-type: none">(a) an application for an order, direction or other instrument (a <i>court or tribunal instrument</i>) to any of the following (a <i>relevant person or body</i>), or a withdrawal of such an application:<ul style="list-style-type: none">(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 Visitatorial Commission;(vi) a member or an officer of a tribunal or the Visitatorial 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: <ul style="list-style-type: none">(a) an instrument remitting or waiving a sanction in relation to a particular person;(b) an instrument discharging or extinguishing a liability in relation to a particular person
28	An infringement notice
29	Each of the following: <ul style="list-style-type: none">(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

Classes of instruments that are not legislative instruments

Item	Class of instrument
32	A corporate plan or corporate policy (however described)
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)

- (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.

Particular instruments that are not legislative instruments

Item	Instrument
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.

Classes of instruments that are notifiable instruments	
Item	Class of instrument
1	An instrument that announces the day an intermicronational agreement enters into force for Urabbaparcensia
2	A lodgement confirmation that is lodged for registration under subsection 74(3) of the Act

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).

Classes of legislative instruments that are not subject to disallowance

Item	Legislative instrument
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).

Particular legislative instruments that are not subject to disallowance

Item	Legislative instrument
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

Item	Legislative instrument
1	An instrument the sole purpose of which, or a primary purpose of which, is to give effect to an intermicronational obligation of Urabbaparcensia
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

Item Legislative instrument

1 A substituted reference order made under section 46 of the *Interpretation Act 2022*

(UP2024C00004)

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2022* authorises Company Secretary to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Company Secretary.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s)
amdt = amendment	/sub-subparagraph(s)
art = article	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
ed = editorial change	rs = repealed and substituted
exp = expires/expired or ceases/ceased to have effect	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2022</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	Sub-Ch = Sub-Chapter(s)
(md not incorp) = misdescribed amendment cannot be given effect	SubPt = Subpart(s)
mod = modified/modification	underlining = whole or part not commenced or to be commenced
No. = Number(s)	U = Corporate Register of Legislation
o = order(s)	UP = Corporate Register of Legislation (pre-2024)
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Legislation (Exemptions and Other Matters) Regulation 2022	26 Apr 2022 (UP2022L00001)	27 Apr 2022 (s 2)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision (Bodyguard) Act 2024	4, 2024	03 May 2024	03 May 2024	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 3	
s 7	am. Act No 4, 2024
Part 5	
s 10	am. Act No 4, 2024

Endnote 5—Miscellaneous**Derivation table**

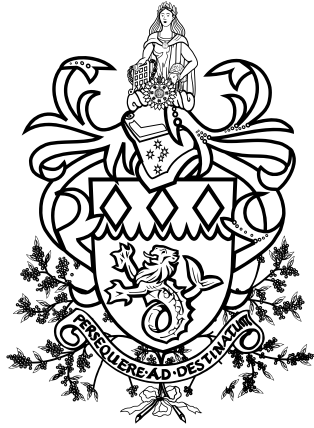
The *Legislation (Exemptions and Other Matters) Regulation 2022* is based on content from the Federal Register of Legislation at 22 April 2022, and is a derivative work under the Creative Commons Attribution 4.0 International (the CC BY 4.0 licence) of Compilation No. 14 of the *Legislation (Exemptions and Other Matters) Regulation 2015* of the Commonwealth (Select Legislative Instrument No. 158, 2015) made under the *Legislation Act 2003*. Compilation date 5 April 2022. Registered 20 April 2022. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. The sections of the *Legislation (Exemptions and Other Matters) Regulation 2022* derived from the *Legislation (Exemptions and Other Matters) Regulation 2015* of the Commonwealth as made on the instrument date appears in the table below.

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5	Definitions	4
6	Classes of instruments that are not legislative instruments	5
7	Particular instruments that are not legislative instruments	6
8	Classes of instruments that are notifiable instruments	7
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11	Classes of legislative instruments that are not subject to sunseting	10
12	Particular legislative instruments that are not subject to sunseting	11

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Legislation Rule 2022

made under the

Legislation Act 2022

Compilation No. 1

Compilation date:	3 May 2024
Includes amendments up to:	Act No. 4, 2024
Registered:	21 May 2024

Prepared by the Office of Company Secretary, Urabbapolis
Enactorate of Urabbaparcensia Proprietary Limited ACN 159 318 859

About this compilation

This compilation

This is a compilation of the *Legislation Rule 2022* that shows the text of the law as amended and in force on 3 May 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.org.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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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 the Enactorate; 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.urabbaparcensia.au/>; or
 - (b) if that website is not publicly available—publicly displaying a hard copy of the Act, instrument or document at Urabba House, Urabba Street Reserve, UP1, 4 Urabba Street, Urabbapolis, 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 the Enactorate of Urabbaparcensia 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)

Endnotes

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- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key in endnote 2 sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

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Endnotes

Endnote 5—Miscellaneous

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Endnote 2—Abbreviation key

ad = added or inserted	Ord = Ordinance
am = amended	orig = original
amdt = amendment	par = paragraph(s)/subparagraph(s)
art = article	/sub-subparagraph(s)
c = clause(s)	pres = present
C[x] = Compilation No. x	prev = previous
Ch = Chapter(s)	(prev...) = previously
def = definition(s)	Pt = Part(s)
Dict = Dictionary	r = regulation(s)/rule(s)
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
ed = editorial change	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2022</i>	Sch = Schedule(s)
(md) = misdescribed amendment can be given effect	Sdiv = Subdivision(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sub-Ch = Sub-Chapter(s)
mod = modified/modification	SubPt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced
o = order(s)	UP = Corporate Register of Legislation

Endnotes

Endnote 5—Miscellaneous

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Legislation Rule 2022	19 May 2022 (UP2022L00002)	20 May 2022 (s 2)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision (Bodyguard) Act 2024	4, 2024	03 May 2024	03 May 2024	—

Endnote 4—Amendment history

Provision affected	How affected
Part 2	
s 8.....	am. Act No 4, 2024
Part 3	
s 12.....	am. Act No 4, 2024
Part 4	
s 14.....	am. Act No 4, 2024

Endnotes

Endnote 5—Miscellaneous

Endnote 5—Miscellaneous

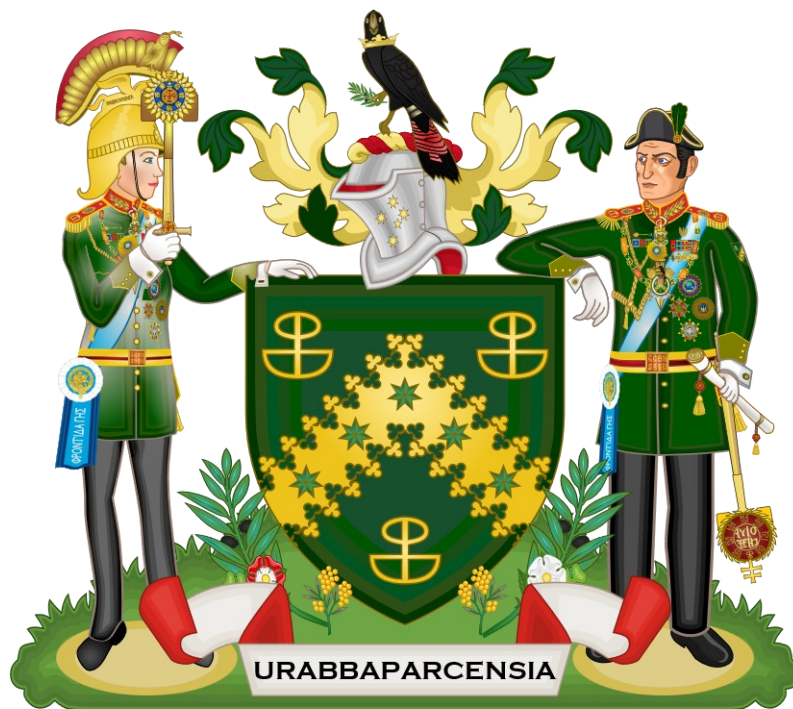
Derivation table

The *Legislation Rule 2022* is based on content from the Federal Register of Legislation at 20 February 2022, and is a derivative work under the Creative Commons Attribution 4.0 International (the CC BY 4.0 licence) of the *Legislation Rule 2016* of the Commonwealth. Instrument date 29 February 2016. Registered 2 March 2016. For the latest information on Australian Government law please go to <https://www.legislation.gov.au>. The sections of the *Legislation Rule 2022* derived from the *Legislation Rule 2016* of the Commonwealth as made on the instrument date appears in the table below.

Section of the <i>Legislation Rule 2016</i> of the Commonwealth (as made on 29 February 2016)	Section of the <i>Legislation Rule 2022</i>
1 Name	1
2 Commencement	2
3 Authority	3
4 Definitions	4
5 Requirements for lodgement	5
6 Withdrawal of lodgement	6
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8 Compilations prepared and lodged by the Office of Parliamentary Counsel	8 (Note 1)
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Note 1: The words “Company Secretary” has been substituted for “Parliamentary Counsel” in the section heading.





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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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Legislation Act 2022

Compilation No. 1

Compilation date: 3 May 2024

Includes amendments up to: Act No. 4, 2024

Registered: 21 May 2024

together with *Legislation (Exemptions and Other Matters) Regulation 2022* as in force on 3 May 2024, *Legislation Rule 2022* as in force on 3 May 2024



UP2024C00003P

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