

**Submission from the Governance, Energy and Finance Committee and the
Primary Industries and Resources Committee (Parliament of Queensland)**

**To the Legal and Constitutional Affairs Committee (Legislative Assembly of the Northern
Territory)**

Re Inquiry into the Review of Historical Regulations (Northern Territory)

Date: 25 March 2026

1. Introduction

The Governance, Energy and Finance Committee of the Queensland Parliament appreciates the opportunity to provide observations that may be of assistance to the Northern Territory's Legal and Constitutional Affairs Committee in its Inquiry into Historical Regulations.

Queensland has operated a long-standing framework for maintaining the currency, quality and relevance of subordinate legislation. We offer the following comments in the spirit of inter-jurisdictional cooperation, acknowledging that while each jurisdiction's needs differ, the broad principles of regulatory stewardship, clarity and proportionate review are widely shared across Australia.

2. Regulatory Stewardship as a Governance Function

The establishment of this Inquiry aligns with modern governance thinking, which recognises subordinate legislation as a long-standing public asset requiring regular care to remain accurate, effective and administratively efficient. Rather than relying on periodic or reactive reviews, contemporary public sector practice emphasises systematic regulatory stewardship, that is the ongoing, deliberate oversight of the regulatory stock to ensure its continued fitness for purpose. This approach is reflected in the Australian Government's *Regulatory Policy, Practice and Performance Framework*¹ which promotes routine reassessment and system-wide continuous improvement of existing regulations as core components of regulatory integrity and accountability.

In this context, this Inquiry represents a timely opportunity for the Northern Territory to strengthen visibility of older regulations, identify instruments that may no longer be necessary, and consider approaches that embed regulatory care into business-as-usual practices rather than relying on one-off review projects.

¹ <https://www.finance.gov.au/sites/default/files/2025-10/Regulatory-Policy-Practice-and-Performance-Framework.pdf>

3. Queensland's Approach to Stewardship of Subordinate Legislation

Queensland's framework for managing subordinate legislation illustrates how regulatory stewardship can be embedded within ordinary governance arrangements. Under Part 7 of the *Statutory Instruments Act 1992* (Qld), most subordinate legislation in Queensland is subject to automatic expiry. In general, instruments expire on the first 1 September after the tenth anniversary of their making unless they are earlier repealed, remade, or specifically exempted. This statutory expiry mechanism provides a structural trigger for periodic reassessment of subordinate legislation and ensures that instruments are brought forward for active consideration of their continuing relevance, effectiveness and efficiency.

As its expiry date approaches, the responsible agency must determine whether the instrument remains necessary and appropriate. If so, it is remade under contemporary legislative and policy frameworks. This process typically involves review of policy intent, assessment of regulatory burden, and, where applicable, regulatory impact analysis. In this way, older regulations are progressively examined through modern governance and accountability lenses rather than remaining indefinitely in force without scrutiny.

Responsibility for review rests primarily with portfolio agencies as part of their ordinary policy and legislative management functions. These responsibilities are supported by the Office of the Queensland Parliamentary Counsel, which provides drafting assistance, guidance material² and advance notice of upcoming expiry dates to assist agencies in forward planning³. This model combines agency stewardship of policy content with centralised legislative expertise.

Review activity is generally integrated into agencies' existing planning, risk management and reporting processes rather than treated as a separate program of work. Within this framework, agencies may take proportionate approaches to scheduling review activity, giving priority to instruments with greater public impact, regulatory burden or financial implications. Such approaches are consistent with broader public sector governance and financial management practices that emphasise risk-informed allocation of effort.

In Queensland, parliamentary oversight operates alongside these executive processes. All subordinate legislation, including subordinate legislation being re-made after automatic expiry, is referred to the appropriate portfolio committee. The committees' assessment includes consideration of the policy to be given effect, application of fundamental legislative principles and compatibility with human rights.⁴ This scrutiny includes evaluating clarity of drafting, consistency with primary legislation, appropriateness of delegated powers, and

² For example, Office of the Queensland Parliamentary Counsel, Best.Practice.Regulation.Guidance. <https://qpc.qld.gov.au/content/best-practice-regulation/best-practice-regulation.html>

³ For example, the Office of the Queensland Parliamentary Counsel provides agencies with at least 12 months' notice of upcoming expiry dates, enabling early planning and orderly scheduling of review work.

⁴ [Parliament.of.Queensland.Act.8667](#), s 93.

whether administrative decisions are subject to adequate review rights. Committees may seek departmental briefings, request further information, or raise concerns directly with the responsible Minister. Following this examination, the committee reports its findings to the Parliament. These reports may highlight issues for the House's attention, recommend amendments, or where warranted, recommend that the subordinate legislation be disallowed.

Together, these arrangements support a system in which subordinate legislation remains current, coherent and accountable.

4. Interjurisdictional Approaches to the Stewardship of Subordinate Legislation

Queensland's framework provides one example of how ongoing regulatory stewardship can be supported by structural mechanisms that prompt periodic review. As noted above, the automatic expiry of subordinate legislation under the *Statutory Instruments Act 1992* ensures that instruments are brought forward for reconsideration within a defined timeframe.

By contrast, the Northern Territory does not have a general, whole-of-government statutory expiry regime comparable to Queensland's. As a result, historical regulations may remain in force indefinitely unless specifically identified for amendment or repeal. This places greater reliance on administrative processes rather than legislative triggers.

The operation and value of structured sunseting mechanisms have also been considered in the Commonwealth context. The Senate Standing Committee for the Scrutiny of Delegated Legislation (Parliament of Australia) (formerly the Regulations and Ordinances Committee) undertakes ongoing scrutiny of Commonwealth legislative instruments under the *Legislation Act 2003* (Cth). As part of its scrutiny principles, the Senate Committee examines whether instruments are appropriately subject to sunseting and whether any exemption or deferral from sunseting is justified. Its published guidance notes that the sunseting framework provides an important opportunity for the Parliament of Australia to maintain effective and regular oversight of delegated legislation, and ensures instruments remain current and fit for purpose.⁵

These comparative experiences suggest that structural review mechanisms, such as sunset or periodic expiry frameworks, can operate as governance tools that support legislative integrity without requiring large-scale, resource-intensive review programs. By embedding review within the ordinary life cycle of subordinate legislation, such systems create predictable

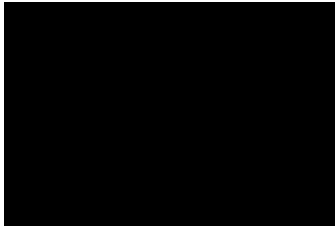
⁵ See for example: Senate Standing Committee for the Scrutiny of Delegated Legislation, Committee. Guidelines, Principle (k); Exemption and deferral from sunseting, describing the role of sunseting in supporting parliamentary oversight and ensuring delegated legislation remains fit for purpose. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Committee_guidelines/Principle_k

prompts for stewardship while allowing agencies to manage review activity within existing governance and resourcing frameworks.

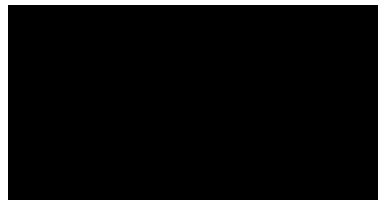
5. Conclusion

The Governance, Energy and Finance Committee commends the Legal and Constitutional Affairs Committee for undertaking this Inquiry. Promoting the continued relevance and integrity of subordinate legislation contributes to good governance, regulatory certainty and administrative efficiency.

The Committee trusts that the perspectives offered in this submission will assist the Inquiry in identifying practical and sustainable approaches to improving stewardship of historical regulations within existing governance and resourcing frameworks.



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