

NATIONAL

Laws of the land – navigating strata legislation without the stress

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Housekeeping

- This isn't legal advice
- Legislation generally follows the same approach nationwide – but there may be differences from state to state to territory

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Why is there legislation?

- Address an issue, clarify a meaning, respond to community concern, close a loophole
- Non-legislative solutions:
 - Information and education
 - Voluntary codes
 - Self-regulation
- Legislation = red tape

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How legislation is made

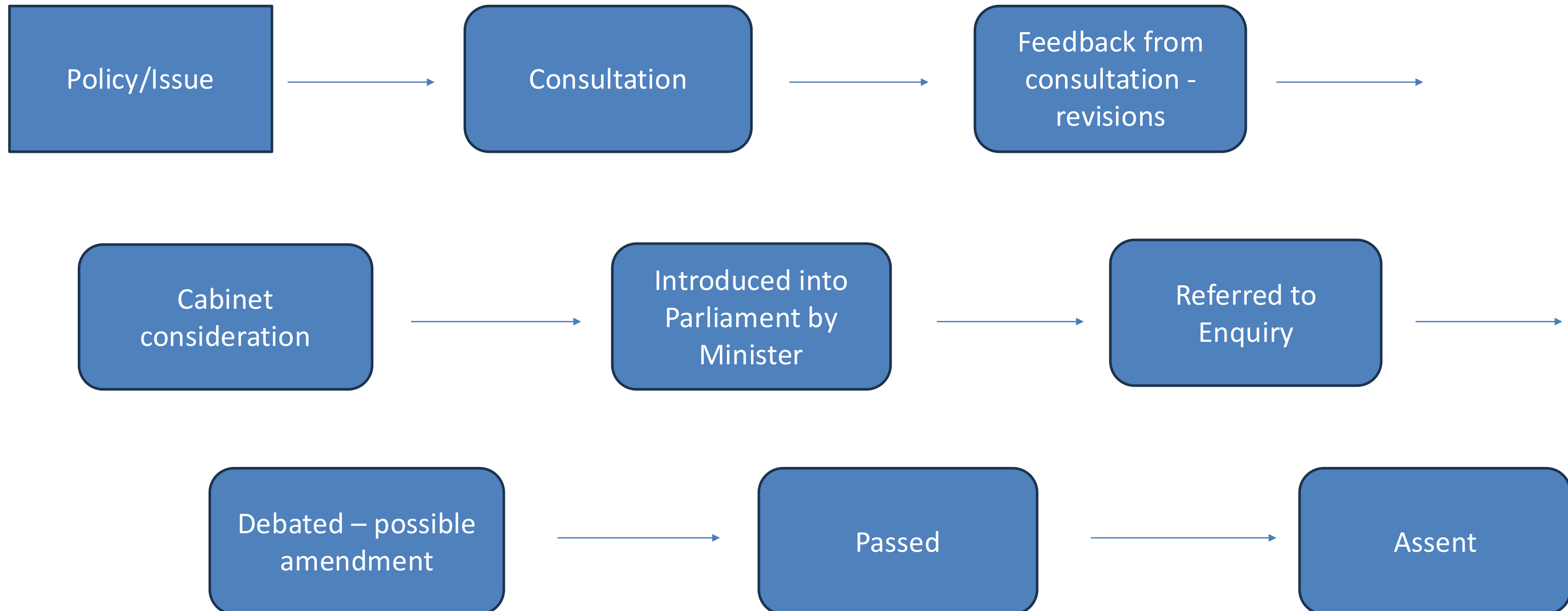
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Where do you get your say?

- Initiate it – raise the concern locally
- Respond to invitation to comment
- Contribute via a group, peak body or advocate (e.g., lobbyist)

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Need to know

- Public servants: legwork
- Politicians: decisions
- Politicians consider both the issue, and its politics
- Present solutions not just problems
- Make solutions practical and realistic

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Legislation 101: key terms

- Act (Primary Legislation)
- Bill
- Cabinet
- Explanatory Notes

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Legislation 101: key terms

- Parliament
- Parliamentary Counsel
- Second Reading Speech
- Subordinate legislation (e.g., in Qld, the Regulation Modules)

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Where to find

- Relevant government website:
 - E.g., www.legislation.qld.gov.au
- AUSTLII:
 - www.austlii.edu.au

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Provisions – interpretation - Implementation – intent

- Provision: what's written
- Interpretation: anyone can interpret – formal interpretation comes from decisions
- Implementation: putting provisions and interpretation into practice
- Intent: the hard bit to define

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What if there's no legislation?

- Legislation is 'silent'
- Doesn't mean it's a free-for-all
- Refer to interpretation, and advice as necessary
- Other factors: e.g., 'reasonableness'

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Best practice tips

- Get the basics right first – accuracy, consistency
- More legislation rarely makes things easier – focus on the options at hand, rather than what *could* happen
- Reading legislation once doesn't make you an expert! Seek qualified assistance and keep developing your legislation proficiency (LP)

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QUESTIONS?

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