HIGH COURT OF AUSTRALIA

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IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S126/2023

BETWEEN:

KATHERINE ANNE VICTORIA PEARSON
Plaintiff

and

THE COMMONWEALTH OF AUSTRALIA
First Defendant

And

MINISTER FOR HOME AFFAIRS
Second Defendant

and

ADMINISTRATIVE APPEALS TRIBUNAL
Third Defendant

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

No. B15/2024

BETWEEN:

JZQQ
Appellant

and

MINISTER FOR IMMIGRATION, CITIZENSHIP AND MULTICULTURAL AFFAIRS
First Respondent

and

ADMINISTRATIVE APPEALS TRIBUNAL
Second Respondent

Filed on behalf of the Attorney-General for the State of Queensland, Intervening

5 June 2024

Document No: 16463993

IN THE HIGH COURT OF AUSTRALIA
PERTH REGISTRY

No. P10/2024

BETWEEN:

KINGSTON TAPIKI
Appellant

and

MINISTER FOR IMMIGRATION, CITIZENSHIP AND MULTICULTURAL AFFAIRS
Respondent

SUBMISSIONS FOR THE ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND (INTERVENING)

PART I: Internet publication

1. These submissions are in a form suitable for publication on the Internet.

PART II: Basis of intervention

2. The Attorney-General for Queensland (**Queensland**) intervenes in this proceeding pursuant to s 78A of the *Judiciary Act 1903* (Cth), in support of the appellant.

PART III: Reasons why leave to intervene should be granted

3. Not applicable.

PART IV: Submissions

SUMMARY OF ARGUMENT

4. Queensland adopts the submissions of the Commonwealth respondents and Commonwealth Attorney-General in *Tapiki* at [7] to [38], in *Pearson* at [30] to [31], and in *JZQQ* at [23] to [54].

5. Queensland makes the following additional points:

   (a) The appellants and plaintiff have cherrypicked three US and Irish judgments, without placing them in their constitutional context. Properly understood, the US authorities support the Commonwealth respondents and the Irish case law offers little guidance.

   (b) The attempt of the appellants to gain support for their arguments from history overlooks the long history of State legislatures enacting validation provisions similar to s 4 of the *Migration Amendment (Aggregate Sentences) Act 2023* (Cth) (**Amendment Act**) long before and after federation.

   (c) Militating against reopening, the States have enacted many validation provisions similar to the validation provision upheld in *Australian Education Union v General Manager of Fair Work Australia* (***AEU***).[1]

[1] (2012) 246 CLR 117.

STATEMENT OF ARGUMENT

Recourse to international authorities

6. Mr Tapiki and Ms Pearson seek support from two carefully selected decisions from overseas:[2] the decision of the US Supreme Court in ***Plaut*** *v Spendthrift Farm Inc*,[3] and the first instance decision of the Irish High Court in ***Howard*** *v Commissioners of Public Works [No 3]*.[4] In addition, JZQQ refers to *United States v* ***Klein***.[5]

7. While foreign judgments may have 'logical or analogical relevance', they 'should be consulted with discrimination and care', taking into account the constitutional setting in which they were decided.[6] The appellants and plaintiff have not done that.

US decisions

8. Understood in their constitutional context, the US authorities—including decisions of the US Supreme Court decided since *AEU*—support the Commonwealth respondents. The settled jurisprudence in the United States is that the legislature can change the substantive law retrospectively, including in pending litigation. That was established in 1801 in *United States v Schooner Peggy*, a case concerning a change to the law about condemned vessels while an appeal was pending after the United States had entered into a treaty with France. As Marshall CJ said, the new law 'must be obeyed' in the appeal.[7]

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2 AS in Tapiki [44]-[47]; PS in Pearson [35]; AS in JZQQ [30]. The issues of validation have been considered in other legal systems besides the US and Ireland, to which the appellants and plaintiff have not referred. Eg *NHPC Ltd v State of Himachal Pradesh Secretary* [2023] 12 SCR 1, 33-42 [10]-[15] (BV Nagarathna and Ujjal Bhuyan JJ), in which the Supreme Court of India upheld retrospective validating legislation that removed the basis for a 1997 High Court judgment. While 'a legislature cannot directly set aside a judicial decision' without infringing the separation of powers, there is no constitutional impediment to the legislature 'retrospectively remov[ing] the substratum or foundation of a judgment to make the decision ineffective': at 40 [11]. By contrast, legislation that sought to nullify a writ of mandamus was found invalid in *Dr Jaya Thakur v Union of India* [2023] 10 SCR 533, 583-5 [114]-[119] (BR Gavai, Vikram Nath and Sanjay Karol JJ). See also *Beshiri v Albania* (European Court of Human Rights, Second Section, Application No 29026/06, 17 March 2020) [225], in which the European Court of Human Rights held that the right to a fair trial does not prevent the legislature from 'adopting new retrospective provisions to regulate rights arising under existing law', even if the legislation changes the amount of compensation payable in pending and finalised proceedings.

3 514 US 211 (1995).

4 [1994] 3 IR 394.

5 80 US (13 Wall) 128 (1871).

6 *Momcilovic v The Queen* (2011) 245 CLR 1, 35-6 [18]-[19] (French CJ). See also *Theophanous v Herald & Weekly Times Ltd* (1994) 182 CLR 104, 196 (McHugh J). In particular, Quick and Garran cautioned that '[g]reat care must … be taken in applying American decisions as to the validity or invalidity of declaratory or retrospective legislation': John Quick and Robert Randolph Garran, *The Annotated Constitution of the Australian Commonwealth* (Legal Books, 1901, 1976 reprint) 721.

7 *United States v Schooner Peggy*, 5 US 103, 110 (1801), quoted in *AEU* (2012) 246 CLR 117, 151 [80] (Gummow, Hayne and Bell JJ).

9. On the other hand, the legislature cannot direct the outcome of proceedings without in substance amending the law. In 1871 in *United States v Klein*, the Supreme Court struck down such a law. At first instance, the administrator of a deceased estate had been successful in applying for compensation for property confiscated during the American Civil War. He relied upon a presidential pardon to get over the requirement to show that the deceased had not given any 'aid or comfort' to the Confederate cause. While the appeal was pending, Congress passed a law purporting to make a pardon conclusive evidence that aid or comfort *had* been given to the Confederate cause and requiring the court to dismiss the suit. The Supreme Court held that Congress had 'passed the limit which separates the legislative from judicial power'.[8] The reason was that Congress had no authority to 'impai[r] the effect of a pardon' and therefore could not 'direct a court to be instrumental to that end'.[9] In other words, the law was invalid because 'it attempted to direct the result without altering the legal standards governing the effect of a pardon—standards Congress was powerless to prescribe'.[10]

10. *Plaut* provides another example of a law found to cross that line. In that case the Supreme Court struck down a law that reinstated actions that the Court of Claims had already dismissed as being out of time.[11] Obviously, *Plaut* is distinguishable from the present cases; the Amending Act does not purport to reinstate finalised proceedings.

11. More importantly, at the level of principle, as this Court pointed out in *AEU*—even putting aside differences in constitutional context—*Plaut* 'did not enunciate a more general rule that any legislation affecting the underlying foundation of a judicial decision is invalid'.[12] To the contrary, in the 2000 case of ***Miller*** *v French*, the Supreme Court had upheld a law that allowed a stay of prospective relief already granted under an injunction.[13]

12. *Klein, Plaut* and *Miller* were considered in *AEU.* Since *AEU* was decided, the Supreme

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8 *United States v Klein*, 80 US (13 Wall) 128, 147 (1871). See also *AEU* (2012) 246 CLR 117, 151 [81] (Gummow, Hayne and Bell JJ).

9 *United States v Klein*, 80 US (13 Wall) 128, 146 (1871), quoted in *Bank Markazi v Peterson*, 578 US 212, 228 (2016)

10 *Bank Markazi v Peterson*, 578 US 212, 228 (2016). See also *Patchak v Zinke*, 583 US 244, 257 (2018).

11 *Plaut v Spendthrift Farm Inc*, 514 US 211 (1995).

12 *AEU* (2012) 246 CLR 117, 142 [51] (French CJ, Crennan and Kiefel JJ). See also at 151-2 [83] (Gummow, Hayne and Bell JJ).

13 *Miller v French*, 530 US 327, 346-50 (2000). See also *AEU* (2012) 246 CLR 117, 142 [51] (French CJ, Crennan and Kiefel JJ), 152 [84] (Gummow, Hayne and Bell JJ), 161-2 [117] (Heydon J).

Court has delivered further judgments distinguishing *Klein* and *Plaut*, first in the 2016 case of ***Bank Markazi*** *v Peterson*[14] and again in 2018 in the case of ***Patchak*** *v Zinke*.[15]

13. The background to *Bank Markazi* was that representatives of hundreds of Americans killed in Iran-sponsored terrorist attacks obtained judgment in the US District Court for compensation against Iran, and then commenced enforcement proceedings against Bank Markazi, the Central Bank of Iran. While the enforcement proceedings were pending, Congress passed a law designating a particular set of assets and rendering them available to satisfy the judgments underlying the enforcement proceeding. The statute even identified the enforcement proceeding by the District Court's docket number. Delivering the judgment of the Supreme Court, Ginsburg J held that '*Klein* does not inhibit Congress from "amend[ing] applicable law"' and the law designating assets to satisfy the judgment debts 'did just that'.[16] Her Honour summarised the existing state of the law: 'So yes, we have affirmed, Congress may indeed direct courts to apply newly enacted, outcome-altering legislation in pending civil cases'.[17] Neither the fact that the statute prescribed a rule for a small number of identifiable actions,[18] nor that it made the outcome a 'foregone conclusion',[19] put the statute in breach of the separation of powers.

14. In *Patchak*, a neighbouring landowner challenged a decision of the Secretary of the Interior to take a parcel of land into trust on behalf of an Indian Band. The Supreme Court dismissed the Secretary's preliminary objections (based on sovereign immunity and a lack of standing) and held that the landowner's suit 'may proceed'.[20] The matter was remitted to the District Court, but before the matter could be heard, Congress passed the *Gun Lake Trust Land Reaffirmation Act* 'ratif[ying] and confirm[ing]' the Secretary's acts and providing (by clause 2(b)) that actions, including actions pending in a Federal court, relating to the land 'shall not be filed … and shall be promptly dismissed'. Delivering the opinion of the plurality, Thomas J held the Act did not violate the separation of powers. Clause 2(b) stripped federal courts of jurisdiction over

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14 578 US 212 (2016).
15 583 US 244 (2018).
16 *Bank Markazi v Peterson*, 578 US 212, 226 (2016).
17 *Bank Markazi v Peterson*, 578 US 212, 229 (2016).
18 *Bank Markazi v Peterson*, 578 US 212, 232-4 (2016) ('The Bank's argument is further flawed, for it rests on the assumption that legislation must be generally applicable...').
19 *Bank Markazi v Peterson*, 578 US 212, 229-30 (2016) ('A statute does not impinge on judicial power when it directs courts to apply a new legal standard to undisputed facts').
20 *Patchak v Zinke*, 583 US 244, 248 (2018).

actions relating to the land, which was a 'legal change … well within Congress' authority'.[21] His Honour drew a distinction between Congress 'compel[ling] findings or results under old law'—which is impermissible—and Congress 'chang[ing] the law'—which is permissible.[22] The *Gun Lake Trust Land Reaffirmation Act* merely changed the law: 'the legislative power is the power to make law, and Congress can make laws that apply retroactively to pending lawsuits, even when it effectively ensures that one side wins'.[23]

15. Far from assisting the appellants and the plaintiff, the US authorities assist the Commonwealth respondents.

Irish decisions

16. Mr Tapiki and Ms Pearson also seek to rely on the first instance decision of the Irish High Court in *Howard*. However, its status in Ireland is unclear and, in any event, the approach it takes is contrary to Australian authority.

17. *Howard* concerned a challenge to a proposal to build a visitor centre. In the first round of litigation, a group of local residents successfully argued that the Commissioners for Public Works had no power to carry out the development.[24] Six days after the High Court delivered judgment, the Oireachtas enacted validating legislation, which provided that the State authority 'shall have, and be deemed always to have had, power to carry out and procure the carrying out of development'. When the local residents commenced a fresh challenge, the High Court ruled that the Oireachtas did not have power to alter or reverse the original determination of the High Court and read the validation provision down as if the words 'and be deemed always to have had' were omitted.[25] That appears to have been on the basis that 'deeming' the Commissioners to have had power meant, in substance, 'alter[ing] or revers[ing]' the original decision. To that extent, *Howard*

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[21] *Patchak v Zinke*, 583 US 244, 251 (2018). See also at 252-5. Of course, removing the jurisdiction guaranteed by s 75 of the *Constitution* would not be within the Commonwealth Parliament's legislative authority, but that is not what s 4 of the Amending Act does. *Duncan v Independent Commission Against Corruption* (2015) 256 CLR 83 demonstrates that legislation in that form does not purport to impair the entrenched jurisdiction: at 99 [29] (French CJ, Kiefel, Bell and Keane JJ), 100 [37]-[38] (Gageler J), 102 [46] (Nettle and Gordon JJ).

[22] *Patchak v Zinke*, 583 US 244, 250 (2018).

[23] *Patchak v Zinke*, 583 US 244, 250 (2018). See also at 261-2 (Breyer J, concurring).

[24] *Howard v Commissioners for Public Works* [1994] 1 IR 101.

[25] *Howard v Commissioners of Public Works [No 3]* [1994] 3 IR 394, 407 (Lynch J).

departs from Australian authority[26] (as well as the ordinary meaning of 'deem'[27]).

18. However, the Court went on to hold that although the decision could not be retrospectively validated by legislation, there was no reason why the Oireachtas could not confer upon the Commissioners the powers which the High Court had determined it lacked. Accordingly, the Act did not interfere with the constitutional separation of powers, and the Commissioners were entitled to build the visitors' centre.[28] For that reason, the Court refused the relief sought by the local residents.

19. *Howard* has not been endorsed by a majority of the Irish Supreme Court. It appears to have only been mentioned by two judges of the Supreme Court.[29] It is not clear how *Howard* sits with the case law of the Supreme Court of Ireland. According to that case law, while the legislature may not interfere with pending litigation and direct the court what to do,[30] it may change the substantive law, even if that impacts pending litigation.[31] The Supreme Court has also held that there is no general rule against the Oireachtas passing a law to validate past acts.[32] While some members of the Supreme Court have expressed doubts in the past about whether the Oireachtas can validate a decision which has been the subject of finalised civil litigation,[33] the Oireachtas has passed retrospective legislation doing just that (and that legislation remains on the

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26 See RS in Tapiki [35].

27 '[A]s a rule [a deeming provision] implicitly admits that a thing is not what it is deemed to be': *R v Verrette* [1978] 2 SCR 838, 845 (Beetz J).

28 *Howard v Commissioners of Public Works [No 3]* [1994] 3 IR 394, 407-8 (Lynch J).

29 In *Minister for Justice, Equality and Law Reform v Tobin [No 2]* [2012] 4 IR 147, O'Donnell J referred to *Howard* when coming to the conclusion that, although the Supreme Court had earlier ruled that Mr Tobin fell outside the scope of the extradition legislation, the Oireachtas could amend the legislation to bring Mr Tobin within its scope, without thereby breaching the separation of powers. Any other approach 'would be to treat a successful decision in his favour as creating almost a permanent immunity' from changes in the law: at 348-50 [431]-[434] (O'Donnell J, in the majority). In *Delaney v Personal Injuries Board* [2024] IESC 10, Collins J referred to *Howard* as authority that '[w]hile the Oireachtas may not legislate to reverse a judicial adjudication, it may legislate in a manner that deprives such an adjudication of practical effect': at [254]. Although related to the principles discussed below at [20], this was in a part of the judgment for which his Honour was in the minority.

30 *Buckley v Attorney-General* [1950] IR 67, 84 (O'Byrne J, delivering the judgment of the Court); *State (McEldowney) v Kelleher* [1983] IR 289, 305-7 (Walsh J, delivering the judgment of the Court).

31 *Application of Camillo* [1988] IR 104, 108-9 (Griffin J, Walsh and Hederman JJ agreeing); *Delaney v Personal Injuries Assessment Board* [2024] IESC 10, [228], [330] (Collins J).

32 *The Health (Amendment) (No 2) Bill 2004* [2005] 1 IR 105, 188-90 [96]-[100] (Murray CJ, delivering the judgment of the Court), distinguishing US authorities on the Fifth and Fourteenth Amendments. See also *Minister for Social, Community and Family Affairs v Scanlon* [2001] 1 IR 64, 85, 92 (Fennelly J, delivering the judgment of the Court), finding that validating provisions authorising the recovery of disability payments operated retrospectively.

33 Eg *Pine Valley Developments v Minster for the Environment* [1987] IR 23, 46 (Lardner J). But cf eg *Minister for Justice, Equality & Law Reform v Tobin [No 2]* [2012] 4 IR 147, 344 [425] (O'Donnell J).

statute books).[34]

20. The most recent case in this line of authority is the case of *Delaney v Personal Injuries Assessment Board*, delivered by the Supreme Court in April this year. The case concerned the Oireachtas' validation of personal injury guidelines that had been made under a provision found to be unconstitutional.[35] One issue in the case was whether the Oireachtas had impermissibly usurped judicial power by requiring judges hearing a personal injury case to 'have regard' to the personal injury guidelines. Justice Collins J—delivering the lead judgment on this issue—held that the requirement to consider the guidelines could not plausibly be characterised as an attempt to usurp judicial power.[36] His Honour explained that on the Supreme Court's existing authorities, the Oireachtas cannot direct the court on how to decide a pending case, but legislation that affects pending litigation will not necessarily breach the separation of powers. In fact, '[l]egislation of general application may not breach the direction principle, even though it may have a decisive effect on pending litigation'.[37] His Honour regarded that position as 'consistent with the approach taken in the United States and Australia'.[38]

21. Having regard to the case law in the Supreme Court of Ireland, it is difficult to see how *Howard* provides clear support for the contentions of Mr Tapiki and Ms Pearson.

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[34] *Pine Valley Developments v Ireland* (1992) 14 EHRR 319, [34]; *Shelly v District Justice Mahon* [1990] 1 IR 36, 49 (McCarthy J), both citing the example of the *Garda Siochána Act 1979*, which validated the appointment of a replacement Commissioner of Police after the Supreme Court ruled that the removal of the previous Commissioner had been void for breach of natural justice and constitutional justice (required by art 40(3) of the Constitution) in *Garvey v Ireland* [1981] IR 75 (decided in 1979).

[35] A majority of the Supreme Court found that the guidelines were invalid when made because the provision that had authorised the Judicial Council to make them either breached the constitutional requirement of judicial independence or involved an impermissible delegation of legislative power: *Delaney v Personal Injuries Assessmen Board* [2024] IESC 10, [67] (Hogan J, Whelan J agreeing), [87] (Faherty J), [137] (Haughton J). However, a differently constituted majority found that the guidelines were nonetheless saved from invalidity when the Oireachtas later passed a law requiring courts to have regard to the guidelines, thereby impliedly confirming and ratifying the guidelines: at [50] (Charleton J), [76]-[78] (Hogan J, Whelan J agreeing), [356]-[357] (Collins J, Murray J agreeing), [93]-[96] (Faherty J). Yet another differently constituted majority found that the guidelines applied to Ms Delaney's assessment (commenced prior to the guidelines being made) without infringing any constitutionally protected property or personal rights as to how her injury was to be assessed: [53]-[59] (Charleton J), [300]-[350] (Collins J, Murray J agreeing), [139], [167] (Haughton J).

[36] *Delaney v Personal Injuries Assessment Board* [2024] IESC 10, [226]-[243] (Collins J, Murray J agreeing). Faherty J agreed at [2], and Haughton J agreed at [90]-[91]. Hogan J (Whelan J agreeing) came to the same conclusion independently at [41]-[46].

[37] *Delaney v Personal Injuries Assessment Board* [2024] IESC 10, [228].

[38] *Delaney v Personal Injuries Assessment Board* [2024] IESC 10, [229].

Recourse to history

22. The appellants and plaintiff seek to enlist history in support of their argument, by referring to selective passages from historical textbooks.[39] This Court has already addressed some of those passages in *AEU*, holding that Quick and Garran cannot be understood as attempting to state 'any general or all-embracing rule' about when validating legislation would impermissibly interfere with judicial power.[40]

23. Moreover, the appellants and plaintiff ignore the very deep history of State legislatures enacting validation provisions similar to s 4 of the Amendment Act long before and after federation.[41] Indeed, the colonial and State legislatures followed precedents set by the Imperial Parliament, most notably s 7 of the *Colonial Laws Validity Act 1865* (Imp) which validated all South Australian legislation in response to rulings by Boothby J.[42] That validation provision affected the rights and liabilities of litigants who had the benefit of a judgment from Boothby J as well as all other pending litigation in the province.[43]

Validation provisions enacted in reliance on *AEU*

24. In the event consideration were given to reopening this Court's decision in *AEU*,[44] the Commonwealth respondents have pointed to several Commonwealth validation provisions enacted in apparent reliance upon *AEU*.[45]

25. To those examples may be added many more similarly worded validation provisions

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39 AS in Tapiki [48]-[49]; PS in Pearson [35]; AS in JZQQ [30].

40 *AEU* (2012) 246 CLR 117, 150 [77] (Gummow, Hayne and Bell JJ). See also at 141-2 [50] (French CJ, Crennan and Kiefel JJ).

41 Eg *Crown Lands Purchases Validation Act of 1888* (NSW) ss 1, 3; *Conversion into Mining Conditional Purchases Validation Act 1888* (NSW) s 1; *Municipal Loans Further Validation Act 1897* (NSW) s 1; *Brisbane Water Supply Amendment Act 1905* (Qld) s 8 (after it became apparent that the Water Board had been acting on the basis of by-laws that had been inadvertently repealed: Queensland, *Parliamentary Debates*, Legislative Assembly, 22 November 1905, 1745); *Coal Production Regulation Act Amendment Act 1935* (Qld) s 2 (validating schemes for the regulation of coal production after doubts about their validity arose from litigation in *West Moreton District Coal Board v Bruce and Loveday* (1935) 31 QJPR 41, 50-51 (Blair CJ, Macrossan SPJ and Webb J): Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 1935, 1525, 1532).

42 *Durham Holdings Pty Ltd v New South Wales* (2001) 205 CLR 399, 424 [54] (Kirby J); *Liyanage v The Queen* [1967] AC 259, 284-5 (Lord Pearce for the Privy Council); W Harrison Moore, *The Constitution of the Commonwealth of Australia* (Sweet and Maxwell, 2nd ed, 1910) 257-8.

43 *Gilbertson v South Australia* (1976) 15 SASR 66, 81 (Bray CJ).

44 (2012) 246 CLR 117.

45 RS in Tapiki, [37](c) fn 69.

enacted by State legislatures.[46] Following the long tradition of validation provisions since before federation, *AEU* has been independently acted upon by both the Commonwealth and the States in a way that militates against reconsideration.[47]

PART V: Time estimate

26. It is estimated that Queensland will require 10 minutes for oral argument.

Dated 5 June 2024.

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[46] Eg *Fire and Emergency Services Act 1990* (Qld) s 201, inserted by *Public Safety Business Agency Act 2014* (Qld) s 102; *Aboriginal Cultural Heritage Act 2003* (Qld) s 172 and *Torres Strait Islander Cultural Heritage Act 2003* (Qld) s 170, inserted by *Revenue and Other Legislation Amendment Act 2018* (Qld) ss 98 and 111; *Mental Health Act 2016* (Qld) s 873, *Police Service Administration Act 1990* (Qld) s 11.46, and *Supreme Court of Queensland Act 1991* (Qld) s 95, inserted by *Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Act 2023* (Qld) ss 61 and 68.

[47] *John v Federal Commissioner of Taxation* (1989) 166 CLR 417, 438-9 (Mason CJ, Wilson, Dawson, Toohey and Gaudron JJ).

Annexure 1

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S126/2023

BETWEEN:

KATHERINE ANNE VICTORIA PEARSON
Plaintiff

and

THE COMMONWEALTH OF AUSTRALIA
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IN THE HIGH COURT OF AUSTRALIA
PERTH REGISTRY

No. P10/2024

BETWEEN:

KINGSTON TAPIKI
Appellant

and

MINISTER FOR IMMIGRATION, CITIZENSHIP AND MULTICULTURAL AFFAIRS
Respondent

ANNEXURE TO SUBMISSIONS FOR THE ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND (INTERVENING)

Statutes and Statutory Instruments referred to in the submissions
Pursuant to *Practice Direction No. 1 of 2019*, Queensland sets out below a list of the constitutional provisions, statutes and statutory instruments referred to in these submissions.

No.	Description	Version	Provisions
	Constitutional provisions		
1.	*Constitution of Ireland 1937*	Current	arts 6, 34-38, 40-44
	Statutes		
2.	*Aboriginal Cultural Heritage Act 2003* (Qld)	Current	s 172
3.	*Brisbane Water Supply Amendment Act 1905* (Qld)	As enacted	s 8
4.	*Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Act 2023* (Qld)	Current	ss 61, 68
5.	*Coal Production Regulation Act Amendment Act 1935* (Qld)	As enacted	s 2
6.	*Conversion into Mining Conditional Purchases Validation Act 1888* (NSW)	As enacted	s 1
7.	*Crown Lands Purchases Validation Act of 1888* (NSW)	As enacted	ss 1, 3

8.	*Garda Siochána Act 1979* (Ireland)	Current	
9.	*Fire and Emergency Services Act 1990* (Qld)	Current	s 201
10.	*Mental Health Act 2016* (Qld)	Current	s 873
11.	*Municipal Loans Further Validation Act 1897* (NSW)	As enacted	s 1
12.	*Police Service Administration Act 1990* (Qld)	Current	s 11.46
13.	*Public Safety Business Agency Act 2014* (Qld)	As enacted	s 102
14.	*Revenue and Other Legislation Amendment Act 2018* (Qld)	Current	ss 98, 111
15.	*Supreme Court of Queensland Act 1991* (Qld)	Current	s 95
16.	*Torres Strait Islander Cultural Heritage Act 2003* (Qld)	Current	s 170