



Office of the Queensland Parliamentary Counsel

# **SUBORDINATE LEGISLATION DUE TO EXPIRE UNDER THE STATUTORY INSTRUMENTS ACT 1992**

## **INTRODUCTION**

### **WHAT IS THIS TABLE FOR?**

This table has a number of uses.

- 1 It provides a useful record of subordinate legislation that will automatically expire on 1 September first occurring after the 10th anniversary of the day of its making under the Statutory Instruments Act 1992.
- 2 It displays the short title name of the instrument, the year and subordinate legislation number (if applicable), the date of expiry and the section of the Act it will expire under.

## **Act provisions**

1. The staged automatic expiry provisions for subordinate legislation are contained in part 7 of the Statutory Instruments Act 1992 (“SIA”). Section 54 of the SIA is particularly relevant and is as follows—

### **When subordinate legislation expires**

- 54.(1)** Subordinate legislation expires on 1 September first occurring after the 10th anniversary of the day of its making unless—
- (a) it is sooner repealed or expires; or
  - (b) a regulation is made exempting it from expiry.
- (2)** Subordinate legislation exempted from expiry under a regulation under this Act expires when the exemption ends.

### **Statutory instruments that provide for the commencement of a law**

4. The definition of subordinate legislation in section 9 of the SIA includes a statutory instrument that fixes or otherwise determines the commencement of an Act or provision of an Act or of an instrument of subordinate legislation.

Section 39A of the SIA provides for the automatic repeal of these statutory instruments if made after 31 December 1994. The section is as follows—

### **Automatic repeal of commencement instrument**

**39A.** A statutory instrument made after 31 December 1994 that merely provides for the commencement of a law (including a provision of a law) is automatically repealed at the beginning of the day after the commencement, or, if different commencements are provided for, at the beginning of the day after the last commencement.

It is likely that commencing proclamations for amending Acts will have lapsed because the Acts for which they were made have been repealed. OPC had a practice of repealing, by way of statute law review, amending Acts that were not automatically repealed under section 22C of the Acts Interpretation Act 1954.

## **Amending subordinate legislation**

5. Under section 14(1) and schedule 1 of the SIA, section 22C of the *Acts Interpretation Act 1954*, about the automatic repeal of amending Acts, applies to statutory instruments in the same way as it applies to Acts, as if—

- (a) a reference to an Act included a reference to a statutory instrument; and
- (b) a reference to enactment or passage included a reference to making.

The consequence of this is that an amending statutory instrument within the meaning of the applied provision made after 30 June 1994 is automatically repealed at the beginning of the day after all its provisions have commenced.

Section 62(1) of the SIA is a transitional provision dealing with the automatic expiry of certain amending subordinate legislation made before 1 July 1994. Basically the amending legislation expires at the same time as its principal subordinate legislation expires under the SIA. For section 62(1) to apply the amending subordinate legislation may only contain provisions of the types mentioned in paragraphs (a) to (g) of the subsection.

Section 62(2) of the SIA deals with amending subordinate legislation that includes provisions not of a type mentioned in subsection (1)(a) to (g).

Instruments short title name	SL number	year	date of repeal	repealed by
Maintenance Regulation 1967		1967	30/6/2012	SIA s 56(2) and SIR s 5 sch 3
Proclamations made under s 98—Declaring reciprocating countries		1968	30/6/2012	SIA s 56(2) and SIR s 5 sch 3
Agricultural Chemicals Distribution Control Regulation 1998	135	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Agricultural Standards Regulation 1997	277	1997	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Apiaries Regulation 1998	136	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Associations Incorporation Regulation 1999	143	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Bills of Sale and Other Instruments Regulation 1999	79	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Brands Regulation 1998	137	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Business Names Regulation 1998	35	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Casino Control Regulation 1999	127	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Charitable and Non-Profit Gaming Regulation 1999	283	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Chemical Usage (Agricultural and Veterinary) Control Regulation 1999	203	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Child Protection Regulation 2000	346	2000	31/8/2012	SIA s 56A(1)(a)(i) and SIR s 5 sch 3
Coal Mining Safety and Health Regulation 2001	15	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Cooperatives Regulation 1997	287	1997	31/8/2012	SIA s 56(1) and SIR s 5 sch 3
Criminal Code (Animal Valuers) Regulation 1999	136	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Diseases in Timber Regulation 1997	255	1997	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3

Instruments short title name	SL number	year	date of repeal	repealed by
Education (Overseas Students) Regulation 1998 . . . . .	322	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Environmental Protection (Waste Management) Policy 2000 . . . . .	180	2000	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Environmental Protection (Waste Management) Regulation 2000. . . . .	178	2000	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Exotic Diseases in Animals Regulation 1998. . . . .	138	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999. . . . .	55	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Forestry Regulation 1998 . . . . .	264	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Guardianship and Administration Regulation 2000 . . . . .	126	2000	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Health (Drugs and Poisons) Regulation 1996. . . . .	414	1996	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Health Regulation 1996 . . . . .	121	1996	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Industrial Relations (Tribunals) Rules 2000. . . . .	329	2000	31/8/2012	SIA s 56A(1)(a)(i) and SIR s 5 sch 3
Interactive Gambling (Player Protection—Disqualified Persons) Regulation 1999. . . . .	212	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Interactive Gambling (Player Protection) Regulation 1998 . . . . .	258	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Land Sales Regulation 2000 . . . . .	221	2000	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Liens on Crops of Sugar Cane Regulation 1999. . . . .	80	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Mining and Quarrying Safety and Health Regulation 2001 . . . . .	17	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Nature Conservation (Dugong) Conservation Plan 1999 . . . . .	155	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Nature Conservation (Forest Reserves) Regulation 2000. . . . .	282	2000	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3

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Nature Conservation (Protected Plants) Conservation Plan 2000 . . . . .	353	2000	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Nature Conservation (Whales and Dolphins) Conservation Plan 1997 . . . . .	378	1997	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Police Powers and Responsibilities Regulation 2000. . . . .	175	2000	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Police Service Administration Regulation 1990. . . . .		1990	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Police Service Administration (Review of Decisions) Regulation 1990 . . . . .		1990	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Police Service (Discipline) Regulations 1990 . . . . .		1990	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Police Service (Ranks) Regulation 1991 . . . . .	55	1991	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Private Health Facilities Regulation 2000. . . . .	295	2000	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Private Health Facilities (Standards) Notice 2000 . . . . .	298	2000	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Property Agents and Motor Dealers (Auctioneering Practice Code of Conduct) Regulation 2001 . . . . .	118	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Property Agents and Motor Dealers (Commercial Agency Practice Code of Conduct) Regulation 2001. . . . .	119	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Property Agents and Motor Dealers (Motor Dealing Practice Code of Conduct) Regulation 2001 . . . . .	99	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Property Agents and Motor Dealers (Property Developer Practice Code of Conduct) Regulation 2001. . . . .	121	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation 2001. . . . .	122	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Property Agents and Motor Dealers Regulation 2001 . . . . .	55	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Property Agents and Motor Dealers (Restricted Letting Agency Practice Code of Conduct) Regulation 2001 . . . .	123	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Prostitution Regulation 2000 . . . . .	176	2000	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3

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Public Trustee Regulation 2001	152	2001	31/8/2012	SIA s 56A(1)(a)(i) and SIR s 5 sch 3
River Improvement Trust Regulation 1998	190	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Soil Conservation Regulation 1998	191	1998	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
State Penalties Enforcement Regulation 2000	275	2000	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Statistical Returns Regulation 2001	139	2001	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Stock Regulation 1988		1988	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Transport Infrastructure (Gold Coast Waterways) Management Plan 2000	341	2000	31/8/2012	SIA s 56A(1)(a)(i) and SIR s 5 sch 3
Transport Infrastructure (Sunshine Coast Waterways) Management Plan 2000	342	2000	31/8/2012	SIA s 56A(1)(a)(i) and SIR s 5 sch 3
Transport Infrastructure (Yeppoon Waterways) Management Plan 2000	343	2000	31/8/2012	SIA s 56A(1)(a)(i) and SIR s 5 sch 3
Trust Accounts Regulation 1999	140	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Vegetation Management Regulation 2000	243	2000	31/8/2012	SIA s 56A(1)(a)(i) and SIR s 5 sch 3
Vocational Education, Training and Employment Regulation 2000 (prev Training and Employment Regulation 2000)	267	2000	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Wagering Regulation 1999	126	1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Water Resource (Boyne River Basin) Plan 2000	358	2000	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Water Resource (Burnett Basin) Plan 2000	359	2000	31/8/2012	SIA s 56A(1)(b) and SIR s 5 sch 3
Water Resource (Cooper Creek) Plan 2000 (prev Water Management (Cooper Creek) Plan 2000)	27	2000	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3

Instruments short title name	SL number	year	date of repeal	repealed by
Water Resource (Fitzroy Basin) Plan 1999 (prev Water Allocation and Management Plan (Fitzroy Basin) 1999).....		1999	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Weapons Regulation 1996 .....	440	1996	31/8/2012	SIA s 56A(2) and SIR s 5 sch 3
Animal Care and Protection Regulation 2002 .....	34	2002	1/9/2012	SIA s 54
Building and Construction Industry (Portable Long Service Leave) Regulation 2002 .....	144	2002	1/9/2012	SIA s 54
Chicken Meat Industry Committee Regulation 2001 .....	207	2001	1/9/2012	SIA s 54
Dangerous Goods Safety Management Regulation 2001.....	200	2001	1/9/2012	SIA s 54
Dental Technicians Registration Regulation 2002 (prev Dental Technicians and Dental Prosthetists Registration Regulation 2002) .....	83	2002	1/9/2012	SIA s 54
Duties Regulation 2002.....	11	2002	1/9/2012	SIA s 54
Education (Accreditation of Non-State Schools) Regulation 2001 .....	211	2001	1/9/2012	SIA s 54
Education (Queensland Studies Authority) Regulation 2002.....	155	2002	1/9/2012	SIA s 54
Electoral Regulation 2002.....	125	2002	1/9/2012	SIA s 54
Gene Technology Regulation 2002.....	189	2002	1/9/2012	SIA s 54
Health Service Regulation 2002 .....	221	2002	1/9/2012	SIA s 54
Liquor (Approval of Adult Entertainment Code) Regulation 2002 .....	229	2002	1/9/2012	SIA s 54
Liquor Regulation 2002 .....	212	2002	1/9/2012	SIA s 54
Local Government (Aboriginal Lands) Regulation 2001 .....	217	2001	1/9/2012	SIA s 54
Major Sports Facilities Regulation 2002 .....	130	2002	1/9/2012	SIA s 54

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Medical Radiation Technologists Registration Regulation 2002 . . . . .	.98	2002	1/9/2012	SIA s 54
Mental Health Regulation 2002 . . . . .	.28	2002	1/9/2012	SIA s 54
Mt. Gravatt Showgrounds By-law 2001 . . . . .	.256	2001	1/9/2012	SIA s 54
Occupational Therapists Registration Regulation 2001 . . . . .	.265	2001	1/9/2012	SIA s 54
Parliament of Queensland Regulation 2002 . . . . .	.127	2002	1/9/2012	SIA s 54
Parliamentary Service By-law 2002 . . . . .	.191	2002	1/9/2012	SIA s 54
Personal Injuries Proceedings Regulation 2002 . . . . .	.192	2002	1/9/2012	SIA s 54
Pharmacists Registration Regulation 2001 . . . . .	.267	2001	1/9/2012	SIA s 54
Plant Protection Regulation 2002 . . . . .	.205	2002	1/9/2012	SIA s 54
Public Trustee (Fees and Charges Notice) (No. 2) 2001 . . . . .		2001	1/9/2012	SIA s 54
Residential Services (Accreditation) Regulation 2002 . . . . .	.215	2002	1/9/2012	SIA s 54
Speech Pathologists Registration Regulation 2001 . . . . .	.269	2001	1/9/2012	SIA s 54
Status of Children Regulation 2002 . . . . .	.225	2002	1/9/2012	SIA s 54
Statutory Instruments Regulation 2002 . . . . .	.218	2002	1/9/2012	SIA s 54
Taxation Administration Regulation 2002 . . . . .	.13	2002	1/9/2012	SIA s 54
Veterinary Surgeons Regulation 2002 . . . . .	.234	2002	1/9/2012	SIA s 54
Water Regulation 2002 . . . . .	.70	2002	1/9/2012	SIA s 54