

Queensland



Statutory Instruments Act 1992

STATUTORY INSTRUMENTS REGULATION 2002

**Reprinted as in force on 29 November 2002
(includes amendments up to SL No. 308 of 2002)**

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 29 November 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



**STATUTORY INSTRUMENTS REGULATION
2002**

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STATUTORY INSTRUMENTS REGULATION 2002

[as amended by all amendments that commenced on or before 29 November 2002]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Statutory Instruments Regulation 2002*.

2 Commencement

This regulation commences on 1 September 2002.

PART 2—INSTRUMENTS THAT ARE OR ARE NOT SUBORDINATE LEGISLATION

3 Statutory instruments that are subordinate legislation—Act, s 9(1)(c)

(1) Subject to section 4, if—

- (a) a statutory instrument is made under a provision of an Act that commenced before the *Statutory Instruments Act 1992* commenced; and
- (b) the statutory instrument would have been required to be tabled in, and subject to disallowance by, the Legislative Assembly, had it been made immediately before the commencement of the *Statutory Instruments Act 1992*;

the statutory instrument is subordinate legislation.

(2) Subsection (1) does not apply to an instrument that, under a declaration made by an Act, is, or is not, subordinate legislation.

(3) A statutory instrument mentioned in schedule 1 is subordinate legislation.

4 Statutory instruments that are not subordinate legislation—Act, s 9(2)(c)(ii)

A statutory rule mentioned in schedule 2 is not subordinate legislation.

PART 3—EXEMPTIONS FROM EXPIRY

5 Exemptions from expiry—Act, pt 7

(1) An instrument of subordinate legislation mentioned in schedule 3 is exempt from expiry under part 7 of the Act for the period ending at midnight on the day mentioned in schedule 3 as the expiry date for the instrument.

(2) A reference in schedule 3 to an instrument includes a reference to the instrument as amended from time to time.

(3) The ground for exempting an instrument is mentioned in schedule 3.

(4) The following table explains the grounds for exemption mentioned in schedule 3—

Ground for exemption	Explanation
uniform	The instrument is uniform subordinate legislation. The instrument is exempted under section 56(1) of the Act.
further exemption: uniform	The instrument is uniform subordinate legislation and has previously been exempted from expiry under section 56(1) of the Act. The instrument is further exempted under section 56(2) of the Act.

Statutory Instruments Regulation 2002

being replaced	Subordinate legislation to replace the instrument is being drafted and is proposed to be made before midnight on the expiry date for the instrument. The instrument is exempted under section 56A(1)(a)(i) of the Act.
no replacement	The instrument is not proposed to be replaced by other subordinate legislation made under the Act under which or in relation to which it was made or preserved when it expires at midnight on the expiry date for the instrument. The instrument is exempted under section 56A(1)(a)(ii) of the Act.
subject to review	The Act or provision under which or in relation to which the instrument, or part of the instrument, is made or preserved is subject to review. The instrument is exempted under section 56A(1)(b) of the Act.
further exemption: review	The instrument has previously been exempted from expiry under section 56A(1) of the Act and the Act or provision under which or in relation to which the instrument, or part of the instrument, is made or preserved is subject to review. The instrument is further exempted under section 56A(2) of the Act.

(5) If an instrument of subordinate legislation ceases having effect before midnight on the expiry date for the instrument, the exemption ends.

(6) A note in schedule 3 is not part of the regulation.

(7) A note may be inserted in schedule 3 in a reprint of this regulation.

PART 4—REPEAL

6 Repeal

The *Statutory Instruments Regulation 1992* is repealed.

PART 5—TRANSITIONAL PROVISIONS

7 Transitional provision for Statutory Instruments Regulation 2002

(1) The exemption for a schedule 3 instrument exempted from expiry under part 3 of the repealed regulation for a period ending on or after 1 September 2002 is continued according to its terms.

(2) The inclusion in schedule 3 of the instrument, the ground for exempting the instrument and the expiry date for the instrument is for information only.

(3) In this section—

“repealed regulation” means the *Statutory Instruments Regulation 1992* as in force immediately before its repeal.

“schedule 3 instrument” means an instrument of subordinate legislation mentioned in schedule 3.

SCHEDULE 1**STATUTORY INSTRUMENTS THAT ARE
SUBORDINATE LEGISLATION**

section 3(3)

1. A notice declaring a harvest period under a conservation plan under the *Nature Conservation Act 1992*

2. A notice making a determination (other than an administrative determination) under the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 1998*, section 13, 85 or 150¹

3. A notice making a determination (other than an administrative determination) under the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2002*, section 17, 86 or 151.²

1 *Transport Operations (Road Use Management—Dangerous Goods) Regulation 1998*, section 13 (Determinations—dangerous goods), 85 (Determinations—foreign approved tanks and IBCs) or 150 (Determinations—routes, areas, vehicles and times)

2 *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2002*, section 17 (Determinations—dangerous goods), 86 (Determinations about foreign approved tanks and IBCs) or 151 (Determination about routes, areas, rail wagons, trains or times)

SCHEDULE 2

**STATUTORY RULES THAT ARE NOT SUBORDINATE
LEGISLATION**

section 4

1. A statutory rule under the *Acquisition of Land Act 1967*

SCHEDULE 3

EXEMPTIONS FROM EXPIRY UNDER PT 7 OF THE ACT

section 5

Instrument	Ground for exemption	Expiry date	Notes
Aboriginal Land Regulation 1991	subject to review	31/08/03	
Ambulance Service Regulation 1991	further exemption: review	31/08/03	
Instruments made as orders in council under the <i>Beach Protection Act 1968</i> , section 3 or 36	further exemption: review	30/06/03	exemption continued under section 7
Building Fire Safety Regulation 1991	being replaced	31/08/03	
Building Regulation 1991	being replaced	31/08/03	
Canals Regulation 1992	being replaced	31/08/03	
Child Care (Child Care Centres) Regulation 1991	subject to review	31/08/03	
Child Care (Family Day Care) Regulation 1991	subject to review	31/08/03	
Coastal Management Control Districts (Requirements for Buildings or Other Structures) Regulation 1984	further exemption: review	30/06/03	exemption continued under section 7

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Companies (Application of Laws) Regulation 1989	uniform	31/08/05	exemption continued under section 7
Companies (Application of Laws) Regulation (No. 2) 1989	uniform	31/08/05	exemption continued under section 7
Continuing Legal Education Rule 1988 ^a	further exemption: review	31/08/03	
Credit (Australian Films Exemption) Order No. 4 1988	uniform	30/06/03	exemption continued under section 7
Credit (Continuing Credit Contract Interest Charges) Order No. 9 1988	uniform	30/06/03	exemption continued under section 7
Credit (Powers of Mortgagee) Order No. 1 1988	uniform	30/06/03	exemption continued under section 7
Credit (Recognized States) Order No. 5 1988	uniform	30/06/03	exemption continued under section 7
Credit Regulation 1988	uniform	30/06/03	exemption continued under section 7
Credit (Sydney Futures Exchange Ltd.) Order No. 8 1988	uniform	30/06/03	exemption continued under section 7
Credit (Term Loans) Order No. 2 1988	uniform	30/06/03	exemption continued under section 7
Credit (Variation of Insurance) Order No. 6 1988	uniform	30/06/03	exemption continued under section 7

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Food Hygiene Regulation 1989	further exemption: review	31/08/03	
Futures Industry (Application of Laws—Regulations) Regulation 1989	uniform	31/08/05	exemption continued under section 7
Futures Industry (Application of Laws) Regulation 1989	uniform	31/08/05	exemption continued under section 7
Gaming Machine Regulation 1991	being replaced	31/08/03	
Gas (Insufficiency of Supply) Regulation 1989	further exemption: review	31/08/03	
Gas Regulation 1989	further exemption: review	31/08/03	
Grammar Schools Regulation 1992	subject to review	31/08/03	
Indy Car Grand Prix Regulation 1990	further exemption: review	31/08/03	
Justices of the Peace and Commissioners for Declarations Regulation 1991	subject to review	31/08/03	
Proclamations made under the <i>Maintenance Act 1965</i> , section 98 ^b	uniform	30/06/03	exemption continued under section 7
Land Sales (Non-Application of Part 2 of Act) Order 1992	no replacement	31/08/03	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Maintenance Regulation 1967	uniform	30/06/03	exemption continued under section 7
Marine Parks Regulation 1990	further exemption: review	31/08/03	
Marine Parks (Cairns Zoning Plan) Order 1992	uniform	31/8/07	
The zoning plan for the Hervey Bay Marine Park approved in the instrument—	further exemption: review	31/08/03	
(a) made as an order in council under the <i>Marine Parks Act 1982</i> ; and			
(b) gazetted on 16 September 1989 at page 544			
The zoning plan for the Mackay/Capricorn Marine Park approved in the instrument—	uniform	30/06/03	exemption continued under section 7
(a) made as an order in council under the <i>Marine Parks Act 1982</i> ; and			
(b) gazetted on 27 August 1988 at pages 3657–8			
Marine Parks (Townsville/Whitsunday) Zoning Plan 1987	uniform	30/06/03	exemption continued under section 7
Marine Parks (Woongarra Zoning Plan) Order 1991	subject to review	31/08/03	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Mineral Resources Regulation 1990	further exemption: review	31/08/03	
National Crime Authority (State Provisions) Regulation 1986	uniform	30/06/03	exemption continued under section 7
Pastoral Workers' Accommodation Regulation 1989	further exemption: review	31/08/03	
Petroleum Regulation 1966	further exemption: review	30/06/03	exemption continued under section 7
Police Service Administration Regulation 1990	further exemption: review	31/08/03	
Police Service Administration (Review of Decisions) Regulation 1990	further exemption: review	31/08/03	
Police Service (Discipline) Regulation 1990	further exemption: review	31/08/03	
Police Service (Ranks) Regulation 1991	further exemption: review	31/08/03	
Queensland Building Services Authority Regulation 1992	subject to review	31/08/03	
Queensland Heritage Regulation 1992	subject to review	31/08/03	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Queensland Law Society (Indemnity) Rule 1987	further exemption: review	30/06/03	exemption continued under section 7
Queensland Law Society Rule 1987	further exemption: review	30/06/03	exemption continued under section 7
Recording of Evidence Regulation 1992	being replaced	31/08/03	
Recreation Areas Management By-law 1991	further exemption: review	31/08/03	
Recreation Areas Management Regulation 1989	further exemption: review	31/08/03	
Rural Lands Protection Regulation 1989	further exemption: review	31/08/03	
Sawmills Licensing Regulation 1965	further exemption: review	30/06/03	exemption continued under section 7
Securities Industry (Application of Laws) Regulation 1989	uniform	31/08/05	exemption continued under section 7
Securities Industry (Application of Laws) Regulation (No. 2) 1989	uniform	31/08/05	exemption continued under section 7
South Bank Corporation Regulation 1992	subject to review	31/08/03	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
South Bank Corporation (Modified Building Units and Group Titles) Regulation 1992	subject to review	31/08/03	
Stipendiary Magistrates Regulation 1991	no replacement	31/08/03	
The instrument made as an order in council under the <i>Stock Act 1915</i> and gazetted on 16 September 1989 at pages 539–41	further exemption: review	31/08/03	
Stock Identification Regulation 1985	further exemption: review	30/06/03	exemption continued under section 7
Stock (Maximum Chemical Residue Limits) Regulation 1989	further exemption: review	31/08/03	
Stock Regulation 1988	further exemption: review	30/06/03	exemption continued under section 7
Surveyors Regulation 1992	subject to review	31/08/03	
Torres Strait Islander Land Regulation 1991	subject to review	31/08/03	
Trade Measurement Administration Regulation 1991	uniform	31/08/06	exemption continued under section 7
Trade Measurement (Measuring Instruments) Regulation 1991	uniform	31/08/06	exemption continued under section 7

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Trade Measurement (Miscellaneous) Regulation 1991	uniform	31/08/06	exemption continued under section 7
Trade Measurement (Pre-packed Articles) Regulation 1991	uniform	31/08/06	exemption continued under section 7
Trade Measurement (Weighbridges) Regulation 1991	uniform	31/08/06	exemption continued under section 7
Valuers Registration Regulation 1992	being replaced	31/08/03	

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- a This rule is the rule in the schedule of the order in council made under the *Queensland Law Society Act 1952* and gazetted on 17 December 1988 at pages 2136–43.
- b The proclamations make declarations for the purposes of certain countries becoming reciprocating countries.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 29 November 2002. Future amendments of the Statutory Instruments Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of earlier reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of earlier reprints, see the latest reprint.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 September 2002	

5 List of legislation

Statutory Instruments Regulation 2002 SL No. 218

made by the Governor in Council on 29 August 2002
notfd gaz 30 August 2002 pp 1557–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2002 (see s 2)
exp 1 September 2012 (see SIA s 54)

amending legislation—

Transport Infrastructure (Dangerous Goods by Rail) Regulation 2002 SL No. 308 ss 1–2, pt 25

notfd gaz 22 November 2002 pp 1018–21
ss 1–2 commenced on date of notification
remaining provisions commenced 29 November 2002 (see s 2)

6 List of annotations

SCHEDULE 1—STATUTORY INSTRUMENTS THAT ARE SUBORDINATE LEGISLATION

amd 2002 SL No. 308 s 202