



Statutory Instruments Act 1992

Statutory Instruments Regulation 2002

Reprinted as in force on 31 August 2011

Reprint No. 4

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This regulation is reprinted as at 31 August 2011. 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. Also see list of legislation for any uncommenced amendments.

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

Also see endnotes for information about—

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

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised 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 31 August 2011]

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.

[s 4]

- (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.

Ground for exemption	Explanation
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.
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.

[s 6]

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

Part 4 Repeal

6 Repeal

The *Statutory Instruments Regulation 1992* is repealed.

Part 5 Transitional provisions

7 Transitional provision for 2002 SL No. 218

- (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) Subject to section 8, 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.

8 Transitional provision dealing with application of s 7(2)

Section 7(2) no longer applies to an instrument if the expiry date for the instrument mentioned in schedule 3, as in force

from time to time, differs from the expiry date for the instrument mentioned in schedule 3, as in force immediately before the commencement of this section.

9 Transitional provision dealing with effect of replacement of sch 3

Any replacement of schedule 3 does not affect an instrument's exemption from expiry provided for under section 5(1) or continued under section 7(1) if the expiry date for the instrument mentioned in schedule 3 before the schedule's replacement is the same as the expiry date for the instrument mentioned in schedule 3 after the schedule's replacement.

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 2008*, section 24 or 25
- 3 a notice making a determination (other than an administrative determination) under the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008*, section 21 or 22

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 part 7 of the Act

section 5

Instrument	Ground for exemption	Expiry date
<i>Aboriginal Land Regulation 1991</i>	further exemption: review	31/08/12
<i>Agricultural Chemicals Distribution Control Regulation 1998</i>	further exemption: review	31/08/12
<i>Agricultural Standards Regulation 1997</i>	further exemption: review	31/08/12
<i>Apiaries Regulation 1998</i>	further exemption: review	31/08/12
<i>Associations Incorporation Regulation 1999</i>	further exemption: review	31/08/12
<i>Bills of Sale and Other Instruments Regulation 1999</i>	further exemption: review	31/08/12
<i>Brands Regulation 1998</i>	further exemption: review	31/08/12
<i>Business Names Regulation 1998</i>	further exemption: review	31/08/12
<i>Casino Control Regulation 1999</i>	further exemption: review	31/08/12
<i>Charitable and Non-Profit Gaming Regulation 1999</i>	further exemption: review	31/08/12
<i>Chemical Usage (Agricultural and Veterinary) Control Regulation 1999</i>	further exemption: review	31/08/12

Instrument	Ground for exemption	Expiry date
<i>Child Protection Regulation 2000</i>	being replaced	31/08/12
<i>Classification of Publications (Approval of Codes of Conduct) Order 1992</i>	further exemption: uniform	31/08/13
<i>Editor's note—</i>		
The <i>Classification of Publications (Approved Distributors) Code of Conduct 1992</i> and the <i>Classification of Publications (Sellers) Code of Conduct 1992</i> are set out in the <i>Classification of Publications (Approval of Codes of Conduct) Order 1992</i> , schedules 1 and 2, respectively.		
<i>Coal Mining Safety and Health Regulation 2001</i>	subject to review	31/08/12
<i>Cooperatives Regulation 1997</i>	uniform	31/08/12
<i>Criminal Code (Animal Valuers) Regulation 1999</i>	further exemption: review	31/08/12
<i>Diseases in Timber Regulation 1997</i>	further exemption: review	31/08/12
<i>Education (Overseas Students) Regulation 1998</i>	further exemption: review	31/08/12
<i>Environmental Protection (Waste Management) Policy 2000</i>	further exemption: review	31/08/12
<i>Environmental Protection (Waste Management) Regulation 2000</i>	further exemption: review	31/08/12
<i>Exotic Diseases in Animals Regulation 1998</i>	further exemption: review	31/08/12

Instrument	Ground for exemption	Expiry date
<i>Fisheries (Gulf of Carpentaria Inshore Fin Fish) Management Plan 1999</i>	further exemption: review	31/08/12
<i>Forestry Regulation 1998</i>	further exemption: review	31/08/12
<i>Guardianship and Administration Regulation 2000</i>	further exemption: review	31/08/12
<i>Health (Drugs and Poisons) Regulation 1996</i>	further exemption: review	31/08/12
<i>Health Regulation 1996</i>	further exemption: review	31/08/12
<i>Industrial Relations Regulation 2000</i>	being replaced	31/08/12
<i>Industrial Relations (Tribunals) Rules 2000</i>	being replaced	31/08/12
<i>Interactive Gambling (Player Protection—Disqualified Persons) Regulation 1999</i>	further exemption: review	31/08/12
<i>Interactive Gambling (Player Protection) Regulation 1998</i>	further exemption: review	31/08/12
<i>Land Sales Regulation 2000</i>	further exemption: review	31/08/12
<i>Liens on Crops of Sugar Cane Regulation 1999</i>	further exemption: review	31/08/12
Proclamations made under the <i>Maintenance Act 1965</i> , section 98	further exemption: uniform	30/06/12

Instrument	Ground for exemption	Expiry date
<i>Editor's note—</i>		
The proclamations make declarations for the purposes of certain countries becoming reciprocating countries.		
<i>Maintenance Regulations 1967</i>	further exemption: uniform	30/06/12
<i>Mining and Quarrying Safety and Health Regulation 2001</i>	subject to review	31/08/12
<i>Nature Conservation (Dugong) Conservation Plan 1999</i>	further exemption: review	31/08/12
<i>Nature Conservation (Forest Reserves) Regulation 2000</i>	subject to review	31/08/12
<i>Nature Conservation (Protected Plants) Conservation Plan 2000</i>	subject to review	31/08/12
<i>Nature Conservation (Whales and Dolphins) Conservation Plan 1997</i>	further exemption: review	31/08/12
<i>Police Powers and Responsibilities Regulation 2000</i>	further exemption: review	31/08/12
<i>Police Service Administration Regulation 1990</i>	further exemption: review	31/08/12
<i>Police Service Administration (Review of Decisions) Regulation 1990</i>	further exemption: review	31/08/12
<i>Police Service (Discipline) Regulations 1990</i>	further exemption: review	31/08/12

Schedule 3

Instrument	Ground for exemption	Expiry date
<i>Police Service (Ranks) Regulation 1991</i>	further exemption: review	31/08/12
<i>Prisoners (Interstate Transfer) Regulation 1993</i>	further exemption: uniform	31/08/13
<i>Private Health Facilities Regulation 2000</i>	subject to review	31/08/12
<i>Private Health Facilities (Standards) Notice 2000</i>	subject to review	31/08/12
<i>Property Agents and Motor Dealers (Auctioneering Practice Code of Conduct) Regulation 2001</i>	subject to review	31/08/12
<i>Property Agents and Motor Dealers (Commercial Agency Practice Code of Conduct) Regulation 2001</i>	subject to review	31/08/12
<i>Property Agents and Motor Dealers (Motor Dealing Practice Code of Conduct) Regulation 2001</i>	subject to review	31/08/12
<i>Property Agents and Motor Dealers (Property Developer Practice Code of Conduct) Regulation 2001</i>	subject to review	31/08/12
<i>Property Agents and Motor Dealers (Real Estate Agency Practice Code of Conduct) Regulation 2001</i>	subject to review	31/08/12
<i>Property Agents and Motor Dealers Regulation 2001</i>	subject to review	31/08/12

Instrument	Ground for exemption	Expiry date
<i>Property Agents and Motor Dealers (Restricted Letting Agency Practice Code of Conduct) Regulation 2001</i>	subject to review	31/08/12
<i>Prostitution Regulation 2000</i>	further exemption: review	31/08/12
<i>Public Trustee Regulation 2001</i>	being replaced	31/08/12
<i>River Improvement Trust Regulation 1998</i>	further exemption: review	31/08/12
<i>Soil Conservation Regulation 1998</i>	further exemption: review	31/08/12
<i>State Penalties Enforcement Regulation 2000</i>	subject to review	31/08/12
<i>Statistical Returns Regulation 2001</i>	subject to review	31/08/12
<i>Stock Regulation 1988</i>	further exemption: review	31/08/12
<i>Torres Strait Islander Land Regulation 1991</i>	further exemption: review	31/08/12
<i>Transport Infrastructure (Gold Coast Waterways) Management Plan 2000</i>	being replaced	31/08/12
<i>Transport Infrastructure (Sunshine Coast Waterways) Management Plan 2000</i>	being replaced	31/08/12
<i>Transport Infrastructure (Yeppoon Waterways) Management Plan 2000</i>	being replaced	31/08/12
<i>Travel Agents Regulation 1998</i>	uniform	31/08/13

Schedule 3

Instrument	Ground for exemption	Expiry date
<i>Trust Accounts Regulation 1999</i>	further exemption: review	31/08/12
<i>Vegetation Management Regulation 2000</i>	being replaced	31/08/12
<i>Vocational Education, Training and Employment Regulation 2000</i>	subject to review	31/08/12
<i>Wagering Regulation 1999</i>	further exemption: review	31/08/12
<i>Water Resource (Boyne River Basin) Plan 2000</i>	subject to review	31/08/12
<i>Water Resource (Burnett Basin) Plan 2000</i>	subject to review	31/08/12
<i>Water Resource (Cooper Creek) Plan 2000</i>	further exemption: review	31/08/12
<i>Water Resource (Fitzroy Basin) Plan 1999</i>	further exemption: review	31/08/12
<i>Weapons Regulation 1996</i>	further exemption: review	31/08/12
<i>Witness Protection Regulation 2001</i>	being replaced	31/08/12

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 31 August 2011. 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	rv	= revised edition
num	= numbered	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 reprints

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

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

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2002	
1A	2002 SL No. 308	29 November 2002	
1B	2003 SL No. 125	27 June 2003	
1C	2003 SL No. 187	31 August 2003	
1D	2004 SL No. 84	25 June 2004	
1E	2004 SL No. 170	27 August 2004	
1F	2004 SL No. 173	31 August 2004	
1G	2005 SL No. 122	24 June 2005	
1H	2005 SL No. 207	26 August 2005	
1I	2006 SL No. 154	30 June 2006	
1J	2006 SL No. 214	18 August 2006	R1J withdrawn, see R2
2	—	18 August 2006	
2A	2007 SL No. 101	15 June 2007	
2B	2007 SL No. 206	24 August 2007	
2C	2008 SL No. 168	27 June 2008	
2D	2008 SL No. 276	31 August 2008	
3	2008 SL No. 426	1 January 2009	
	2008 SL No. 427		
3A	2008 SL No. 344	1 March 2009	
3B	2009 SL No. 87 (amd 2009 SL No. 131)	30 June 2009	
3C	2009 SL No. 171	28 August 2009	
3D	2010 SL No. 114	18 June 2010	
3E	2009 Act No. 50	1 July 2010	
3F	2010 SL No. 216	31 August 2010	
3G	2011 SL No. 165	31 August 2011	R3G withdrawn, see R4
4	—	31 August 2011	

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)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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)

Statutory Instruments Amendment Regulation (No. 1) 2003 SL No. 125

notfd gaz 27 June 2003 pp 749–56

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 2003 SL No. 187

notfd gaz 21 August 2003 pp 1372–5

ss 1–2 commenced on date of notification

remaining provisions commenced 31 August 2003 (see s 2)

Statutory Instruments Amendment Regulation (No. 1) 2004 SL No. 84

notfd gaz 25 June 2004 pp 573–81

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 2004 SL No. 170

notfd gaz 27 August 2004 pp 1330–2

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 3) 2004 SL No. 173

notfd gaz 31 August 2004 pp 1349–50

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 1) 2005 SL No. 122

notfd gaz 24 June 2005 pp 639–45

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 2005 SL No. 207

notfd gaz 26 August 2005 pp 1477–8

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 1) 2006 SL No. 154

notfd gaz 30 June 2006 pp 1060–7

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 2006 SL No. 214

notfd gaz 18 August 2006 pp 1821–5

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 1) 2007 SL No. 101

notfd gaz 15 June 2007 pp 892–5

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 2007 SL No. 206

notfd gaz 24 August 2007 pp 2151–3

commenced on date of notification

Statutory Instruments Amendment Regulation (No. 1) 2008 SL No. 168

notfd gaz 27 June 2008 pp 1268–78
commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 2008 SL No. 276

notfd gaz 29 August 2008 pp 2831–5
ss 1–2 commenced on date of notification
remaining provisions commenced 31 August 2008 (see s 2)

Marine Parks and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 344 pts 1, 4

notfd gaz 20 October 2008 pp 973–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 March 2009 (see s 2)
Note—An explanatory note was prepared.

Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008 SL No. 426 ss 1–2, pt 21

notfd gaz 12 December 2008 pp 2044–53
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)

Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008 SL No. 427 ss 1–2, 253 sch 3

notfd gaz 12 December 2008 pp 2044–53
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)

Statutory Instruments Amendment Regulation (No. 1) 2009 SL No. 87 (this regulation is amended, see amending legislation below)

notfd gaz 19 June 2009 pp 707–11
ss 1–2 commenced on date of notification
remaining provisions commenced 30 June 2009 (see s 2 and 2009 SL No. 131)
amending legislation—

Statutory Instruments Amendment Regulation (No. 1) Amendment Regulation 2009 SL No. 131 (amends 2009 SL No. 87 above)

notfd gaz 26 June 2009 pp 831–7
commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 2009 SL No. 171

notfd gaz 28 August 2009 pp 1491–6
commenced on date of notification

Trade Measurement Legislation Repeal Act 2009 No. 50 ss 1–2, 18 sch

date of assent 19 November 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2010 (2010 SL No. 127)

Statutory Instruments Amendment Regulation (No. 1) 2010 SL No. 114

notfd gaz 18 June 2010 pp 529–35
commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 2010 SL No. 216

notfd gaz 27 August 2010 pp 1520–4

ss 1–2 commenced on date of notification

remaining provisions commenced 31 August 2010 (see s 2)

Statutory Instruments Amendment Regulation (No. 1) 2011 SL No. 165

notfd gaz 26 August 2011 pp 995–7

ss 1–2 commenced on date of notification

remaining provisions commenced 31 August 2011 (see s 2)

Note—An explanatory note was prepared.

6 List of annotations

Exemptions from expiry—Act, pt 7

s 5 amd 2006 SL No. 214 s 3

Transitional provision for 2002 SL No. 218

prov hdg sub 2003 SL No. 125 s 3(1)

s 7 amd 2003 SL No. 125 s 3(2)

Transitional provision dealing with application of s 7(2)

prov hdg amd 2007 SL No. 101 s 3

s 8 ins 2003 SL No. 125 s 4

Transitional provision dealing with effect of replacement of sch 3

prov hdg amd 2007 SL No. 101 s 4

s 9 ins 2003 SL No. 125 s 4

SCHEDULE 1—STATUTORY INSTRUMENTS THAT ARE SUBORDINATE LEGISLATIONamd 2002 SL No. 308 s 202; 2008 SL No. 426 s 196; 2008 SL No. 427 s 253
sch 3**SCHEDULE 3—EXEMPTIONS FROM EXPIRY UNDER PART 7 OF THE ACT**

sch hdg amd 2007 SL No. 101 s 5(1)

sch 3 sub 2003 SL No. 125 s 5; 2003 SL No. 187 s 4; 2004 SL No. 84 s 3; 2004 SL
No. 170 s 3

amd 2004 SL No. 173 s 3; 2005 SL No. 122 s 3

sub 2005 SL No. 207 s 3

amd 2006 SL No. 154 s 3

sub 2006 SL No. 214 s 4

amd 2007 SL No. 101 s 5(2)–(6)

sub 2007 SL No. 206 s 3

amd 2008 SL No. 168 s 3

sub 2008 SL No. 276 s 4

amd 2008 SL No. 344 s 10; 2009 SL No. 87 s 4

sub 2009 SL No. 171 s 3

Endnotes

amd 2010 SL No. 114 s 3; 2009 Act No. 50 s 18 sch
sub 2010 SL No. 216 s 4; 2011 SL No. 165 s 4

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