

Queensland



**STATUTORY INSTRUMENTS
AND ANOTHER ACT
AMENDMENT ACT 1999**

Act No. 24 of 1999

Queensland



STATUTORY INSTRUMENTS AND ANOTHER ACT AMENDMENT ACT 1999

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AMENDMENT OF TRANSPORT INFRASTRUCTURE ACT 1994

Queensland



**Statutory Instruments and Another Act
Amendment Act 1999**

Act No. 24 of 1999

**An Act to amend the *Statutory Instruments Act 1992*, and for other
purposes**

[Assented to 4 June 1999]

The Parliament of Queensland enacts—

Short title

1. This Act may be cited as the *Statutory Instruments and Another Act Amendment Act 1999*.

Act amended

2.(1) This Act, other than the schedule, amends the *Statutory Instruments Act 1992*.

(2) The schedule amends the *Transport Infrastructure Act 1994*.

Replacement of s 56 (Exemptions from expiry)

3. Section 56—

omit, insert—

‘Exemptions from expiry—uniform subordinate legislation

‘56.(1) A regulation under this Act made before uniform subordinate legislation expires under this part may exempt the legislation from expiry for a stated period of not more than 5 years after the uniform subordinate legislation would otherwise expire.

‘(2) If a regulation is made under subsection (1), the period of exemption stated in the regulation may be extended by regulation made under subsection (1) for further periods of not more than 5 years each.

‘Exemptions from expiry—other subordinate legislation

‘56A.(1) A regulation under this Act made before subordinate legislation, other than uniform subordinate legislation, expires under this part may exempt the legislation from expiry, for a stated period of not more than 1 year after the subordinate legislation would otherwise expire—

-
- (a) for either of the following reasons—
- (i) replacement subordinate legislation is being drafted and is proposed to be made before the stated period ends;
 - (ii) the subordinate legislation 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 the end of the stated period; or
- (b) for the stated reason that the Act or provision under which or in relation to which the subordinate legislation, or part of the subordinate legislation, is made or preserved is subject to review.

‘(2) If a regulation is made under subsection (1), the period of exemption stated in the regulation may be further extended by regulation (“**extension regulation**”) for further periods of not more than 1 year each.

‘(3) However, an extension regulation—

- (a) must be made before the subordinate legislation expires; and
- (b) may be made only for the stated reason under subsection (1)(b).

‘(4) Within 7 sittings days after the extension regulation is made, the responsible Minister for the subordinate legislation being exempted must table in the Legislative Assembly a report stating—

- (a) how the Act or provision is subject to review; and
- (b) if subsection (6)(a) applies—
 - (i) the extent to which the Act or provision is being reviewed; and
 - (ii) when the Minister expects the review to end.

‘(5) However, failure to comply with subsection (4) does not affect the validity of the extension regulation.

‘(6) For this section, an Act or provision is “**subject to review**” if—

- (a) the Act or provision is being reviewed by any Minister; or
- (b) because of a review of an Act or provision by any Minister, a Bill for an Act to repeal or amend the Act or provision is being drafted or has been introduced into the Legislative Assembly; or

- (c) an Act repealing or amending the Act or provision has been enacted because of a review of an Act or provision by any Minister, but the repeal or amendment has not yet entirely commenced.

‘(7) In this section—

“**responsible Minister**”, for subordinate legislation, means the Minister responsible for administering the Act or provision under which or in relation to which the subordinate legislation is made or preserved.’.

Amendment of s 59 (Regulations)

4.(1) Section 59, heading—

omit, insert—

‘**Regulation-making power**’.

(2) Section 59—

insert—

‘(2) Without limiting subsection (1), a regulation may declare subordinate legislation to be uniform subordinate legislation for this Act if there are reasonable grounds for considering the subordinate legislation to be uniform subordinate legislation.’.

Insertion of new pt 10, div 1 hdg

5. Part 10, before section 62—

insert—

‘*Division 1—Transitional provision for Act No. 83 of 1994*’.

Amendment of s 62 (Transitional provisions about expiry of amending subordinate legislation)

6. Section 62(3)—

omit.

Insertion of new pt 10, div 2

7. Part 11, after section 62—

insert—

***‘Division 2—Transitional provision for Statutory Instruments
Amendment Act 1999***

‘Transitional provisions for exemptions

‘62A.(1) Section 56A(6)(b) and (c) apply even though the review mentioned in the provisions started or happened before the commencement of the provisions.

‘(2) For the period from the commencement of this section—

- (a) for section 56(1), subordinate legislation mentioned in the *Statutory Instruments Regulation 1992*, schedule 5 is taken to have been exempted under a regulation made under section 56(1); and
- (b) for section 56A(1)(a), subordinate legislation mentioned in the *Statutory Instruments Regulation 1992*, section 8 or schedule 3 or 4 is taken to have been exempted under a regulation made under section 56A(1)(a).’.

Amendment of sch 2A (Subordinate legislation to which part 7 does not apply)

8. Schedule 2A—

insert—

‘Traffic Regulation 1962’.

Amendment of sch 3 (Dictionary)

9. Schedule 3—

insert—

‘ **“uniform subordinate legislation”** means subordinate legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or declared under a regulation under section 59(2) to be uniform subordinate legislation.’

SCHEDULE**AMENDMENT OF TRANSPORT INFRASTRUCTURE
ACT 1994**

section 2(2)

1. Section 228(3), ‘5 years after it commences’—*omit, insert—*

‘on 1 July 2000’.

2. Section 232(8), ‘5 years after it commences’—*omit, insert—*

‘on 1 July 2000’.

3. Section 235(5), ‘1999’—*omit, insert—*

‘2000’.

4. Section 240(2), ‘5 years after it commences’—*omit, insert—*

‘on 1 July 2000’.