

Queensland



Subordinate Legislation 2002 No. 218

*Statutory Instruments Act 1992*

**STATUTORY INSTRUMENTS REGULATION  
2002**

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## **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.
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.

<b>Ground for exemption</b>	<b>Explanation</b>
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 150<sup>1</sup>

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<sup>1</sup> *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)

**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

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>	<b>Notes</b>
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)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>	<b>Notes</b>
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 <sup>1</sup>	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)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>	<b>Notes</b>
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 <sup>2</sup>	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)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>	<b>Notes</b>
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)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>	<b>Notes</b>
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)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>	<b>Notes</b>
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)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>	<b>Notes</b>
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)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>	<b>Notes</b>
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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- 1 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.
  - 2 The proclamations make declarations for the purposes of certain countries becoming reciprocating countries.

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 ENDNOTES

1. Made by the Governor in Council on 29 August 2002.
2. Notified in the gazette on 30 August 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of the Premier and Cabinet.