

Queensland



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



# Queensland



## STATUTORY INSTRUMENTS AND ANOTHER ACT AMENDMENT BILL 1999

### TABLE OF PROVISIONS

Section	Page
1 Short title . . . . .	4
2 Act amended . . . . .	4
3 Replacement of s 56 (Exemptions from expiry) . . . . .	4
56 Exemptions from expiry—uniform subordinate legislation . . . . .	4
56A Exemptions from expiry—other subordinate legislation . . . . .	4
4 Amendment of s 59 (Regulations) . . . . .	6
5 Insertion of new pt 10, div 1 hdg . . . . .	6
6 Amendment of s 62 (Transitional provisions about expiry of amending subordinate legislation) . . . . .	6
7 Insertion of new pt 10, div 2 . . . . .	7
<i>Division 2—Transitional provision for Statutory Instruments Amendment Act 1999</i>	
62A Transitional provisions for exemptions . . . . .	7
8 Amendment of sch 2A (Subordinate legislation to which part 7 does not apply) . . . . .	7
9 Amendment of sch 3 (Dictionary) . . . . .	7
<b>SCHEDULE</b> . . . . .	9

### AMENDMENT OF TRANSPORT INFRASTRUCTURE ACT 1994



**1999**

---

---

**A BILL**

**FOR**

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

---

---

*Statutory Instruments and Another Act  
Amendment*

---

	<b>The Parliament of Queensland enacts—</b>	1
	<b>Short title</b>	2
Clause	<b>1.</b> This Act may be cited as the <i>Statutory Instruments and Another Act Amendment Act 1999</i> .	3 4
	<b>Act amended</b>	5
Clause	<b>2.(1)</b> This Act, other than the schedule, amends the <i>Statutory Instruments Act 1992</i> .	6 7
	<b>(2)</b> The schedule amends the <i>Transport Infrastructure Act 1994</i> .	8
	<b>Replacement of s 56 (Exemptions from expiry)</b>	9
Clause	<b>3.</b> Section 56— <i>omit, insert—</i>	10 11
	<b>‘Exemptions from expiry—uniform subordinate legislation</b>	12
	<b>‘56.(1)</b> 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.	13 14 15 16
	<b>‘(2)</b> 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.	17 18 19
	<b>‘Exemptions from expiry—other subordinate legislation</b>	20
	<b>‘56A.(1)</b> 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—	21 22 23 24

*Statutory Instruments and Another Act  
Amendment*

---

- (a) for either of the following reasons— 1
- (i) replacement subordinate legislation is being drafted and is 2  
proposed to be made before the stated period ends; 3
- (ii) the subordinate legislation is not proposed to be replaced by 4  
other subordinate legislation made under the Act under 5  
which or in relation to which it was made or preserved when 6  
it expires at the end of the stated period; or 7
- (b) for the stated reason that the Act or provision under which or in 8  
relation to which the subordinate legislation, or part of the 9  
subordinate legislation, is made or preserved is subject to review. 10
- ‘(2) If a regulation is made under subsection (1), the period of exemption 11  
stated in the regulation may be further extended by regulation (“**extension** 12  
**regulation**”) for further periods of not more than 1 year each. 13
- ‘(3) However, an extension regulation— 14
- (a) must be made before the subordinate legislation expires; and 15
- (b) may be made only for the stated reason under subsection (1)(b). 16
- ‘(4) Within 7 sittings days after the extension regulation is made, the 17  
responsible Minister for the subordinate legislation being exempted must 18  
table in the Legislative Assembly a report stating— 19
- (a) how the Act or provision is subject to review; and 20
- (b) if subsection (6)(a) applies— 21
- (i) the extent to which the Act or provision is being reviewed; 22  
and 23
- (ii) when the Minister expects the review to end. 24
- ‘(5) However, failure to comply with subsection (4) does not affect the 25  
validity of the extension regulation. 26
- ‘(6) For this section, an Act or provision is “**subject to review**” if— 27
- (a) the Act or provision is being reviewed by any Minister; or 28
- (b) because of a review of an Act or provision by any Minister, a Bill 29  
for an Act to repeal or amend the Act or provision is being drafted 30  
or has been introduced into the Legislative Assembly; or 31

*Statutory Instruments and Another Act  
Amendment*

---

(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)**

Clause 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.’.

**Insertion of new pt 10, div 1 hdg**

Clause 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)**

Clause 6. Section 62(3)—

*omit.*

*Statutory Instruments and Another Act  
Amendment*

---

	<b>Insertion of new pt 10, div 2</b>	1
Clause	<b>7.</b> Part 11, after section 62—	2
	<i>insert—</i>	3
	<b><i>‘Division 2—Transitional provision for Statutory Instruments Amendment Act 1999</i></b>	4 5
	<b>‘Transitional provisions for exemptions</b>	6
	<b>‘62A.(1)</b> Section 56A(6)(b) and (c) apply even though the review mentioned in the provisions started or happened before the commencement of the provisions.	7 8 9
	<b>‘(2)</b> For the period from the commencement of this section—	10
	(a) for section 56(1), subordinate legislation mentioned in the <i>Statutory Instruments Regulation 1992</i> , schedule 5 is taken to have been exempted under a regulation made under section 56(1); and	11 12 13 14
	(b) for section 56A(1)(a), subordinate legislation mentioned in the <i>Statutory Instruments Regulation 1992</i> , section 8 or schedule 3 or 4 is taken to have been exempted under a regulation made under section 56A(1)(a).’.	15 16 17 18
	<b>Amendment of sch 2A (Subordinate legislation to which part 7 does not apply)</b>	19 20
Clause	<b>8.</b> Schedule 2A—	21
	<i>insert—</i>	22
	<b>‘Traffic Regulation 1962’.</b>	23
	<b>Amendment of sch 3 (Dictionary)</b>	24
Clause	<b>9.</b> Schedule 3—	25
	<i>insert—</i>	26

*Statutory Instruments and Another Act  
Amendment*

---

‘ **“uniform subordinate legislation”** means subordinate legislation that is 1  
substantially uniform or complementary with legislation of the 2  
Commonwealth or another State or declared under a regulation to be 3  
uniform subordinate legislation.’. 4

5

<b>SCHEDULE</b>	1
<b>AMENDMENT OF TRANSPORT INFRASTRUCTURE ACT 1994</b>	2 3
section 2(2)	4
<b>1. Section 228(3), ‘5 years after it commences’—</b>	5
<i>omit, insert—</i>	6
‘on 1 July 2000’.	7
<b>2. Section 232(8), ‘5 years after it commences’—</b>	8
<i>omit, insert—</i>	9
‘on 1 July 2000’.	10
<b>3. Section 235(5), ‘1999’—</b>	11
<i>omit, insert—</i>	12
‘2000’.	13
<b>4. Section 240(2), ‘5 years after it commences’—</b>	14
<i>omit, insert—</i>	15
‘on 1 July 2000’.	16