



Queensland

*Statutory Instruments Act 1992*

# **Statutory Instruments Regulation 2012**

**Current as at 1 September 2017**





Queensland

# Statutory Instruments Regulation 2012

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# Statutory Instruments Regulation 2012

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Statutory Instruments Regulation 2012*.

## Part 2 Instruments that are subordinate legislation

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

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

*Note—*

The commencement of the *Statutory Instruments Act 1992* is 1 June 1992.

- (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.

## Part 3 Exemptions from expiry

### 3 Exemptions from expiry—Act, pt 7

- (1) An instrument of uniform subordinate legislation mentioned in schedule 2, part 1, column 1 is exempt, under section 56 of the Act, from expiry for the period ending at midnight on the expiry date mentioned in schedule 2, part 1, column 3 opposite the instrument (the *expiry date*).
- (2) An instrument of subordinate legislation mentioned in schedule 2, part 2, column 1 is exempt, under section 56A of the Act, from expiry for the period ending at midnight on 31 August 2018 (also the *expiry date*).
- (3) A reference in schedule 2 to an instrument includes a reference to the instrument as amended from time to time.
- (4) The ground for exempting an instrument referred to in schedule 2 is mentioned in schedule 2, column 2 opposite the instrument.
- (5) The following table explains the grounds for exemption mentioned in schedule 2—

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.

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<b>Ground for exemption</b>	<b>Explanation</b>
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.

- (6) If an instrument of subordinate legislation mentioned in schedule 2 stops having effect before midnight on the expiry date for the instrument, the exemption ends.

## **Part 4**                      **Repeal**

### **4**            **Repeal**

The Statutory Instruments Regulation 2002, SL No. 218 is repealed.

## **Schedule 1      Statutory instruments that are subordinate legislation**

section 2(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 Infrastructure (Dangerous Goods by Rail) Regulation 2008*, section 21 or 22
- 3 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

## Schedule 2 Exemptions from expiry under part 7 of the Act

section 3

### Part 1 Uniform subordinate legislation

Column 1 Instrument	Column 2 Ground for exemption	Column 3 Expiry date
<i>Cooperatives Regulation 1997</i>	further exemption: uniform	31/08/22
Proclamations made under the <i>Maintenance Act 1965</i> , section 98	further exemption: uniform	30/06/22
<i>Note—</i>		
The proclamations make declarations for the purposes of certain countries becoming reciprocating countries.		
<i>Maintenance Regulations 1967</i>	further exemption: uniform	30/06/22
<i>Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004</i>	uniform	31/08/20
<i>Prisoners (Interstate Transfer) Regulation 1993</i>	further exemption: uniform	31/08/18

### Part 2 Other subordinate legislation

*Note—*

An instrument mentioned in this part expires on 31 August 2018—see section 3(2).

<b>Column 1 Instrument</b>	<b>Column 2 Ground for exemption</b>
<i>Agricultural Chemicals Distribution Control Regulation 1998</i>	further exemption: review
<i>Architects Regulation 2003</i>	further exemption: review
<i>Associations Incorporation Regulation 1999</i>	further exemption: review
<i>Building and Construction Industry Payments Regulation 2004</i>	further exemption: review
<i>Building Regulation 2006</i>	further exemption: review
<i>Casino Control Regulation 1999</i>	further exemption: review
<i>Charitable and Non-Profit Gaming Regulation 1999</i>	further exemption: review
<i>Education (Accreditation of Non-State Schools) Regulation 2001</i>	further exemption: review
<i>Electricity Regulation 2006</i>	further exemption: review
<i>Energy and Water Ombudsman Regulation 2007</i>	subject to review
<i>Fair Trading (Code of Practice—Fitness Industry) Regulation 2003</i>	further exemption: review
<i>Financial Intermediaries Regulation 2007</i>	subject to review
<i>Gaming Machine Regulation 2002</i>	further exemption: review
<i>Gas Supply Regulation 2007</i>	subject to review
<i>Health (Drugs and Poisons) Regulation 1996</i>	further exemption: review
<i>Health Regulation 1996</i>	further exemption: review
<i>Interactive Gambling (Player Protection) Regulation 1998</i>	further exemption: review
<i>Introduction Agents Regulation 2002</i>	further exemption: review
<i>Keno Regulation 2007</i>	subject to review

<b>Column 1 Instrument</b>	<b>Column 2 Ground for exemption</b>
<i>Liquor (Approval of Adult Entertainment Code) Regulation 2002</i>	further exemption: review
<i>Liquor Regulation 2002</i>	further exemption: review
<i>Lotteries Regulation 2007</i>	subject to review
<i>Motor Accident Insurance Regulation 2004</i>	further exemption: review
<i>Nature Conservation (Wildlife Management) Regulation 2006</i>	further exemption: review
<i>Nature Conservation (Wildlife) Regulation 2006</i>	further exemption: review
<i>Pest Management Regulation 2003</i>	further exemption: review
<i>Petroleum and Gas (Production and Safety) Regulation 2004</i>	further exemption: review
<i>Plumbing and Drainage Regulation 2003</i>	further exemption: review
<i>Police Service (Discipline) Regulations 1990</i>	further exemption: review
<i>Professional Engineers Regulation 2003</i>	further exemption: review
<i>Public Health Regulation 2005</i>	further exemption: review
<i>Queensland Building and Construction Commission Regulation 2003</i>	further exemption: review
<i>Queensland Competition Authority Regulation 2007</i>	being replaced
<i>Residential Services (Accreditation) Regulation 2002</i>	further exemption: review
<i>Second-hand Dealers and Pawnbrokers Regulation 2004</i>	further exemption: review
<i>Standard Plumbing and Drainage Regulation 2003</i>	further exemption: review
<i>Statutory Bodies Financial Arrangements Regulation 2007</i>	subject to review
<i>Stock Route Management Regulation 2003</i>	further exemption: review

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<b>Column 1 Instrument</b>	<b>Column 2 Ground for exemption</b>
<i>Tourism Services (Code of Conduct for Inbound Tour Operators) Regulation 2003</i>	further exemption: review
<i>Tourism Services Regulation 2003</i>	further exemption: review
<i>Transport Operations (Passenger Transport) Regulation 2005</i>	further exemption: review
<i>Trust Accounts Regulation 1999</i>	further exemption: review
<i>University of the Sunshine Coast Statute No. 1 (Making and Notifying University Rules) 2004</i>	further exemption: review
<i>University of the Sunshine Coast Statute No. 2 (Review of Payment Demand for the Removal and Detention of Vehicles) 2004</i>	further exemption: review
<i>Wagering Regulation 1999</i>	further exemption: review

## 1 Index to endnotes

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## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised version</b>
<b>d</b>			
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	31 August 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
10 May 2013	2013 SL No. 61	
31 August 2013	2013 SL No. 162 2013 SL No. 172	
25 October 2013	2013 SL No. 206	
31 August 2014 at the end of the day	2014 SL No. 186	RA s 44A
31 August 2015 at the end of the day	2015 SL No. 102	
4 December 2015	2015 SL No. 172	
1 July 2016	2016 SL No. 75	
31 August 2016 at the end of the day	2016 SL No. 134	
1 January 2017	2016 SL No. 199	
31 August 2017 at the end of the day	2017 SL No. 146	
1 September 2017	2017 SL No. 160	

## **4 List of legislation**

### **Regulatory impact statements**

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### **Explanatory notes**

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Statutory Instruments Regulation 2012 SL No. 143**

made by the Governor in Council on 30 August 2012  
notfd gaz 31 August 2012 pp 1097–9  
commenced on date of notification

exp 1 September 2022 (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—

**Nature Conservation and Other Legislation Amendment and Repeal Regulation (No. 1) 2013 SL No. 61 pts 1, 7**

notfd gaz 10 May 2013 pp 49–50  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 1) 2013 SL No. 162**

notfd gaz 23 August 2013 pp 1026–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 31 August 2013 (see s 2)

**Statutory Instruments Amendment Regulation (No. 2) 2013 SL No. 172**

notfd gaz 30 August 2013 pp 1069–70  
ss 1–2 commenced on date of notification  
remaining provisions commenced 31 August 2013 immediately after the commencement of the Statutory Instruments Amendment Regulation (No. 1) 2013 (see s 2)

**Treasury and Trade Legislation Amendment and Repeal Regulation (No. 1) 2013 SL No. 206 pts 1, 4**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 25 October 2013  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 1) 2014 SL No. 186**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 31 August 2014  
ss 1–2 commenced on date of notification  
remaining provisions commenced 31 August 2014 at the end of the day (see s 2)

**Statutory Instruments Amendment Regulation (No. 1) 2015 SL No. 102**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 28 August 2015  
ss 1–2 commenced on date of notification  
remaining provisions commenced 31 August 2015 at the end of the day (see s 2)

**Child Protection (Offender Reporting) Regulation 2015 SL No. 172 ss 1, 21**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 4 December 2015  
commenced on date of notification

**Biosecurity Regulation 2016 SL No. 75 ss 1–2, 129 sch 12**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 17 June 2016  
ss 1–2 commenced on date of notification  
s 129 sch 12 commenced 1 July 2016 immediately after the commencement of the Natural Resources and Mines Legislation (Fees) Amendment Regulation (No. 1) 2016, pt 11 (see s 2)

**Statutory Instruments Amendment Regulation (No. 1) 2016 SL No. 134**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 19 August 2016  
ss 1–2 commenced on date of notification  
remaining provisions commenced 31 August 2016 at the end of the day (see s 2)

**Education (Queensland College of Teachers) Regulation 2016 SL No. 199 ss 1–2, pt 6 div 1**

notfd <www.legislation.qld.gov.au> 11 November 2016

ss 1–2 commenced on date of notification

pt 6 div 1 commenced 1 January 2017 (see s 2)

**Statutory Instruments (Exemptions from Expiry) Amendment Regulation 2017 SL No. 146**

notfd <www.legislation.qld.gov.au> 18 August 2017

ss 1–2 commenced on date of notification

ss 3–5 commenced 31 August 2017 at the end of the day (see s 2)

**Transport Planning and Coordination Regulation 2017 SL No. 160**

notfd <www.legislation.qld.gov.au> 25 August 2017

ss 1–2 commenced on date of notification

s 17 sch 2 commenced 1 September 2017 (see s 2) (amdt could not be given effect)

## **5 List of annotations**

**Exemptions from expiry—Act, pt 7**

s 3 amd 2013 SL No. 162 s 4; 2014 SL No. 186 s 4; 2015 SL No. 102 s 4; 2016 SL No. 134 s 4; 2017 SL No. 146 s 4

**SCHEDULE 2—EXEMPTIONS FROM EXPIRY UNDER PART 7 OF THE ACT**

amd 2013 SL No. 61 s 34; 2013 SL No. 162 s 5; 2013 SL No. 172 s 4; 2013 SL No. 206 s 11; 2014 SL No. 186 s 5; 2015 SL No. 102 s 5; 2015 SL No. 172 s 21(2); 2016 SL No. 75 s 129 sch 12; 2016 SL No. 134 s 5; 2016 SL No. 199 s 38; 2017 SL No. 146 s 5; 2017 SL No. 160 s 17 sch 2 (amdt could not be given effect)

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