

Queensland



*Statutory Instruments Act 1992*

# **STATUTORY INSTRUMENTS REGULATION 2002**

**Reprinted as in force on 27 June 2003  
(includes commenced amendments up to 2003 SL No. 125)**

**Reprint No. 1B**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This regulation is reprinted as at 27 June 2003. 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.**

## **Dates shown on reprints**

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

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

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2002**

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# STATUTORY INSTRUMENTS REGULATION 2002

[as amended by all amendments that commenced on or before 27 June 2003]

## 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—

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

(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 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 section 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 schedule 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 1998*, section 13, 85 or 150<sup>1</sup>

3. A notice making a determination (other than an administrative determination) under the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2002*, section 17, 86 or 151.<sup>2</sup>

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1 *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)

2 *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2002*, section 17 (Determinations—dangerous goods), 86 (Determinations about foreign approved tanks and IBCs) or 151 (Determination about routes, areas, rail wagons, trains or 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   | 30/06/04           |              |
| 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   | 30/06/04           |              |

## 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>a</sup>                  | further exemption: review   | 31/08/03           |                                     |
| Credit Regulation 1988   | further exemption: uniform  | 30/06/08           |                                     |
| 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 |
| 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           |                                     |

## SCHEDULE 3 (continued)

| Instrument   | Ground for exemption       | Expiry date | Notes |
|--|----------------------------|-------------|-------|
| Justices of the Peace and Commissioners for Declarations Regulation 1991     | subject to review          | 31/08/03    |       |
| Land Sales (Non-Application of Part 2 of Act) Order 1992                     | no replacement             | 31/08/03    |       |
| Maintenance Regulation 1967  | further exemption: uniform | 30/06/08    |       |
| Marine Parks Regulation 1990   | further exemption: review  | 31/08/03    |       |
| Marine Parks (Cairns Zoning Plan) Order 1992                                 | uniform                    | 31/08/07    |       |
| 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                                |                            |             |       |

## SCHEDULE 3 (continued)

| Instrument   | Ground for exemption       | Expiry date | Notes |
|--|----------------------------|-------------|-------|
| <p>The zoning plan for the Mackay/Capricorn Marine Park approved in the instrument—</p> <p>(a) made as an order in council under the <i>Marine Parks Act 1982</i>; and</p> <p>(b) gazetted on 27 August 1988 at pages 3657–8</p> | further exemption: uniform | 30/06/08    |       |
| Marine Parks (Townsville/Whitsunday) Zoning Plan 1987  | further exemption: uniform | 30/06/08    |       |
| Marine Parks (Woongarra Zoning Plan) Order 1991  | subject to review          | 31/08/03    |       |
| Mineral Resources Regulation 1990  | further exemption: review  | 31/08/03    |       |
| National Crime Authority (State Provisions) Regulation 1986  | further exemption: uniform | 30/06/08    |       |
| Pastoral Workers' Accommodation Regulation 1989  | further exemption: review  | 31/08/03    |       |
| Petroleum Regulation 1966  | further exemption: review  | 30/06/04    |       |
| Police Service Administration Regulation 1990  | further exemption: review  | 31/08/03    |       |

## SCHEDULE 3 (continued)

| <b>Instrument</b>  | <b>Ground for exemption</b> | <b>Expiry date</b> | <b>Notes</b> |
|--|-----------------------------|--------------------|--------------|
| 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           |              |
| Proclamations made under the <i>Maintenance Act 1965</i> , section 98 <sup>b</sup> | further exemption: uniform  | 30/06/08           |              |
| Queensland Building Services Authority Regulation 1992                             | subject to review           | 31/08/03           |              |
| Queensland Heritage Regulation 1992  | subject to review           | 31/08/03           |              |
| Queensland Law Society Rule 1987 <sup>c</sup>                                      | further exemption: review   | 30/06/04           |              |
| 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           |              |



## SCHEDULE 3 (continued)

| <b>Instrument</b>   | <b>Ground for exemption</b> | <b>Expiry date</b> | <b>Notes</b>                        |
|---|-----------------------------|--------------------|-------------------------------------|
| Sawmills Licensing Regulation 1965  | further exemption: review   | 30/06/04           |                                     |
| 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           |                                     |
| 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           |                                     |
| Stock Identification Regulation 1985  | further exemption: review   | 30/06/04           |                                     |
| Stock Regulation 1988   | further exemption: review   | 30/06/04           |                                     |
| 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 |

## SCHEDULE 3 (continued)

| <b>Instrument</b>   | <b>Ground for exemption</b> | <b>Expiry date</b> | <b>Notes</b>                              |
|---|-----------------------------|--------------------|---|
| Trade Measurement<br>(Measuring Instruments)<br>Regulation 1991 | uniform                     | 31/08/06           | exemption<br>continued under<br>section 7 |
| Trade Measurement<br>(Miscellaneous)<br>Regulation 1991         | uniform                     | 31/08/06           | exemption<br>continued under<br>section 7 |
| Trade Measurement<br>(Pre-packed Articles)<br>Regulation 1991   | uniform                     | 31/08/06           | exemption<br>continued under<br>section 7 |
| Trade Measurement<br>(Weighbridges)<br>Regulation 1991          | uniform                     | 31/08/06           | exemption<br>continued under<br>section 7 |
| Valuers Registration<br>Regulation 1992                         | being replaced              | 31/08/03           |   |

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- a 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.
- b The proclamations make declarations for the purposes of certain countries becoming reciprocating countries.
- c The *Queensland Law Society (Indemnity) Rule 1987* is exempted from expiry until 30 June 2004: see the *Queensland Law Society Act 1952*, section 5A(9) and (10).

**ENDNOTES****1 Index to 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 27 June 2003. 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                       |
| o in c | = order in council             | s       | = section                               |
| om     | = omitted                      | sch     | = schedule                              |
| orig   | = original                     | sdiv    | = subdivision                           |
| p      | = page                         | SIA     | = Statutory Instruments Act 1992        |
| para   | = paragraph                    | SIR     | = Statutory Instruments Regulation 2002 |
| prec   | = preceding                    | SL      | = subordinate legislation               |
| pres   | = present                      | sub     | = substituted                           |
| prev   | = previous                     | unnum   | = unnumbered                            |

## 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.

### TABLE OF REPRINTS

| Reprint No. | Amendments included | Effective        | Notes |
|-------------|---------------------|------------------|-------|
| 1           | none                | 1 September 2002 |       |
| 1A          | to 2002 SL No. 308  | 29 November 2002 |       |
| 1B          | to 2003 SL No. 125  | 27 June 2003     |       |

## 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)

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 on notification

## 6 List of annotations

### **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 section 7(2)**

**s 8** ins 2003 SL No. 125 s 4

### **Transitional provision dealing with effect of replacement of schedule 3**

**s 9** ins 2003 SL No. 125 s 4

**SCHEDULE 1—STATUTORY INSTRUMENTS THAT ARE SUBORDINATE  
LEGISLATION**

amd 2002 SL No. 308 s 202

**SCHEDULE 3—EXEMPTIONS FROM EXPIRY UNDER PT 7 OF THE ACT**

sub 2003 SL No. 125 s 5