

Queensland



Statutory Instruments Act 1992

STATUTORY INSTRUMENTS REGULATION 2002

**Reprinted as in force on 25 June 2004
(includes commenced amendments up to 2004 SL No. 84)**

Reprint No. 1D

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This regulation is reprinted as at 25 June 2004. 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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**STATUTORY INSTRUMENTS
REGULATION 2002**

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STATUTORY INSTRUMENTS REGULATION 2002

[as amended by all amendments that commenced on or before 25 June 2004]

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.

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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 150¹

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 151.²

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

Instrument	Ground for exemption	Expiry date	Notes
Aboriginal Land Regulation 1991	further exemption: review	31/08/04	
Building Fire Safety Regulation 1991	further exemption: review	31/08/04	
City of Brisbane Regulation 1993	being replaced	31/08/04	
Classification of Films Regulation 1992	uniform	31/08/08	
Classification of Publications (Approval of Codes of Conduct) Order 1992 ^a	uniform	31/08/08	
Classification of Publications Regulation 1992	uniform	31/08/08	
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 ^b	further exemption: review	31/08/04	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Credit Regulation 1988	further exemption: uniform	30/06/08	
Evidence Regulation 1993	subject to review	31/08/04	
Food Hygiene Regulation 1989	further exemption: review	31/08/04	
Freedom of Information Regulation 1992	subject to review	31/08/04	
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 (Residual Provisions) Regulation 1989	further exemption: review	31/08/04	
Justices Regulation 1993	being replaced	31/08/04	
Justices of the Peace and Commissioners for Declarations Regulation 1991	further exemption: review	31/08/04	
Maintenance Regulation 1967	further exemption: uniform	30/06/08	
Marine Parks Regulation 1990	further exemption: review	31/08/04	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Marine Parks (Cairns) Zoning Plan 1992	uniform	31/08/07	
The zoning plan for the Hervey Bay Marine Park approved in the instrument—	further exemption: review	31/08/04	
(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—	further exemption: uniform	30/06/08	
(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	further exemption: uniform	30/06/08	
Marine Parks (Woongarra) Zoning Plan 1991	further exemption: review	31/08/04	
National Crime Authority (State Provisions) Regulation 1986	further exemption: uniform	30/06/08	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Penalties and Sentences Regulation 1992	being replaced	31/08/04	
Petroleum Regulation 1966	further exemption: review	30/06/05	
Police Service Administration (Police Services Charges) Order 1992	subject to review	31/08/04	
Police Service Administration Regulation 1990	further exemption: review	31/08/04	
Police Service Administration (Review of Decisions) Regulation 1990	further exemption: review	31/08/04	
Police Service (Discipline) Regulation 1990	further exemption: review	31/08/04	
Police Service (Ranks) Regulation 1991	further exemption: review	31/08/04	
Prisoners (Interstate Transfer) Regulation 1993	uniform	31/08/08	
Proclamations made under the <i>Maintenance Act 1965</i> , section 98 ^c	further exemption: uniform	30/06/08	
Recording of Evidence Regulation 1992	further exemption: review	31/08/04	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
Recreation Areas Management By-law 1991	further exemption: review	31/08/04	
Recreation Areas Management Regulation 1989	further exemption: review	31/08/04	
Sawmills Licensing Regulation 1965	further exemption: review	30/06/05	
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 By-law 1992	subject to review	31/08/04	
Stock Identification Regulation 1985	further exemption: review	30/06/05	
Stock Regulation 1988	further exemption: review	30/06/05	
Surveyors Regulation 1992	further exemption: review	31/08/04	
Torres Strait Islander Land Regulation 1991	further exemption: review	31/08/04	

SCHEDULE 3 (continued)

Instrument	Ground for exemption	Expiry date	Notes
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
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

- a The *Classification of Publications (Approved Distributors) Code of Conduct 1992* and the *Classification of Publications (Sellers) Code of Conduct 1992* are set out in the *Classification of Publications (Approval of Codes of Conduct) Order 1992* No. 415, schedules 1 and 2, respectively.
- b 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.
- c The proclamations make declarations for the purposes of certain countries becoming reciprocating countries.

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 25 June 2004. 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	
1C	to 2003 SL No. 187	31 August 2003	
1D	to 2004 SL No. 84	25 June 2004	

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)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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

Statutory Instruments Amendment Regulation (No. 2) 2003 SL No. 187

notfd gaz 21 August 2003 pp 1372–5

ss 1–2 commenced on date of notification

remaining provisions commenced 31 August 2003 (see s 2)

Statutory Instruments Amendment Regulation (No. 1) 2004 SL No. 84

notfd gaz 25 June 2004 pp 573–81

commenced on date of 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; 2003 SL No. 187 s 4; 2004 SL No. 84 s 3