



Queensland

*Statutory Instruments Act 1992*

# Statutory Instruments Regulation 2002

Reprinted as in force on 31 August 2008

Reprint No. 2D

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 31 August 2008. 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.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘judgement’ has replaced ‘judgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

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

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



## Queensland

# Statutory Instruments Regulation 2002

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# Statutory Instruments Regulation 2002

[as amended by all amendments that commenced on or before 31 August 2008]

## 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.

<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.

- (5) If an instrument of subordinate legislation ceases having effect before midnight on the expiry date for the instrument, the exemption ends.

## 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 s 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 sch 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—vehicles, quantities, routes, areas 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 part 7 of the Act

section 5

Instrument	Ground for exemption	Expiry date
<i>Aboriginal Land Regulation 1991</i>	further exemption: review	31/08/09
<i>Agricultural Chemicals Distribution Control Regulation 1998</i>	subject to review	31/08/09
<i>Agricultural Standards Regulation 1997</i>	further exemption: review	31/08/09
<i>Apiaries Regulation 1998</i>	subject to review	31/08/09
<i>Brands Regulation 1998</i>	subject to review	31/08/09
<i>Business Names Regulation 1998</i>	subject to review	31/08/09
<i>Classification of Films Regulation 1992</i>	further exemption: uniform	31/08/13
<i>Classification of Publications (Approval of Codes of Conduct) Order 1992</i>	further exemption: uniform	31/08/13
<i>Editor's note—</i>		
The <i>Classification of Publications (Approved Distributors) Code of Conduct 1992</i> and the <i>Classification of Publications (Sellers) Code of Conduct 1992</i> are set out in the <i>Classification of Publications (Approval of Codes of Conduct) Order 1992 No. 415</i> , schedules 1 and 2, respectively.		
<i>Classification of Publications Regulation 1992</i>	further exemption: uniform	31/08/13
<i>Collections Regulation 1998</i>	subject to review	31/08/09

## Schedule 3 (continued)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>
<i>Consumer Credit Regulation 1995</i>	uniform	31/08/11
<i>Cooperatives Regulation 1997</i>	uniform	31/08/12
<i>Credit Regulations 1988</i>	further exemption: uniform	30/06/12
<i>Criminal Offence Victims Regulation 1995</i>	further exemption: review	31/08/09
<i>Diseases in Timber Regulation 1997</i>	further exemption: review	31/08/09
<i>Environmental Protection (Air) Policy 1997</i>	being replaced	31/08/09
<i>Environmental Protection (Noise) Policy 1997</i>	being replaced	31/08/09
<i>Environmental Protection Regulation 1998</i>	being replaced	31/08/09
<i>Environmental Protection (Water) Policy 1997</i>	further exemption: review	31/08/09
<i>Exotic Diseases in Animals Regulation 1998</i>	subject to review	31/08/09
<i>Financial Administration and Audit Regulation 1995</i>	further exemption: review	31/08/09
<i>Financial Management Standard 1997</i>	further exemption: review	31/08/09
<i>Fossicking Regulation 1994</i>	further exemption: review	31/08/09
<i>Guide Dogs Regulation 1997</i>	subject to review	31/08/09
<i>Health (Drugs and Poisons) Regulation 1996</i>	further exemption: review	31/08/09
<i>Health Regulation 1996</i>	further exemption: review	31/08/09

## Schedule 3 (continued)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>
<i>Integrated Planning Regulation 1998</i>	subject to review	31/08/09
<i>Land Regulation 1995</i>	further exemption: review	31/08/09
<i>Lotteries Rule 1998</i>	subject to review	31/08/09
Proclamations made under the <i>Maintenance Act 1965</i> , section 98	further exemption: uniform	30/06/12
<i>Editor's note—</i>		
The proclamations make declarations for the purposes of certain countries becoming reciprocating countries.		
<i>Maintenance Regulations 1967</i>	further exemption: uniform	30/06/12
<i>Marine Parks (Moreton Bay) Zoning Plan 1997</i>	being replaced	31/08/09
<i>Nature Conservation (Whales and Dolphins) Conservation Plan 1997</i>	being replaced	31/08/09
<i>Police Service Administration Regulation 1990</i>	further exemption: review	31/08/09
<i>Police Service Administration (Review of Decisions) Regulation 1990</i>	further exemption: review	31/08/09
<i>Police Service (Discipline) Regulations 1990</i>	further exemption: review	31/08/09
<i>Police Service (Ranks) Regulation 1991</i>	further exemption: review	31/08/09
<i>Prisoners (Interstate Transfer) Regulation 1993</i>	further exemption: uniform	31/08/13

## Schedule 3 (continued)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>
<i>River Improvement Trust Regulation 1998</i>	subject to review	31/08/09
<i>Soil Conservation Regulation 1998</i>	subject to review	31/08/09
<i>State Development and Public Works Organisation (State Development Areas) Regulation 1998</i>	being replaced	31/08/09
<i>Stock Regulation 1988</i>	further exemption: review	30/06/09
<i>Storage Liens Regulation 1998</i>	being replaced	31/08/09
<i>Editor's note—</i>		
The <i>Storage Liens Regulation 1998</i> will be repealed on 1 September 2008.		
<i>Timber Utilisation and Marketing Regulation 1998</i>	subject to review	31/08/09
<i>Tobacco and Other Smoking Products Regulation 1998</i>	subject to review	31/08/09
<i>Torres Strait Islander Land Regulation 1991</i>	further exemption: review	31/08/09
<i>Trade Measurement Administration Regulation 1991</i>	further exemption: uniform	31/08/11
<i>Trade Measurement (Measuring Instruments) Regulation 1991</i>	further exemption: uniform	31/08/11
<i>Trade Measurement (Miscellaneous) Regulation 1991</i>	further exemption: uniform	31/08/11

## Schedule 3 (continued)

<b>Instrument</b>	<b>Ground for exemption</b>	<b>Expiry date</b>
<i>Trade Measurement (Prepacked Articles) Regulation 1991</i>	further exemption: uniform	31/08/11
<i>Trade Measurement (Weighbridges) Regulation 1991</i>	further exemption: uniform	31/08/11
<i>Transport Operations (Road Use Management—Dangerous Goods) Regulation 1998</i>	subject to review	31/08/09
<i>Travel Agents Regulation 1998</i>	uniform	31/08/13
<i>Trustee Companies Regulation 1996</i>	further exemption: review	31/08/09
<i>Weapons Regulation 1996</i>	further exemption: review	31/08/09
<i>Wine Industry Regulation 1995</i>	further exemption: review	31/08/09



## 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 31 August 2008. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 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.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2002	
1A	2002 SL No. 308	29 November 2002	
1B	2003 SL No. 125	27 June 2003	
1C	2003 SL No. 187	31 August 2003	
1D	2004 SL No. 84	25 June 2004	
1E	2004 SL No. 170	27 August 2004	
1F	2004 SL No. 173	31 August 2004	
1G	2005 SL No. 122	24 June 2005	
1H	2005 SL No. 207	26 August 2005	
1I	2006 SL No. 154	30 June 2006	
1J	2006 SL No. 214	18 August 2006	R1J withdrawn, see R2
2	—	18 August 2006	
2A	2007 SL No. 101	15 June 2007	
2B	2007 SL No. 206	24 August 2007	
2C	2008 SL No. 168	27 June 2008	
2D	2008 SL No. 276	31 August 2008	

## 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

**Statutory Instruments Amendment Regulation (No. 2) 2004 SL No. 170**

notfd gaz 27 August 2004 pp 1330–2  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 3) 2004 SL No. 173**

notfd gaz 31 August 2004 pp 1349–50  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 1) 2005 SL No. 122**

notfd gaz 24 June 2005 pp 639–45  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 2) 2005 SL No. 207**

notfd gaz 26 August 2005 pp 1477–8  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 1) 2006 SL No. 154**

notfd gaz 30 June 2006 pp 1060–7  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 2) 2006 SL No. 214**

notfd gaz 18 August 2006 pp 1821–5  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 1) 2007 SL No. 101**

notfd gaz 15 June 2007 pp 892–5  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 2) 2007 SL No. 206**

notfd gaz 24 August 2007 pp 2151–3  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 1) 2008 SL No. 168**

notfd gaz 27 June 2008 pp 1268–78  
commenced on date of notification

**Statutory Instruments Amendment Regulation (No. 2) 2008 SL No. 276**

notfd gaz 29 August 2008 pp 2831–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced on 31 August 2008 (see s 2)

## **6 List of annotations**

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

**s 5** amd 2006 SL No. 214 s 3

### **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 s 7(2)**

**prov hdg** amd 2007 SL No. 101 s 3

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

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

**prov hdg** amd 2007 SL No. 101 s 4

**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 PART 7 OF THE ACT**

**sch hdg** amd 2007 SL No. 101 s 5(1)

**sch 3** sub 2003 SL No. 125 s 5; 2003 SL No. 187 s 4; 2004 SL No. 84 s 3; 2004 SL No. 170 s 3

amd 2004 SL No. 173 s 3; 2005 SL No. 122 s 3

sub 2005 SL No. 207 s 3

amd 2006 SL No. 154 s 3

sub 2006 SL No. 214 s 4

amd 2007 SL No. 101 s 5(2)–(6)

sub 2007 SL No. 206 s 3

amd 2008 SL No. 168 s 3

sub 2008 SL No. 276 s 4