

Queensland



**STATUTORY INSTRUMENTS
AMENDMENT BILL 1998**

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	STATUTORY RULES THAT ARE NOT SUBORDINATE LEGISLATION	

1998

A BILL

FOR

An Act to amend the *Statutory Instruments Act 1992*

	The Parliament of Queensland enacts—	1
	Short title	2
Clause	1. This Act may be cited as the <i>Statutory Instruments Amendment Act 1998</i> .	3 4
	Commencement	5
Clause	2. Section 5 commences on 1 January 1999.	6
	Act amended	7
Clause	3. This Act amends the <i>Statutory Instruments Act 1992</i> .	8
	Amendment of s 9 (Meaning of “subordinate legislation”)	9
Clause	4. Section 9(2)(c), after ‘that is’— <i>insert—</i> ‘mentioned in schedule 1A or’.	10 11 12
	Amendment of s 54 (When subordinate legislation expires)	13
Clause	5. Section 54(1), after ‘expires on’— <i>insert—</i> ‘1 September first occurring after’.	14 15 16
	Replacement of s 56 (Exemptions from expiry)	17
Clause	6. Section 56— <i>omit, insert—</i>	18 19
	‘Exemptions from expiry	20
	‘56.(1) A regulation under this Act made before subordinate legislation,	21

Statutory Instruments

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 for either of the following reasons—

- (a) replacement subordinate legislation is being drafted and is proposed to be made before the stated period ends;
- (b) the subordinate legislation 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 the end of the stated period.

‘(2) If a regulation is made under subsection (1), the exemption period stated in the regulation can not be extended by regulation.

‘(3) 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.

‘(4) If a regulation is made under subsection (3), the period stated in the regulation may be extended by regulation for further periods of not more than 5 years.

‘(5) In this section—

“**uniform subordinate legislation**” means subordinate legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State.’.

Insertion of new pt 11

Clause 7. After part 10—
insert—

‘PART 11—DECLARATORY PROVISION

‘Exemptions

‘**63.(1)** To remove any doubt, it is declared that the expiry of subordinate legislation on 1 July 1998 that was mentioned in expired section 61¹ was an expiry under part 7 for the purposes of the part.

‘**(2)** Also, it is declared that the *Statutory Instruments Amendment Regulation (No. 1) 1998*² is and always was valid and effectual.

‘**(3)** Without limiting subsection (2), it is declared that the subordinate legislation mentioned in the *Statutory Instruments Regulation 1992*, schedules 3 to 5 is, and from 1 July 1998 was, exempt from expiry under the Act for the exemption periods mentioned for the legislation in the regulation.

‘**(4)** For section 56(4), subordinate legislation mentioned in the *Statutory Instruments Regulation 1992*, schedule 5 is taken to have been exempted from expiry under a regulation made under section 56(3).

‘**(5)** This part expires on 1 July 2003.’.

Insertion of new sch 1A

Clause **8.** Before schedule 1—
insert—

¹ Section 61 (Transitional provisions about expiry of subordinate legislation) expired 1 July 1998.

² 1998 SL No. 119

SCHEDULE 1A

1

**STATUTORY RULES THAT ARE NOT
SUBORDINATE LEGISLATION**

2

3

section 9(2)(c)

4

1. A statutory rule under the *Constitution Act 1867*, section 12 or 27³ 5
2. A proclamation under the *Constitution (Office of Governor) Act 1987*,
section 9⁴ 6
7
3. A proclamation under the *Officials in Parliament Act 1896*, section 35 8
4. A proclamation under the *Senate Elections Act 1960*, section 36⁵. 9

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³ Section 12 (Place and time of holding Parliament) or section 27 (Constitution of Legislative Assembly)

⁴ Section 9 (Administration of Government in absence etc. of Governor)

⁵ Section 3 (Governor may declare what Ministers may sit in Legislative Assembly)

⁶ Section 3 (Power to fix dates for election and place of nomination)