

Minutes of the meeting of the Committee of Subordinate Legislation
held at 10.30 am on Thursday 13 February 1992 in Room 9.13
Parliamentary Annexe

Present:

Mr R D Barber, MLA (Chairman)
Mr G B Fenlon, MLA
Mr J H Sullivan, MLA
Mr R K Hollis, MLA

Mr G Cooper (Legal Advisor)
Ms M Cook (Secretary)

Apologies:

Mr J N Goss, MLA
Mr A A FitzGerald, MLA
Mr L W Stephan, MLA

Minutes of previous Meeting:

The Minutes of the meeting of 3 December 1991, having been circulated to members, were taken as read and confirmed on the motion of Mr Sullivan, seconded by Mr Hollis.

Business arising:

6/91, 6A/91 Workplace Health and Safety Act 1989 - Notifications.

The meeting endorsed the Committee's letter of 4 December 1991 and noted the Minister's reply.

It was resolved that no further action be taken on this matter.

13/91, 13A/91 Primary Producers' Organisation and Marketing Act 1926

The meeting discussed the Minister's reply and opinion from Mr C Hampson QC. Counsel provided a further report No. 13A/91.

The meeting resolved to write to the Minister in terms of Counsel's second report.

14/91 Rules of the Board of Senior Secondary School Studies Amendment Rules (No.2) 1991

The meeting noted the Minister's acknowledgement of Committee's letter of 27 November 1991.

It was resolved to await further advice.

20/91 Public Sector (Appeals) Regulation 1991

The meeting discussed the Premier's reply which incorporated advice from the Parliamentary Counsel.

The meeting resolved to take no further action.

21/91 Queensland Marine Act 1958 - Notification

The Minister's reply was discussed and it was resolved to take no further action.

22/91 Statutory Bodies Financial Arrangements Act 1982

The meeting endorsed letter of 4 December 1991 to the Treasurer and resolved that no further action be taken.

Other Business:

Correspondence from and to Parliamentary Counsel re Review of Publications

The meeting discussed and endorsed letter dated 11 December 1991 to Mr John Leahy.

It was resolved to write to the Premier concerning the annotations of subordinate legislation not of a legislative character and not presently annotated.

3/91 Traffic Act 1949 - Regulations

The Secretary informed the meeting that the proposed amendment to the regulation which would correct a drafting error has not been gazetted.

It was resolved to write to the Minister reminding him of his undertaking of 22 August 1991.

8/91 Justices Act 1886 - Order in Council

The meeting discussed the Minister's reply of 22 January 1992 which incorporated advice from the Parliamentary Counsel.

The meeting resolved to take no further action.

9/91 Mineral Resources Act 1989 - Order in Council

The Secretary informed the meeting that it appeared the undertaking given by the Minister to rectify the error in drafting has not been carried out.

It was resolved to write to the Minister reminding him of his undertaking.

19/91 Liquor Act 1912 - Regulation

Meeting discussed the Minister's reply and Counsel reported that the amendment gazetted to rectify the errors was the subject of a further report No. 11/92.

19A/91 Fruit Marketing Organisation Act 1923 - Regulations

The meeting noted the Minister's reply which stated that validating legislation would be introduced in the first session of 1992.

The meeting resolved to await further legislation.

Issues Paper No. 17

The meeting noted that Issues Paper No. 17 had been released by the Electoral and Administrative Review Commission.

Letter from Hugh Carter (Legal Friend)

The meeting discussed the letter from Hugh Carter which requested advice on the validity of the Nursing Homes Regulations 1982.

The meeting resolved to ask the Legal Counsel to prepare a report on the appropriateness of the Committee giving advice on the matter.

Report on Perth Conference

Members received their copies of the Report on the Perth Conference.

Counsel's Reports:

1/92 Mines Regulation Act 1964. Order in Council

Counsel reported that the Order did not conform to S28A of the Acts Interpretation Act with regards to retrospective date of commencement.

The meeting resolved to write to the Minister in terms of Counsel's report.

2/92 Dairy Industry Act 1989 - Order in Council

Counsel reported that while this instrument is correctly titled an Order in Council, the short title refers to the instrument as a regulation.

The meeting resolved to write to the Minister in terms of Counsel's report.

3/92 Gas Act 1965 - Order in Council

Counsel reported that this Order also contravenes section 28A of the Acts Interpretation Act regarding backdating the commencement of the Order.

The meeting resolved to write to the Minister in terms of Counsel's report.

4/92 Liquor Act 1912 - Order in Council

Counsel reported that the end notes to the order stated that the order required that it be laid before the Legislative Assembly. This is not a requirement under the Liquor Act and Parliamentary Counsel have been informed.

It was resolved to take no further action.

5/92 Forestry Act 1959 - Proclamations

Counsel reported that the Proclamations were backdated to commence 2 days before gazettal. This is not contemplated under the Forestry Act.

It was resolved to write to the Minister in terms of Counsel's report.

6/92 Marine Parks Act - Notices

Counsel reported that a drafting error occurred in the notice but recent amendments to the Acts Interpretation Act make it unnecessary to take any further action.

7/92 Harbours Act 1955 - Order in Council

Counsel reported on the content of the Order in Council which is not strictly in accordance with section 136 of the Act.

The meeting resolved to write to the Minister in terms of Counsel's report.

8/92 Mineral Resources Act 1989 - Orders in Council

The errors in the 3 Orders in Council referred to in Counsel's report have been corrected in the gazette of 11 January 1992. No further action required.

9/92 Traffic Act 1949 - Regulation

The error referred to in Counsel's report was corrected by way of an errata published in the gazette of 11 January 1992. No further action required.

10/92 Brisbane Cricket Ground Act - Order in Council

Counsel reported that the words "Table of Provisions" are missing from the Order in Council.

The meeting resolved to write to the Minister in terms of Counsel's report.

11/92 Liquor Act 1912 - Regulation

Counsel reported that 4 points were worth noting. This amendment was to correct errors made in a previous regulation (No. 19/91) but errors remain.

The meeting resolved to write to the Minister in terms of Counsel's report.

12/92 Queensland Museum Act 1970 - By-laws

Counsel reported that the by-laws did not appear to conform with new drafting styles of Parliamentary Counsel.

Meeting resolved to write to the Premier in terms of Counsel's report.

13/92 Fire Service Act and Building Act - Regulation

Counsel reported that as the regulation was made under both Acts, the regulation needs to be very clear which Act is being referred to in the regulation.

The meeting resolved to write to the Minister in terms of Counsel's report.

14/92 Casino Control Act 1982 - Rules

Counsel reported that the Act provides that the rules may be altered by notification. The instrument used does not purport to be a notification.

The meeting resolved to write to the Treasurer in terms of Counsel's report.

- Minutes -

(Cont'd.)

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Next meeting:

The next meeting of the Committee will be held on Tuesday 10 March 1992.

There being no further business, the Chairman declared the meeting closed at 12 noon.

Confirmed this

day of

10th March

1992.

RSC

Chairman