

Minutes of the meeting of the Committee of Subordinate Legislation
held at 12.30 pm on Tuesday 28 April 1992 in Room 9.13
Parliamentary Annexe

Present:

Mr R D Barber, MLA (Chairman)
Mr A A FitzGerald, MLA
Mr R K Hollis, MLA
Mr L W Stephan, MLA
Mr J H Sullivan, MLA
Mr G Cooper (Legal Advisor)
Ms M Cook (Secretary)

Apologies:

Mr G B Fenlon, MLA
Mr J N Goss, MLA

Minutes of Previous Meeting:

The Minutes of the meeting of 17 March 1992, having been circulated to members, were taken as read and confirmed on the motion of Mr Sullivan, seconded by Mr Hollis.

Business Rising from Previous Meeting:

^{2/}
23/90 Industrial Development Act

The meeting noted the Minister's reply of 9 April 1992, in which the Minister informed the Committee that his Department would take notice of the advice given. No further action is required.

26/92 Primary Producers' Organisation and Marketing Act 1926

Committee's letter of 18 March 1992 endorsed by the meeting.

27/92 Land Regulation 1988

Committee's letter of 18 March 1992 endorsed by the meeting.

9/90 Queensland Performing Arts Trust Act 1977

The meeting discussed the Premier's reply of 26 March 1992 in which he indicated that by-law 4.3 of the Queensland Performing Arts Trust By-laws 1987 would be repealed. The amending by-law was published on 29 February 1992.

It was resolved that no further action be taken.

3/91 Traffic Act 1949

The meeting discussed the Minister's letter of 23 April 1992 stating that the Parliamentary Counsel's Office had settled the amending regulation.

It was resolved to await the gazettal of the amendment.

13/91 Primary Producers' Organisation and Marketing Act 1926

The meeting discussed the Minister's letter of 18 March 1992.

It was resolved to write to the Minister referring him to his previous letter of 4 December 1991 and also referring him to the Committee's letter of 19 February 1992.

2/92 Dairy Industry Act 1989

The meeting noted the Minister's reply of 18 March 1992 stating that the Order in Council would be amended to correct the error.

It was resolved to await the gazettal of the amendment.

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5/92 Forestry Act 1959

The meeting noted the Minister's reply of 5 April 1992 stating that backdating of commencement provisions will not occur in the future. The Minister stated, that on the second point made by the Committee, that it was a matter for the Government Printer.

It was resolved to write to the Government Printer bringing this matter to his attention.

7/92 Harbours Act 1955

The Minister's reply of 12 April 1992 was noted and it was resolved that no further action be taken.

11/92 Liquor Act 1912

The Minister's reply of 22 April 1992 was noted. An error notice was gazetted on 10 April 1992.

It was resolved that no further action be taken.

13/92 Fire Service Act and Building Act - Regulation

The meeting noted the Minister's reply of 19 March 1992 in which he stated that amendments were being drafted to correct the errors.

It was resolved to await their gazettal.

14/92 Casino Control Act 1982 - Rules

The Minister's reply of 24 March 1992 was noted and it was resolved that no further action be taken.

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15/92 Workplace Health and Safety Act

The Minister's letter of 23 March 1992 was noted and it was resolved that no further action be taken.

17/92 Mineral Resources Act 1989

The Minister's acknowledgment of the Committee's letter was noted.

18/92 Gas Act 1965

The Ministers acknowledgment of the Committee's letter was noted.

19/92 Superannuation (State Public Sector) Act 1990

The Treasurer's letter of 2 April 1992 was noted. References will appear in future orders. No further action is required.

20/92 Health Act - Nursing Homes Regulation

Minister's reply discussed by the meeting and it was resolved to write to Mr Carter informing him of the Minister's decision.

22/92 Harbours Act 1955

The meeting noted the Minister's reply of 7 April 1992 in which he stated that commencement provisions are now to be reworded to be in accordance with Parliamentary Counsel's current style.

No further action required.

Counsel's Reports:

28/92 & 30/92 River Improvement Trust Act
29/92 Forestry Act 1959

The meeting discussed the three reports together. Counsel explained that the three reports dealt with matters from the same department and were about table of provisions being included unnecessarily. A letter has since been received from the Minister.

It was resolved that no further action was necessary.

31/92 Grammar Schools Act 1975

Counsel reported that the endnotes to this Order omitted reference to the requirement that it be tabled. Counsel further reported that he has since been told by officers of Crown Law Division that endnotes dealing with tabling requirements were no longer being attached to instruments drafted in Crown Law.

It was resolved to write to the Crown Law Division stating the Committee's opinion that endnotes should be retained and provide complete and correct information.

32/92 Sugar Industry Act 1991

Counsel reported that section 1 of the instrument refers to it being both a regulation and a guideline.

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

33/92 Architects Act 1985

Counsel reported that previously fees paid to the Board were contained in Schedule 3 and therefore subject to scrutiny. This amendment provides that the fees are "... determined by the Governor in Council from time to time, and therefore are no longer subject to scrutiny.

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

34/92 Associations (Natural Disaster Relief) Act 1976

Council reported that the endnotes to the Order indicate a tabling obligation. Counsel is unaware of any such requirement.

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

35/92 Australian Financial Institutions Commission Act 1992

Counsel reported that it appeared a mistake had occurred in section 6(3) of the regulations.

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

36/92 City of Brisbane Act 1924

Counsel reported that the time for disallowance had lapsed and the ordinances made were a valid exercise of power, subject to reservations expressed about the provisions excluding compensation.

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

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37/92 Grammar Schools Act 1975

Counsel reported an incorrect use of a reference was made in the amending order.

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

38/92 Credit Societies Act 1986

Counsel's report indicated a backdating commencement provision.

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

General Business

38A/92 State Housing Act

Secretary reported that an order made under the Act and gazetted on 28 September 1991 has not been tabled.

It was resolved to write to the Minister advising him of the omission.

Letter from W A Committee

A letter was received from Mr Tom Helm inviting the Chairman to a seminar in Perth on May 8.

The Chairman is unable to attend but has requested that this Committee receives any papers from the seminar.

Budget

The Secretary advised that she had been requested to formulate a budget for the '92-93 financial year.

The budget was endorsed by the meeting.

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Next Meeting:

Next meeting of the Committee will be held on Tuesday 5 May 1992 in Room 9.13 at 12.30pm.

There being no further business, the Chairman declared the meeting closed at 1.00 pm.

Confirmed this

5th

day of

May

1992.

R. B. C.
Chairman