

MINUTES OF MEETING OF THE COMMITTEE OF SUBORDINATE LEGISLATION  
HELD AT 12.45 PM ON THURSDAY, 31 MAY 1990  
IN ROOM 5.04, PARLIAMENTARY ANNEXE

PRESENT:

Mr R D Barber, MLA (Chairman)  
Mr G B Fenlon, MLA (Deputy Chairman)  
Mr R K Hollis, MLA  
Mr L W Stephan, MLA  
Mr J H Sullivan, MLA  
Mr R Loewe (Legal Counsel)  
Miss J Dingwell (Secretary)

APOLOGIES:

Mr A A FitzGerald, MLA  
Mr R J Quinn, MLA

MINUTES OF PREVIOUS  
MEETING:

The minutes of the previous meeting, having been circulated to members, were taken as read and confirmed on the motion of Mr Sullivan, seconded by Mr Barber.

CARRIED

BUSINESS ARISING  
FROM MINUTES:

Nos.17/89, Orders in Council - Jury Act  
Letter of 17/5/1990 to the Minister in accordance with resolution of previous meeting, endorsed.

No.1A/90 Regulations - Motor Vehicles Insurance Act

The meeting considered letter of 18/5/1990 from the Minister's office advising that the matter was being investigated and resolved to await further advice.

No.1B/90 Regulations - Valuation of Land Act

The meeting noted the Minister's acknowledgment of 17/5/1990 and resolved to await his further advices.

No.7/90 Regulation - Local Government Act

Letter of 17/5/1990 to the Minister in accordance with resolution of previous meeting, endorsed.

OTHER BUSINESS:

No.17/88 Nuclear Powered Ship Regulations - Queensland Marine Act

The meeting noted the Private Secretary's acknowledgment of 21/5/1990 and resolved that the Minister's response be awaited.

No.19/88,19A/88,22/88 By-laws - Harbours Act

Consideration was given to the Minister's letter of 22/5/1990 advising that it is intended to amend each of the by-laws as recommended and to forward copies of the amendments to the Committee.

Resolved: Await gazettal and receipt of amending by-laws.

No.18A/89 Regulations - State Housing Act

The meeting considered the Minister's letter received on 28/5/1990 advising that he proposed to introduce validating legislation in the current sittings and noted that the relevant Bill had been introduced on 29/5/1990.

No.19/89 Proclamations, Order in Council - Rental Bond Act.

Consideration was given to the Minister's letter of 21/5/1990 advising that when the errors in procedure were discovered it had been decided not to remake the Order in Council limiting the application of the Act but to allow the provisions of the Rental Bond Authority (sic) to apply to the whole of the State. No comment was offered regarding the conflicting commencement dates for secs. 42 to 46.

In response to a question by Mr Stephan, Counsel pointed out that sec. 6 of the Act provides that the Governor in Council may by Order in Council, declare any part of the State to be a declared area. The Order in Council concerned, however, was defective as it was gazetted before sec. 6 came into force.

Discussion then centred on whether the defective Order in Council should be revoked or another Order in Council made declaring that it was no longer in force.

Counsel was requested to investigate what action would be the most appropriate to correct the matter and to report back at next meeting.

No.3/90 Regulations - Mental Health Services Act  
The meeting noted the Minister's letter of 16/5/1990 advising that he had referred the Committee's letter to his Director of Psychiatric Services and resolved that the Minister's further advices be awaited.

Enquiry from New Zealand Committee

The meeting noted letter of 23/5/1990 from the New Zealand Committee Secretary requesting a copy of the Queensland Committee's terms of reference. The Secretary was requested to forward a copy of the resolution appointing the present Committee and point out the areas in which it differs from previous resolutions.

COUNSEL'S REPORTS:

No.8/90 Proclamation - Criminal Justice Act

Counsel reported that a Proclamation gazetted on 19/4/1990 and a previous Proclamation gazetted on 2/11/1989 appointed commencement dates for the provisions of the Act. The Proclamations, however, refer to "clauses" instead of "sections" of the Act. Discussed and resolved that the matter be brought to the Premier's attention so that the Proclamations will not be used as a precedent.

No.9/90 By-laws - Queensland Performing Arts Trust Act

Counsel reported that the major problem with the by-laws is in by-law 4.3 which authorises the removal of vehicles parked in breach of the by-laws. There is no power in the Act to make a by-law of this nature and by-law 4.3 is therefore ultra vires. There is also some doubt as to whether by-laws 4.1 and 4.2 are authorised or even necessary.

Other minor problems relating to setting out and printing errors were also reported by Counsel.

The meeting considered that the by-laws should be redrafted without by-law 4.3, and the other deficiencies corrected.

After further consideration it was resolved to bring these matters to the Premier's attention for appropriate action.

Counsel informed the meeting that the following instruments had been settled by him:

- (1) Chiropractors and Osteopaths By-laws 1990 gazetted on 31/3/1990 at p.1607;
- (2) Proclamation under the Chiropractic Manipulative Therapists Act Amendment Act 1988 gazetted on 31/3/1990 at p.1648;
- (3) Retail Shop Leases Regulations 1990 gazetted on 19/5/1990 at p.241.

It was therefore not appropriate for him to examine those instruments on the Committee's behalf and he asked whether the Committee required the instruments to be reviewed by some other counsel in the Crown Solicitor's Office.

The Committee considered this desirable and counsel undertook to talk to Mr Wedge, Assistant Crown Solicitor, to see if suitable arrangements can be made.

NEXT MEETING:

The next meeting of the Committee will be held at 12.30 pm on Thursday, 7 June 1990, in Room 5.04, Parliamentary Annexe.

There being no further business the Chairman declared the meeting closed at 1.22 pm.

CONFIRMED this 7<sup>th</sup> day of June 1990

*R. Bell*  
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Chairman