

MINUTES OF MEETING OF THE COMMITTEE OF SUBORDINATE LEGISLATION  
HELD AT 12.30 PM ON THURSDAY, 7 JUNE 1990,  
IN ROOM 5.04, PARLIAMENTARY ANNEXE

PRESENT:

Mr R D Barber, MLA (Chairman)  
Mr G B Fenlon, MLA (Deputy Chairman)  
Mr A A FitzGerald, MLA  
Mr R J Quinn, MLA  
Mr J H Sullivan, MLA  
Mr R Loewe (Legal Counsel)  
Miss J Dingwell (Secretary)

APOLOGIES:

Mr R K Hollis, MLA  
Mr L W Stephan, 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.19/89 Proclamations, Order in Council -  
Rental Bond Act

Counsel reported that (1) the Order in Council gazetted on 25.11.1989 was not effective at the time of its gazettal but became effective at the time of coming into operation of section 6 of the Act. If it is desired that the Act should apply throughout the State, the Order in Council should be revoked;

(2) a Proclamation should be made revoking the Proclamation gazetted on 25.11.1989 insofar as it applies to sections 42 to 46.

After discussion it was resolved to bring these matters to the Minister's attention for appropriate action.

No.7/90 Regulation - Local Government Act

The meeting considered the Minister's advice of 29.5.1990 that the schedules to the regulations will be amended to reflect the alterations in the status of the respective institutes.

Resolved: Await gazettal of the amending regulation.

No.8/90 Proclamation - Criminal Justice Act

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

Letters of 1.6.1990 to the Premier, in accordance with resolutions of previous meeting, endorsed.

Enquiry from New Zealand Committee

The meeting noted the Secretary's letter of 1.6.1990 providing the information sought by the Secretary of the New Zealand Committee.

OTHER BUSINESS:

No.6/88 By-laws - Queensland Art Gallery Act

The meeting discussed the Director-General's advice of 30.5.1990 that proposed amendment of the by-laws was still under consideration.

It was resolved that if further advice is not received within the next four weeks a follow-up letter be forwarded to the Premier.

No.7/89 Regulations - Queensland Treasury Corporation Act

Consideration was given to the Minister's letter of 5.6.1990 advising that power to sub-delegate is contained in regulation 6(2). Counsel pointed out, however, that a delegate cannot sub-delegate his power unless expressly empowered to do so by the Act. Such a grant of power cannot be made by regulations. Counsel advised that he would have to examine the above Act to ascertain if it provides a power of sub-delegation.

It was resolved to defer further discussion of the matter to enable Counsel to consider the provisions of the Act and report again at next meeting.

No.21A/89 Order in Council - State Housing Act

The Secretary reported that an Order in Council gazetted on 2.12.1989 had not been tabled as required by section 28A of the Acts Interpretation Act. It had therefore been rendered void

Following discussion it was resolved to write to the Minister suggesting the usual corrective action, namely, resubmission to the Governor in Council, regazettal, repeal of the void Order in Council, withdrawal from sale and possible validating legislation.

The meeting noted that the Order in Council amended the schedule to the Act and further resolved to express to the Minister the Committee's view that it is undesirable for an Act of Parliament to be amended by subordinate legislation.

No.21B/89 Regulations - Public Service Management and Employment Act

The Secretary reported that regulations gazetted on 2.12.1989 had not been tabled and as a result had been rendered void.

After discussion it was resolved to write to the Premier suggesting the usual corrective action.

Enquiry from New South Wales Committee

The meeting discussed letter of 1.6.1990 from the New South Wales Regulation Review Committee regarding fee units. It was noted that a fee unit system did not operate in Queensland, and the Committee was unaware of any proposal for its introduction in the future. A penalty unit system operates here, having been introduced by the Penalty Units Act 1985.

After discussion it was resolved to convey the above information to the New South Wales Committee.

Heritage Buildings Protection Bill

Mr FitzGerald mentioned that the Bill contains a lengthy schedule and enquired whether there was provision in the Bill for the schedule to be amended by subordinate legislation. Counsel was requested to check this point and report to the next meeting.

University Statutes

Counsel sought a direction as to whether he should look at university statutes on the Committee's behalf even though they are not specifically included in the Committee's charter. He pointed out that the statutes are really a form of by-law and some by-laws are subject to the Committee's scrutiny.

Discussion followed and it was resolved that Counsel check university statutes on the Committee's behalf.

**NEXT MEETING:**

The next meeting of the Committee will be held at 12.30 pm on Thursday, 2 August 1990, in Room 5.04, Parliamentary Annexe.

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

CONFIRMED this 2nd day of August 1990

*R. D. L.*

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Chairman