

Minutes of the Meeting of the Committee of
Subordinate Legislation
held at 12 noon on Tuesday 3 September 1991 in
Room 9.13, Parliamentary Annexe.

Present:

Mr R D Barber, MLA (Chairman)
Mr A A Fitzgerald, MLA
Mr L W Stephen, MLA
Mr J H Sullivan, MLA

Ms S Munro (Legal Counsel)
Ms M Cook (Secretary)

Apologies:

Mr G B Fenlon, MLA
Mr R K Hollis, MLA
Mrs J M Sheldon, 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 Stephan, seconded by Mr FitzGerald.

**Business arising
from Minutes:**

No. 1/91 Friendly Societies (Duties and Functions of Registrar) Regulations 1991.

Letter of 21 August 1991 to the Minister in accordance with resolution of previous meeting endorsed.

No. 3/91 Traffic Amendment Regulations 1991 (No. 4)

The meeting acknowledged the Minister's reply and resolved to await the amendments to the regulations as advised by the Committee.

No. 4/91 Order in Council - Superannuation (State Public Sector) Act 1990

The meeting acknowledged the Minister's letters advising that he had referred the matter to the

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(Cont'd.)

Parliamentary Counsel's Office. The advice received by the Minister was that although the date of the revoked order in council was incorrect, the date of gazettal was correct and therefore the instrument was effective. The Minister has referred the matter to the Crown Solicitor. The meeting resolved to await further advice from the Minister.

No. 6/91 Notification - Workplace Health and Safety Act 1989

Letter of 21 August 1991 to the Minister in accordance with resolution of previous meeting, endorsed. The meeting noted the Minister's acknowledgment of the Committee's letter and resolved to await further advice.

No. 7/91 Order in Council - Transport Infrastructure (Railways) Act 1991

The meeting endorsed the letter of 21 August 1991 and acknowledged the Department's letter which advised that the Minister was giving urgent consideration to the matters raised by the Committee. It was resolved to await the Minister's further advices.

No. 8/91 Order in Council - Justices Act 1886

Letter of 21 August 1991 to the Minister in accordance with resolution of previous meeting, endorsed and his acknowledgment of 28 August, noted.

No. 33 - Statutes

Secretary reported that the Queensland Statutes Reprint has been received and a register of all subordinate legislation subject to tabling and disallowance will be kept as from the Gazette dated 31 August 1991.

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Annual Report

The Chairman noted that he had tabled the Nineteenth Report of the Committee on Tuesday 3 September 1991.

Other Business:

Publication, Gazettal and new drafting style of subordinate legislation.

The Legal Counsel and Secretary brought to the attention of the Committee the proposed new drafting style and publication of subordinate legislation.

After discussion, the meeting resolved to write to the Office of the Parliamentary Counsel and ask for further details of proposed changes.

Counsel's Reports:

No. 9/91 Order in Council - Mineral Resources Act 1989

Counsel reported that this Order in Council amends a previous Order in Council by substituting the Schedule. It appears, however, that the Department accidentally included too much of the original Order in Council in the amendment.

The meeting resolved to write to the Minister and inform him of this error.

No. 10/91 Order in Council - Fauna Conservation Act 1974.

Counsel reported on two areas of concern:

- 1) Condition 4 does not appear to state clearly the circumstances under which a person could be in breach of the condition.
- 2) Condition 7 does not require a person who has not taken any birds to lodge a return. As the intended purpose of the condition appears to be to gather statistics, it would seem appropriate that all permit holders should submit a return.

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(Cont'd.)

The meeting resolved to write to the Minister informing him of these two concerns.

No. 11/91 Notices - Land Act 1962

Counsel reported that the method used to make the appointments in the notices is not within the powers prescribed by the Act.

The meeting resolved to advise the Minister accordingly.

No. 12/91 Transitional ("Unforeseen Circumstances") Provisions in Legislation

Counsel drew to the Committee's attention the recent trend in legislation of the insertion of a provision which allows matters of a transitional nature not adequately provided for in the new Act to be dealt with by the Governor in Council by Order in Council.

Counsel provided a number of examples of such provisions.

Discussion took place regarding this trend.

General Business:

Chairman noted that Madeline Cook had been appointed to the position of Parliamentary Officer Division 1 (Subordinate Legislation).

Next meeting:

The next meeting of the Committee will be held on the next Tuesday of the next sitting week.

There being no further business the Chairman declared the meeting closed at 12.35 pm.

Confirmed this 11th day of

October
P. B. [Signature]
Chairman

1991.