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Primary Legislation (Acts of Parliament)

Parliamentary Sitting Week: 19 – 21 October 2004

Notes

- 1) The synopsis of the content of each Bill is generally based on material drawn from the Explanatory Notes tabled in the Parliament at the time of each Bill's introduction and/or the responsible Minister's Second Reading speech made at the same time. (The Hansard page number reference for each speech is given after the title of the relevant Bill in the entry for that Bill when it is introduced.)
- 2) If a synopsis of the content of a Bill has previously been given in a Legislation Update, for example, at the time of its introduction, that synopsis will not be repeated in the entry for that Bill when it is passed by Parliament, when it is assented to or commenced but there will be a reference to the date of the previous Legislation Update where the synopsis appeared, together with a summary of any amendments made to the Bill during its Parliamentary passage.
- 3) If a Bill is not amended during its passage through Parliament, reliance can be placed on the text of the Bill as introduced. If it is amended, the amendments must, of course, be inserted into the text of the legislation. These notes indicate whether a Bill has been amended during its passage through Parliament or not.
- 4) This update is intended to give Society members preliminary information about Queensland legislation and to alert them to legislative developments. Members are strongly encouraged to peruse the primary materials, that is, the Bill/Act itself, the Explanatory Notes for the Bill and the Minister's Second Reading Speech, relating to measures in which they are interested by accessing them through the electronic sources listed at the end of this update. Most items are available on these web sites very shortly after they are tabled in the House, approved by Governor-in-Council etc.

Government Bills Introduced 19/10/04

The following Bills were introduced into the Legislative Assembly on 19 October 2004.

1) Appropriation Bill (No.2) 2004 (Hansard pg.2928)

This Bill provides supplementary appropriation out of the Consolidated Fund for 2003-04 for "unforeseen government expenditure" in the sum of \$2,375,231,000 which occurred in that financial year. (This category of legislation is sometimes referred to as "Supply Bills".)

2) Appropriation (Parliament) Bill (No.2) 2004 (Hansard pg.2928)

This Bill provides supplementary appropriation out of the Consolidated Fund for 2003-04 for unforeseen expenditure in the sum of \$511,000 which occurred in that financial year for the Legislative Assembly and for the Parliamentary Service. (This Bill will be debated in Parliament in conjunction with the previous Bill – such Bills are known as "cognate Bills".)

3) Superannuation Legislation Amendment Bill 2004 (Hansard pg.2929)

This Bill amends the *Parliamentary Contributory Superannuation Act 1970* to close the Queensland Parliamentary Superannuation Scheme to new Members of the Legislative Assembly and requires new Members to become members of QSuper. This will apply to any new Member elected (at a by-election or general election) after this legislation has passed, irrespective of whether they have previously been a State Member of Parliament. This Bill will also vary the method by which pensions are indexed in the Queensland scheme to bring this into line with the Commonwealth scheme.

Also, the Bill seeks to incorporate amendments made to the *Family Law Act 1975* (Cwlth) into the *Governors (Salary and Pensions) Act 2003* and the *Judges (Pension and Long Leave) Act 1957*, to enable the former spouse of a member to be paid a portion of a member's superannuation benefit either at the time of the split or at a specified time in the future. Provisions in the Bill describe how to value and split a member's entitlement with their former spouse.

In addition, the Bill amends the *Superannuation (State Public Sector) Act 1990* to implement the above changes by providing QSuper membership to new Members of the Legislative Assembly as well as former spouses of members of the Judges' and Governor's schemes who are entitled to benefits as a result of a Family Law benefit split.

Further, this Bill will reduce the rates of surcharge in accordance with the Commonwealth's *Superannuation Budget Measures Act 2004* and also makes minor technical amendments to *Parliamentary Contributory Superannuation Act 1970*, the *Superannuation (State Public Sector) Act 1990* and the *Superannuation Legislation Amendment Act 2003*.

4) Education Legislation Amendment Bill 2004 (Hansard pg.2929)

The objectives of the Bill are to:

- bring the legislative framework governing the provision of capital assistance to non-State schools up to date;
- ensure, through the undertaking of criminal history checks, that only persons whose enrolment as mature age students would not harm the best interests of children, are able to

be enrolled in certain State educational institutions where they will be learning alongside children;

- introduce a legislative requirement for non-State schools to provide certain financial data to the Minister, to be used in relation to the payment of allowances to the schools;
- amend the *Education (Teacher Registration) Act 1988* to enable the Minister for Education to extend the term of the members of the Board of Teacher Registration for a period of up to 2 years;
- make minor technical amendments to the *Grammar Schools Act 1975* to clarify the Government's policy position that a by-law or regulation may prescribe an electoral eligibility amount for all elections or a specified election of a board of trustees for a grammar school; and,
- insert a transitional provision into the *University of Queensland Act 1998* to extend the term of office of the current senate of the University of Queensland for a further 12 months to offset the costs involved in reconstituting this governing body twice within the space of 12 months, that is, at the end of 2004 and again in 2005.

5) Workers' Compensation and Rehabilitation and Other Acts Amendment Bill 2004

(Hansard pg.2932)

This Bill contains amendments relating to workers' compensation, workplace health and safety and electrical safety. The nature of the amendments in each area is described under these headings:

Workers' Compensation

The proposed Bill will achieve its objectives for the workers' compensation scheme primarily by:

- aligning the definition of 'wages' for calculating workers' compensation premiums to include superannuation contributions with most other jurisdictions in line with the federal move for greater consistency between state workers' compensation schemes;
- increasing efficiency in the administration of workers' compensation policies and claims management practices by allowing employers five days to comply with their obligation to insure, and simplifying the employer excess period;
- improving worker benefits, through providing an additional step down in benefits for injured workers between 26 and 39 weeks, removing the link between weekly and lump sum compensation and increasing the compensation payable to dependent family members on the death of a worker;
- making consequential amendments resulting from the Queensland Court of Appeal decisions in *Karanfilov v Inghams Enterprises P/L* [2003] QCA 242 and *WorkCover Queensland v Australian Meat Holdings P/L* [2003] QCA 350 to increase certainty in worker's entitlements and minimise unnecessary litigation;
- facilitating early settlement of common law claims by fine-tuning current pre-proceeding processes, and introducing new procedures for allowing the early participation of third parties in the common law claims process consistent with the *Personal Injuries Proceedings Act 2002*;
- enhancing the ability of the workers' compensation scheme regulator to enforce the Act through introducing Codes of Practice that state the ways insurers may meet their obligations under the Act; and,

- ensuring a fair and effective review and appeal process which includes allowing workers, claimants, and employers to elect certain appeals to be heard before the Queensland Industrial Relations Commission or an Industrial Magistrate.

Workplace Health and Safety

The proposed Bill will achieve its objectives for workplace health and safety primarily by:

- consolidating amendments made in the *Workplace Health and Safety and Other Acts Amendment Act 2003* including by ensuring consistent wording in workplace health and safety obligations, and removing obsolete terminology;
- promoting consistency between the Act and the *Electrical Safety Act 2002* by aligning the definition of employer;
- removing unnecessarily complexity and duplication which exists between industry codes of practice and advisory standards by merging these instruments into "codes of practice";
- clarifying the power of inspectors to give advice to obligation holders;
- removing the specific head of power for the imposition of fees for workplace registrations as a result of their abolition from 1 February 2005; and,
- more closely aligning the definition of gas cylinder with national standards.

Electrical Safety

The proposed Bill will achieve its objectives for electrical safety primarily by:

- clarifying the application of the legislative framework to industry work practices by clarifying that certain work performed by trades assistants and structural work on certain railways falls outside of the definition of "electrical work";
- improving the enforcement framework for defective and unlicensed electrical work by introducing the power for the chief executive to require this work to be rectified by a licensed person consistent with the *Queensland Building Services Authority Act 1991*;
- ensuring safety requirements extend to the installation and maintenance of all electrical equipment in hazardous areas by extending the definition of "electrical equipment" to include extra-low voltage equipment in these areas; and,
- clarifying the chief executive's powers to request information or documentation from electrical licence holders during the licence period necessary to satisfy the chief executive that the person continues to meet the requirements for the licence.

6) Environmental Protection and Other Legislation Amendment Bill 2004 (Hansard pg.2934)

The principal objectives of this Bill are to:

- amend the *Coastal Protection and Management Act 1995* ("the Coastal Act") and the *Integrated Planning Act 1997* (IPA) to provide for the improvement of the operation of the Coastal Act integration with the IPA;
- amend the *Environmental Protection Act 1994* to provide for the continued environmental regulation of petroleum activities upon commencement of the *Petroleum and Gas (Production and Safety) Act 2004* and to implement recommendations of the Mining Legislative Review Committee for the environmental regulation of mining activities;
- repeal the *Meaker Trust (Raine Island Research) Act 1981* to enable the transfer of the Meaker Trust fund for Raine Island Research to the Australian Rainforest Foundation; and,

- amend the *Nature Conservation Act 1992* to provide for the streamlining of tenure transfers for the South East Queensland Forest Agreement and Wet Tropics and improvement of the operation of the Act in relation to the Wildlife Management Review.

7) Electricity Amendment Bill 2004 (Hansard pg.2936)

The objectives of this Bill can be listed under the following four headings:

13% Gas Scheme amendments

- to reduce the growth in greenhouse gases associated with electricity use in the State;
- to contribute to the diversification of the State's energy mix towards the greater use of gas in electricity generation; and,
- to encourage the development of new gas sources and gas infrastructure to meet the State's future energy requirements.

Energy Consumer Protection Office (ECPO) amendments

- to make a number of minor amendments to refine the operations of the ECPO including amendments to limit access to the dispute resolution service to domestic and small business customers, implement provisions to address frivolous or vexatious disputes, and make other minor administrative changes.

Statutory authorities and powers amendments

- to clarify the statutory authorities of electricity transmission and distribution entities to transmit or supply electricity; and,
- to provide electricity entities with additional powers of entry in relation to their operating works.

Government Owned Corporations (GOCs) employment conditions amendments

- to provide for the preservation of current employment conditions and entitlements of employees transferring from electricity GOCs to certain subsidiary companies.

Government Bills Introduced 20/10/04

The following Bills were introduced into the Legislative Assembly on 20 October 2004:

1) Health Legislation Amendment Bill 2004 (Hansard pg.3046)

The principal initiatives in this Bill are:

- Replacement of s.63 ("Confidentiality") of the *Health Services Act 1991*, thereby clarifying the duty of confidentiality and adding new exceptions to the duty, e.g., there are proposed changes to the duty of confidentiality in respect of information relating to children's health care.
- Amendments to the *Mental Health Act 2000* which:
 - ensure the appropriate authorities are notified when a person with active criminal charges is returned from a mental health facility to a corrective services facility;

- increase the timeframe within which the Mental Health Review Tribunal is required to provide a written statement of reasons for a decision to 21 days and increase the timeframe within which a patient may make an appeal to 60 days;
 - enable an observer to attend a Tribunal hearing for the purpose of training or performance review of Tribunal members;
 - increase the period that the Tribunal may adjourn a hearing from 28 to 60 days, where this is for the purpose of obtaining an examination of a patient;
 - clarify the Tribunal must give its reasons for taking or not taking into account material submitted by a non-party separate from its decision on a patient review;
 - clarify that people such as volunteers and contractors working in the Tribunal are also subject to confidentiality requirements; and
 - clarify the commencement of statutory timeframes for involuntary treatment of interstate mental health patients apprehended and taken to a Queensland Health service.
- Amendments to the *Nursing Act 12992* and the *Pharmacists Registration Act 2001* arising out of the National Competition Policy review of those Acts.
 - Miscellaneous amendments of a technical and drafting nature to a wide range of Acts in the Health Minister's portfolio, some of which are consequential to the substantive amendments made by this Bill.

2) Tobacco and Other Smoking Products Amendment Bill 2004 (Hansard pg.3048)

The principal purposes of this Bill are to:

- further reduce youth access to smoking products;
- further restrict the advertising, display and promotion of smoking products; and
- further reduce exposure to environmental tobacco smoke (particularly for hospitality workers), by removing the exemption from the ban on smoking in enclosed places for licensed premises, and banning smoking in specified outdoor areas.

Private Member's Bill Introduced

1) Terrorism and Organised Crime Surveillance Bill 2004 (Hansard pg.3138)

This Bill was introduced into the House by the Leader of the Opposition on 21 October 2004. The main objective of this legislation is to seek to establish a recording, reporting and inspection regime to complement the *Telecommunications (Interception) Act 1979* (Cth), so that the Queensland Police Service and the Crime and Misconduct Commission may use telecommunications interception as a tool for the investigation of particular serious offences prescribed under the Commonwealth Act.

Government Bills Passed

1) Natural Resources Legislation Amendment Bill 2004

This Bill was passed by the Legislative Assembly on 19 October 2004, after having been introduced on 17 August 2004 (Minister's Second Reading speech in Hansard at pg.1841), and was assented to on 27 October 2004.

The legislation amends the following Acts:

- *Land Protection (Pest and Stock Route Management) Act 2002*, among other things, to put in place an amnesty for illegally held pests;
- *Surveyors Act 2003* to provide for a smooth transition from the *Surveyors Act 1977*, which was repealed on 1 August 2004, with the commencement of the 2003 Act, in particular, to allow competency assessments made under the former Act to be recognised under the new legislation, to provide that the disciplinary processes under the current Act are able to be used to deal with the conduct of registered persons under the former Act and to put in place a transitional provision that keeps the board that was appointed under the former Act in office for an interim period. a head of power for a number of fees that were proposed to be included in the regulations under this Act.
- *Survey and Mapping Infrastructure Act 2003* in relation to the procedures relating to the lodgment of plans with the chief executive of the department; and,
- *Valuation of Land Act 1944* to refine the definition of the term, "owner", to negate the requirement to supply redundant valuation notices.

The Bill itself was amended during its passage through Parliament in respect of the following clauses by the insertion of a minor amendment to the *Petroleum and Other Legislation Amendment Act 2004* and, more importantly, the addition of extensive amendments to the *Vegetation Management Act 1999* in relation to land clearing.

2) Petroleum (Submerged Lands) Amendment Bill 2004

This Bill was passed by the Legislative Assembly on 19 October 2004, after having been introduced on 17 August 2004 (Minister's Second Reading speech in Hansard at pg.1842) and was assented to on 27 October 2004.

The purpose of this legislation is to:

- provide that cross-references to State laws remain valid, when the Offshore Petroleum Act (Cwlth) is enacted; and
- implement the legislative scheme to confer powers and functions on National Offshore Petroleum Safety Authority which was established by the Petroleum (Submerged Lands) Amendment Act 2003 (Cwlth).

The Bill itself was amended during its passage through Parliament by a minor amendment to cl.12.

3) TAB Queensland Limited Privatisation Legislation Amendment Bill 2004

This Bill was passed by the Legislative Assembly on 20 October 2004, after having been introduced on 28 September 2004 (Minister's Second Reading speech in Hansard at pg.2391), and was assented to on 27 October 2004.

The Bill was not amended during its passage through Parliament.

A synopsis of the contents of this Act was set out in Legislation Update No.1 (4 October 2004).

4) Child Safety Legislation Amendment Bill (No.2) 2004

This Bill was passed by the Legislative Assembly on 20 October 2004, after having been introduced on 28 September 2004 (Minister's Second Reading speech in Hansard at pg.2398), and was assented to on 27 October 2004.

The definition of the term, "professional", in cl. 66 of the Bill was amended during its passage through Parliament. There were no other amendments to the Bill.

A synopsis of the contents of this Act was set out in Legislation Update No.1 (4 October 2004).

5) Local Government (Community Government Areas) Bill 2004

This Bill was passed by the Legislative Assembly on 20 October 2004, after having been introduced on 28 September 2004 (Minister's Second Reading speech in Hansard at pg.2406), and was assented to on 27 October 2004.

In schedule 1 to the Bill, the measures in amendment 33 to the *Community Services (Aborigines) Act* 1984 were further amended during the Bill's passage through Parliament.

A synopsis of the contents of this Act was set out in Legislation Update No.1 (4 October 2004).

6) Community Services and Other Legislation Amendment Bill 2004

This Bill was passed by the Legislative Assembly on 20 October 2004, after having been introduced on 28 September 2004 (Minister's Second Reading speech in Hansard at pg.2409), and was assented to on 27 October 2004. The Bill was not amended during its passage through Parliament.

A synopsis of the contents of this Act was set out in Legislation Update No.1 (4 October 2004).

7) Liquor Amendment Bill 2004

This Bill was passed by the Legislative Assembly on 21 October 2004, after having been introduced on 28 September 2004 (Minister's Second Reading speech in Hansard at pg.2402), and was assented to on 27 October 2004. The Bill was not amended during its passage through Parliament.

A synopsis of the contents of this Act was set out in Legislation Update No.1 (4 October 2004).

8) Transport and other Legislation Amendment Bill (No.2) 2004

This Bill was passed by the Legislative Assembly on 21 October 2004, after having been introduced on 5 October 2004 (Minister's Second Reading speech in Hansard at pg.2664), and was assented to on 27 October 2004.

The Bill was amended during its passage through Parliament by the insertion of amendments to the following Acts:

Tow Truck Act 1973

Amendments were made to the Bill to strengthen the ability of the Chief Executive of Queensland Transport to take action against tow truck licence or certificate holders where the holder's conduct has, or is likely to, endanger public safety or where the holder is no longer an appropriate person to hold the licence or certificate or where it is in the public interest.

Transport Operations (Marine Safety) Act 1994

The policy objective of the amendment made to the Bill was to clarify and extend the head of power to make a regulation about the charging of pilotage fees for the services of a pilot in both compulsory pilotage areas and pilotage areas, and for fees to be levied for delays and cancellation of pilotage services by users. Additionally, pilotage fees for the services of a pilot were to be calculated by reference to a ship's length instead of gross tonnage.

A synopsis of the contents of the original Bill was set out in Legislation Update No.2 (20 October 2004).

9) Primary Industry Bodies Reform Amendment Bill 2004

This Bill was passed by the Legislative Assembly on 21 October 2004, after having been introduced on 5 October 2004 (Minister's Second Reading speech in Hansard at pg.2666), and was assented to on 27 October 2004.

Clause 4 of the Bill was amended during its passage through Parliament. This clause replaces s.46 ("Change of trustee or termination of trust") of *the Primary Industry Bodies Reform Act 1999*.

A synopsis of the contents of the original Bill was set out in Legislation Update No.2 (20 October 2004).

Private Members' Bills Passed

No private Members' Bills were passed.

Private Members' Bills Negatived

Nil

Bills Assented To

[Practitioners are referred to part 5 (ss 17 to 17) of the *Acts Interpretation Act 1952* for the general principles applicable to the commencement of legislation, e.g., an Act commences on the date of assent except so far as the Act otherwise expressly provides. (s.15A). Information about the commencement of those provisions of an Act which do not come into force on the date of assent is generally located in s.2 of an Act.]

The Bills for the following Acts were assented to on 27 October 2004 – references to the synopses of the content of each of these pieces of legislation appear above under the heading, "Government Bills Passed":

1) Act No.33: Natural Resources Legislation Amendment Act 2004

This Act came into force on the date of assent.

2) Act No.34: Petroleum (Submerged Lands) Amendment Act 2004

This Act commences on 1 January 2005.

3) Act No.35: TAB Queensland Limited Privatisation Legislation Amendment Act 2004

Part 2 of this Act, other than s.5(2), commences on 5 November 2004. Section 5(2) is to commence on 1 January 2005. The remainder of the Act commenced on the date of assent.

4) Act No.36: Child Safety Legislation Amendment Act (No.2) 2004

Parts 1, 2, 3, 7 and 9 of this Act commenced on assent. The remaining provisions commence on a date to be fixed by proclamation.

5) Act No.37: Local Government (Community Government Areas) Act 2004

This Act, other than s.85, commences on a date to be fixed by proclamation. Section 85 commenced on the date of assent.

6) Act No.38: Community Services and Other Legislation Amendment Act 2004

This Act commences on a date to be fixed by proclamation.

7) Act No.39: Liquor Amendment Act 2004

This Act commences on a date to be fixed by proclamation.

8) Act No.40: Transport and Other Legislation Amendment Act (No.2) 2004

This Act, other than part 4, commences on a date to be fixed by proclamation. Part 4 commenced on the date of assent.

9) Act No.41: Primary Industry Bodies Reform Amendment Act 2004

This Act commenced on the date of assent.

Acts/Legislation Commenced by Proclamation

No proclamations were made by Her Excellency the Governor at the meetings of the Governor-in-Council on 14, 21 or 28 October 2004 to commence legislation.

Subordinate Legislation (Regulations, Rules Etc.)

(Instruments of subordinate legislation are made by Governor-in-Council which, ordinarily, meets on Thursdays. They are given a running number on a calendar year basis, expressed as SL

No.XXX, and they appear on the Parliamentary Counsel's website in numerical order. Unless provided otherwise in the particular instrument, subordinate legislation generally commences on the date of notification in the Government Gazette – see ss 32 to 34, Statutory Instruments Act 1992. In those cases where a particular instrument of subordinate legislation has a commencement date other than the date of notification in the Government Gazette, that fact is noted below.)

A) Subordinate legislation made by the Governor-in-Council on 14 October, notified in the Government Gazette of 15 October and tabled in the Legislative Assembly on 19 October 2004:

1) SL No.217: Justices Amendment Regulation (No.1) 2004

In the QLS News of 5 October 2004, members were informed that the Department of Justice and Attorney-General was taking remedial action to correct an error in the Justice Legislation (Costs and Fees) Amendment Regulation (No.1) 2004 (SL No.178) in respect of the fees prescribed for the purposes of the Justices Act 1886. That action has now been taken by means of this regulation which prescribes the following fees for the matters specified under the Justices Act 1886:

- Filing a complaint and summons under s54(2) of the Act: \$62.00
- Filing a copy of a summons to a witness issued under s78 or 83 of the Act: \$11.50
- Filing a copy of the written evidence on oath relied on to obtain a warrant under s81 of the Act: \$11.50
- Issuing a record of a decision under the Act, including an order or a record of conviction: \$9.20
- Inspection of a record for a matter under the Act heard and decided:
 - up to 4 years ago, for each record: \$9.20
 - more than 4 years ago, for each record: \$17.00
- Supply of a copy of a record for a matter, under the Act, to which the Recording of Evidence Act 1962 does not apply, for each page: \$1.70

2) SL No.218: Food Production (Safety) Amendment Regulation (No.1) 2004

This regulation amends the fees payable under the relevant legislation for accreditation for various categories of persons, e.g., producer, processor and exporter, and for approval as an auditor.

The regulation takes effect on 1 January 2005.

3) SL No.219: Mining Legislation Amendment Regulation (No.1) 2004

This regulation amends the following regulations in respect of a very wide range of provisions:

- Coal Mining Safety and Health Regulation 2001; and,
- Mining and Quarrying Safety and Health Regulation 2001

B) Subordinate legislation made by the Governor-in-Council on 21 October, notified in the Government Gazette of 22 October and scheduled to be tabled in the Legislative Assembly on 9 November 2004:

1) SL No.220: Building and Construction Industry (Portable Long Service Leave) Amendment Regulation (No.1) 2004

This regulation increases the prescribed percentage for the long service leave levy imposed under s.72 of the *Building and Construction Industry (Portable Long Service Leave) Act 1991* from 0.075% to 0.175%.

The regulation takes effect on 1 January 2005.

2) SL No.221: Police Powers and Responsibilities Amendment Regulation (No.5) 2004

This regulation makes a number of drafting-type amendments to the Police Powers and Responsibilities Regulation 2000, e.g., replaces references to the now repealed *Racing and Betting Act 1980* with the *Racing Act 2002*.

3) SL No.222: Primary Industries and Other Legislation Amendment (Postponement) Regulation 2004

This regulation provides that the period before automatic commencement, under the *Acts Interpretation Act 1954*, section 15DA(2), of the uncommenced provisions of the *Primary Industries and Other Legislation Amendment Act 2003* is extended to 6 November 2005.

4) SL No.223: Electricity Amendment Regulation (No.2) 2004

This regulation amends the following provisions in the Electricity Regulation 1994 in what appears to be largely technical areas:

- s.145 (Testing of prescribed electrical equipment)
- s.155 (Representations about 3-phase cage induction motors)
- s.155A (Fluorescent lamp ballast)
- sch. 4 (Prescribed electrical equipment and relevant standards)

5) SL No.224: Forestry (State Forests) Amendment Regulation (No.1) 2004

This regulation amends the entries for SF 194, SF 289 and SF 328 in the schedule of state forests in the Forestry (State Forests) Regulation 1987.

6) SL No.225: Police Powers and Responsibilities Amendment Regulation (No.6) 2004

This amendment extends the designation of "Mount Isa – central business district " as a notified area in s.9 of schedule 11 to the Police Powers and Responsibilities Regulation 2000 from 26 October 2004 to 26 October 2006, which notification is made for the purposes of s.41 of the *Police Powers and Responsibilities Act 2000*, thereby enabling police officers to exercise "move-on powers" in that area under part 4 of chapter 2 of that Act (ss 36 to 41).

7) SL No.226: Private Health Facilities (Standards) Amendment Notice (No.1) 2004

This notice amends items 5, 6, 7, 8 and 10 in the schedule headed "Standards" in the Private Health Facilities (Standards) Notice 2000 in relation to the version of the various standards listed there.

C) Subordinate legislation made by the Governor-in-Council on 28 October, notified in the Government Gazette of 29 October and scheduled to be tabled in the Legislative Assembly on 9 November 2004:

1) SL No.227: Education (General Provisions) Amendment Regulation (No. 2) 2004

This regulation amends the Education (General Provisions) Regulation 2000 by altering remote area, student hostel, textbook and other allowances and fees for preparation of certain reports. It also adds a number of schools to the lists of schools (in parts 1 and 2 of schedule 2A to the regulation) prescribed for the purposes of satisfying the obligation of compulsory schooling.

The regulation commences on 1 January 2005.

2) SL No.228: Weapons Amendment Regulation (No. 1) 2004

This regulation amends the Weapons Regulation 1996, including amendments in relation to the regulation of crossbows. It commenced immediately after the commencement of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2003*, section 80, on 1 November 2004.

The regulation:

- amends a wide range of provisions relating to firearm licences including conditions attaching to them;
- inserts a new part 11A providing for approved weapons clubs (including crossbow clubs);
- omits s.76 ("Search warrants and complaints to be in approved form") of the Weapons Regulation 1996;
- Inserts a new part 13 setting out transitional provisions for the implementation of the *Police Powers and Responsibilities and Other Legislation Amendment Act 2003* in respect of the regulation of crossbows; and,
- Revises the schedule of fees payable under the regulation.

3) SL No.229: Transport Operations (Road Use Management) and Other Legislation Amendment Regulation (No.1) 2004

This regulation amends the Transport Operations (Road Use Management) Regulation 1995 by inserting a new part 5B in that regulation which deals with the removal of vehicles on or from prescribed roads. These new provisions are largely based on the previously existing corresponding provisions, but in an updated and revised form, in part 3 of the Transport Infrastructure (State-controlled Roads) Regulation 1994, which part is also repealed by this regulation.

This regulation commences on 1 December 2004.

4) SL No.230: Transport Operations (Passenger Transport) Amendment Regulation (No.2) 2004

This regulation adds the Gold Coast–Coomera service contract area and the Sunshine Coast service contract area no. 2 to the list of service contract areas given in Schedule 2 of the Transport Operations (Passenger Transport) Regulation 1994, which schedule prescribes service contract areas or routes for paragraph (b) of the definition of the term, “Translink area”, in schedule 3 of the *Transport Operations (Passenger Transport Act 1994*.

5) SL No.231: Primary Industries Legislation Amendment Regulation (No.1) 2004

This regulation amends fees charged under the following Acts and the corresponding regulations:

- *Agricultural Chemicals Distribution Control Act 1966*;
- *Animal Care and Protection Act 2001*;
- *Apiaries Act 1982*;
- *Brands Act 1915*;
- *Chemical Usage (Agricultural and Veterinary) Control Act 1988*;
- *Drugs Misuse Act 1986*;
- *Stock Act 1915*; and,
- *Veterinary Surgeons Act 1936*;

It is to take effect “one month after it is gazetted”, that is, on 29 November 2004 – see s.2 of the regulation.

6) SL No.232: Plant Protection Amendment Regulation (No. 5) 2004

This regulation amends the Plant Protection Regulation 2002, in respect of requirements relating to citrus canker infestation, by increasing from one to seven years the period under which persons are obliged to keep relevant business documents relating to host plant movements within and into Queensland, where such movements have been approved under the legislation, and by stipulating that orchard owners in the quarantine area must allow surveillance by persons authorised by the chief executive of the department, as well as by inspectors.

7) SL No.233: Local Government Legislation Amendment Regulation (No. 2) 2004

This regulation amends schedule 1 of the Local Government (Areas) Regulation 1995 in relation to the entries for Crows Nest, Esk, Millmerran and Pittsworth and, further, amends the *Local Government (Limited Reviewable Local Government Matters) Regulation 2002* in respect of the external boundaries for the 1 January 2005 transfer day for each of those four areas and related matters.

The regulation commences on 1 January 2005.

8) SL No.234: Standard Building Amendment Regulation (No. 3) 2004

This regulation amends the entry for child care centres in table 3 of schedule 13 (“Queensland Development Code”) to the Standard Building Regulation 1993 by replacing the date, 1 September 2003, with 1 November 2004, which date specifies the date of publication of the applicable part of the Queensland Development Code relevant to child care centres.

The regulation commenced on 1 November 2004.

Approval of Forms

A) In the Queensland Government Gazette of 15 October 2004, the approval of the following form was notified at page 556;

Form 109 ["Affidavit (supporting application for letters of administration on intestacy)"] for use under R.609 of the Uniform Civil Procedure Rules 1999 [version 2 (in substitution of version 1)].

The new version of the form is available from the Strategic Policy Division of the Department of Justice and Attorney-General (ph 07 3239 3466) and court houses or, in electronic format, on the Queensland Courts website at www.courts.qld.gov.au.

B) In the Queensland Government Gazette of 22 October 2004, the approval of the following forms under the Acts as listed was notified at page 651:

1) Legal Profession Act 2004:

Form LPT 1, version 1: Discipline Application (for use under s.276 of the Act)

The form is available in electronic (PDF) format from the Queensland Courts website at www.courts.qld.gov.au.

2) Radiation Safety Act 1999:

Form 27, version 2.0: Application to Change an Approved Radiation Safety and Protection Plan

The form may be obtained from the Office of Radiation Health, 450 Gregory Terrace, Fortitude Valley, Q. 4006 or by telephoning the Licensing Officer on (07) 3406 8018

C) In the Queensland Government Gazette of 29 October 2004, the approval of the following forms under the Acts as listed was notified at pages 729-730:

1) Manufactured Homes (Residential Parks) Act 2003:

Form 9, version 2: Selling Authority

The form is available from the Brisbane and regional offices of the Office of Fair Trading and from their website at www.fairtrading.qld.gov.au.

2) Workplace Health and Safety Act 1995:

Form 14, version 8: Application for registration of registrable plant design.

The form is available on the Department of Industrial Relations website at www.dir.qld.gov.au.

Miscellaneous

- 1) Parliament is scheduled to sit on 9 to 11 and 23 to 25 November 2004 and then rise for the Christmas recess. (Governor-in-Council, however, will continue to meet during that recess.)
- 2) By gazette notice published in the Queensland Government Gazette of 22 October 2004, at page 591, the Minister for Environment, Local Government, Planning and Women, pursuant to s.6.1.11(2) of the *Integrated Planning Act 1997*, nominated 31 December 2004 as the revised day on which the transitional planning scheme for Townsville City will lapse.

Electronic Sources

The various items referred to in this update may be accessed at one or other of the following sites:

- 1) Parliamentary Counsel at www.legislation.qld.gov.au (for Bills, Explanatory Notes on Bills, amendments to Bills, subordinate legislation etc)
- 2) Parliament House at www.parliament.qld.gov.au (for Hansard [ministerial speeches, amendments to Bills], Table Office [Votes & Proceedings - for amendments to Bills, Parliamentary Notice Papers and other information about the passage of a Bill through Parliament; see also Bills Register at this site for historical record of legislation in the current year])
- 3) GoPrint (the Government Printer) at www.goprint.qld.gov.au (for the Queensland Government Gazette)