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REGULATORY REFORM ACT 1986, No. 14

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QUEENSLAND

REGULATORY REFORM ACT 1986, No. 14

[Reprinted as at 1 November, 1989]

An Act to provide for the expiration of subordinate legislation and for other purposes

[ASSENTED TO 26 MARCH, 1986]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Regulatory Reform Act 1986*.

2. Objective of Act. The principle objective of this Act is to provide a mechanism for the review and revocation of out-dated subordinate legislation with a view to—

- (a) substantially reducing the accumulated regulatory burden on business without compromising law and order and essential economic, social and environmental objectives;
- (b) providing a regulatory framework which eliminates unnecessary costs on business, and which minimises unavoidable costs;
- (c) improving the effectiveness of essential regulatory activity;
- (d) improving the efficiency of the formulation and administration of regulatory requirements; and
- (e) providing a regulatory framework which can accommodate changes in economic circumstances, social standards and technology.

3. Interpretation. In this Act except where the contrary intention appears—

“Minister” means the Premier or other Minister of the Crown who at the material time is administering this Act and includes a Minister of the Crown who is temporarily performing the duties of the Minister;

“subordinate legislation” means any regulation, rule or by-law that, pursuant to any Act—

- (a) is made by the Governor in Council;

or

(b) is made by any other person or body and is required by law to be published in the *Gazette*,

but does not include—

- (i) any by-law of a Local Authority within the meaning of the *Local Government Act 1936-1986* or any ordinance of Brisbane City Council;
 - (ii) any rule of practice or procedure of any court or of the Industrial Conciliation and Arbitration Commission;
- or
- (iii) any Proclamation or Order in Council, except an Order in Council that purports to provide for a regulation.

4. Application of Act. (1) This Act applies to all subordinate legislation, except where it is otherwise expressly prescribed.

(2) This Act does not apply to—

- (a) subordinate legislation that is the product of an agreement to enact legislation that is to be uniform or substantially uniform throughout Australia or in Queensland and one or more of the other States or the Territories of Australia;
 - (b) subordinate legislation that amends an Act;
- or
- (c) subordinate legislation that is exempted from the application of this Act by Order in Council, made upon the recommendation of the Minister.

5. Expiration of subordinate legislation. (1) Unless it is sooner revoked, subordinate legislation—

- (a) made on or before 30 June 1962 shall expire on 30 June 1987;
- (b) made after 30 June 1962 and before or on 30 June 1975 shall expire on 30 June 1988;
- (c) made after 30 June 1975 and before or on 30 June 1986 shall expire on 30 June 1989;
- (d) made after 30 June 1986 shall expire on the seventh anniversary of the day on which it is made.

(2) Subordinate legislation referred to in subsection (1) shall be taken to have been made—

- (a) in the case of subordinate legislation made by the Governor in Council, on the day on which it was or is published in the *Gazette*;
- (b) in the case of subordinate legislation made by another person or body and approved by the Governor in Council, on the day on which the approval was or is published in the *Gazette*;
- (c) in the case of any other subordinate legislation, on the day on which it was or is published in the *Gazette*.

(3) Where subordinate legislation expires in accordance with this Act any subordinate legislation that has amended that subordinate legislation and any provision of subordinate legislation, which is a provision that amends the first-mentioned subordinate legislation shall expire at the same time.

6. Revival of subordinate legislation. (1) If, upon the advice of the Minister, the Governor in Council is satisfied—

(a) that it is necessary or desirable for the peace, welfare and good government of Queensland or any part thereof that subordinate legislation, which has expired in accordance with this Act, should be of force and effect;

and

(b) that it is impracticable in the circumstances to enact fresh legislation or subordinate legislation in place of the expired subordinate legislation,

the expired subordinate legislation may be revived by Proclamation whereupon it shall be deemed to have been made on the day its revival takes effect and shall be of force and effect subject to this Act.

(2) Revival of subordinate Legislation under subsection (1) shall not affect the doing or omitting of anything before its revival or the continuance of anything done before its revival.

7. Termination of Act. This Act shall expire on 31 December 1993.

8. Effect of expiration of Act or subordinate legislation. (1) Upon its expiration as prescribed, this Act or, as the case may be, subordinate legislation shall, subject to subsection (2), cease to be of force and effect.

(2) Section 20 (1) and (2) of the *Acts Interpretation Act 1954-1977* applies not only in relation to this Act, upon its expiration, but also in relation to all subordinate legislation that expires in accordance with this Act as if the subordinate legislation were an Act.

9. Review of operation of Act. Before the expiration of this Act the Minister shall arrange for a review of the effectiveness of the operation of this Act.

BY AUTHORITY

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