

-----Original Message-----

From: Mowbray-d'Arbela, Marc

Sent: Thursday, 6 September 2007 12:53 PM

To: Palethorpe, Stephen (SEN)

Cc: Loudon, Mike; Fenwick, Robyn

Subject: Inquiry into Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007
[SEC=UNCLASSIFIED]

Importance: High

Dear Mr Palethorpe

As discussed, we now have some additional information in relation to to Senate Finance and Public Administration Committee's inquiry into the *Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007*.

During my appearance before the Committee in Cairns on Monday, 3 September 2007, I referred to a regulation that had been made in Queensland by the Governor in Council on Thursday, 30 August 2007.

I am now able to advise the Committee that it is the understanding of this Department that the regulation has commenced. However, in light of the issues below, this Department is not in a position to comment on the effectiveness of the Queensland regulation.

The regulation was made by the Governor in Council on Thursday, 30 August 2007 and was gazetted on Friday, 31 August 2007.

The regulation commenced upon notification in the *Queensland Government Gazette*. Pages 2326 to 2327 of the *Queensland Government Gazette* No. 118 refer and are attached for your information.

The regulation was then tabled in the Queensland Parliament on Tuesday, 4 September 2007. However, a notice of a motion to disallow the regulation was given on that day by the Member for Warrego, Mr Hobbs MP. Mr Hobbs gave notice that he would move that the regulation be disallowed "because on legal advice I believe the regulation is invalid". The Acting Speaker subsequently issued a ruling to amend the notice of motion to remove the quoted words.

It is also our understanding that section 50 of the *Statutory Instruments Act 1992* (Qld) provides for a disallowance period of 14 sitting days after the subordinate legislation has been tabled, while Standing Order 59 for the Queensland Legislative Assembly provides for notices of disallowance motions to be considered within seven sitting days after notice has been given.

Yours sincerely

<<Qld Gazette No 118 - extract.tif>>

Marc Mowbray-d'Arbela

Branch Manager, Legislative Review Branch

Financial Framework Division | Financial Management Group | Department of Finance and Administration



Queensland

NOTIFICATION OF SUBORDINATE LEGISLATION

Statutory Instruments Act 1992

Notice is given of the making of the subordinate legislation mentioned in Table 1

TABLE 1

SUBORDINATE LEGISLATION BY NUMBER

No. Subordinate Legislation
Empowering Act

- 213 **Public Service Regulation 2007**
Public Service Act 1996
- 214 **Government Owned Corporations (QPTC Restructure—Stage 2) Regulation 2007**
Government Owned Corporations Act 1993
- 215 **Evidence Regulation 2007**
Evidence Act 1977
- 216 **Public Trustee Amendment Regulation (No. 5) 2007**
Public Trustee Act 1978
- 217 **Environmental Protection Legislation Amendment and Repeal Regulation (No. 1) 2007**
Environmental Protection Act 1994
Pastoral Workers' Accommodation Act 1980
- 218¹
- 219 **Local Government Amendment Regulation (No. 2) 2007**
Local Government Act 1993

¹ This number notified in the gazette 29 August 2007

TABLE 2

SUBORDINATE LEGISLATION BY EMPOWERING ACT

This table shows affected subordinate legislation

Empowering Act Subordinate Legislation	No.
Environmental Protection Act 1994	
<i>Environmental Protection (Interim Waste) Regulation 1996 SL No. 17</i>	
• rep by Environmental Protection Legislation Amendment and Repeal Regulation (No. 1) 2007	217
<i>Environmental Protection Regulation 1998</i>	
• amd by Environmental Protection Legislation Amendment and Repeal Regulation (No. 1) 2007	217
<i>Environmental Protection (Waste Management) Regulation 2000</i>	
• amd by Environmental Protection Legislation Amendment and Repeal Regulation (No. 1) 2007	217
Evidence Act 1977	
Evidence Regulation 2007	215
Government Owned Corporations Act 1993	
Government Owned Corporations (QPTC Restructure—Stage 2) Regulation 2007	214
Local Government Act 1993	
Local Government Regulation 2005	
• amd by Local Government Amendment Regulation (No. 2) 2007	219
Pastoral Workers' Accommodation Act 1980	
Pastoral Workers' Accommodation Regulation 2003	
• amd by Environmental Protection Legislation Amendment and Repeal Regulation (No. 1) 2007	217
Public Service Act 1996	
Public Service Regulation 2007	213
Public Trustee Act 1978	
Public Trustee Regulation 2001	
• amd by Public Trustee Amendment Regulation (No. 5) 2007	216

Copies of the subordinate legislation can be obtained at—
SDS Express—Mineral House, 41 George Street, Brisbane Qld 4000
 <www.publications.qld.gov.au>

A mail service is available from—
SDS Publications Telephone: (07) 3118 6900
Locked Bag 500 Coorparoo DC, Qld 4151 Facsimile: (07) 3118 6930
 <www.publications.qld.gov.au>

-----Original Message-----

From: Fenwick, Robyn

Sent: Thursday, 6 September 2007 6:02 PM

To: Palethorpe, Stephen (SEN)

Cc: Mowbray-d'Arbela, Marc; Loudon, Mike

Subject: Queensland Regulation [SEC=UNCLASSIFIED]

Dear Mr Palethorpe

Further to Mr Mowbray-d'Arbela's email earlier today, you may be aware that the Queensland Parliament considered the disallowance motion on 5 September 2007. The motion was defeated.

Regards

Robyn

Robyn Fenwick
Director
Electoral Policy Unit
Legislative Review Branch