

**DELEGATED LEGISLATION MONITOR
12 – 15 SEPTEMBER 2005**

This week at a glance

There were 35 disallowable instruments tabled in the Parliament.
These were made under 19 separate enabling Acts, through
9 Departments of State.

Instrument makers

13 instruments were made by the Governor-General or Ministers

22 instruments were made by Public Officials

TABLE OF CONTENTS

DELEGATED LEGISLATION TABLED IN THE SENATE 12 – 15 SEPTEMBER 2005

ATTORNEY-GENERAL’S DEPARTMENT	6
CEO Instrument of Approval No. 37 of 2005 under s. 4A of the <i>Customs Act 1901</i>	6
CEO Instrument of Approval No. 47 of 2005 under s. 4A of the <i>Customs Act 1901</i>	6
Declaration of Places No. 1 of 2005 under s. 181(2) of the <i>Customs Act 1901</i>	6
Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2005 (No. 5) under r. 38 of the <i>Family Law (Superannuation) Regulations 2001</i>	6
High Court of Australia Rule of Court under s. 86 of the <i>Judiciary Act 1903</i>	6
DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS	
Radiocommunications (Trading Rules for Defence Spectrum Licences) Determination 2005 under ss. 86 and 88 of the <i>Radiocommunications Act 1992</i>	7
DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING	
Administration Guidelines under s. 238-10 of the <i>Higher Education Support Act 2003</i>	8
Higher Education Provider Approval (Nos. 9-11 of 2005) under s. 16-50(1) of the <i>Higher Education Support Act 2003</i>	8
Higher Education Provider Guidelines under s. 238-10 of the <i>Higher Education Support Act 2003</i>	8
DEPARTMENT OF THE ENVIRONMENT AND HERITAGE	
Adoption of State Plans as Recovery Plans under s. 269A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	9
National Recovery Plan for the Norfolk Island Scarlet Robin (<i>Petroica multicolor multicolor</i>) and the Norfolk Island Golden Whistler (<i>Pachycephala pectoralis xanthoprocta</i>) under s. 269A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	9
Notice of Intent — Accreditation of a Management Plan for the Purposes of a Bilateral Agreement under s. 46 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	9
Variation to the National Environment Protection (Used Packaging Materials) Measure under s. 20 of the <i>National Environment Protection Council Act 1994</i>	9
DEPARTMENT OF FINANCE AND ADMINISTRATION	
Financial Management and Accountability Determination 2005/24 — Recovery of Compensation for Health Care and Other Services Special Account Establishment 2005 under s. 20(1) of the <i>Financial Management and Accountability Act 1997</i>	10

Financial Management and Accountability Determination 2005/25 — Other Trust Moneys — Medicare Australia Special Account Establishment 2005 under s. 20(1) of the <i>Financial Management and Accountability Act 1997</i>	10
--	----

DEPARTMENT OF HEALTH AND AGEING

Extra Service Amendment Principles 2005 (No. 1) under s. 96-1(1) of the <i>Aged Care Act 1997</i>	11
--	----

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Amendment 42 (York Park Master Plan) of the National Capital Plan under s. 6 of the <i>Australian Capital Territory (Planning and Land Management) Act 1988</i>	12
Civil Aviation Order 82.0 Amendment Order (No. 1) 2005 under paragraph 28BA(1)(b) of the <i>Civil Aviation Act 1988</i>	12
Civil Aviation Order 82.0 Amendment Order (No. 2) 2005 under paragraph 28BA(1)(b) of the <i>Civil Aviation Act 1988</i>	12
Civil Aviation Orders, Part 105 (1 Instrument)	12
Instrument No. CASA 369/05 under r. 179A of the <i>Civil Aviation Regulations 1988</i>	12
Instrument No. CASA 395/05 under r. 207(2) of the <i>Civil Aviation Regulations 1988</i>	12
Instrument No. CASA 396/05 under r. 207(2) of the <i>Civil Aviation Regulations 1988</i>	13
Instrument No. CASA EX43/05 under r. 308 of the <i>Civil Aviation Regulations 1988</i>	13
List of Acts of the Western Australian Parliament under s. 8B of the <i>Christmas Island Act 1958</i>	13
List of Acts of the Western Australian Parliament under s. 8B of the <i>Cocos (Keeling) Islands Act 1955</i>	13
Notice About How Incident Reports Are to be Made under s. 182(1) of the <i>Maritime Transport and Offshore Facilities Security Act 2003</i>	13

DEPARTMENT OF THE TREASURY

A New Tax System (Goods and Services Tax) Margine Scheme Valuation Requirements Determination MSV 2005/3 under s. 75-35(1) of the <i>A New Tax System (Goods and Services Tax) Act 1999</i>	14
ASIC Class Order [CO 05/910]	14
ASIC Class Order [CO 05/938]	14
Financial Sector (Collection of Data) Determination No. 105 of 2005 under paragraph 13(1)(a) of the <i>Financial Sector (Collection of Data) Act 2001</i>	14
Insurance (Prudential Standards) Determination No. 1 of 2005 under paragraph 32(1)(a) of the <i>Insurance Act 1973</i>	14

DEPARTMENT OF VETERANS' AFFAIRS

Veterans' Entitlements (Child-Related Rent Assistance Payments) Determination under paragraph (b) of subclause 10(4) of Schedule 5 to the <i>Veterans' Entitlements Act 1986</i>	15
---	----

**DELEGATED LEGISLATION TABLED IN THE SENATE
12 – 15 SEPTEMBER 2005**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Attorney-General's	5
Communications, Information Technology and the Arts	1
Education, Science and Training	5
Environment and Heritage	4
Finance and Administration	2
Health and Ageing	1
Transport and Regional Services	11
Treasury	5
Veterans' Affairs	1
Total	35

**DELEGATED LEGISLATION TABLED IN THE SENATE
12 – 15 SEPTEMBER 2005**

**ALPHABETICAL LIST OF ENABLING ACTS AND NUMBER OF INSTRUMENTS
MADE UNDER EACH ACT**

<i>A New Tax System (Goods and Services Tax) Act 1999</i>	1
<i>Aged Care Act 1997</i>	1
<i>Australian Capital Territory (Planning and Land Management) Act 1988</i>	1
<i>Christmas Island Act 1958</i>	1
<i>Civil Aviation Act 1988</i>	7
<i>Cocos (Keeling) Islands Act 1955</i>	1
<i>Corporations Act 2001</i>	2
<i>Customs Act 1901</i>	3
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	3
<i>Family Law Act 1975</i>	1
<i>Financial Management and Accountability Act 1997</i>	2
<i>Financial Sector (Collection of Data) Act 2001</i>	1
<i>Higher Education Support Act 2003</i>	5
<i>Insurance Act 1973</i>	1
<i>Judiciary Act 1903</i>	1
<i>Maritime Transport Security and Offshore Facilities Act 2003</i>	1
<i>National Environment Protection Council Act 1994</i>	1
<i>Radiocommunications Act 1992</i>	1
<i>Veterans' Entitlements Act 1986</i>	1
Total	35

ATTORNEY-GENERAL'S DEPARTMENT

CEO Instrument of Approval No. 37 of 2005 under s. 4A of the *Customs Act 1901* [F2005L02470]

Customs Act 1901

Made 24/08/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Approves a form for the purposes of providing, in the Thai language, information required under s. 71AAAB of the Act concerning imported goods that are accompanied personal or household effects of a passenger on a ship or aircraft.

CEO Instrument of Approval No. 47 of 2005 under s. 4A of the *Customs Act 1901* [F2005L02497]

Customs Act 1901

Made 24/08/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Approves a form for the purposes of providing, in the Spanish language, information required under s. 71AAAB of the Act concerning goods that are unaccompanied personal or household effects of a passenger.

Declaration of Places No. 1 of 2005 under s. 181(2) of the *Customs Act 1901* [F2005L02566]

Customs Act 1901

Made 07/09/2005
Tabled 15/09/2005 S 14/09/2005 HR

Summary Declares that all places in Australia are places to which s. 181(2) of the Act applies.

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2005 (No. 5) under r. 38 of the *Family Law (Superannuation) Regulations 2001* [F2005L02589]

Family Law Act 1975

Made 08/09/2005
Tabled 13/09/2005 S 12/09/2005 HR

Summary Approves a method, in connection with superannuation splitting on marriage breakdown, for determining the gross value of particular interests in the Local Government Superannuation Scheme and the Energy Industries Superannuation Scheme.

High Court of Australia Rule of Court under s. 86 of the *Judiciary Act 1903* [F2005L02536]

Judiciary Act 1903

Made 30/08/2005
Tabled 13/09/2005 S 12/09/2005 HR

Summary Specifies sitting dates for the High Court of Australia for 2006.

**DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND
THE ARTS**

**Radiocommunications (Trading Rules for Defence
Spectrum Licences) Determination 2005 under
ss. 86 and 88 of the *Radiocommunications Act 1992*
[F2005L02543]**

Radiocommunications Act 1992

Made	02/09/2005	
Tabled	12/09/2005 S	12/09/2005 HR

Summary Specifies the rules for the assignment,
by trade, of spectrum licences in cases
where the licensee is the Department of
Defence.

DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING

Administration Guidelines under s. 238-10 of the *Higher Education Support Act 2003* [F2005L02593]

Higher Education Support Act 2003

Made 05/09/2005
Tabled 15/09/2005 S 14/09/2005 HR

Summary Specifies revised Administration Guidelines concerning matters set out in Chapter 5 of the Act.

Higher Education Provider Approval (No. 11 of 2005) under s. 16-50(1) of the *Higher Education Support Act 2003* [F2005L02576]

Higher Education Support Act 2003

Made 08/09/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Approves the Colleges of Business and Technology (WA) Pty Ltd trading as Curtin International College as a Higher Education Provider.

Higher Education Provider Approval (No. 9 of 2005) under s. 16-50(1) of the *Higher Education Support Act 2003* [F2005L02551]

Higher Education Support Act 2003

Made 05/09/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Approves the Northern Melbourne Institute of TAFE as a Higher Education Provider.

Higher Education Provider Guidelines under s. 238-10 of the *Higher Education Support Act 2003* [F2005L02590]

Higher Education Support Act 2003

Made 05/09/2005
Tabled 15/09/2005 S 14/09/2005 HR

Summary Specifies revised Guidelines concerning matters set out in Part 2-1 of the Act.

Higher Education Provider Approval (No. 10 of 2005) under s. 16-50(1) of the *Higher Education Support Act 2003* [F2005L02575]

Higher Education Support Act 2003

Made 08/09/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Approves the Perth Institute of Business and Technology Pty Ltd as a Higher Education Provider.

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

Adoption of State Plans as Recovery Plans under s. 269A of the *Environment Protection and Biodiversity Conservation Act 1999* [F2005L02519]

Environment Protection and Biodiversity Conservation Act 1999

Made 18/08/2005
Tabled 13/09/2005 S 12/09/2005 HR

Summary Adopts certain New South Wales and Western Australian Recovery Plans as recovery plans for certain listed threatened species.

Notice of Intent — Accreditation of a Management Plan for the Purposes of a Bilateral Agreement under s. 46 of the *Environment Protection and Biodiversity Conservation Act 1999*

Environment Protection and Biodiversity Conservation Act 1999

Made 12/09/2005
Tabled 14/09/2005 S 13/09/2005 HR

Summary Gives notice of the Minister's intention to accredit the Management Plan for the Sydney Opera House August 2005 for the purposes of a bilateral agreement.

National Recovery Plan for the Norfolk Island Scarlet Robin (*Petroica multicolor multicolor*) and the Norfolk Island Golden Whistler (*Pachycephala pectoralis xanthoprocta*) under s. 269A of the *Environment Protection and Biodiversity Conservation Act 1999* [F2005L02516]

Environment Protection and Biodiversity Conservation Act 1999

Made 18/08/2005
Tabled 13/09/2005 S 12/09/2005 HR

Summary Specifies a recovery plan for two species of passerines that are unique to Norfolk Island.

Variation to the National Environment Protection (Used Packaging Materials) Measure under s. 20 of the *National Environment Protection Council Act 1994* [F2005L02437]

National Environment Protection Council Act 1994

Made 01/07/2005
Tabled 15/09/2005 S 14/09/2005 HR

Summary Amends the Principal Measure to ensure consistency with the National Packaging Covenant.

DEPARTMENT OF FINANCE AND ADMINISTRATION

**Financial Management and Accountability
Determination 2005/24 — Recovery of
Compensation for Health Care and Other Services
Special Account Establishment 2005 under s. 20(1)
of the *Financial Management and Accountability
Act 1997*
[F2005L02599]**

Financial Management and Accountability Act 1997

Made	07/09/2005	
Tabled	13/09/2005 S	12/09/2005 HR

Summary Establishes a Special Account entitled the Recovery of Compensation for Health Care and Other Services Special Account.

**Financial Management and Accountability
Determination 2005/25 — Other Trust Moneys —
Medicare Australia Special Account Establishment
2005 under s. 20(1) of the *Financial Management
and Accountability Act 1997*
[F2005L02597]**

Financial Management and Accountability Act 1997

Made	07/09/2005	
Tabled	13/09/2005 S	12/09/2005 HR

Summary Establishes a Special Account entitled the Other Trust Moneys – Medicare Australia Special Account.

DEPARTMENT OF HEALTH AND AGEING

Extra Service Amendment Principles 2005 (No. 1)
under s. 96-1(1) of the *Aged Care Act 1997*
[F2005L02492]

Aged Care Act 1997

Made	26/08/2005	
Tabled	13/09/2005 S	12/09/2005 HR

Summary Amend the Extra Service Principles as
a consequence of the *Aged Care*
Amendment (Extra Service) Act 2005.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Amendment 42 (York Park Master Plan) of the National Capital Plan under s. 6 of the Australian Capital Territory (Planning and Land Management) Act 1988
[F2005L02596]

Australian Capital Territory (Planning and Land Management) Act 1988

Made 29/08/2005
Tabled 13/09/2005 S 13/09/2005 HR

Summary Specifies a revised master plan for the York Park area in the Australian Capital Territory.

Civil Aviation Order 82.0 Amendment Order (No. 1) 2005 under paragraph 28BA(1)(b) of the Civil Aviation Act 1988
[F2005L02506]

Civil Aviation Act 1988

Made 30/08/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Provides that the holder of a charter or a regular public transport Air Operator's Certificate must not enter into a charter substitution arrangement without the written permission of CASA.

Civil Aviation Order 82.0 Amendment Order (No. 2) 2005 under paragraph 28BA(1)(b) of the Civil Aviation Act 1988
[F2005L02507]

Civil Aviation Act 1988

Made 30/08/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Makes a number of technical and correcting amendments to the Principal Order.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/S-PUMA/57 Amdt 1
[F2005L02511]

Civil Aviation Act 1988

Made 02/09/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Varies the technical requirements for a particular type of aircraft.

Instrument No. CASA 369/05 under r. 179A of the Civil Aviation Regulations 1988
[F2005L02595]

Civil Aviation Act 1988

Made 05/09/2005
Tabled 15/09/2005 S 14/09/2005 HR

Summary Specifies requirements concerning the use of area navigation instrument (RNAV (GNSS)) approaches by aircraft with Required Navigation Performance capability.

Instrument No. CASA 395/05 under r. 207(2) of the Civil Aviation Regulations 1988
[F2005L02621]

Civil Aviation Act 1988

Made 09/09/2005
Tabled 15/09/2005 S 14/09/2005 HR

Summary Permits a specified Cessna aircraft to operate without an approved digital flight data recorder, subject to conditions.

**Instrument No. CASA 396/05 under r. 207(2)
of the *Civil Aviation Regulations 1988*
[F2005L02624]**

Civil Aviation Act 1988

Made 09/09/2005
Tabled 15/09/2005 S 14/09/2005 HR

Summary Permits a specified Cessna aircraft to operate without an approved digital flight data recorder, subject to conditions.

**List of Acts of the Western Australian Parliament
under s. 8B of the *Cocos (Keeling) Islands Act 1955***

Cocos (Keeling) Islands Act 1955

Made 05/09/2005
Tabled 14/09/2005 S 13/09/2005 HR

Summary Lists those Acts of the Western Australian Parliament that were in force for the Cocos (Keeling) Islands during the period 18 February 2005 to 05 September 2005.

**Instrument No. CASA EX43/05 under r. 308
of the *Civil Aviation Regulations 1988*
[F2005L02540]**

Civil Aviation Act 1988

Made 02/09/2005
Tabled 13/09/2005 S 12/09/2005 HR

Summary Exempts specified aircraft operated by United Arab Emirates from certain requirements concerning visibility in take-off operations at Sydney International Airport.

**Notice About How Incident Reports Are to be
Made under s. 182(1) of the *Maritime Transport
and Offshore Facilities Security Act 2003*
[F2005L02514]**

***Maritime Transport Security and Offshore Facilities
Act 2003***

Made 01/09/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Specifies the minimum contents of maritime transport security incident reports, and the method by which such reports are to be made.

**List of Acts of the Western Australian Parliament
under s. 8B of the *Christmas Island Act 1958***

Christmas Island Act 1958

Made 05/09/2005
Tabled 14/09/2005 S 13/09/2005 HR

Summary Lists those Acts of the Western Australian Parliament that were in force for Christmas Island during the period 18 February 2005 to 05 September 2005.

DEPARTMENT OF THE TREASURY

**A New Tax System (Goods and Services Tax)
Margine Scheme Valuation Requirements
Determination MSV 2005/3 under s. 75-35(1) of
the A New Tax System (Goods and Services Tax)
Act 1999
[F2005L02565]**

**A New Tax System (Goods and Services Tax)
Act 1999**

Made 07/09/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Specifies the requirements for making valuations for calculating the margin for taxable supplies of real property made on or after 01 December 2005.

**Financial Sector (Collection of Data)
Determination No. 105 of 2005 under paragraph
13(1)(a) of the Financial Sector (Collection of Data)
Act 2001
[F2005L02556]**

Financial Sector (Collection of Data) Act 2001

Made 06/09/2005
Tabled 13/09/2005 S 12/09/2005 HR

Summary Specifies a new reporting standard GRS 170.1 (2005) Maximum Event Retention and Risk Charge for Lenders Mortgage Insurers that applies to lenders mortgage insurers.

**ASIC Class Order [CO 05/910]
[F2005L02538]**

Corporations Act 2001

Made 05/09/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Exempts individual and lead auditors from the requirement in s. 307C of the Act to make an auditor's independence declaration under certain circumstances, and subject to certain conditions.

**Insurance (Prudential Standards) Determination
No. 1 of 2005 under paragraph 32(1)(a) of the
Insurance Act 1973
[F2005L02555]**

Insurance Act 1973

Made 06/09/2005
Tabled 13/09/2005 S 12/09/2005 HR

Summary Amends the Prudential Standard GBS 110 by inserting Guidance Note 110.6 – Concentration Risk Capital Charge for Lenders Mortgage Insurers.

**ASIC Class Order [CO 05/938]
[F2005L02615]**

Corporations Act 2001

Made 08/09/2005
Tabled 15/09/2005 S 14/09/2005 HR

Summary Amends other Class Orders as a consequence of Class Order [CO 05/910] Auditor's independence declaration – exemption.

DEPARTMENT OF VETERANS' AFFAIRS

Veterans' Entitlements (Child-Related Rent Assistance Payments) Determination under paragraph (b) of subclause 10(4) of Schedule 5 to the *Veterans' Entitlements Act 1986*
Instrument No. R20/2005
[F2005L02495]

Veterans' Entitlements Act 1986

Made 01/09/2005
Tabled 12/09/2005 S 12/09/2005 HR

Summary Specifies the amount of rent assistance payable from 20 September 2005 to 19 March 2006 under clause 10 of Schedule 5 to the Act.