

DELEGATE LEGISLATION MONITOR
07 – 10 NOVEMBER 2005

This week at a glance

There were 38 disallowable instruments tabled in the Parliament.
These were made under 15 separate enabling Acts, through
10 Departments of State.

Regulations

1 of the 38 instruments was a Regulation, which was made as a primary instrument

Instrument makers

16 instruments were made by the Governor-General or Ministers

22 instruments were made by Public Officials

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07 – 10 NOVEMBER 2005**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	2
Defence	3
Education, Science and Training	1
Environment and Heritage	3
Finance and Administration	5
Health and Ageing	7
Industry, Tourism and Resources	2
Transport and Regional Services	12
Treasury	2
Veterans' Affairs	1
Total	38

**DELEGATED LEGISLATION TABLED IN THE SENATE
07 – 10 NOVEMBER 2005**

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

<i>Acts Interpretation Act 1901</i>	1
<i>Australian Meat and Live-stock Industry Act 1997</i>	2
<i>Australian Prudential Regulation Authority Act 1998</i>	1
<i>Civil Aviation Act 1988</i>	10
<i>Corporations Act 2001</i>	1
<i>Defence Act 1903</i>	3
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	2
<i>Financial Management and Accountability Act 1997</i>	5
<i>Health Insurance Act 1973</i>	3
<i>Higher Education Support Act 2003</i>	1
<i>Industry Research and Development Act 1986</i>	2
<i>Motor Vehicle Standards Act 1989</i>	2
<i>National Health Act 1953</i>	3
<i>Therapeutic Goods Act 1989</i>	1
<i>Veterans' Entitlements Act 1986</i>	1
Total	38

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Australian Meat and Live-stock (Beef Export to the USA — Quota Year 2006) Order 2005 under s. 17 of the *Australian Meat and Live-stock Industry Act 1997* [F2005L03425]

Australian Meat and Live-stock Industry Act 1997

Made	28/10/2005	
Tabled	08/11/2005 S	08/11/2005 HR

Summary Specifies the conditions for the export of in-quota beef to the United States in 2006.

Australian Meat and Live-stock Industry (Sheepmeat and Goatmeat Export to the European Union — Quota Year 2006) Order 2005 under s. 17 of the *Australian Meat and Live-stock Industry Act 1997* [F2005L03341]

Australian Meat and Live-stock Industry Act 1997

Made	28/10/2005	
Tabled	10/11/2005 S	10/11/2005 HR

Summary Specifies the method by which quotas to export sheepmeat and goatmeat to the European Union will be allocated among licenced exporters for the quota year 2006.

DEPARTMENT OF DEFENCE

Defence Determination 2005/42

Defence Act 1903

Made	28/10/2005	
Tabled	07/11/2005 S	03/11/2005 HR

Summary Specifies revised post indexes for overseas locations where members of the Australian Defence Force serve.

Defence Determination 2005/43

Defence Act 1903

Made	31/10/2005	
Tabled	07/11/2005 S	03/11/2005 HR

Summary Provides for a completion bonus for junior sailors in the Electronics Technical employment category in the Navy.

Defence Determination 2005/44

Defence Act 1903

Made	01/11/2005	
Tabled	07/11/2005 S	03/11/2005 HR

Summary Provides for a retention bonus scheme for members in prescribed ranks in the Marine Technical and Electronic Technical employment categories in the Navy.

DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING

Higher Education Provider Approval (No. 12 of 2005) under s. 16-50(1) of the *Higher Education Support Act 2003*
[F2005L03356]

Higher Education Support Act 2003

Made 27/10/2005
Tabled 07/11/2005 S 02/11/2005 HR

Summary Approves the Box Hill Institute of Technical and Further Education 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* [F2005L03453]

Environment Protection and Biodiversity Conservation Act 1999

Made 21/10/2005
Tabled 10/11/2005 S 10/11/2005 HR

Summary Adopts certain plans made by Queensland, South Australia, Northern Territory, and Western Australia as recovery plans for certain listed threatened species.

Exercise of Powers and Duties under s. 33(3) of the *Acts Interpretation Act 1901* [F2005L03454]

Acts Interpretation Act 1901

Made 18/08/2005
Tabled 10/11/2005 S 10/11/2005 HR

Summary Repeals the Recovery Plan for Williamson's Grevillea (*Grevillea Williamson*) that was made under s. 269A of the *Environment Protection and Biodiversity Conservation Act 1999*.

Amendment of List of Specimens Taken to be Suitable for Live Import under s. 303EC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC/s.303EC/SSLI/Amend/008) [F2005L03324]

Environment Protection and Biodiversity Conservation Act 1999

Made 24/10/2005
Tabled 08/11/2005 S 08/11/2005 HR

Summary Corrects an entry concerning a species of nematode, in the list of specimens that are suitable for live import.

DEPARTMENT OF FINANCE AND ADMINISTRATION

Financial Management and Accountability Determination 2005/42 — National Portrait Gallery Special Account Establishment 2005 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2005L03430]

Financial Management and Accountability Act 1997

Made 21/10/2005
Tabled 08/11/2005 S 08/11/2005 HR

Summary Establishes a Special Account entitled the National Portrait Gallery Special Account.

Financial Management and Accountability Determination 2005/44 — National Collections Special Account Establishment 2005 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2005L03429]

Financial Management and Accountability Act 1997

Made 31/10/2005
Tabled 08/11/2005 S 08/11/2005 HR

Summary Establishes a Special Account entitled the National Collections Special Account.

Financial Management and Accountability Determination 2005/43 — Cultural Ministers' Council Special Account Establishment 2005 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2005L03427]

Financial Management and Accountability Act 1997

Made 21/10/2005
Tabled 08/11/2005 S 08/11/2005 HR

Summary Establishes a Special Account entitled the Cultural Ministers' Council Special Account.

Financial Management and Accountability Determination 2005/45 — Return of Indigenous Cultural Property Special Account Establishment 2005 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2005L03431]

Financial Management and Accountability Act 1997

Made 21/10/2005
Tabled 08/11/2005 S 08/11/2005 HR

Summary Establishes a Special Account entitled Return of Indigenous Cultural Property Special Account.

Financial Management and Accountability Determination 2005/46 — International Aid Special Account Establishment 2005 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2005L03428]

Financial Management and Accountability Act 1997

Made 21/10/2005
Tabled 08/11/2005 S 08/11/2005 HR

Summary Establishes a Special Account entitled the International Aid Special Account.

DEPARTMENT OF HEALTH AND AGEING

Common Form of Undertaking for Participating Optometrists under s. 23A(3) of the *Health Insurance Act 1973* [F2005L03325]

Health Insurance Act 1973

Made 31/10/2005
Tabled 07/11/2005 S 02/11/2005 HR

Summary Amends the Common Form of Undertaking as a consequence of the introduction of domiciliary loading items to compensate optometrists for the costs of travel and unpacking of equipment.

Determination No. HIB 20/2005 under paragraph (bj) of Schedule 1 to the *National Health Act 1953* [F2005L03290]

National Health Act 1953

Made 24/10/2005
Tabled 07/11/2005 S 02/11/2005 HR

Summary Inserts a revised Schedule 1 into the Principal Determination, specifying benefits payable in respect of overnight accommodation in private hospitals in all States and Territories, and shared ward accommodation in recognised hospitals in Victoria and Tasmania.

Determination No. HIB 19/2005 under paragraph (bj) of Schedule 1 to the *National Health Act 1953* [F2005L03323]

National Health Act 1953

Made 27/10/2005
Tabled 07/11/2005 S 02/11/2005 HR

Summary Inserts a revised Schedule 6 into the Principal Determination, specifying second tier default payable in respect of overnight and day only treatment.

Determination No. HIB 21/2005 under paragraph (bj) of Schedule 1 to the *National Health Act 1953* [F2005L03289]

National Health Act 1953

Made 24/10/2005
Tabled 07/11/2005 S 02/11/2005 HR

Summary Inserts a revised Schedule 3 into the Principal Determination, specifying benefits payable in respect of same day accommodation in hospital and day hospital facilities in all States and Territories.

Health Insurance (Allied Health and Dental Services) Amendment Determination 2005 (No. 1) under s. 3C(1) of the *Health Insurance Act 1973* [F2005L03310]

Health Insurance Act 1973

Made	22/10/2005	
Tabled	07/11/2005 S	02/11/2005 HR

Summary Amends provisions in the Principal Determination concerning administrative arrangements and chronic disease management items.

**Health Insurance (Pathology Services Table) Regulations 2005
Select Legislative Instrument 2005 No. 239 [F2005L03098]**

Health Insurance Act 1973

Made	20/10/2005	
Tabled	07/11/2005 S	02/11/2005 HR

Summary Prescribe a revised table of pathology services for the twelve month period commencing on 01 November 2005.

Therapeutic Goods (Listing) Notice 2005 (No. 6) under s. 9A(5) of the *Therapeutic Goods Act 1989* [F2005L03451]

Therapeutic Goods Act 1989

Made	28/10/2005	
Tabled	10/11/2005 S	10/11/2005 HR

Summary Permits the use of sodium monofluorophosphate as an active ingredient in low risk complementary medicines, subject to certain conditions.

DEPARTMENT OF INDUSTRY, TOURISM AND RESOURCES

**Industry Cooperative Innovation Program
Ministerial Directions No. 1 of 2005 under
ss. 18A, 19(1) and 20(1) of the *Industry Research
and Development Act 1986*
[F2005L03360]**

Industry Research and Development Act 1986

Made	02/06/2005	
Tabled	08/11/2005 S	08/11/2005 HR

Summary Confer certain functions on, and prescribe certain policies and practices for, the Industry Research and Development Board in relation to the Industry Cooperative Innovation Program.

**Renewable Energy Development Initiative
Program Directions No. 1 of 2005 under
ss. 18A, 19(1) and 20(1) of the *Industry Research
and Development Act 1986*
[F2005L03359]**

Industry Research and Development Act 1986

Made	09/05/2005	
Tabled	08/11/2005 S	08/11/2005 HR

Summary Confer certain functions on, and prescribe certain policies and practices for, the Industry Research and Development Board in relation to the Renewable Energy Development Initiative Program.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Order 82.5 Amendment Order (No. 1) 2005 [F2005L03362]

Civil Aviation Act 1988

Made 31/10/2005
Tabled 08/11/2005 S 08/11/2005 HR

Summary Amends the conditions under which aircraft operators may conduct night operations from aerodromes.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 212/67 [F2005L03436]

Civil Aviation Act 1988

Made 04/11/2005
Tabled 08/11/2005 S 08/11/2005 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/A330/53 Amdt1 [F2005L03396]

Civil Aviation Act 1988

Made 02/11/2005
Tabled 08/11/2005 S 08/11/2005 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 412/45 [F2005L03435]

Civil Aviation Act 1988

Made 04/11/2005
Tabled 10/11/2005 S 10/11/2005 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 47/101 [F2005L03433]

Civil Aviation Act 1988

Made 03/11/2005
Tabled 08/11/2005 S 08/11/2005 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/DH 84/4 [F2005L03459]

Civil Aviation Act 1988

Made 07/11/2005
Tabled 10/11/2005 S 10/11/2005 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/DH 89/4
[F2005L03460]**

Civil Aviation Act 1988

Made 07/11/2005
Tabled 10/11/2005 S 10/11/2005 HR

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

**Instrument No. CASA 456/05 under r. 235A(1)
of the *Civil Aviation Regulations 1988*
[F2005L03462]**

Civil Aviation Act 1988

Made 08/11/2005
Tabled 10/11/2005 S 10/11/2005 HR

Summary Grants permission for the Airbus A380-841 aircraft to land at specified airports, subject to conditions.

**Instrument No. CASA 383/05 under r. 179A
of the *Civil Aviation Regulations 1988*
[F2005L03426]**

Civil Aviation Act 1988

Made 02/11/2005
Tabled 08/11/2005 S 08/11/2005 HR

Summary Specifies instructions for the navigation of an aircraft under the Instrument Flight Rules.

**Vehicle Standard (Australian Design Rule 80/00 —
Emission Control for Heavy Vehicles) 2005 under
s. 7(1) of the *Motor Vehicle Standards Act 1989*
[F2005L03375]**

Motor Vehicle Standards Act 1989

Made 01/11/2005
Tabled 07/11/2005 S 07/11/2005 HR

Summary Prescribes emission limits for heavy vehicles produced between 2002 and 2004 and the test methods for measuring those emissions.

**Instrument No. CASA 404/05 under rr. 174A
and 179A of the *Civil Aviation Regulations 1988*
[F2005L03432]**

Civil Aviation Act 1988

Made 02/11/2005
Tabled 10/11/2005 S 10/11/2005 HR

Summary Specifies instructions for the use of Global Positioning System and equipment in aircraft.

**Vehicle Standard (Australian Design Rule 80/01 —
Emission Control for Heavy Vehicles) 2005 under
s. 7(1) of the *Motor Vehicle Standards Act 1989*
[F2005L03392]**

Motor Vehicle Standards Act 1989

Made 01/11/2005
Tabled 07/11/2005 S 07/11/2005 HR

Summary Prescribes emission limits for heavy vehicles produced after 2005 and the test methods for measuring those emissions.

DEPARTMENT OF THE TREASURY

ASIC Class Order [CO 05/1070] [F2005L03335]

Corporations Act 2001

Made 26/10/2005
Tabled 07/11/2005 S 02/11/2005 HR

Summary Provides that an Australian financial services licensee who is authorised to deal in general insurance products may appoint a distributor to deal in those products without the need to appoint the distributor as an authorised representative.

Non-Confidentiality Determination No. 10 of 2005 under s. 57 of the *Australian Prudential Regulation Authority Act 1998* [F2005L03214]

Australian Prudential Regulation Authority Act 1998

Made 18/10/2005
Tabled 07/11/2005 S 02/11/2005 HR

Summary Provides that information provided by locally-incorporated banks and foreign authorised deposit-taking institutions under Reporting Standard 320.0 (2003) is non-confidential.

DEPARTMENT OF VETERANS' AFFAIRS

**Determination under s. 46L(1) of the
Veterans' Entitlements Act 1986
[F2005L03357]**

Veterans' Entitlements Act 1986

Made	29/05/2005	
Tabled	08/11/2005 S	08/11/2005 HR

Summary Provides that certain financial
investments are not financial assets for
the purposes of the Act.