

**DELEGATED LEGISLATION MONITOR
13 – 16 AUGUST 2007**

This week at a glance

There were 48 disallowable instruments tabled in the Parliament.
These were made under 24 separate enabling Acts, through
12 Departments of State.

Regulations

12 of the 48 instruments were Regulations, all of which were made as amending instruments

Instrument makers

18 instruments were made by the Governor-General or Ministers

30 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE
13 – 16 AUGUST 2007**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	4
Attorney-General's	6
Communications, Information Technology and the Arts	2
Defence	5
Education, Science and Training	1
Employment and Workplace Relations	1
Department of the Environment and Water Resources	1
Families, Community Services and Indigenous Affairs	1
Industry, Tourism and Resources	1
Transport and Regional Services	18
Treasury	3
Veterans' Affairs	5
Total	48

**DELEGATED LEGISLATION TABLED IN THE SENATE
13 – 16 AUGUST 2007**

**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>Australian Participants in British Nuclear Tests (Treatment) Act 2006</i>	1
<i>Australian War Memorial Act 1980</i>	1
<i>Broadcasting Services Act 1992</i>	1
<i>Civil Aviation Act 1988</i>	18
<i>Commonwealth Places (Mirror Taxes) Act 1998</i>	1
<i>Currency Act 1965</i>	1
<i>Customs Act 1901</i>	1
<i>Defence Act 1903</i>	5
<i>Electronic Transactions Act 1999</i>	1
<i>Family Law Act 1975</i>	1
<i>Higher Education Support Act 2003</i>	1
<i>Military Rehabilitation and Compensation Act 2004</i>	1
<i>National Environment Protection Council Act 1994</i>	1
<i>Primary Industries (Customs) Charges Act 1999</i>	2
<i>Primary Industries (Excise) Levies Act 1999</i>	1
<i>Privacy Act 1988</i>	1
<i>Quarantine Act 1908</i>	1
<i>Radiocommunications Act 1992</i>	1
<i>Social Security Act 1991</i>	2
<i>Telecommunications (Interception and Access) Act 1979</i>	1
<i>Trade Practices Act 1974</i>	1
<i>Veterans' Entitlements Act 1986</i>	2
<i>Wheat Marketing Act 1989</i>	1
Total	48

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Non-bulk Wheat Quality Assurance Scheme 2007 under s. 67(1) of the *Wheat Marketing Act 1989* [F2007L02478]

Wheat Marketing Act 1989

Made 06/08/2007
Tabled 15/08/2007 S 14/08/2007 HR

Summary Specifies a scheme for the sampling and quality testing of wheat to be exported in bags or containers.

Primary Industries (Excise) Levies Amendment Regulations 2007 (No. 8) Select Legislative Instrument 2007 No. 232 [F2007L02465]

Primary Industries (Excise) Levies Act 1999

Made 09/08/2007
Tabled 16/08/2007 S 15/08/2007 HR

Summary Specify an increase in the cherry research and development levy and export charge, and establish a cherry marketing levy and export charge.

Primary Industries (Customs) Charges Amendment Regulations 2007 (No. 6) Select Legislative Instrument 2007 No. 230 [F2007L02466]

Primary Industries (Customs) Charges Act 1999

Made 09/08/2007
Tabled 16/08/2007 S 15/08/2007 HR

Summary Specify an increase in the cherry research and development levy and export charge, and establish a cherry marketing levy and export charge.

Primary Industries (Customs) Charges Amendment Regulations 2007 (No. 7) Select Legislative Instrument 2007 No. 231 [F2007L02474]

Primary Industries (Customs) Charges Act 1999

Made 09/08/2007
Tabled 16/08/2007 S 15/08/2007 HR

Summary Specify an increase in the statutory marketing and research and development charges imposed on the live export of cattle, sheep, lambs and goats.

ATTORNEY-GENERAL'S DEPARTMENT

Customs (Prohibited Exports) Amendment Regulations 2007 (No. 2) **Select Legislative Instrument 2007 No. 234** **[F2007L02476]**

Customs Act 1901

Made 09/08/2007
Tabled 16/08/2007 S 15/08/2007 HR

Summary Amend the export controls on wheat in the Principal Regulations.

Privacy (Private Sector) Amendment Regulations 2007 (No. 3) **Select Legislative Instrument 2007 No. 236** **[F2007L02440]**

Privacy Act 1988

Made 09/08/2007
Tabled 15/08/2007 S 14/08/2007 HR

Summary Provide that a small business that operates a residential tenancy database and undertakes certain acts and practices is an organisation for the purposes of the *Privacy Act 1988*.

Electronic Transactions Amendment Regulations 2007 (No. 2) **Select Legislative Instrument 2007 No. 235** **[F2007L02443]**

Electronic Transactions Act 1999

Made 09/08/2007
Tabled 16/08/2007 S 15/08/2007 HR

Summary Remove certain exemptions concerning student assistance benefits from the Principal Regulations.

Quarantine Amendment Regulations 2007 (No. 2) **Select Legislative Instrument 2007 No. 233** **[F2007L02427]**

Quarantine Act 1908

Made 09/08/2007
Tabled 16/08/2007 S 16/08/2007 HR

Summary Amend the Principal Regulations concerning the information that the master of a vessel or installation is required to provide in relation to the quarantine status of the ship or installation prior to arrival at an Australian port.

Family Law Amendment Rules 2007 (No. 2) **Select Legislative Instrument 2007 No. 242** **[F2007L02483]**

Family Law Act 1975

Made 07/08/2007
Tabled 15/08/2007 S 14/08/2007 HR

Summary Remove a requirement concerning the filing of a certificate or affidavit in certain cases.

**Telecommunications (Interception and Access)
Amendment Regulations 2007 (No. 1)
Select Legislative Instrument 2007 No. 237
[F2007L02415]**

***Telecommunications (Interception and Access)
Act 1979***

Made 09/08/2007
Tabled 15/08/2007 S 14/08/2007 HR

Summary Specify prescribed forms for each type of warrant that can be issued pursuant to ss. 46 and 46A of the *Telecommunications (Interception and Access) Act 1979*.

DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS

Broadcasting Services (Technical Planning) Guidelines 2007 under s.33 of the *Broadcasting Services Act 1992* [F2007L02469]

Broadcasting Services Act 1992

Made	06/07/2007	
Tabled	15/08/2007 S	14/08/2007 HR

Summary Amend the Principal Guidelines to provide for new digital services.

Radiocommunications (Domestic Digital Television Receiver — Characteristic) Determination 2007 under s. 5 of the *Radiocommunications Act 1992* [F2007L02467]

Radiocommunications Act 1992

Made	06/07/2007	
Tabled	14/08/2007 S	13/08/2007 HR

Summary Adds a further characteristic to the definition of domestic digital television receiver in s. 5 of the Act.

DEPARTMENT OF DEFENCE

Defence Determination 2007/49

Defence Act 1903

Made 06/08/2007
 Tabled 13/08/2007 S 13/08/2007 HR

Summary Specifies amendments to various allowances.

Defence Determination 2007/52

Defence Act 1903

Made 08/08/2007
 Tabled 13/08/2007 S 13/08/2007 HR

Summary Amends the name of two employment categories and makes other minor amendments to the Principal Determination.

Defence Determination 2007/50

Defence Act 1903

Made 08/08/2007
 Tabled 13/08/2007 S 13/08/2007 HR

Summary Specifies adjustments to the rates of deployment allowance and makes other amendments to the Principal Determination.

Defence Determination 2007/53

Defence Act 1903

Made 10/08/2007
 Tabled 15/08/2007 S 15/08/2007 HR

Summary Amends the rules concerning salary on enlistment, appointment, promotion or incremental advancement.

Defence Determination 2007/51

Defence Act 1903

Made 08/08/2007
 Tabled 13/08/2007 S 13/08/2007 HR

Summary Ceases the retention allowance paid to aerospace and Navy engineers.

DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING

**Amendment No. 4 to the Other Grants
Guidelines 2006 under s. 238-10 of the
Higher Education Support Act 2003
[F2007L02425]**

Higher Education Support Act 2003

Made	26/07/2007	
Tabled	15/08/2007 S	14/08/2007 HR

Summary Amends the Principal Guidelines to provide for two new grant schemes and to remove a scheme that has terminated.

DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS

Social Security (Personal Care Support — Direct Payments Project) (DEWR) Determination 2007
under s. 35A of the *Social Security Act 1991*
[F2007L02555]

Social Security Act 1991

Made	30/07/2007	
Tabled	16/08/2007 S	15/08/2007 HR

Summary Determines that the Direct Payments Project is an approved scheme under the Act.

DEPARTMENT OF THE ENVIRONMENT AND WATER RESOURCES

**Variation to the National Environment Protection
(National Pollutant Inventory) Measure
2007 (No. 1) under s. 20 of the *National
Environment Protection Council Act 1994*
[F2007L02572]**

National Environment Protection Council Act 1994

Made	02/06/2007	
Tabled	16/08/2007 S	15/08/2007 HR

Summary Makes a number of amendments to the National Pollutant Inventory, including the inclusion of greenhouse gases.

DEPARTMENT OF FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS

Social Security (Personal Care Support — Direct Payments Project) (FaSCIA) Determination 2007
under s. 35A of the *Social Security Act 1991*
[F2007L02532]

Social Security Act 1991

Made	16/07/2007	
Tabled	16/08/2007 S	15/08/2007 HR

Summary Determines that the Direct Payments Project is an approved scheme under the Act.

DEPARTMENT OF INDUSTRY, TOURISM AND RESOURCES

**Trade Practices (Industry Codes — Franchising)
Amendment Regulations 2007 (No. 1)
Select Legislative Instrument 2007 No. 240
[F2007L02475]**

Trade Practices Act 1974

Made	09/08/2007	
Tabled	15/08/2007 S	14/08/2007 HR

Summary Amend the Franchising Code of Conduct.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 206/167 Amdt 2 [F2007L02447]

Civil Aviation Act 1988

Made 11/07/2007
Tabled 14/08/2007 S 13/08/2007 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/CL-600/34 Amdt 2 [F2007L02455]

Civil Aviation Act 1988

Made 11/07/2007
Tabled 14/08/2007 S 13/08/2007 HR

Summary This AD was cancelled on 30 August 2007. This AD was superseded by AD/CL-600/71.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 222/24 Amdt 1 [F2007L02448]

Civil Aviation Act 1988

Made 11/07/2007
Tabled 14/08/2007 S 13/08/2007 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/CL-600/35 Amdt 2 [F2007L02456]

Civil Aviation Act 1988

Made 11/07/2007
Tabled 14/08/2007 S 13/08/2007 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 222/25 Amdt 1 [F2007L02449]

Civil Aviation Act 1988

Made 11/07/2007
Tabled 14/08/2007 S 13/08/2007 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/DHC-1/36 Amdt 1 [F2007L02463]

Civil Aviation Act 1988

Made 20/07/2007
Tabled 14/08/2007 S 13/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/ECUREUIL/109
Amdt 3
[F2007L02464]

Civil Aviation Act 1988

Made 11/07/2007
 Tabled 14/08/2007 S 13/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/HU 369/118
[F2007L02564]

Civil Aviation Act 1988

Made 17/07/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/ENST 28/39
[F2007L02481]

Civil Aviation Act 1988

Made 08/08/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/SD3-60/68 Amdt 2
[F2007L02565]

Civil Aviation Act 1988

Made 20/07/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/F406/17
[F2007L02563]

Civil Aviation Act 1988

Made 20/07/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/SF340/101
[F2007L02566]

Civil Aviation Act 1988

Made 11/07/2007
 Tabled 16/08/2007 S 16/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TBM 700/47
[F2007L02567]

Civil Aviation Act 1988

Made 11/07/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TECNAM/4
[F2007L02570]

Civil Aviation Act 1988

Made 20/07/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TECNAM/2
[F2007L02568]

Civil Aviation Act 1988

Made 20/07/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TECNAM/5
[F2007L02571]

Civil Aviation Act 1988

Made 20/07/2007
 Tabled 16/08/2007 S 16/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TECNAM/3
[F2007L02569]

Civil Aviation Act 1988

Made 20/07/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/X-TS/8
[F2007L02573]

Civil Aviation Act 1988

Made 13/08/2007
 Tabled 16/08/2007 S 15/08/2007 HR

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

DEPARTMENT OF THE TREASURY

**Commonwealth Places (Mirror Taxes)
Amendment Regulations 2007 (No. 2)
Select Legislative Instrument 2007 No. 241
[F2007L02401]**

Commonwealth Places (Mirror Taxes) Act 1998

Made 09/08/2007
Tabled 15/08/2007 S 14/08/2007 HR

Summary Update references to State tax legislation in the Principal Regulations.

**Currency (Royal Australian Mint) Determination
2007 (No. 5) under s. 13A(1) of the *Currency
Act 1965*
[F2007L02472]**

Currency Act 1965

Made 01/08/2007
Tabled 14/08/2007 S 13/08/2007 HR

Summary Specifies the design and characteristics of a one dollar coin issued to mark the 60th anniversary of Australian Peacekeeping.

**Simplified GST Accounting Methods Legislative
Instrument (No. 1) 2007 under s. 123-5(1) of the
*A New Tax System (Goods and Services Tax)
Act 1999*
[F2007L02577]**

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

Made 14/08/2007
Tabled 15/08/2007 S 14/08/2007 HR

Summary Specifies the methods to be used by eligible food retailers in determining net amounts for tax periods.

DEPARTMENT OF VETERANS' AFFAIRS

Australian War Memorial Amendment Regulations 2007 (No. 1)
Select Legislative Instrument 2007 No. 238
[F2007L02340]

Australian War Memorial Act 1980

Made 09/08/2007
 Tabled 16/08/2007 S 15/08/2007 HR

Summary Specify that the Australian War Memorial may enter into contracts up to a sum of \$1 million without the need for Ministerial approval.

MRCA Treatment Principles (Access to RAP Equipment in Institutions and Under Health Programs) Instrument 2007 under s. 286(2) of the *Military Rehabilitation and Compensation Act 2004*

Instrument No. M12/2007
[F2007L02428]

Military Rehabilitation and Compensation Act 2004

Made 07/06/2007
 Tabled 15/08/2007 S 14/08/2007 HR

Summary Amends the Principal Instrument concerning the use of non-consumable rehabilitation appliances.

Treatment Principles ((Australian Participants in British Nuclear Tests) 2006 — Access to RAP Equipment in Institutions and Under Health Programs) Instrument 2007 under s. 16(6) of the *Australian Participants in British Nuclear Tests (Treatment) 2006*
Instrument No. R11/2007
[F2007L02430]

Australian Participants in British Nuclear Tests (Treatment) Act 2006

Made 07/06/2007
 Tabled 15/08/2007 S 14/08/2007 HR

Summary Amends the Principal Instrument concerning the use of non-consumable rehabilitation appliances.

Veterans' Entitlements (Special Assistance — Motorcycle Purchase) Amendment Regulations 2007 (No. 1)
Select Legislative Instrument 2007 No. 239
[F2007L02214]

Veterans' Entitlements Act 1986

Made 09/08/2007
 Tabled 15/08/2007 S 14/08/2007 HR

Summary Make minor machinery amendments to the Principal Regulations.

**Veterans' Entitlements (Treatment Principles —
Access to RAP Equipment in Institutions and
Under Health Programs) Instrument 2007
under s. 90(4) of the *Veterans' Entitlements
Act 1986***

**Instrument No. R10/2007
[F2007L02429]**

Veterans' Entitlements Act 1986

Made	07/06/2007	
Tabled	15/08/2007 S	14/08/2007 HR

Summary Amends the Principal Instrument
concerning the use of non-consumable
rehabilitation appliances.