

**DELEGATED LEGISLATION MONITOR
01 – 04 SEPTEMBER 2008**

This week at a glance

There were 32 disallowable instruments tabled in the Parliament. These were made under 22 separate enabling Acts, through 14 Departments of State.

Regulations

7 of the 32 instruments were Regulations, comprising

- 1 made as primary instruments; and
- 6 made as amending instruments

Instrument makers

12 instruments were made by the Governor-General or Ministers

20 instruments were made by Public Officials

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01 – 04 SEPTEMBER 2008**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	1
Attorney-General's Department	2
Broadband, Communications and the Digital Economy	1
Defence	2
Education, Employment and Workplace Relations	2
Environment, Water, Heritage and the Arts	1
Finance and Deregulation	1
Foreign Affairs and Trade	1
Health and Ageing	1
Immigration and Citizenship	4
Infrastructure, Transport, Regional Development and Local Government	5
Innovation, Industry, Science and Research	1
Treasury	9
Veterans' Affairs	1
Total	32

**DELEGATED LEGISLATION TABLED IN THE SENATE
01 – 04 SEPTEMBER 2008**

**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>	3
<i>Australian Capital Territory (Planning and Land Management) Act 1988</i>	1
<i>Australian Citizenship Act 2007</i>	1
<i>Australian Film, Television and Radio School Act 1973</i>	1
<i>Broadcasting Services Act 1992</i>	1
<i>Charter of the United Nations Act 1945</i>	1
<i>Civil Aviation Act 1988</i>	4
<i>Corporations Act 2001</i>	2
<i>Customs Act 1901</i>	2
<i>Defence Act 1903</i>	1
<i>Defence Service Homes Act 1918</i>	1
<i>Financial Sector (Collection of Data) Act 2001</i>	1
<i>Fisheries Management Act 1991</i>	1
<i>Higher Education Support Act 2003</i>	1
<i>Migration Act 1958</i>	3
<i>Military Rehabilitation and Compensation Act 2004</i>	1
<i>National Health Act 1953</i>	1
<i>Patents Act 1990</i>	1
<i>Protection of the Sea (Harmful Anti-fouling Systems) Act 2006</i>	1
<i>Remuneration Tribunal Act 1973</i>	1
<i>Taxation Administration Act 1953</i>	1
<i>Trade Practices Act 1974</i>	2
Total	32

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

**NPF Direction No. 121 under s. 17(5A) of the
Fisheries Management Act 1991 and s. 25(1) of the
Northern Prawn Fishery Management Plan 1995
[F2008L03358]**

Fisheries Management Act 1991

Made	29/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Establishes closures in specified areas
of the Northern Prawn Fishery.

ATTORNEY-GENERAL'S DEPARTMENT

Customs Amendment Regulations 2008 (No. 5) Select Legislative Instrument 2008 No. 173 [F2008L03226]

Customs Act 1901

Made	29/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Amend the Principal Regulations as a consequence of United Nations Security Council Resolution 1823.

Customs (Prohibited Exports) Amendment Regulations 2008 (No. 2) Select Legislative Instrument 2008 No. 174 [F2008L03224]

Customs Act 1901

Made	29/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Amend the Principal Regulations as a consequence of United Nations Security Council Resolution 1823.

**DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL
ECONOMY**

Variation to Licence Area Plan for Mudgee Radio
— No. 1 of 2008 under s. 26(2) of the *Broadcasting*
Services Act 1992
[F2008L03234]

Broadcasting Services Act 1992

Made	25/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Defines a new licence area in
which a specified commercial radio
broadcasting service may operate.

DEPARTMENT OF DEFENCE

Defence Force Amendment Regulations 2008 (No. 2) Select Legislative Instrument 2008 No. 175 [F2008L03070]

Defence Act 1903

Made	29/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Correct a drafting error in the Principal Regulations.

Defence Service Homes Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 176 [F2008L03075]

Defence Service Homes Act 1918

Made	29/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Specify the purposes for which personal information obtained under the *Defence Service Homes Act 1918* may be used or disclosed by certain persons.

DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

**Higher Education Provider Approval
(No. 08 of 2008) under s. 16-50(1) of the
Higher Education Support Act 2003
[F2008L03247]**

Higher Education Support Act 2003

Made	23/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Approves Gestalt Therapy Brisbane
Pty Ltd as a Higher Education
Provider.

**Remuneration Tribunal Determination 2008/17
[F2008L03405]**

Remuneration Tribunal Act 1973

Made	29/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Specifies revised remuneration
arrangements for the Official
Secretary to the Governor-General.

DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS

**Determination of Degrees, Diplomas and
Certificates No. 2008/3 under s. 6A of the
*Australian Film, Television and Radio School
Act 1973*
[F2008L03293]**

***Australian Film, Television and Radio School
Act 1973***

Made	04/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary	Specifies certain certificates and diplomas that may be awarded by the Australian Film, Television and Radio School.
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DEPARTMENT OF FINANCE AND DEREGULATION

**Revocation of Declaration of National Land
under s. 27(1) of the *Australian Capital Territory
(Planning and Land Management) Act 1988*
[F2008L03241]**

***Australian Capital Territory (Planning and Land
Management) Act 1988***

Made	05/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Revokes a previous Declaration and consequently transfers the management and control of a specified area of land from the Commonwealth to the ACT Government.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

**Charter of the United Nations (Sanctions —
Rwanda) Repeal Regulations 2008**
Select Legislative Instrument 2008 No. 177
[F2008L03068]

Charter of the United Nations Act 1945

Made	29/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Repeal the Principal Regulations
as a consequence of United Nations
Security Council Resolution 1823.

DEPARTMENT OF HEALTH AND AGEING

**Instrument No. PB 91 of 2008 under
s. 100(2) of the *National Health Act 1953*
[F2008L03282]**

National Health Act 1953

Made	26/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Specifies arrangements for the supply of special pharmaceutical products to persons receiving IVF or gamete intra-fallopian transfer treatment.

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Instrument of Delegation and Authorisation under ss. 40(3), 40(4), 42(3) and 53 of the Australian Citizenship Act 2007
IMMI 08/055
[F2008L03347]

Australian Citizenship Act 2007

Made 24/08/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Permits certain classes of person occupying or performing duties in specified positions to request applicants under the Act to provide specified personal identifiers in support of their application, and authorises access to identifying information for specified purposes.

Migration Agents (Continuing Professional Development — Attendance at a Seminar, Workshop, Conference or Lecture) under clause 3 of Schedule 1 to the Migration Agents Regulations 1998
MARA Notice MN36-08c of 2008
[F2008L03394]

Migration Act 1958

Made 02/09/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Specifies approved attendance at seminars, workshops, conferences or lectures for the purposes of continuing professional development of migration agents.

Migration Agents (Continuing Professional Development — Miscellaneous Activities) under clause 3 of Schedule 1 to the Migration Agents Regulations 1998
MARA Notice MN36-08f of 2008
[F2008L03396]

Migration Act 1958

Made 02/09/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Specifies approved miscellaneous activities for the purposes of continuing professional development of migration agents.

Migration Agents (Continuing Professional Development — Preparation of Materials for Presentation) under clause 3 of Schedule 1 to the Migration Agents Regulations 1998
MARA Notice MN36-08e of 2008
[F2008L03395]

Migration Act 1958

Made 02/09/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Specifies activities involving preparation of or presentation of material which are approved for the purposes of continuing professional development of migration agents.

**DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL
DEVELOPMENT AND LOCAL GOVERNMENT**

Civil Aviation Orders, Part 105
Airworthiness Directive AD/EC 225/3
[F2008L03223]

Civil Aviation Act 1988

Made 25/08/2008
Tabled 01/09/2008 S 01/09/2008 HR

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

Instrument No. CASA 422/08 under r. 179A(1)
of the *Civil Aviation Regulations 1988*
[F2008L03049]

Civil Aviation Act 1988

Made 22/08/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Specifies instructions for the use of precision area navigation procedures by certain aircraft operated by Jetstar Airways Pty Ltd.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/HU 369/121 Amdt 1
[F2008L03242]

Civil Aviation Act 1988

Made 28/08/2008
Tabled 01/09/2008 S 01/09/2008 HR

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

Marine Orders — Part 98 — Marine Pollution
— Anti-Fouling Systems, Issue 1
Marine Order No. 08 of 2008
[F2008L03232]

Protection of the Sea (Harmful Anti-fouling Systems) Act 2006

Made 22/08/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Prescribes various matters for the purposes of the Act.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/S-PUMA/78 Amdt 1
[F2008L03222]

Civil Aviation Act 1988

Made 25/08/2008
Tabled 01/09/2008 S 01/09/2008 HR

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

DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH

Patents Amendment Regulations 2008 (No. 1)
Select Legislative Instrument 2008 No. 178
[F2008L03228]

Patents Act 1990

Made 29/08/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Specify minor administrative amendments to Schedule 2A to the Principal Regulations, and reduce the filing fee for applicants from certain countries.

DEPARTMENT OF THE TREASURY

Accounting Standard AASB 2008-7 : Amendments to Australian Accounting Standards — Cost of an Investment in a Subsidiary, Jointly Controlled Entity or Associate
[AASB 1, AASB 118, AASB 121, AASB 127 and AASB 136]
[F2008L03231]

Corporations Act 2001

Made	25/07/2008	
Tabled	01/09/2008 S	01/09/2008 HR

Summary Amends a number of Accounting Standards in relation to the cost of an investment in a subsidiary, jointly controlled entity or associate.

Auditing Standard ASA 2008-1 : Amendments to Australian Auditing Standards
[F2008L03239]

Corporations Act 2001

Made	21/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Amends Auditing Standard on Review Engagement ASRE 2410.

Consumer Protection Notice No. 9 of 2008 under s. 65E(1) of the *Trade Practices Act 1974*
[F2008L03233]

Trade Practices Act 1974

Made	15/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Declares certain Standards for vehicle support stands to be a Consumer Product Safety Standard.

Consumer Protection Notice No. 10 of 2008 under s. 65E(1) of the *Trade Practices Act 1974*
[F2008L03230]

Trade Practices Act 1974

Made	15/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Declares certain Standards for hydraulic trolley jacks to be a Consumer Product Safety Standard.

Financial Sector (Collection of Data) (Reporting Standard) Determination No. 59 of 2008 under paragraph 13(1)(a) of the *Financial Sector (Collection of Data) Act 2001*
[F2008L03321]

Financial Sector (Collection of Data) Act 2001

Made	29/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary Specifies a reporting standard ARS 320.8 Housing Loan Reconciliation that applies to certain authorised deposit-taking institutions.

Goods and Services Tax: Waiver of Adjustment Note Requirement (Corporate Card Statements) Legislative Instrument (No. 1) 2008 under s. 29-20(3) of the A New Tax System (Goods and Services Tax) Act 1999
[F2008L03346]

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

Made 27/08/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Permits corporate credit and charge card holders to claim decreasing adjustments without holding an adjustment note in certain circumstances.

Goods and Services Tax: Waiver of Tax Invoice Requirement (Visa Purchasing Card) Legislative Instrument (No. 2) 2008 under s. 29-10(3) of the A New Tax System (Goods and Services Tax) Act 1999
[F2008L03348]

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

Made 27/08/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Permits Visa Purchasing Card holders to claim input tax credits without holding a tax invoice in certain circumstances.

Goods and Services Tax: Waiver of Tax Invoice Requirement (Corporate Card Statements) Legislative Instrument (No. 1) 2008 under s. 29-10(3) of the A New Tax System (Goods and Services Tax) Act 1999
[F2008L03345]

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

Made 27/08/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Permits corporate credit and charge card holders to claim input tax credits without holding a tax invoice in certain circumstances.

Taxation Administration Amendment Regulations 2008 (No. 3) Select Legislative Instrument 2008 No. 179
[F2008L03220]

Taxation Administration Act 1953

Made 29/08/2008
Tabled 04/09/2008 S 04/09/2008 HR

Summary Permit the Commissioner of Taxation to charge an applicant for a private ruling for the cost of a valuer.

DEPARTMENT OF VETERANS' AFFAIRS

MRCA Treatment Principles (Incorporated Documents Update) Instrument 2008 under s. 286(3) of the *Military Rehabilitation and Compensation Act 2004* Instrument No. M18/2008 [F2008L03320]

Military Rehabilitation and Compensation Act 2004

Made	27/08/2008	
Tabled	04/09/2008 S	04/09/2008 HR

Summary	Updates references in the Principal Instrument to documents that are incorporated by reference.
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