

**DELEGATED LEGISLATION MONITOR
24 – 27 NOVEMBER 2008**

This week at a glance

There were 57 disallowable instruments tabled in the Parliament.
These were made under 20 separate enabling Acts, through
11 Departments of State.

Instrument makers

16 instruments were made by the Governor-General or Ministers

41 instruments were made by Public Officials

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24 - 27 NOVEMBER 2008**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Broadband, Communications and the Digital Economy	2
Defence	1
Education, Employment and Workplace Relations	4
Environment, Water, Heritage and the Arts	9
Families, Housing, Community Services and Indigenous Affairs	5
Finance and Deregulation	1
Foreign Affairs and Trade	1
Health and Ageing	12
Immigration and Citizenship	1
Infrastructure, Transport, Regional Development and Local Government	19
Treasury	2
Total	57

**DELEGATED LEGISLATION TABLED IN THE SENATE
24 – 27 NOVEMBER 2008**

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

<i>Appropriation (Northern Territory National Emergency Response) Act (No. 1) 2007-2008</i>	1
<i>Australian Prudential Regulation Authority Act 1998</i>	1
<i>Civil Aviation Act 1988</i>	19
<i>Corporations Act 2001</i>	1
<i>Defence Act 1903</i>	1
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	8
<i>Export Market Development Grants Act 1997</i>	1
<i>Health Insurance Act 1973</i>	2
<i>Higher Education Funding Act 1988</i>	1
<i>Higher Education Support Act 2003</i>	1
<i>Migration Act 1958</i>	1
<i>National Environment Protection Council Act 1994</i>	1
<i>National Health Act 1953</i>	3
<i>National Health Security Act 2007</i>	1
<i>Private Health Insurance Act 2007</i>	1
<i>Social Security (Administration) Act 1999</i>	4
<i>Social Security Act 1991</i>	2
<i>Student Assistance Act 1973</i>	1
<i>Therapeutic Goods Act 1989</i>	5
<i>Trade Practices Act 1974</i>	2
Total	57

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Class Exemption Determination No. 3 of 2008 under s. 152AS(1) of the *Trade Practices Act 1974* [F2008L04332]

Trade Practices Act 1974

Made	29/10/2008	
Tabled	26/11/2008 S	26/11/2008 HR

Summary Exempts a class of telecommunications service providers from the standard access obligations.

Model Non-Price Terms and Conditions Determination 2008 under s. 152AQB of the *Trade Practices Act 1974* [F2008L04341]

Trade Practices Act 1974

Made	17/11/2008	
Tabled	26/11/2008 S	26/11/2008 HR

Summary Specifies model terms and conditions relating to access to core services, as defined in s. 152AQB(1) of the Act.

DEPARTMENT OF DEFENCE**Defence Determination 2008/59*****Defence Act 1903***

Made	11/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR
Summary	Specifies revised post indexes for overseas locations where members of the Australian Defence Force serve.	

DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Declaration under s. 4(2) of the *Higher Education Funding Act 1988* [F2008L04384]

Higher Education Funding Act 1988

Made 11/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Declares seven institutions to be higher education institutions.

VET Provider Approval (No. 7 of 2008) under clause 6 and paragraph 11(1)(b) of Schedule 1A to the *Higher Education Support Act 2003* [F2008L04365]

Higher Education Support Act 2003

Made 12/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Approves Australian College of Applied Psychology Pty Ltd as a VET provider.

Social Security (Deeming Threshold Rates) (DEEWR) Determination 2008 (No. 2) under s. 1082 of the *Social Security Act 1991* [F2008L04318]

Social Security Act 1991

Made 13/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies revised below and above threshold rates used in calculating income from financial investments.

Student Assistance (Education Institutions and Courses) Determination 2008 (No. 1) under ss. 3(1) and 5D(1) of the *Student Assistance Act 1973* [F2008L04305]

Student Assistance Act 1973

Made 30/10/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies education institutions and courses which are approved for the purposes of the Act.

DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS

Amendment of List of Exempt Native Specimens under s. 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC303DC/SFS/2008/25) [F2008L04417]

Environment Protection and Biodiversity Conservation Act 1999

Made 13/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Adds specimens taken in the Queensland East Coast Inshore Fin Fish Fishery to the list of native specimens that are exempt from trade control provisions.

Amendment of List of Exempt Native Specimens under s. 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC303DC/SFS/2008/33) [F2008L04312]

Environment Protection and Biodiversity Conservation Act 1999

Made 08/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Adds certain specimens taken in the South Australian Lakes and Coorong Fishery to the list of native specimens that are exempt from trade control provisions.

Amendment of List of Exempt Native Specimens under s. 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC303DC/SFS/2008/31) [F2008L04363]

Environment Protection and Biodiversity Conservation Act 1999

Made 19/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Deletes specimens taken in the Torres Strait Prawn Fishery from the list of native specimens that are exempt from trade control provisions.

Amendment of List of Exempt Native Specimens under s. 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC303DC/SFS/2008/34) [F2008L04385]

Environment Protection and Biodiversity Conservation Act 1999

Made 21/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Deletes specimens taken in the Queensland Marine Aquarium Fish Fishery from the list of native specimens that are exempt from trade control provisions.

Amendment of List of Exempt Native Specimens under s. 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC303DC/SFS/2008/35) [F2008L04395]

Environment Protection and Biodiversity Conservation Act 1999

Made 21/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Adds specimens taken in the Queensland Marine Aquarium Fish Fishery to the list of native specimens that are exempt from trade control provisions.

Amendment of List of Exempt Native Specimens under s. 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC303DC/SFS/2008/36) [F2008L04364]

Environment Protection and Biodiversity Conservation Act 1999

Made 19/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Adds specimens taken in the Torres Strait Prawn Fishery to the list of native specimens that are exempt from trade control provisions.

Inclusion of Species in the List of Threatened Species under s. 178 of the *Environment Protection and Biodiversity Conservation Act 1999* (59) [F2008L04359]

Environment Protection and Biodiversity Conservation Act 1999

Made 14/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Amends the lists in the Critically Endangered, Endangered and Vulnerable categories with respect to certain plant species.

Inclusion of Species in the List of Threatened Species under s. 178 of the *Environment Protection and Biodiversity Conservation Act 1999* (62) [F2008L04356]

Environment Protection and Biodiversity Conservation Act 1999

Made 14/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Amends the lists in the Critically Endangered, Endangered and Vulnerable categories with respect to certain plant species.

Variation to the National Environment Protection (National Pollutant Inventory) Measure 2008 (No. 1) under s. 22A of the *National Environment Protection Council Act 1994* [F2008L04326]

National Environment Protection Council Act 1994

Made 07/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Makes minor administrative amendments to the Principal Instrument.

DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS

Social Security (Administration) (Declared Child Protection State or Territory — Western Australia) Determination 2008 under s. 123TF of the *Social Security (Administration) Act 1999* [F2008L04352]

Social Security (Administration) Act 1999

Made 18/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Declares Western Australia to be a child protection State for the purposes of the Act.

Social Security (Administration) (Deductible Portion — Section 123XI) Specification 2008 under paragraph 123XI(3)(b) of the *Social Security (Administration) Act 1999* [F2008L04353]

Social Security (Administration) Act 1999

Made 18/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies a percentage that is less than 100% for the purposes of paragraph 123XI(3)(b) of the Act.

Social Security (Administration) (Declared Voluntary Income Management Areas — Western Australia (No. 1)) Determination 2008 under paragraph 123TGA(c) of the *Social Security (Administration) Act 1999* [F2008L04351]

Social Security (Administration) Act 1999

Made 18/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Declares certain voluntary income management areas in Western Australia for the purposes of the Act.

Social Security (Administration) (Deductible Portion — Section 123XPA) Specification 2008 under paragraph 123XPA(3)(b) of the *Social Security (Administration) Act 1999* [F2008L04350]

Social Security (Administration) Act 1999

Made 18/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies a percentage that is higher than 70% for the purposes of paragraph 123XPA(3)(b) of the Act.

Social Security (Deeming Threshold Rates) (FaHCSIA) Determination 2008 (No. 2) under s. 1082 of the *Social Security Act 1991* [F2008L04316]

Social Security Act 1991

Made 12/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies revised below and above threshold rates used in calculating income from financial investments.

DEPARTMENT OF FINANCE AND DEREGULATION

Determination to Reduce Appropriations Upon Request (No. 8 of 2008-2009) under s. 9(1) of the Appropriation (Northern Territory National Emergency Response) Act (No. 1) 2007-2008 [F2008L04347]

Appropriation (Northern Territory National Emergency Response) Act (No. 1) 2007-2008

Made	12/11/2008	
Tabled	26/11/2008 S	26/11/2008 HR

Summary	Reduces departmental appropriations items for the Australian Federal Police by a specified amount.
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DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

Export Market Development Grants (Iran Sanctions) Declaration 2008 under s. 44 of the *Export Market Development Grants Act 1997* [F2008L04314]

Export Market Development Grants Act 1997

Made	19/09/2008	
Tabled	24/11/2008 S	24/11/2008 HR

Summary Declares that Iran is subject to trade sanctions for the purposes of the Act.

DEPARTMENT OF HEALTH AND AGEING

Conformity Assessment Standards Order (Standard for Quality Management Systems and Quality Assurance Techniques) 2008 under s. 41DC of the *Therapeutic Goods Act 1989* [F2008L04337]

Therapeutic Goods Act 1989

Made	14/11/2008	
Tabled	26/11/2008 S	26/11/2008 HR
Summary	Specifies conformity assessment standards for quality assurance techniques for the manufacture of medical devices that are intended to be supplied in a sterile state.	

Health Insurance (Positron Emission Tomography) Determination 2008 (No. 2) under s. 3C(1) of the *Health Insurance Act 1973* [F2008L04320]

Health Insurance Act 1973

Made	10/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR
Summary	Provides for the payment of Medicare benefits for PET services.	

Health Insurance (Positron Emission Tomography) Facilities Determination 2008 under s. 3C(1) of the *Health Insurance Act 1973* [F2008L04319]

Health Insurance Act 1973

Made	13/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR
Summary	Specifies the availability of Medicare items for Positron Emission Tomography services.	

Instrument No. PB 110 of 2008 under s. 84AF of the *National Health Act 1953* [F2008L04302]

National Health Act 1953

Made	03/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR
Summary	Determines, for specified brands of pharmaceutical items, the responsible persons for those brands.	

Instrument No. PB 111 of 2008 under paragraph 98C(1)(b) of the *National Health Act 1953* [F2008L04303]

National Health Act 1953

Made	03/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR
Summary	Specifies amendments to the conditions under which payments will be made in respect of supply of pharmaceutical benefits by approved pharmacists and approved medical practitioners.	

Instrument No. PB 112 of 2008 under s. 84AH of the *National Health Act 1953* [F2008L04304]

National Health Act 1953

Made	03/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR
Summary	Determines that certain pharmaceutical products are exempt items for the purposes of the Act.	

Medical Device Standards Order (Standards for Biological Safety of Medical Devices) 2008 under s. 41CB of the *Therapeutic Goods Act 1989* [F2008L04338]

Therapeutic Goods Act 1989

Made 14/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Specifies standards that are relevant to the biological safety of medical devices.

National Health Security (SSBA Standards) Determination 2008 under s. 35(1) of the *National Health Security Act 2007* [F2008L04331]

National Health Security Act 2007

Made 13/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

Summary Specifies standards relating to security-sensitive biological agents.

Medical Device Standards Order (Standards for Medical Devices Required to be Sterile) 2008 under s. 41CB of the *Therapeutic Goods Act 1989* [F2008L04336]

Therapeutic Goods Act 1989

Made 14/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies standards for quality assurance techniques for the manufacture of medical devices that are intended to be supplied in a sterile state.

Private Health Insurance (Health Benefits Fund Administration) Amendment Rules 2008 (No. 2) under s. 333-25 of the *Private Health Insurance Act 2007* [F2008L04308]

Private Health Insurance Act 2007

Made 23/10/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Extends the operation of Rule 12A of the Principal Rules until 01 January 2010.

Medical Device Standards Order (Standards for Natural Latex Rubber Condoms) 2008 under s. 41CB of the *Therapeutic Goods Act 1989* [F2008L04335]

Therapeutic Goods Act 1989

Made 14/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies standards that are applicable to natural latex rubber condoms.

Therapeutic Goods (Emergency) Exemption 2008 (No. 4) under ss. 18A(1) and 18A(2)(a) of the *Therapeutic Goods Act 1989* [F2008L04340]

Therapeutic Goods Act 1989

Made 11/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

Summary Permits the addition to the National Medicines Stockpile of an unregistered immunoglobulin treatment.

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

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 MN46-08c of 2008
[F2008L04315]

Migration Act 1958

Made	12/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR

Summary	Specifies approved attendance at seminars, workshops, conferences or lectures for the purposes of continuing professional development of migration agents.
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**DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL
DEVELOPMENT AND LOCAL GOVERNMENT**

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/A330/95
[F2008L04378]**

Civil Aviation Act 1988

Made 20/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B737/346
[F2008L04349]**

Civil Aviation Act 1988

Made 18/11/2008
Tabled 26/11/2008 S 26/11/2008 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B737/249 Amdt 1
[F2008L04311]**

Civil Aviation Act 1988

Made 11/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B737/347
[F2008L04376]**

Civil Aviation Act 1988

Made 20/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B737/316 Amdt 1
[F2008L04317]**

Civil Aviation Act 1988

Made 13/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B767/157 Amdt 1
[F2008L04375]**

Civil Aviation Act 1988

Made 20/11/2008
Tabled 24/11/2008 S 24/11/2008 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CL-600/83 Amdt 1
[F2008L04313]

Civil Aviation Act 1988

Made 12/11/2008
 Tabled 24/11/2008 S 24/11/2008 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-25/8
[F2008L04079]

Civil Aviation Act 1988

Made 02/10/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary This AD was cancelled on 20 November 2008.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/GY80/8
[F2008L04322]

Civil Aviation Act 1988

Made 14/11/2008
 Tabled 24/11/2008 S 24/11/2008 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-25/9
[F2008L04080]

Civil Aviation Act 1988

Made 02/10/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary This AD was cancelled on 20 November 2008.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-25/7
[F2008L04078]

Civil Aviation Act 1988

Made 02/10/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary This AD was cancelled on 20 November 2008.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-25/14
[F2008L04116]

Civil Aviation Act 1988

Made 22/09/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary This AD was cancelled on 20 November 2008.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-25/22
[F2008L04117]

Civil Aviation Act 1988

Made 09/10/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary This AD was cancelled on 20 November 2008.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-25/23
[F2008L04118]

Civil Aviation Act 1988

Made 09/10/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary This AD was cancelled on 20 November 2008.

Exemption No. CASA EX75/08 under r. 11.160(1) of the Civil Aviation Safety Regulations 1998
[F2008L04282]

Civil Aviation Act 1988

Made 12/11/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary Exempts certain aircraft used for firefighting and agricultural operations from requirements concerning take-off weight limitations.

Exemption No. CASA EX78/08 under r. 308 of the Civil Aviation Regulations 1988
[F2008L04309]

Civil Aviation Act 1988

Made 14/11/2008
 Tabled 26/11/2008 S 26/11/2008 HR

Summary Exempts authorised flying instructors from the Singapore Flying College Pty Ltd from compliance with a specified requirement when conducting flight training.

Instrument No. CASA 562/08 under r. 235A(1) of the Civil Aviation Regulations 1988
[F2008L04177]

Civil Aviation Act 1988

Made 07/11/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies instructions for minimum runway width for aeroplanes.

Instrument No. CASA 608/08 under rr. 174A and 179A of the Civil Aviation Regulations 1988
[F2008L04327]

Civil Aviation Act 1988

Made 19/11/2008
 Tabled 24/11/2008 S 24/11/2008 HR

Summary Specifies revised instructions for the use of GPS.

**Manual of Standards Part 172 Amendment
(No. 1) 2008 under r. 172.022 of the *Civil
Aviation Safety Regulations 1998*
[F2008L04329]**

Civil Aviation Act 1988

Made	19/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR

Summary Specifies a new air traffic control separation tolerance using GPS.

DEPARTMENT OF THE TREASURY

ASIC Class Order [CO 08/824] [F2008L04330]

Corporations Act 2001

Made	13/11/2008	
Tabled	24/11/2008 S	24/11/2008 HR

Summary Amends the prohibition on covered short-selling in respect of non financial securities, and specifies a reporting regime for short sales.

Australian Prudential Regulation Authority (Confidentiality) Determination No. 13 of 2008 under s. 57 of the *Australian Prudential Regulation Authority Act 1998* [F2008L04377]

Australian Prudential Regulation Authority Act 1998

Made	19/11/2008	
Tabled	26/11/2008 S	26/11/2008 HR

Summary Provides that information provided by locally-incorporated banks and foreign authorised deposit-taking institutions under Reporting Standard 320.0 (2005) is non-confidential.