# DELEGATED LEGISLATION MONITOR 31 OCTOBER - 3 NOVEMBER 2011

# This Monitor week at a glance

There were 85 disallowable instruments tabled in the Parliament. These were made under 36 separate enabling Acts, through 12 Departments of State.

# Regulations

16 of the 85 instruments were Regulations, comprising

- 3 made as primary instruments; and
- 13 made as amending instruments

# **Instrument makers**

28 instruments were made by the Governor-General or Ministers

57 instruments were made by Public Officials

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#### **DEPARTMENT OF STATE** NUMBER OF INSTRUMENTS 4 Department of Agriculture, Fisheries and Forestry Attorney-General's Department 3 Department of Broadband, Communications 3 and the Digital Economy Department of Defence 3 Department of Education, Employment and 2 Workplace Relations Department of Finance and Deregulation 2 Department of Health and Ageing 21 Department of Infrastructure and Transport 8 Department of Resources, Energy and Tourism 1 Department of Sustainability, Environment, 10 Water, Population and Communities Department of the Treasury 19 Department of Veterans' Affairs 9 85

# Total

# DELEGATED LEGISLATION TABLED IN THE SENATE 31 OCTOBER - 3 NOVEMBER 2011

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

| A New Tax System (Family Assistance) (Administration) Act 1999       | 1  |
|--|----|
| Anti-Money Laundering and Counter-Terrorism Financing Act 2006       | 1  |
| Australian Prudential Regulation Authority Act 1998                  | 1  |
| Australian Securities and Investments Commission Act 2001            | 1  |
| Banking Act 1959   | 4  |
| Broadcasting Services Act 1992                                       | 2  |
| Civil Aviation Act 1988  | 8  |
| Commonwealth Authorities and Companies Act 1997                      | 1  |
| Commonwealth Electoral Act 1918                                      | 1  |
| Competition and Consumer Act 2010                                    | 1  |
| Corporations Act 1989  | 1  |
| Corporations Act 2001  | 7  |
| Customs Act 1901   | 2  |
| Defence Act 1903   | 2  |
| <i>Education Services for Overseas Students Act 2000</i>             | 1  |
| Energy Grants (Cleaner Fuels) Scheme Act 2004                        | 1  |
| Environment Protection and Biodiversity Conservation Act 1999        | 7  |
| Excise Act 1901  | 1  |
| Fisheries Management Act 1991  | 4  |
| Fuel Tax Act 2006  | 1  |
| Health Insurance Act 1973  | 10 |
| Life Insurance Act 1995  | 1  |
| Military Rehabilitation and Compensation Act 2004                    | 8  |
| National Environment Protection Council Act 1994                     | 2  |
| National Health Act 1953   | 5  |
| National Transmission Network Sale Act 1998                          | 1  |
| Offshore Petroleum and Greenhouse Gas Storage (Annual Fees) Act 2006 | 1  |
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| Private Health Insurance Act 2007                                    | 2  |
| Referendum (Machinery Provisions) Act 1984                           | 1  |
| Retirement Savings Accounts Act 1997                                 | 1  |
| Superannuation Industry (Supervision) Act 1993                       | 2  |
| Telecommunications (Interception and Access) Act 1979                | 1  |
| Therapeutic Goods Act 1989   | 4  |
| Veterans' Entitlements Act 1986                                      | 8  |
| Water Efficiency Labelling and Standards Act 2005                    | 1  |
|  |    |

# Total

97

(Some instruments are made under more than one enabling Act. The number of instruments listed under enabling Acts is, therefore, greater than the number of instruments.)

# **DELEGATED LEGISLATION MONITOR 12/2011**

# DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Direction Not to Engage in Fishing — Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 1 2011 under subsection 41A(2) of the *Fisheries Management Act 1991* [F2011L02147]

Fisheries Management Act 1991

| Made   | 27/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

**Summary** Prescribes the circumstances in which operators in the Fishery may take the species School Shark.

Fisheries Management (Southern and Eastern Scalefish and Shark Fishery Management Plan 2003) Temporary Order 2011 No. 3 under subsection 43(2) of the *Fisheries Management Act 1991* 

# [F2011L02144]

#### Fisheries Management Act 1991

| Made   | 18/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Specifies revised measures concerning the use of hook or gillnet methods in the Fishery.

Direction Not to Engage in Fishing — Southern and Eastern Scalefish and Shark Fishery (Closures) Direction No. 2 2011 under section 41A(2) of the *Fisheries Management Act 1991* [F2011L02154]

#### Fisheries Management Act 1991

| Made   | 18/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

**Summary** Prescribes closures to gillnet fishing in the Fishery.

Direction Not to Engage in Fishing —Southern and Eastern Scalefish and Shark Fishery (Closures) Direction Variation No. 1 2011 under sub-section 41A(3) of the *Fisheries Management Act 1991* [F2011L02125]

#### Fisheries Management Act 1991

| Made   | 25/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Varies the principal Direction to increase the aggregate total of snapper that may be taken by certain operators.

# **ATTORNEY-GENERAL'S DEPARTMENT**

Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2011 (No. 7) under section 229 of the *Anti-Money Laundering and Counter-Terrorism Financing Act* 2006

# [F2011L02155]

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

| Made   | 27/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

**Summary** Amends the principal Rules as a consequence of the *Combating the Financing of People Smuggling and Other Measures Act 2011.* 

# Customs Amendment Regulations 2011 (No. 2) Select Legislative Instrument 2011 No. 189 [F2011L02111]

#### Customs Act 1901

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amend the principal Regulation to provide for an automatic remission of excise duty on imported LPG and LNG when those fuels are used other than in an internal combustion engine in a motor vehicle or vessel. Telecommunications (Interception and Access) (Emergency Service Facilities — Western Australia) Instrument 2011 under subsection 6(2D) of the *Telecommunications (Interception and Access) Act 1979* [F2011L02088]

Telecommunications (Interception and Access) Act 1979

| Made<br>Tabled | 4/10/2011<br>31/10/2011 S                                    | 31/10/2011 HR  |
|----------------|--|--|
| Summary        | services which op<br>particular geograp<br>which are 'emerge | e of certain forces and<br>erate premises in<br>phical regions and |

# DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

# Broadcasting Services (Remote Indigenous Communities) Determination 2011 under section 8B of the *Broadcasting Services Act 1992* [F2011L02129]

# **Broadcasting Services Act 1992**

| Made   | 17/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Determines remote indigenous communities for the purposes of the Act.

Exemption from Restrictions on Transfer of Assets (No. 1 of 2011) under subsection 18(5) of the *National Transmission Network Sale Act 1998* [F2011L02079]

National Transmission Network Sale Act 1998

| Made   | 28/09/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Exempts a specified asset from the operation of section 18 of the Act with the effect that a specified owner need not seek written approval from the minister before transferring the asset.

Variation to Licence Area Plan — Hobart Radio — No. 1 of 2011 under subsection 26(2) of the *Broadcasting Services Act 1992* [F2011L02068]

# **Broadcasting Services Act 1992**

| Made   | 5/10/2011    |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Varies the characteristics, including technical specifications, of radio broadcasting services in the Hobart licence area.

# **DEPARTMENT OF DEFENCE**

# Defence and Strategic Goods List Amendment 2011 (No. 1) under paragraph 112(2A)(aa) of the *Customs Act 1901* [F2011L02061]

### Customs Act 1901

| Made   | 27/09/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Amends the list of goods which regulation 13E of the Customs (Prohibited Exports) Regulations 1958 prohibits from export unless a licence or permission has been granted.

#### **Defence Determination 2011/46**

# Defence Act 1903

| Made   | 13/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |
|        |              |               |

**Summary** Specifies revised post indexes that apply to overseas locations where members of the Australian Defence Force serve.

# Defence (Employer Support Payments) Amendment Determination 2011 (No. 1) under subsection 58B(1) of the *Defence Act 1903*

#### Defence Act 1903

| Made   | 12/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amends the principal Determination to provide that a civilian employer who has been eligible for employer support payments is also eligible to claim for payments if the Reservist employee dies while on Defence service.

# DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

A New Tax System (Family Assistance) (Administration) (Exemption from Eligibility Rules — Child Care Services of Specified Classes) Determination 2011 (No. 1) under paragraph 205(3)(b) of the A New Tax System (Family Assistance) (Administration) Act 1999 [F2011L02075]

A New Tax System (Family Assistance) (Administration) Act 1999

| Made   | 10/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Exempts centre based long day care services, family day care services and outside school hours care services from the requirement to register with the National Childcare Accreditation Council.

# Education Services for Overseas Students Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 192 [F2011L02109]

#### Education Services for Overseas Students Act 2000

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amend the principal Regulation to correct cross references to offence provisions in the *Education Services* for Overseas Students Act 2000.

# DEPARTMENT OF FINANCE AND DEREGULATION

# Commonwealth Authorities (Annual Reporting) Orders 2011 under section 48 of the *Commonwealth Authorities and Companies Act* 1997 [F2011L02064]

Commonwealth Authorities and Companies Act 1997

| Made   | 22/09/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Specify what is required for the preparation of a Commonwealth authority's annual report.

# Electoral and Referendum Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 190 [F2011L02106]

# Commonwealth Electoral Act 1918 Referendum (Machinery Provisions) Act 1984

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amend the principal Regulation to repeal redundant regulations, prescribe the Australian Bureau of Statistics as a prescribed authority that may be given electoral roll information, and make other consequential amendments.

# DEPARTMENT OF HEALTH AND AGEING

# Health Insurance (Allied Health Services) Amendment Determination 2011 (No. 2) under subsection 3C(1) of the *Health Insurance Act 1973* [F2011L02134]

#### Health Insurance Act 1973

| Made   | 18/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Limits the number of individual psychological therapy services and focussed psychological strategies services for which a person can receive Medicare rebates in a calendar year to ten, and increases fees for allied health services.

# Health Insurance Amendment Regulations 2011 (No. 4) Select Legislative Instrument 2011 No. 184 [F2011L02119]

# Health Insurance Act 1973

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amend the principal Regulation to update items in Schedule 6 to those Regulations and to correct a drafting error.

# Health Insurance (Bone Densitometry) Determination 2011 under subsection 3C(1) of the *Health Insurance Act 1973* [F2011L02082]

#### Health Insurance Act 1973

| Made   | 11/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Replaces the previous Determination and specifies revised fees.

# Health Insurance (Diagnostic Imaging Services Table) Regulations 2011 Select Legislative Instrument 2011 No. 185 [F2011L02123]

#### Health Insurance Act 1973

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Prescribe a new diagnostic imaging services table for the twelve months commencing 1 November 2011.

# Health Insurance Amendment Regulations 2011 (No. 3) Select Legislative Instrument 2011 No. 183 [F2011L02113]

#### Health Insurance Act 1973

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Specify fully depreciated diagnostic imaging equipment the use of which triggers a fifty per cent reduction on the Medicare rebate.

# Health Insurance (General Medical Services Table) Amendment Regulations 2011 (No. 2) Select Legislative Instrument 2011 No. 186 [F2011L02117]

#### Health Insurance Act 1973

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Remove six practice nurse items from the principal Regulations.

# Health Insurance (Pathology Services Table) Regulations 2011 Select Legislative Instrument 2011 No. 188 [F2011L02126]

#### Health Insurance Act 1973

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Prescribe a new table of pathology services table for the twelve months commencing 1 November 2011.

# Health Insurance (General Medical Services Table) Regulations 2011 Select Legislative Instrument 2011 No. 187 [F2011L02108]

#### Health Insurance Act 1973

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |
|        |              |               |

Summary Prescribe a new table of general medical services table for the twelve months commencing 1 November 2011.

# Health Insurance (Prescribed Pathology Services) Determination 2011 under section 4BB of the *Health Insurance Act 1973* [F2011L02163]

#### Health Insurance Act 1973

| Made   | 1/08/2011   |              |
|--------|-------------|--------------|
| Tabled | 2/11/2011 S | 2/11/2011 HR |

**Summary** Revokes and remakes a previous Determination and corrects an error relating to participating nurse practitioners.

# Health Insurance (Midwife and Nurse Practitioner) Determination 2011 under section 3C of the *Health Insurance Act 1973* [F2011L02162]

# Health Insurance Act 1973

| Made   | 25/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 2/11/2011 S | 2/11/2011 HR |

**Summary** Amends the principal Determination to provide for telehealth services, and to create new items for basic pathology services.

# Instrument No. PB 074 of 2011 under sections 84AF, 85, 85A, 88 and 191 of the *National Health Act 1953*

[F2011L02132]

#### National Health Act 1953

| Made   | 18/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Amends the principal Instrument to make additions and changes to and deletions from forms, brands, responsible persons, circumstances for prescribing and to the maximum quantities and number of repeats that may be prescribed.

### Instrument No. PB 075 of 2011 under section 85B of the *National Health Act 1953* [F2011L02131]

#### National Health Act 1953

| Made   | 18/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Amends the principal Determination which specifies prices of brands of pharmaceutical items and provides for the circumstances in which the Commonwealth will pay the special patient contribution resulting from those price determinations.

# Instrument No. PB 078 of 2011 under subsection 100(1) and (2) of the *National Health Act 1953* [F2011L02161]

#### National Health Act 1953

| Made   | 25/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 2/11/2011 S | 2/11/2011 HR |

Summary Amends the arrangements for the availability of drugs and medicinal preparations under the Chemotherapy Pharmaceuticals Access Program.

# Private Health Insurance (Benefit Requirements) Rules 2011 under item 3A of the table in section 333-20 of the *Private Health Insurance Act 2007* [F2011L02160]

# Private Health Insurance Act 2007

| Made   | 26/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 2/11/2011 S | 2/11/2011 HR |

Summary Revokes, remakes and amends the previous Rules.

Private Health Insurance (Complying Product) Amendment Rules 2011 (No. 6) under item 3 of the table in section 333-20 of the *Private Health Insurance Act 2007* [F2011L02091]

#### Private Health Insurance Act 2007

| Made   | 17/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Corrects a drafting error in the principal Rules.

# Instrument No. PB 076 of 2011 under subsections 100(1) and 100(2) of the *National Health Act 1953* [F2011L02130]

#### National Health Act 1953

| Made   | 18/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Amends the arrangements for the availability of drugs and medicinal preparations under the Highly Specialised Drugs Program.

# Instrument No. PB 077 of 2011 under subsection 85AB(1) of the *National Health Act 1953* [F2011L02133]

#### National Health Act 1953

| Made   | 20/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amends the list of drugs that are assigned to the F1 or F2 formularies.

Therapeutic Goods (Exempting monographs of pharmacopoeias) Determination No. 1 of 2011 under section 3C of the *Therapeutic Goods Act* 1989

# [F2011L02124]

#### Therapeutic Goods Act 1989

| Made   | 18/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Determines that specified monographs in the United States Pharmacopoeia National Formulary are exempt for the purposes of paragraph (d) of the definition of 'standard' in subsection 3(1) of the Act.

# Therapeutic Goods Order No. 90 Standard for human albumin under section 10 of the *Therapeutic Goods Act 1989* [F2011L02127]

#### Therapeutic Goods Act 1989

| Made   | 18/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |
|        |              |               |

**Summary** Determines a standard for albumin from humans.

# Therapeutic Goods (Listing Notice 2011 (No. 2) under subsection 9A(5) of the *Therapeutic Goods Act 1989* [F2011L02069]

#### Therapeutic Goods Act 1989

| Made   | 30/09/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Requires the inclusion of preparations that contain 'deer velvet antler powder' and 'deer velvet antler slice' in the part of the Australian Register for Therapeutic Goods for listed goods.

# Therapeutic Goods Order No. 89 Standard for water for injections for parenteral medicines under section 10 of the *Therapeutic Goods Act 1989* [F2011L02128]

# Therapeutic Goods Act 1989

| Made   | 18/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Determines a standard for water for injections.

# DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

Civil Aviation Order 100.27 Amendment Instrument 2011 (No. 1) under regulation 33B and subregulation 42NC(6) of the *Civil Aviation Regulations 1988* [F2011L02076]

Civil Aviation Act 1988

| Made   | 6/10/2011    |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Authorises a certain class of airworthiness authority holders to carry out particular maintenance.

Instrument No. CASA 444/11 under subregulation 179A(1) of the *Civil Aviation Regulations 1988*; under regulation 11.160 of the *Civil Aviation Safety Regulations 1998*; and under paragraph 3.1, subparagraph 12.1.1(b) and paragraph 12A.5 of Civil Aviation Order 20.7.1B [F2011L02157]

#### Civil Aviation Act 1988

| Made   | 27/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Enables a trial by Air New Zealand of certain Area Navigation (Required Navigation Performance-Authorisation Required) instrument approach and departure procedures.

# Exemption No. CASA EX116/11 under subregulation 11.160(1) of the *Civil Aviation Safety Regulations 1998* [F2011L02149]

#### Civil Aviation Act 1988

| Made   | 25/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Specifies exemptions for solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Inc at Coffs Harbour Aerodrome.

# Instrument No. CASA 454/11 under regulation 208 of the *Civil Aviation Regulations 1988* [F2011L02177]

Civil Aviation Act 1988

| Made<br>Tabled | 21/10/2011<br>2/11/2011 S   | 2/11/2011 HR |
|----------------|---|--------------|
| Summary        | Specifies the number of cabin<br>attendants required in a certain make of<br>aircraft operated by a specified |              |

operator.

# Instrument No. CASA 438/11 made under regulation 208 of the *Civil Aviation Regulations* 1988 [F2011L02156]

#### Civil Aviation Act 1988

| Made   | 25/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Specifies the number of cabin attendants required in certain makes of aircraft operated by a specified operator.

# Instrument No. CASA ADCX 022/11 under subregulation 39.001(1) of the *Civil Aviation Safety Regulations 1998* [F2011L02090]

#### Civil Aviation Act 1988

| Made   | 17/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary The following Airworthiness Directives were revoked: AD/A320/187 Amdt 1 on 27 October 2011; and AD/B767/227 on 16 November 2011.

# Instrument No. CASA ADCX 023/11 under subregulation 39.001(1) of the *Civil Aviation Safety Regulations 1998* [F2011L02148]

Civil Aviation Act 1988

| Made   | 24/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

| Summary | The following Airworthiness Directive |
|---------|---------------------------------------|
|         | was revoked:                          |
|         | AD/HS 125/57 on 31 October 2011.      |

# Manual of Standards Part 90 Amendment Instrument 2011 (No. 1) under regulation 90.202 of the *Civil Aviation Safety Regulations 1998* [F2011L02077]

### Civil Aviation Act 1988

 Made
 12/10/2011

 Tabled
 31/10/2011 S
 31/10/2011 HR

**Summary** Amends the principal Instrument relating to interior emergency exit markings and makes other machinery amendments to that instrument.

# DEPARTMENT OF RESOURCES, ENERGY AND TOURISM

Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 198 [F2011L02112]

Offshore Petroleum and Greenhouse Gas Storage (Annual Fees) Act 2006 Offshore Petroleum and Greenhouse Gas Storage Act 2006

Made19/10/2011Tabled31/10/2011 S31/10/2011 HR

Summary Amend the principal Regulations to increase non-registration fees by 13.7 per cent.

# DEPARTMENT OF SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES

# Amendment of List of Exempt Native Specimens under subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* EPBC303DC/SFS/2011/34 [F2011L02118]

## **Environment Protection and Biodiversity Conservation Act 1999**

| Made   | 12/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amends the conditions under which specimens taken in the Deep Water Fin Fish Fishery are included in the list of native specimens that are exempt from trade control provisions.

# Amendment of List of Exempt Native Specimens under subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* EPBC303DC/SFS/2011/35 [F2011L02164]

# Environment Protection and Biodiversity Conservation Act 1999

| Made   | 12/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 2/11/2011 S | 2/11/2011 HR |

**Summary** Amends the conditions under which specimens taken in the Coral Reef Fin Fish Fishery are included in the list of native specimens that are exempt from trade control provisions.

# Amendment of List of Exempt Native Specimens under subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* EPBC303DC/SFS/2011/36 [F2011L02159]

# Environment Protection and Biodiversity Conservation Act 1999

| Made   | 20/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |
|        |             |              |

Summary Amends the conditions under which specimens taken in the Victoria Sea Urchin Fishery are included in the list of native specimens that are exempt from trade control provisions.

Amendment of List of Exempt Native Specimens under subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* EPBC303DC/SFS/2011/38 [F2011L02120]

# Environment Protection and Biodiversity Conservation Act 1999

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Deletes specimens taken in the Tasmanian Rock Lobster Fishery from the list of native specimens that are exempt from trade control provisions.

# Amendment of List of Exempt Native Specimens under subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* EPBC303DC/SFS/2011/39 [F2011L02121]

# Environment Protection and Biodiversity Conservation Act 1999

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Adds specimens taken in the Tasmanian Rock Lobster Fishery to the list of native specimens that are exempt from trade control provisions.

# Environment Protection and Biodiversity Conservation Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 191 [F2011L02102]

### Environment Protection and Biodiversity Conservation Act 1999

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Amend the principal Regulation to prescribe grazing of domestic stock in the Australian Alps National Parks and Reserves as a specified action in accordance with section 25A of the *Environment Protection and Biodiversity Conservation Act 1999.* 

Amendment of List of Exempt Native Specimens under subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* EPBC303DC/SFS/2011/42 [F2011L02158]

# Environment Protection and Biodiversity Conservation Act 1999

| Made   | 26/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Amends the conditions under which specimens taken in the South Australian Marine Scalefish Fishery are included in the list of native specimens that are exempt from trade control provisions. Minor Variation to the National Environment Protection (Air Toxics) Measure 2011 under the National Environment Protection Council Act 1994 [F2011L02074]

National Environment Protection Council Act 1994

| Made   | 16/09/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Amends provisions relating to monitoring methods in the principal instrument.

National Environment Protection (Used Packaging Materials) Measure 2011 under section 14 of the *National Environment Protection Council Act 1994* [F2011L02093]

National Environment Protection Council Act 1994

| Made   | 16/09/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Specifies a Measure governing the reuse and recycling of used materials.

# Water Efficiency Labelling and Standards Determination 2011 under sections 18, 19, 27 and 30 of the *Water Efficiency Labelling and Standards Act 2005* [F2011L02087]

# Water Efficiency Labelling and Standards Act 2005

| Made   | 14/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Repeals and replaces the previous Determination and specifies the standard for water efficiency labelling.

# DEPARTMENT OF THE TREASURY

#### Accounting Standard AASB 11: Joint Arrangements [F2011L02086]

ASIC Class Order [CO 11/842]

25/10/2011

1/11/2011 S

1/11/2011 HR

Modifies the requirement to give a

product disclosure statement in the

insurance product given to a retail

client during a solicited phone call.

context of a quote for a general

[F2011L02152]

Made

Tabled

**Summary** 

**Corporations Act 2001** 

#### **Corporations Act 2001**

| Made   | 29/08/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Requires a party to a joint arrangement to determine the type of arrangement in which it is involved and specifies the accounting requirements for joint arrangements.

# ASIC Class Rule Waiver [CW 11/1103] [F2011L02151]

#### **Corporations Act 2001**

| Made<br>Tabled | 27/10/2011<br>1/11/2011 S   | 1/11/2011 HR |
|----------------|---|--------------|
| Summary        | Extends the exceptions in Part 4.1 of<br>the Rules to the Further Existing Order<br>Types for a further period. |              |

# ASIC Market Integrity Rules (ASX Market) Amendment 2011 (No. 3) under subsection 798G(1) of the *Corporations Act 2001* [F2011L02145]

#### **Corporations Act 2001**

| Made   | 27/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Amends the principal Rules to specify minimum presence requirements for foreign entities that are participants of the ASX Market, and provides for consistency with the ASIC Market Integrity Rules (Competition in Exchange Markets) 2011.

#### ASIC Class Rule Waiver [CW 11/734] [F2011L02070]

#### **Corporations Act 2001**

| Made   | 10/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Relieves an ASX 24 market participant from certain obligations regarding client agreements with a client that is the trustee of a trust or operator of a managed investment scheme.

ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2011 (No. 1) under subsection 798G(1) of the *Corporations Act 2001* [F2011L02153]

#### **Corporations Act 2001**

| Made<br>Tabled | 25/10/2011<br>1/11/2011 S                | 1/11/2011 HR |
|----------------|--|--------------|
| Summary        | Amends the principa capital requirements |              |

audit requirements.

# ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2011 (No. 2) under subsection 798G(1) of the *Corporations Act 2001* [F2011L02150]

**Corporations Act 1989** 

| Made   | 27/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Amends the principal Rules to specify minimum presence requirements for foreign entities that are participants of the Chi-X Market, and provides for consistency with the ASIC Market Integrity Rules (Competition in Exchange Markets) 2011.

Australian Prudential Regulation Authority (confidentiality) determination No. 19 of 2011

under section 57 of the Australian Prudential

Australian Prudential Regulation Authority Act

1/11/2011 HR

Determines that information provided

and foreign authorised deposit taking

institutions under Reporting Standard ARS 320.0 is non-confidential.

to APRA by locally-incorporated banks

24/10/2011

1/11/2011 S

**Regulation Authority Act 1998** 

[F2011L02146]

*1998* 

Made

Tabled

Summary

# Banking (prudential standard) determination No. 4 of 2011 under subsection 11AF(1) of the *Banking Act 1959* [F2011L02135]

**Banking Act 1959** 

| Made   | 20/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Revokes a previous prudential standard and determines in its place Prudential Standard APS 120 Securitisation.

Corporations Legislation Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 193 [F2011L02103]

Australian Securities and Investments Commission Act 2001 Corporations Act 2001 Life Insurance Act 1995 Superannuation Industry (Supervision) Act 1993

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amend the principal Regulation to specify revised lists of prescribed financial markets, and to reflect the operation of multiple financial markets in Australia.

Banking exemption No. 4 of 2011 under subsection 11(4) of the *Banking Act 1959* [F2011L02078]

#### **Banking Act 1959**

| Made<br>Tabled | 11/10/2011<br>31/10/2011 S   | 31/10/2011 HR |
|----------------|--|---------------|
| Summary        | Adds the name of The Churches of<br>Christ Property Trust to the list of<br>Funds in Schedule 1 of the principal |               |

Exemption.

Direction Relating to Foreign Currency Transactions and to Libya — Amendment to the Annex under sub-regulations 6(1) and 8(1)(a) of the *Banking (Foreign Exchange) Regulations 1959* [F2011L02083]

#### **Banking Act 1959**

| Made<br>Tabled | 13/10/2011<br>31/10/2011 S   | 31/10/2011 HR |
|----------------|--|---------------|
| Summary        | Amends the list of p<br>in the principal Direc<br>subject to financial s | ction who are |

# Direction Relating to Foreign Currency Transactions and to Syria — Amendment to the Annex under sub-regulations 6(1) and 8(1)(a) of the *Banking (Foreign Exchange) Regulations 1959* [F2011L02084]

#### **Banking Act 1959**

| Made   | 13/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amends the list of persons and entities in the principal Direction who are subject to financial sanctions.

# Fuel Tax Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 196 [F2011L02115]

# Fuel Tax Act 2006

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Specify relevant fuel blends which qualify for fuel tax credits at the fuel tax rate that applies to petrol and diesel.

# Energy Grants (Cleaner Fuels) Scheme Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 194 [F2011L02116]

#### Energy Grants (Cleaner Fuels) Scheme Act 2004

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |
|        |              |               |

**Summary** Amend the principal Regulation to remove the end date of the biodiesel grant, and make other consequential amendments.

# Excise Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 195 [F2011L02114]

#### Excise Act 1901

| Made   | 19/10/2011   |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

Summary Amend the principal Regulation to provide for an automatic remission of excise duty on LPG and LNG when those fuels are used other than in an internal combustion engine in a motor vehicle or vessel

# Price Notification Declaration (Australia Post Letter Services) (No. 2) 2011 under section 95X of the *Competition and Consumer Act 2010* [F2011L02167]

#### **Competition and Consumer Act 2010**

| Made   | 18/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 2/11/2011 S | 2/11/2011 HR |

Summary Declares certain letter services supplied by Australia Post as 'notified services' and Australia Post as a 'declared person' for the purposes of Part VIIA of the Act.

# Retirement Savings Accounts Amendment Regulations 2011 (No. 3) Select Legislative Instrument 2011 No. 197 [F2011L02101]

#### **Retirement Savings Accounts Act 1997**

| Made<br>Tabled | 19/10/2011<br>31/10/2011 S   | 31/10/2011 HR                  |
|----------------|--|--------------------------------|
| Summary        | Amend the principal<br>provide of the Chief<br>Medicare to act as th<br>purpose of the early | Executive ne regulator for the |

purpose of the early release of retirement savings account benefits on compassionate grounds.

# Self-managed Superannuation Funds (Assets Acquired on Marriage Breakdown) Repeal Determination 2011 under paragraph 66(2)(d) of the Superannuation Industry (Supervision) Act 1993 [F2011L02122]

Superannuation Industry (Supervision) Act 1993

Made14/10/2011Tabled31/10/2011 S31/10/2011 HR

**Summary** Repeals the principal instrument which is now redundant.

# **DEPARTMENT OF VETERANS' AFFAIRS**

Amendment Statement of Principles under subsection 196B(8) of the Veterans' Entitlements Act 1986 Instrument No. 122 of 2011 [F2011L02139]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

| Made   | 21/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Amends the Statement of Principles concerning neoplasm of the pituitary gland arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

# Amendment Statement of Principles under subsection 196B(8) of the Veterans' Entitlements Act 1986 Instrument No. 123 of 2011 [F2011L02140]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

| Made   | 21/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Amends the Statement of Principles concerning cerebrovascular accident arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

## Amendment Statement of Principles under subsection 196B(8) of the Veterans' Entitlements Act 1986 Instrument No. 124 of 2011 [F2011L02141]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

| Made   | 21/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Amends the Statement of Principles concerning cerebrovascular accident arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

Amendment Statement of Principles under subsection 196B(8) of the Veterans' Entitlements Act 1986 Instrument No. 125 of 2011 [F2011L02142]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

| Made   | 21/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Amends the Statement of Principles concerning ischaemic heart disease arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces. Amendment Statement of Principles under subsection 196B(8) of the Veterans' Entitlements Act 1986 Instrument No. 126 of 2011 [F2011L02143]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

| Made   | 21/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Amends the Statement of Principles concerning ischaemic heart disease arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

# Statement of Principles under subsection 196B(2) and (8) of the *Veterans' Entitlements Act 1986* Instrument No. 120 of 2011 [F2011L02137]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

| Made<br>Tabled | 21/10/2011<br>1/11/2011 S   | 1/11/2011 HR                         |
|----------------|---|--------------------------------------|
| Summary        | concerning varied<br>limb arising from<br>rendered by veter<br>service rendered<br>Peacekeeping Fo<br>service rendered<br>Forces, or warlik | rces, hazardous<br>by members of the |

# MRCA Pharmaceutical Benefits Scheme (Veterans' Pharmaceutical Reimbursement Scheme) Determination 2011 under subsection 286(3) of the *Military Rehabilitation and Compensation Act 2004* Instrument No. M46/2011 [F2011L02067]

#### Military Rehabilitation and Compensation Act 2004

| Made   | 6/10/2011    |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amends the principal Scheme to permit the Department of Veterans' Affairs to pay for out-of-pocket expenses incurred by eligible members in the purchase of pharmaceuticals under the Scheme.

# Statement of Principles under subsection 196B(3) and (8) of the *Veterans' Entitlements Act 1986* Instrument No. 121 of 2011 [F2011L02138]

#### Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

| Made   | 21/10/2011  |              |
|--------|-------------|--------------|
| Tabled | 1/11/2011 S | 1/11/2011 HR |

Summary Provides a new Statement of Principles concerning varicose veins of the lower limb arising from eligible war service rendered by veterans, defence service rendered by members of the Forces, and peacetime service rendered by members of the Defence Force. Veterans' Entitlements (Veterans' Pharmaceutical Reimbursement Scheme) Instrument 2011 under subsection 91(3) of the *Veterans' Entitlements Act 1986* Instrument No. R45/2011 [F2011L02071]

#### Veterans' Entitlements Act 1986

| Made   | 6/10/2011    |               |
|--------|--------------|---------------|
| Tabled | 31/10/2011 S | 31/10/2011 HR |

**Summary** Amends the principal Scheme to permit the Department of Veterans' Affairs to pay for out-of-pocket expenses incurred by eligible members in the purchase of pharmaceuticals under the Scheme.