**DELEGATED LEGISLATION MONITOR**

**26-29 November 2012**

**This week at a glance**

There were 47 disallowable instruments tabled in the Parliament.

These were made under 29 separate enabling Acts, through 11 Commonwealth departments.

**Regulations**

17 of the 47 instruments were regulations, comprising

* 2 made as primary instruments; and
* 15 made as amending instruments

**Instrument makers**

23 instruments were made by the Governor-General or ministers

24 instruments were made by public officials

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| --- | --- |
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| Department of Agriculture, Fisheries and Forestry | 2 |
| Attorney-General's Department | 1 |
| Department of Broadband, Communications and the Digital Economy | 5 |
| Department of Defence | 2 |
| Department of Education, Employment and Workplace Relations | 1 |
| Department of Health and Ageing | 3 |
| Department of Immigration and Citizenship | 2 |
| Department of Industry, Innovation, Science, Research and Tertiary Education | 1 |
| Department of Infrastructure and Transport | 7 |
| Department of Sustainability, Environment, Water, Population and Communities | 7 |
| Department of the Treasury | 16 |
|  |  |
| **Total** | **47** |

**DELEGATED LEGISLATION TABLED IN THE SENATE**

**26-29 November 2012**

**NUMBER OF INSTRUMENTS MADE UNDER SPECIFIC ACTS**

|  |  |
| --- | --- |
|  |  |
| *Air Navigation Act 1920* | 1 |
| *Australian Citizenship Act 2007* | 1 |
| *Australian Crime Commission Act 2002* | 1 |
| *Australian Meat and Live-stock Industry Act 1997* | 1 |
| *Australian Prudential Regulation Authority Act 1998* | 1 |
| *Aviation Transport Security Act 2004* | 1 |
| *Broadcasting Services Act 1992* | 3 |
| *Civil Aviation Act 1988* | 2 |
| *Climate Change Authority Act 2011* | 1 |
| *Corporations Act 2001* | 6 |
| *Defence Act 1903* | 2 |
| *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* | 1 |
| *Fisheries Management Act 1991* | 1 |
| *Fuel Quality Standards Act 2000* | 1 |
| *Fuel Tax Act 2006* | 1 |
| *Health Insurance Act 1973* | 1 |
| *Higher Education Support Act 2003* | 1 |
| *Maritime Transport and Offshore Facilities Security Act 2003* | 1 |
| *Migration Act 1958* | 2 |
| *National Transmission Network Sale Act 1998* | 1 |
| *Navigation Act 1912* | 1 |
| *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* | 2 |
| *Private Health Insurance Act 2007* | 1 |
| *Product Stewardship Act 2011* | 2 |
| *Superannuation Industry (Supervision) Act 1993* | 8 |
| *Telecommunications Act 1997* | 1 |
| *Therapeutic Goods Act 1989* | 1 |
| *Transport Safety Investigation Act 2003* | 3 |
| *Water Act 2007* | 1 |
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| **Total** | **50** |

(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.)

## Department of Agriculture, Fisheries and Forestry

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| Australian Meat and Live-stock Industry (Sheepmeat and Goatmeat Export to the European Union — Quota Year 2013) Order 2012 [under section 17 of the *Australian Meat and Live-stock Industry Act 1997*]**[F2012L02274]**  |
| ***Australian Meat and Live-stock Industry Act 1997*** |
| Made | 26/11/12 |
| Tabled | 29/11/12 S | 29/11/12 HR |
| **Summary** | Specifies the method by which quotas to export sheepmeat and goatmeat to the European Union will be allocated among licensed exporters for the quota year 2013. |
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| Heard Island and McDonald Islands Fishery Total Allowable Catch Determination 2012 [under paragraph 17(6)(aa) of the *Fisheries Management Act 1991*]**[F2012L02257]**  |
| ***Fisheries Management Act 1991*** |
| Made | 21/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Specifies the total allowable catch for target species and catch limits for other species in the Heard Island and McDonald Islands Fishery for the 2012-13 season. |
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## Attorney-General's Department

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| Australian Crime Commission Amendment Regulation 2012 (No. 2) **[Select Legislative Instrument 2012 No. 269]** **[F2012L02243]**  |
| ***Australian Crime Commission Act 2002*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Prescribes additional international bodies and bodies corporate with which the Australian Crime Commission may share information. |
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## Department of Broadband, Communications and the Digital Economy

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| National Transmission Network (Declared Successor) Declaration No. 1 of 2012 [under subsection 22(1) of the *National Transmission Network Sale Act 1998*]**[F2012L02234]**  |
| ***National Transmission Network Sale Act 1998*** |
| Made | 16/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Declares the Western Australian Planning Commission to be a declared successor for the purposes of the Act. |
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| Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2012) [under subclause 6(3) of Schedule 3 to the *Telecommunications Act 1997*]**[F2012L02218]**  |
| ***Telecommunications Act 1997*** |
| Made | 20/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Amends the principal determination to clarify the definition of ‘low impact facility’. |
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| Television Licence Area Plan (Broken Hill) Variation 2012 [under subsection 26(2) of the *Broadcasting Services Act 1992*]**[F2012L02259]**  |
| ***Broadcasting Services Act 1992*** |
| Made | 19/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Amends certain characteristics, including technical specifications, of broadcasting services in the Broken Hill licence area, and makes other amendments to the principal variation. |
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| Television Licence Area Plan (Riverland) Variation 2012 [under subsection 26(2) of the *Broadcasting Services Act 1992*]**[F2012L02252]**  |
| ***Broadcasting Services Act 1992*** |
| Made | 19/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Amends certain characteristics, including technical specifications, of broadcasting services in the Riverland licence area, and makes other amendments to the principal variation. |
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| Television Licence Area Plan (Spencer Gulf) Variation 2012 [under subsection 26(2) of the *Broadcasting Services Act 1992*]**[F2012L02255]**  |
| ***Broadcasting Services Act 1992*** |
| Made | 19/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Amends certain characteristics, including technical specifications, of broadcasting services in the Spencer Gulf licence area, and makes other amendments to the principal variation. |
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## Department of Defence

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| Defence Determination 2012/66, Senior officer transitional bonus — amendment [under section 58B of the *Defence Act 1903*]  |
| ***Defence Act 1903*** |
| Made | 20/11/12 |
| Tabled | 29/11/12 S | 28/11/12 HR |
| **Summary** | Makes various amendments to the senior officer transitional bonus. |
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| Defence Determination 2012/67, Carer's leave — amendment [under section 58B of the *Defence Act 1903*]  |
| ***Defence Act 1903*** |
| Made | 21/11/12 |
| Tabled | 29/11/12 S | 28/11/12 HR |
| **Summary** | Makes various amendments to carer’s leave. |
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## Department of Education, Employment and Workplace Relations

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| Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulation 2012 (No. 2) **[Select Legislative Instrument 2012 No. 270]** **[F2012L02260]**  |
| ***Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Provides annual wage increases for certain employees in the Queensland social and community services sector. |
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## Department of Health and Ageing

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| Health Insurance (Pathology Services Table) Amendment Regulation 2012 (No. 3) **[Select Legislative Instrument 2012 No. 254]** **[F2012L02242]**  |
| ***Health Insurance Act 1973*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Amends the descriptor of a genetic test item in the principal regulation. |
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| Private Health Insurance (Complying Product) Amendment Rules 2012 (No. 9) [under item 3 of the table in section 333-20 of the *Private Health Insurance Act 2007*]**[F2012L02269]**  |
| ***Private Health Insurance Act 2007*** |
| Made | 23/11/12 |
| Tabled | 28/11/12 S | 28/11/12 HR |
| **Summary** | Amends the patient contribution payable per night for nursing-home type patients at public hospitals in Western Australia. |
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| Therapeutic Goods Information (Joint Adverse Event Notifications System) Specification 2012 [under subsection 61(5D) of the *Therapeutic Goods Act 1989*]**[F2012L02272]**  |
| ***Therapeutic Goods Act 1989*** |
| Made | 21/11/12 |
| Tabled | 29/11/12 S | 29/11/12 HR |
| **Summary** | Permits the secretary to release to the public certain therapeutic goods information. |
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## Department of Immigration and Citizenship

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| Migration Amendment Regulation 2012 (No. 7) **[Select Legislative Instrument 2012 No. 255]** **[F2012L02233]**  |
| ***Migration Act 1958*** |
| Made | 22/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Amends the principal regulations to specify new visa subclasses, and makes other technical amendments. |
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| Migration Legislation Amendment Regulation 2012 (No. 5) **[Select Legislative Instrument 2012 No. 256]** **[F2012L02236]**  |
| ***Australian Citizenship Act 2007Migration Act 1958*** |
| Made | 22/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Amends the criteria for the grant of a visa, and makes other amendments to the principal regulations. |
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## Department of Industry, Innovation, Science, Research and Tertiary Education

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| Higher Education Support Act 2003 — Higher Education (Disclosure of Information to Other Bodies) Determination 2012 [under subsection 180-25(4) of the *Higher Education Support Act 2003*]**[F2012L02256]**  |
| ***Higher Education Support Act 2003*** |
| Made | 19/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Permits the disclosure of Higher Education Support Act information to officers of certain bodies and associations. |
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## Department of Infrastructure and Transport

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| Aviation Transport Security Amendment Regulation 2012 (No. 5) **[Select Legislative Instrument 2012 No. 257]** **[F2012L02247]**  |
| ***Aviation Transport Security Act 2004*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Amends the principal regulation to provide that a person who refuses to be screened by a body scan will not be permitted to pass through the screening point, and to provide for related matters. |
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| CASA EX168/12 — Exemption — from standard take-off and landing minima — AirBridgeCargo Airlines Ltd [under regulation 11.160 of the Civil Aviation Safety Regulations 1998]**[F2012L02265]**  |
| ***Civil Aviation Act 1988*** |
| Made | 19/11/12 |
| Tabled | 28/11/12 S | 28/11/12 HR |
| **Summary** | Specifies exemptions from standard take-off and landing minima for a named operator. |
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| CASA EX170/12 — Exemption — of authorised flying instuctors employed by Singapore Flying College Pte Ltd [under regulation 11.160 of the Civil Aviation Safety Regulations 1998]**[F2012L02268]**  |
| ***Civil Aviation Act 1988*** |
| Made | 19/11/12 |
| Tabled | 28/11/12 S | 28/11/12 HR |
| **Summary** | Exempts authorised flying instructors employed by Singapore Flying College Pte Ltd from compliance with certain requirements concerning restrictions on student pilots. |
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| Maritime Transport and Offshore Facilities Security Amendment Regulation 2012 (No. 3) **[Select Legislative Instrument 2012 No. 258]** **[F2012L02263]**  |
| ***Maritime Transport and Offshore Facilities Security Act 2003*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 28/11/12 HR |
| **Summary** | Applies certain standards applicable to maps to maps provided by port facility operators and port service providers, and makes other amendments to the principal regulations. |
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| Transport Safety Investigation Amendment Regulation 2012 (No. 1) **[Select Legislative Instrument 2012 No. 263]** **[F2012L02278]**  |
| ***Transport Safety Investigation Act 2003*** |
| Made | 22/11/12 |
| Tabled | 29/11/12 S | 29/11/12 HR |
| **Summary** | Amends the principal regulations to substitute a new part 4 dealing with the reporting of immediately reportable and routinely reportable matters. |
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| Transport Safety Investigation Amendment Regulation 2012 (No. 2) **[Select Legislative Instrument 2012 No. 264]** **[F2012L02280]**  |
| ***Transport Safety Investigation Act 2003*** |
| Made | 22/11/12 |
| Tabled | 29/11/12 S | 29/11/12 HR |
| **Summary** | Amends the principal regulations as a consequence of the Transport Safety Investigation (Confidential Reporting Scheme) Regulation 2012. |
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| Transport Safety Investigation (Voluntary and Confidential Reporting Scheme) Regulation 2012 **[Select Legislative Instrument 2012 No. 265]** **[F2012L02281]**  |
| ***Air Navigation Act 1920Navigation Act 1912Transport Safety Investigation Act 2003*** |
| Made | 22/11/12 |
| Tabled | 29/11/12 S | 29/11/12 HR |
| **Summary** | Establishes a scheme for confidential reporting that applies to aviation, marine and rail transport. |
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## Department of Sustainability, Environment, Water, Population and Communities

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| Climate Change Authority Act 2011 — specification under section 62(1)(c) — National Wildlife Corridors**[F2012L02262]**  |
| ***Climate Change Authority Act 2011*** |
| Made | 23/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Specifies certain matters concerning national wildlife corridors for the purposes of the Act. |
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| Fuel Quality Standards Amendment Regulation 2012 (No. 1) **[Select Legislative Instrument 2012 No. 259]** **[F2012L02266]**  |
| ***Fuel Quality Standards Act 2000*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 28/11/12 HR |
| **Summary** | Amends provisions in the principal regulations concerning exemptions from the payment of application fees, and makes other amendments. |
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| Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulation 2012 (No. 3) **[Select Legislative Instrument 2012 No. 260]** **[F2012L02267]**  |
| ***Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 28/11/12 HR |
| **Summary** | Increases the permit application fees specified in the principal regulations from 1 January 2013. |
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| Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulation 2012 (No. 4) **[Select Legislative Instrument 2012 No. 261]** **[F2012L02270]**  |
| ***Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 28/11/12 HR |
| **Summary** | Makes minor amendments to the principal regulations concerning the management of methyl bromide. |
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| Product Stewardship Regulation 2012 **[Select Legislative Instrument 2012 No. 262]** **[F2012L02244]**  |
| ***Product Stewardship Act 2011*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Specifies application fees for the accreditation of voluntary product stewardship arrangements. |
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| Product Stewardship (Voluntary Arrangements) Instrument 2012 [under sections 13 and 14 of the *Product Stewardship Act 2011*]**[F2012L02258]**  |
| ***Product Stewardship Act 2011*** |
| Made | 14/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Specifies procedures for the accreditation of voluntary arrangements for classes of products. |
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| Water Act 2007 — Basin Plan [under subparagraph 44(3)(b)(i) of the *Water Act 2007*]**[F2012L02240]**  |
| ***Water Act 2007*** |
| Made | 22/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Secifies a basin plan for the Murray-Darling Basin. |
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## Department of the Treasury

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| ASIC Market Integrity Rules (ASX Market) Amendment 2012 (No. 3) [under subsection 798G(1) of the *Corporations Act 2001*]**[F2012L02248]**  |
| ***Corporations Act 2001*** |
| Made | 20/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Amends the rules to introduce requirements to regulate automated trading. |
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| ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2012 (No. 3) [under subsection 798G(1) of the *Corporations Act 2001*]**[F2012L02251]**  |
| ***Corporations Act 2001*** |
| Made | 20/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Amends the rules to introduce requirements to regulate automated trading. |
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| ASIC Market Integrity Rules (Competition in Exchange Markets) Amendment 2012 (No. 1) [under subsection 798G(1) of the *Corporations Act 2001*]**[F2012L02250]**  |
| ***Corporations Act 2001*** |
| Made | 20/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Amends the rules to introduce requirements to regulate automated trading. |
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| Australian Prudential Regulation Authority (confidentiality) determination No. 25 of 2012 [under section 57 of the *Australian Prudential Regulation Authority Act 1998*]**[F2012L02264]**  |
| ***Australian Prudential Regulation Authority Act 1998*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 28/11/12 HR |
| **Summary** | Determines that information provided to APRA by locally-incorporated banks and foreign authorised deposit taking institutions under Reporting Standard ARS 320.0 is non-confidential. |
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| Corporations Amendment Regulation 2012 (No. 10) **[Select Legislative Instrument 2012 No. 268]** **[F2012L02261]**  |
| ***Corporations Act 2001*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Makes various amendments to the principal regulations as a consequence of the *Corporations Amendment (Further Future of Financial Advice Measures) Act 2012*. |
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| Corporations Amendment Regulation 2012 (No. 9) **[Select Legislative Instrument 2012 No. 267]** **[F2012L02235]**  |
| ***Corporations Act 2001*** |
| Made | 22/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Prescribes the addition of Commonwealth Government Securities depository interests to the definition of ‘Division 3 asset’ in the principal regulations,and makes related amendments. |
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| Corporations Amendment Regulations 2010 (No. 3) Amendment Regulation 2012 (No. 2) **[Select Legislative Instrument 2012 No. 266]** **[F2012L02245]**  |
| ***Corporations Act 2001*** |
| Made | 22/11/12 |
| Tabled | 28/11/12 S | 27/11/12 HR |
| **Summary** | Extends to 30 June 2013 the transitional arrangements under which trustee companies are deemed to have a licence. |
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| Fuel Tax Act 2006 — Correcting Fuel Tax Errors Determination (No. 1) 2012 [under section 60-10 of the *Fuel Tax Act 2006*]**[F2012L02279]**  |
| ***Fuel Tax Act 2006*** |
| Made | 22/11/12 |
| Tabled | 29/11/12 S | 29/11/12 HR |
| **Summary** | Permits taxpayers to correct errors in earlier tax periods by including relevant amounts in the calculation of net fuel amounts in a later period. |
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| Superannuation (prudential standard) determination No. 1 of 2012 — Prudential Standard SPS 114 — Operational Risk Financial Requirement [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*]**[F2012L02221]**  |
| ***Superannuation Industry (Supervision) Act 1993*** |
| Made | 15/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning operational risks. |
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| Superannuation (prudential standard) determination No. 2 of 2012 — Prudential Standard SPS 220 — Risk Management [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*]**[F2012L02222]**  |
| ***Superannuation Industry (Supervision) Act 1993*** |
| Made | 15/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning risk management. |
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| Superannuation (prudential standard) determination No. 3 of 2012 — Prudential Standard SPS 231 — Outsourcing [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*]**[F2012L02223]**  |
| ***Superannuation Industry (Supervision) Act 1993*** |
| Made | 15/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning outsourcing arrangements. |
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| Superannuation (prudential standard) determination No. 4 of 2012 — Prudential Standard SPS 232 — Business Continuity Management [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*]**[F2012L02224]**  |
| ***Superannuation Industry (Supervision) Act 1993*** |
| Made | 15/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning business continuity management. |
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| Superannuation (prudential standard) determination No. 5 of 2012 — Prudential Standard SPS 250 — Insurance in Superannuation [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*]**[F2012L02225]**  |
| ***Superannuation Industry (Supervision) Act 1993*** |
| Made | 15/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning making available insured benefits to beneficiaries. |
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| Superannuation (prudential standard) determination No. 6 of 2012 — Prudential Standard SPS 510 — Governance [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*]**[F2012L02229]**  |
| ***Superannuation Industry (Supervision) Act 1993*** |
| Made | 15/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity for governance. |
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| Superannuation (prudential standard) determination No. 7 of 2012 — Prudential Standard SPS 521 — Conflicts of Interest [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*]**[F2012L02230]**  |
| ***Superannuation Industry (Supervision) Act 1993*** |
| Made | 15/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning conflicts of duty and interest. |
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| Superannuation (prudential standard) determination No. 8 of 2012 — Prudential Standard SPS 530 — Investment Governance [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*]**[F2012L02231]**  |
| ***Superannuation Industry (Supervision) Act 1993*** |
| Made | 15/11/12 |
| Tabled | 26/11/12 S | 26/11/12 HR |
| **Summary** | Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning investment governance frameworks. |
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