## DELEGATED LEGISLATION MONITOR 13 - 16 MARCH 2012

## This week at a glance

There were 47 disallowable instruments tabled in the Parliament. These were made under 34 separate enabling Acts, through 12 Commonwealth departments.

## Regulations

14 of the 47 instruments were Regulations, comprising

• 14 made as amending instruments

#### **Instrument makers**

- 27 instruments were made by the Governor-General or Ministers
- 20 instruments were made by Public Officials

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DEPARTMENT	NUMBER OF INSTRUMENTS
Department of Agriculture, Fisheries and Forestry	2
Attorney-General's Department	9
Department of Broadband, Communications and the	1
Digital Economy	
Department of Families, Housing, Community Services	1
and Indigenous Affairs	
Department of Finance and Deregulation	2
Department of Foreign Affairs and Trade	7
Department of Health and Ageing	2
Department of Immigration and Citizenship	1
Department of Infrastructure and Transport	7
Department of the Prime Minister and Cabinet	1
Department of the Treasury	5
Department of Veterans' Affairs	9
Total	47

## DELEGATED LEGISLATION TABLED IN THE SENATE 13 - 16 MARCH 2012

## NUMBER OF INSTRUMENTS MADE UNDER SPECIFIC ACTS

Acts Interpretation Act 1901	1
Administrative Appeals Tribunal Act 1975	1
Appropriation Act (No. 1) 2004-2005	1
Appropriation Act (No. 1) 2005-2006	1
Appropriation Act (No. 1) 2006-2007	1
Appropriation Act (No. 1) 2007-2008	1
Appropriation Act (No. 1) 2008-2009	1
Appropriation Act (No. 1) 2009-2010	1
Appropriation Act (No. 2) 2007-2008	1
Appropriation Act (No. 2) 2008-2009	1
Appropriation Act (No. 3) 2009-2010	1
Appropriation Act (No. 5) 2008-2009	1
Australian Citizenship Act 1948	1
Australian Prudential Regulation Authority Act 1998	1
Autonomous Sanctions Act 2011	7
Aviation Transport Security Act 2004	1
Civil Aviation Act 1988	4
Corporations Act 2001	1
Crimes Act 1914	2
Criminal Code Act 1995	4
Defence (Visiting Forces) Act 1963	1
Family Law Act 1975	1
Financial Management and Accountability Act 1997	1
Financial Sector (Collection of Data) Act 2001	2
Fisheries Management Act 1991	2
Health Insurance Act 1973	1
Insurance Act 1973	1
Military Rehabilitation and Compensation Act 2004	9
Motor Vehicle Standards Act 1989	2
Native Title Act 1993	1
Radiocommunications Act 1992	1
Remuneration Tribunal Act 1973	1
Tobacco Plain Packaging Act 2011	1
Veterans' Entitlements Act 1986	9

(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.)

**66** 

**Total** 

## DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Heard Island and McDonald Islands Fishery Trawl Fishing Capacity Determination 2012 [under section 17(6)(aa) of the *Fisheries Management Act 1991*] [F2012L00557]

Fisheries Management Act 1991

Made 06/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Determines the trawl fishing capacity

in the Heard Island and McDonald

Islands Fishery.

Southern and Eastern Scalefish and Shark Fishery (Closure Revocation) Direction No. 5 2010 [under section 41A(3) of the *Fisheries Management Act 1991*] [F2012L00473]

Fisheries Management Act 1991

Made 03/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Revokes a previous direction which

specified closures in the fishery.

#### ATTORNEY-GENERAL'S DEPARTMENT

Acts Interpretation and Family Law Amendment Regulation 2012 (No. 1)

[Select Legislative Instrument 2012 No. 18] [F2012L00545]

Acts Interpretation Act 1901 Family Law Act 1975

Made 08/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Amends the commencement of the

Acts Interpretation (Registered Relationship) Amendment Regulation 2012 (No. 1), and items [1] and [2] of Schedule 1 to the Family Law

Amendment Regulation 2012 (No. 1).

Administrative Appeals Tribunal Amendment Regulation 2012 (No. 2)

[Select Legislative Instrument 2012 No. 19] [F2012L00561]

Administrative Appeals Tribunal Act 1975

Made 08/03/12

Tabled 14/03/12 S 14/03/12 HR

**Summary** Adds decisions made under the

Military Rehabilitation and

Compensation Act 2004 and decisions made under section 33 of the Social Services Act 1980 of Norfolk Island to the list of prescribed decisions in Schedule 3 to the principal regulations that are exempt from payment of application or lodgement fees.

Crimes Amendment Regulation 2012 (No. 1) [Select Legislative Instrument 2012 No. 20] [F2012L00576]

Crimes Act 1914

Made 08/03/12

Tabled 16/03/12 S 15/03/12 HR

**Summary** Amends the list of persons or bodies

able to receive information about certain types of Commonwealth

criminal records.

Crimes Amendment Regulation 2012 (No. 2) [Select Legislative Instrument 2012 No. 21] [F2012L00577]

Crimes Act 1914

Made 08/03/12

Tabled 16/03/12 S 15/03/12 HR

**Summary** Amends the principal regulation to

remove references to home detention, intensive correction orders and community-based orders as sentencing

options in Victoria.

Criminal Code Amendment Regulation 2012 (No. 1)

[Select Legislative Instrument 2012 No. 22]

[F2012L00553]

Criminal Code Act 1995

Made 08/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Specifies that the Ansar al-Islam

organisation and its aliases is a terrorist organisation for the purposes of subsection 102.1(1) of the *Criminal* 

Code Act 1995.

**Criminal Code Amendment Regulation 2012** 

(No. 2)

[Select Legislative Instrument 2012 No. 23] [F2012L00554]

Criminal Code Act 1995

Made 08/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Specifies that the Islamic Movement of

Uzbekistan organisation and its aliases is a terrorist organisation for the purposes of subsection 102.1(1) of the

Criminal Code Act 1995.

**Defence (Visiting Forces) Amendment Regulation** 

2012 (No. 1)

[Select Legislative Instrument 2012 No. 26]

[F2012L00562]

Defence (Visiting Forces) Act 1963

Made 08/03/12

Tabled 14/03/12 S 14/03/12 HR

**Summary** Amends the list of countries to which

the Defence (Visiting Forces) Act 1963 applies, and makes other minor amendments to the principal

regulations.

**Criminal Code Amendment Regulation 2012** (No. 3)

[Select Legislative Instrument 2012 No. 24] [F2012L00555]

Criminal Code Act 1995

Made 08/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Specifies that the Jaish-e-Mohammed

organisation and its aliases is a terrorist organisation for the purposes of subsection 102.1(1) of the *Criminal* 

Code Act 1995.

**Criminal Code Amendment Regulation 2012** 

(No. 4)

[Select Legislative Instrument 2012 No. 25]

[F2012L00556]

Criminal Code Act 1995

Made 08/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Specifies that the Lashkar-e Jhangvi

organisation and its aliases is a terrorist organisation for the purposes of subsection 102.1(1) of the *Criminal* 

Code Act 1995.

## DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Radiocommunications (Spectrum Designation) Notice No. 1 of 2012 [under subsection 36(1) of the *Radiocommunications Act 1992*] [F2012L00466]

## Radiocommunications Act 1992

Made 24/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Designates the 2570-2620 MHz

frequency band as part of the spectrum to be allocated by issuing spectrum

licences.

# DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS

Native Title (Prescribed Bodies Corporate) Amendment Regulation 2012 (No. 1) [Select Legislative Instrument 2012 No. 27] [F2012L00578]

Native Title Act 1993

Made 08/03/12

Tabled 16/03/12 S 15/03/12 HR

**Summary** Corrects a drafting error in the

principal regulations.

#### DEPARTMENT OF FINANCE AND DEREGULATION

Determination to Reduce Administered Appropriations (No. 1 of 2011-2012) [F2012L00469]

Appropriation Act (No. 1) 2004-2005 Appropriation Act (No. 1) 2005-2006 Appropriation Act (No. 1) 2006-2007 Appropriation Act (No. 1) 2007-2008 Appropriation Act (No. 1) 2008-2009 Appropriation Act (No. 1) 2009-2010 Appropriation Act (No. 2) 2007-2008 Appropriation Act (No. 2) 2008-2009 Appropriation Act (No. 3) 2009-2010 Appropriation Act (No. 5) 2008-2009

Made 03/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Reduces departmental appropriation

items for certain departments and agencies by specified amounts.

Financial Management and Accountability Amendment Regulation 2012 (No. 1) [Select Legislative Instrument 2012 No. 28] [F2012L00564]

## Financial Management and Accountability Act 1997

Made 08/03/12

Tabled 14/03/12 S 14/03/12 HR

**Summary** Amends the principal regulations to

permit the finance minister to specify the title of procurement guidelines, and updates the names of certain FMA

agencies.

#### DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

Autonomous Sanctions (Designated and Declared Persons — Burma) List 2012 [under subregulation 6(1) of the Autonomous Sanctions Regulations 2011]

[F2012L00474]

**Autonomous Sanctions Act 2011** 

Made 25/01/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Designates and declares a list of

persons who are subject to financial sanctions and who are prevented from travelling to, entering or remaining in

Australia.

Autonomous Sanctions (Designated and Declared Persons — Former Federal Republic of Yugoslavia) List 2012 [under subregulation 6(1) of the Autonomous Sanctions Regulations 2011] [F2012L00477]

**Autonomous Sanctions Act 2011** 

Made 25/01/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Designates and declares a list of

persons who are subject to financial sanctions and who are prevented from travelling to, entering or remaining in

Australia.

Autonomous Sanctions (Designated and Declared Persons — Democratic People's Republic of Korea) List 2012 [under subregulation 6(1) of the Autonomous Sanctions Regulations 2011] [F2012L00475]

**Autonomous Sanctions Act 2011** 

Made 25/01/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Designates a list of persons and entities

who are subject to financial sanctions.

Autonomous Sanctions (Designated Persons and Entities and Declared Persons — Iran) List 2012 [under subregulation 6(1) of the Autonomous Sanctions Regulations 2011] [F2012L00479]

**Autonomous Sanctions Act 2011** 

Made 25/01/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Designates and declares a list of

persons and entities who are subject to financial sanctions, and persons who are prevented from travelling to, entering or remaining in Australia. Autonomous Sanctions (Designated Persons and Entities and Declared Persons — Libya) List 2012 [under subregulation 6(1) of the Autonomous Sanctions Regulations 2011] [F2012L00481]

#### **Autonomous Sanctions Act 2011**

Made 25/01/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Designates and declares a list of

persons and entities who are subject to financial sanctions, and persons who are prevented from travelling to, entering or remaining in Australia.

Autonomous Sanctions (Designated Persons and Entities and Declared Persons — Syria) List 2012 [under subregulation 6(1) of the Autonomous Sanctions Regulations 2011] [F2012L00482]

#### **Autonomous Sanctions Act 2011**

Made 25/01/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Designates and declares a list of

persons and entities who are subject to financial sanctions, and persons who are prevented from travelling to, entering or remaining in Australia.

Autonomous Sanctions (Designated Persons and Entities and Declared Persons — Zimbabwe) List 2012 [under subregulation 6(1) of the Autonomous Sanctions Regulations 2011] [F2012L00484]

#### **Autonomous Sanctions Act 2011**

Made 25/01/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Designates and declares a list of

persons and entities who are subject to financial sanction, and persons who are prevented from travelling to, entering

or remaining in Australia.

## DEPARTMENT OF HEALTH AND AGEING

Health Insurance (Poly Implant Prosthese MRI)
Determination 2012 [under subsection 3C(1) of the
Health Insurance Act 1973]
[F2012L00566]

#### Health Insurance Act 1973

Made 09/03/12

Tabled 14/03/12 S 14/03/12 HR

**Summary** Specifies six new Medicare-eligible

MRI services.

Tobacco Plain Packaging Amendment Regulation 2012 (No. 1) [Select Legislative Instrument 2012 No. 29] [F2012L00563]

## Tobacco Plain Packaging Act 2011

Made 08/03/12

Tabled 14/03/12 S 14/03/12 HR

**Summary** Amends the principal regulation so that

it applies to non-cigarette tobacco

products.

## DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Australian Citizenship Act 2007 — Instrument of Authorisation under subsections 40(3), 40(4), 42(3) and 42(4) — March 2012 [under subsections 40(3), 40(4), 42(3) and 42(4) of the *Australian Citizenship Act 2007*[F2012L00558]

Australian Citizenship Act 1948

Made 01/03/12

Tabled 14/03/12 S 14/03/12 HR

**Summary** Authorises certain persons or classes of

persons to access certain information or to request applicants for Australian citizenship to provide certain

information.

#### DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

AD/AL 250/86 Amdt 3 — Compressor Adaptor Coupling [under subregulation 39.001(1) of the Civil Aviation Safety Regulations 1998] [F2012L00544]

Civil Aviation Act 1988

Made 08/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Varies the technical requirements for a

particular type of aircraft engine.

CASA 61/12 — Instructions under CAR 235A — minimum runway width for aeroplanes [under subregulation 235A(1) of the Civil Aviation Regulations 1988]
[F2012L00453]

Civil Aviation Act 1988

Made 29/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Specifies the minimum runway width

applicable to an aeroplane.

AD/PHZL/74 Amdt 2 — Two Blade 'Y' Shank Aluminium Hub [under subregulation 39.001(1) of the Civil Aviation Safety Regulations 1998] [F2012L00560]

Civil Aviation Act 1988

Made 09/03/12

Tabled 14/03/12 S 14/03/12 HR

**Summary** Varies the technical requirements for a

particular type of aircraft.

CASA ADCX 004/12 — Revocation of Airworthiness Directives [under subregulation 39.001(1) of the Civil Aviation Safety Regulations 1998] [F2012L00541]

Civil Aviation Act 1988

Made 07/03/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** The following airworthiness directive

was revoked on 9 March 2012:

AD/CFM56/31

Aviation Transport Security Amendment Regulation 2012 (No. 2) [Select Legislative Instrument 2012 No. 30] [F2012L00565]

Aviation Transport Security Act 2004

Made 08/03/12

Tabled 14/03/12 S 14/03/12 HR

**Summary** Amends the definition of Air Security

Officer in the principal regulation to include members and special members of the Australian Federal Police.

Vehicle Standard (Australian Design Rule 4/05 — Seatbelts) 2012 [under section 7 of the *Motor Vehicle Standards Act 1989*] [F2012L00468]

Motor Vehicle Standards Act 1989

Made 23/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Prescribes a new standard for seatbelts.

Vehicle Standard (Australian Design Rule 69/00 — Full Frontal Impact Occupant Protection) 2006 Amendment 2 [under section 7 of the *Motor Vehicle Standards Act 1989*] [F2012L00465]

Motor Vehicle Standards Act 1989

Made 23/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Amends the principal standard to

reflect the current version of the international standard for seatbelts.

## DEPARTMENT OF THE PRIME MINISTER AND CABINET

Remuneration Tribunal Determination 2012/05 — Specified Statutory Offices — Remuneration and Allowances [under subsections 7(3) and 7(4) of the *Remuneration Tribunal Act 1973*] [F2012L00570]

## Remuneration Tribunal Act 1973

Made 12/03/12

Tabled 16/03/12 S 16/03/12 HR

**Summary** Specifies the remuneration and

allowances payable to specified

statutory offices.

#### DEPARTMENT OF THE TREASURY

Amendment of Declaration that Division 3 of Part VC of the Insurance Act 1973 Applies to AFA Pty Ltd (F2010L02502) [under subsection 62ZZC(4) of the *Insurance Act 1973*] [F2012L00540]

Insurance Act 1973

Made 23/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Increases the amount to be credited to

the Financial Claims Scheme Special Account in respect of claims against a

named insurer.

Financial Sector (Collection of Data) (reporting standard) determination No. 1 of 2012 — ARS 116.0 — Market Risk [under paragraph 13(1)(a) of the Financial Sector (Collection of Data) Act 2001] [F2012L00572]

Financial Sector (Collection of Data) Act 2001

Made 06/03/12

Tabled 16/03/12 S 15/03/12 HR

**Summary** Revokes and remakes Reporting

Standard ARS 116.0.

ASIC Class Rule Waiver [CW 12/233] [under rule 1.2.1(1) of the ASIC Market Integrity Rules (Competition in Exchange Markets) 2011] [F2012L00462]

Corporations Act 2001

Made 28/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Extends the relief specified in Class

Rule Waiver [CW 11/1103].

Financial Sector (Collection of Data) (reporting standard) determination No. 4 of 2012 — ARS 110.0 — Capital Adequacy [under paragraph 13(1)(a) of the *Financial Sector* (Collection of Data) Act 2001]
[F2012L00574]

Financial Sector (Collection of Data) Act 2001

Made 06/03/12

Tabled 16/03/12 S 16/03/12 HR

**Summary** Revokes and remakes Reporting

Standard ARS 110.0.

Australian Prudential Regulation Authority (confidentiality) determination No. 5 of 2012 [under section 57 of the Australian Prudential Regulation Authority Act 1998] [F2012L00463]

Australian Prudential Regulation Authority Act 1998

Made 27/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Determines that information provided

to APRA life insurers and friendly societies under specified reporting standards is non-confidential.

#### DEPARTMENT OF VETERANS' AFFAIRS

Statement of Principles concerning angle-closure glaucoma No. 25 of 2012 [under subsection 196B(2) and (8) of the Veterans' Entitlements Act *1986*]

[F2012L00470]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

28/02/12 Made

Tabled 13/03/12 S 13/03/12 HR

**Summary** Provides a new statement of principles

concerning angle-closure glaucoma arising from operational service rendered by veterans, peacekeeping service rendered by members of peacekeeping forces, hazardous service rendered by members of the forces, or warlike or non warlike service rendered by members of the Defence Force.

Statement of Principles concerning atherosclerotic peripheral vascular disease No. 23 of 2012 [under subsection 196B(2) and (8) of the Veterans' Entitlements Act 1986 [F2012L00454]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

24/02/12 Made

Tabled 13/03/12 S 13/03/12 HR

Summary Provides a new statement of principles

> concerning atherosclerotic peripheral vascular disease arising from operational service rendered by veterans, peacekeeping service rendered by members of peacekeeping forces, hazardous service rendered by members of the forces, or warlike or non warlike service rendered by

members of the Defence Force.

Statement of Principles concerning angle-closure glaucoma No. 26 of 2012 [under subsection 196B(3) and (8) of the Veterans' Entitlements Act 1986]

[F2012L00471]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

Made 28/02/12

Tabled 13/03/12 S 13/03/12 HR

Provides a new statement of principles Summary

concerning angle-closure glaucoma 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.

Statement of Principles concerning atherosclerotic peripheral vascular disease No. 24 of 2012 [under subsection 196B(3) and (8) of the Veterans' Entitlements Act 1986 [F2012L00456]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

Made 24/02/12

Tabled 13/03/12 S 13/03/12 HR

Summary Provides a new statement of principles

> concerning atherosclerotic peripheral vascular disease 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.

Statement of Principles concerning chronic venous insufficiency of the lower limb No. 29 of 2012 [under subsection 196B(2) of the *Veterans' Entitlements Act 1986*] [F2012L00460]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

Made 24/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Provides a statement of principles

concerning chronic venous insufficiency of the lower limb arising from operational service rendered by veterans, peacekeeping service rendered by members of peacekeeping forces, hazardous service rendered by members of the forces, or warlike or non warlike service rendered by

members of the Defence Force.

Statement of Principles concerning haemochromatosis No. 22 of 2012 [under subsection 196B(3) and (8) of the *Veterans' Entitlements Act 1986*] [F2012L00451]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

Made 24/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Provides a new statement of principles

concerning haemochromatosis 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.

Statement of Principles concerning chronic venous insufficiency of the lower limb No. 30 of 2012 [under subsection 196B(3) of the *Veterans' Entitlements Act 1986*] [F2012L00461]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

Made 24/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Provides a statement of principles

concerning chronic venous insufficiency of the lower limb arising from eligible war service rendered by veterans, defence service rendered by members of the forces, and peacetime service randered by members of the

Defence Force.

Statement of Principles concerning open-angle glaucoma No. 27 of 2012 [under subsection 196B(2) and (8) of the *Veterans' Entitlements Act 1986*] [F2012L00457]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

Made 24/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Provides a new statement of principles

concerning open-angle glaucoma arising from operational service rendered by veterans, peacekeeping service rendered by members of peacekeeping forces, hazardous service rendered by members of the forces, or warlike or non warlike service rendered by members of the Defence Force. Statement of Principles concerning open-angle glaucoma No. 28 of 2012 [under subsection 196B(3) and (8) of the *Veterans' Entitlements Act 1986*]
[F2012L00459]

Military Rehabilitation and Compensation Act 2004 Veterans' Entitlements Act 1986

Made 24/02/12

Tabled 13/03/12 S 13/03/12 HR

**Summary** Provides a new statement of principles

concerning open-angle glaucoma 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.