DELEGATED LEGISLATION MONITOR
27 – 30 OCTOBER 2003

This week at a glance

There were 31 disallowable instruments tabled in the Parliament.
These were made under 20 separate enabling Acts, through
9 Departments of State.

Statutory Rules

18 of the 31 instruments were Statutory Rules, comprising

- 4 made as primary instruments; and
- 14 made as amending instruments

Instrument makers

19 instruments were made by the Governor-General or Ministers

12 instruments were made by Public Officials

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DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	4
Attorney-General's Department	4
Communications, Information Technology and the Arts	1
Defence	2
Education, Science and Training	0
Employment and Workplace Relations	2
Environment and Heritage	0
Family and Community Services	0
Finance and Administration	0
Foreign Affairs and Trade	1
Health and Ageing	11
Immigration and Multicultural and Indigenous Affairs	0
Industry, Tourism and Resources	0
Prime Minister and Cabinet	0
Transport and Regional Services	4
Treasury	2
Veterans' Affairs	0
Total	**31**

DELEGATED LEGISLATION TABLED IN THE SENATE
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ALPHABETICAL LIST OF ENABLING ACTS AND NUMBER OF INSTRUMENTS MADE UNDER EACH ACT

Air Navigation Act 1920	2
Australian Meat and Live-stock Industry Act 1997	2
Crimes Act 1914	1
Currency Act 1965	1
Customs Act 1901	1
Defence Act 1903	2
Extradition Act 1988	1
Family Law Act 1975	1
Fisheries Management Act 1991	1
Health Insurance Act 1973	4
Horticulture Marketing and Research and Development Services Act 2000	1
Income Tax Assessment Act 1936	1
International Air Services Commission Act 1992	1
Medical Indemnity Act 2002	1
National Health Act 1953	3
Nuclear Non-Proliferation (Safeguards) Act 1987	1
Safety, Rehabilitation and Compensation Act 1988	2
Sydney Airport Curfew Act 1995	1
Telecommunications Act 1997	1
Therapeutic Goods Act 1989	3
Total	**31**

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

2002/03 SBT Final TAC Determination under paragraphs 17(6)(a) and 17(6)(aa) of the *Fisheries Management Act 1991*

Fisheries Management Act 1991

Made	08/10/2003	
Tabled	27/10/2003 S	03/11/2003 HR

Summary Specifies the national catch allocation for the 2002/03 season in the Southern Bluefin Tuna Fishery.

Australian Meat and Live-stock Industry (Beef Export to the United States of America — Quota Year 2004) Order 2003 under s. 17 of the *Australian Meat and Live-stock Industry Act 1997*

Australian Meat and Live-stock Industry Act 1997

Made	28/10/2003	
Tabled	29/10/2003 S	03/11/2003 HR

Summary Specifies the method by which quota entitlement to export beef to the United States of America will be allocated among licensed exporters.

Australian Meat and Live-stock Industry (Sheepmeat and Goatmeat Export to the European Union — Quota Year 2004) Order 2003 under s. 17 of the *Australian Meat and Live-stock Industry Act 1997*

Australian Meat and Live-stock Industry Act 1997

Made	24/10/2003	
Tabled	27/10/2003 S	03/11/2003 HR

Summary Specifies the method by which quotas to export sheepmeat and goatmeat to the European Union will be allocated among licensed exporters.

Horticulture Marketing and Research and Development Services Amendment Regulations 2003 (No. 1)
Statutory Rules 2003 No. 263

Horticulture Marketing and Research and Development Services Act 2000

Made	21/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Provide for the transfer of administrative responsibility for tobacco research and development levy to Horticulture Australia Ltd as a consequence of the planned winding up of the Tobacco Research and Development Corporation.

ATTORNEY-GENERAL'S DEPARTMENT

Crimes Amendment Regulations 2003 (No. 3)
Statutory Rules 2003 No. 265

Crimes Act 1914

Made	21/10/2003	
Tabled	29/10/2003 S	03/11/2003 HR

Summary Provide that exclusions to the spent convictions scheme in Schedule 4 of the Principal Regulations apply where a Commonwealth authority, an airline or an operator of an airport is determining whether to issue a security identification card to a person.

Customs (Prohibited Imports) Amendment Regulations 2003 (No. 8)
Statutory Rules 2003 No. 253

Customs Act 1901

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Provide for the importation of articles for use in defence sanctioned activities.

Extradition (Republic of Croatia) Regulations 2003
Statutory Rules 2003 No. 266

Extradition Act 1988

Made	21/10/2003	
Tabled	29/10/2003 S	03/11/2003 HR

Summary Declare that the Republic of Croatia is an extradition country, and set out a copy of the relevant extradition treaty.

Methods and Factors for Valuing Particular Superannuation Interests Approval Amendment 2003 (No. 1) under regulations 38 and 43A of the *Family Law (Superannuation) Regulations 2001*

Family Law Act 1975

Made	30/09/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Specify the methods for valuing superannuation interests in certain superannuation funds.

DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS

Telecommunications (Types of Cabling Work) Amendment Declaration 2003 (No. 1) under s. 419(1) of the *Telecommunications Act 1997*

Telecommunications Act 1997

Made	08/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Specifies exemptions for persons who maintain certain types of fire protection equipment from the Cabling Provider Rules.

DEPARTMENT OF DEFENCE

Defence Determination 2003/26

Defence Act 1903

Made	15/10/2003	
Tabled	28/10/2003 S	03/11/2003 HR

Summary Provides that members of the Australian Defence Force travelling on deployment may access business class air travel under prescribed circumstances.

Defence Determination 2003/27

Defence Act 1903

Made	22/10/2003	
Tabled	28/10/2003 S	03/11/2003 HR

Summary Amends provisions in the Principal Determination concerning the granting of full-time and part-time leave without pay.

DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS

Approved Form for Application for Initial Approval as a Rehabilitation Program Provider under ss. 34C and 34S of the *Safety, Rehabilitation and Compensation Act 1988*
Notice No. 21 of 2003

Safety, Rehabilitation and Compensation Act 1988

Made	08/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Approves a replacement form for the purposes of persons applying for approval as a rehabilitation program provider.

Approved Form for Application for Renewal of Approval as a Rehabilitation Program Provider under ss. 34K and 34S of the *Safety, Rehabilitation and Compensation Act 1988*
Notice No. 22 of 2003

Safety, Rehabilitation and Compensation Act 1988

Made	08/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Approves a form for the purposes of persons applying for renewal of approval as a rehabilitation program provider.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

Nuclear Non-Proliferation (Safeguards)
Amendment Regulations 2003 (No. 1)
Statutory Rules 2003 No. 267

Nuclear Non-Proliferation (Safeguards) Act 1987

Made	21/10/2003	
Tabled	29/10/2003 S	03/11/2003 HR

Summary Prescribe the amount of charge that is payable by a producer of uranium ore concentrates, and amend the list of nuclear material to which Part II of the *Nuclear Non-Proliferation (Safeguards) Act 1987* does not apply.

DEPARTMENT OF HEALTH AND AGEING

Determination No. PHS 19/2003 under paragraph (bj) of Schedule 1 to the *National Health Act 1953*

National Health Act 1953

Made	17/09/2003	
Tabled	29/10/2003 S	03/11/2003 HR

Summary Substitutes a new Schedule 4 to the Principal Determination, dealing with benefit levels for nursing home type patient accommodation.

Determination No. PHS 20/2003 pursuant to subsection 5D(1) of the *National Health Act 1953*

National Health Act 1953

Made	23/09/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Specifies the Albert Road Clinic Outreach Services Program as an outreach service.

Determination No. PHS 21/2003 under paragraph (bj) of Schedule 1 to the *National Health Act 1953*

National Health Act 1953

Made	13/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Makes minor amendments to Schedule 5 of the Principal Determination, dealing with benefits payable in respect of surgically implanted prostheses, human tissue items and other medical devices.

Health Insurance Amendment Regulations 2003 (No. 2)
Statutory Rules 2003 No. 254

Health Insurance Act 1973

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Insert three additional diagnostic imaging services into the list of such services that can be requested by dental practitioners, and remove one item from that list.

Health Insurance (Diagnostic Imaging Services Table) Regulations 2003
Statutory Rules 2003 No. 268

Health Insurance Act 1973

Made	21/10/2003	
Tabled	29/10/2003 S	03/11/2003 HR

Summary Prescribe a new table of diagnostic imaging services for the 12 month period commencing on 01 November 2003.

Health Insurance (General Medical Services Table) Regulations 2003
Statutory Rules 2003 No. 255

Health Insurance Act 1973

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Prescribe a new table of medical services that are eligible for Medicare benefits for the twelve month period commencing on 01 November 2003.

Health Insurance (Pathology Services Table) Regulations 2003
Statutory Rules 2003 No. 256

Health Insurance Act 1973

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Prescribe a new table of pathology services that are eligible for Medicare benefits for the twelve month period commencing on 01 November 2003.

Medical Indemnity Amendment Regulations 2003 (No. 2)
Statutory Rules 2003 No. 264

Medical Indemnity Act 2002

Made	21/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Specify exemptions for persons participating in the IBNR Scheme, and alter the payment date to 01 June 2004 for the 2003/2004 contribution year.

Therapeutic Goods Amendment Regulations 2003 (No. 3)
Statutory Rules 2003 No. 257

Therapeutic Goods Act 1989

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Specify the information that must be provided in the Patient Information and Product Information documentation when a medicine has been manufactured using human embryos or human embryonic stem cells.

Therapeutic Goods Amendment Regulations 2003 (No. 4)
Statutory Rules 2003 No. 258

Therapeutic Goods Act 1989

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Make various amendments to the Principal Regulations concerning the recall of therapeutic goods and related matters.

Therapeutic Goods (Medical Devices) Amendment Regulations 2003 (No. 2)
Statutory Rules 2003 No. 259

Therapeutic Goods Act 1989

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Specify information that must be identified for the user of a medical device concerning the sponsor of that device.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Air Navigation Amendment Regulations 2003 (No. 2)
Statutory Rules 2003 No. 260

Air Navigation Act 1920

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Specify restrictions on the advertising of non-scheduled flights, remove certain international air embargoes, and correct a drafting error.

Air Navigation Amendment Regulations 2003 (No. 3)
Statutory Rules 2003 No. 269

Air Navigation Act 1920

Made	21/10/2003	
Tabled	29/10/2003 S	03/11/2003 HR

Summary Specify the conditions for the issuing, cancellation and expiry of aviation security identification cards.

International Air Services Commission Amendment Regulations 2003 (No. 1)
Statutory Rules 2003 No. 270

International Air Services Commission Act 1992

Made	21/10/2003	
Tabled	29/10/2003 S	03/11/2003 HR

Summary Specify the situations in which the International Air Services Commission must invite submissions relating to the allocation of capacity, and the circumstances in which the Commission may delegate certain powers or functions.

Sydney Airport Curfew Amendment Regulations 2003 (No. 1)
Statutory Rules 2003 No. 261

Sydney Airport Curfew Act 1995

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Amend the list of specified persons who may operate BAe-146 aircraft during the curfew at Sydney Airport, and amend the prescribed number of take-offs and landings for aircraft operated by certain persons.

DEPARTMENT OF THE TREASURY

Currency (Royal Australian Mint) Determination 2003 (No. 6) under s. 13A(1) of the *Currency Act 1965*

Currency Act 1965

Made	22/09/2003	
Tabled	27/10/2003 S	24/10/2003 HR

Summary Specifies the design and characteristics of several one dollar coins that form part of the Mint's Collector issues for 2004.

Income Tax Amendment Regulations 2003 (No. 3) Statutory Rules 2003 No. 262

Income Tax Assessment Act 1936

Made	09/10/2003	
Tabled	27/10/2003 S	23/10/2003 HR

Summary Provide that the amended personal income tax thresholds should be used in calculation of the beneficiary rebate for the 2003/2004 financial year and later years of income.