

DELEGATED LEGISLATION MONITOR
30 OCTOBER – 2 NOVEMBER 2000

This week at a glance

There were 47 disallowable instruments tabled in the Parliament.
These were made under 20 separate enabling Acts, through
11 Departments of State.

Statutory Rules

9 of the 47 instruments were Statutory Rules, comprising

- 1 made as a primary instrument; and
- 8 made as amending instruments

Instrument makers

23 instruments were made by the Governor-General or Ministers

24 instruments were made by Public Officials

TABLE OF CONTENTS

DELEGATED LEGISLATION TABLED IN THE SENATE 30 OCTOBER – 2 NOVEMBER 2000

	Page
 DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY	
Direction No. NPFD 45 under subsection 17(5A) of the <i>Fisheries Management Act 1991</i>	7
Primary Industries Levies and Charges (National Residue Survey Levies) Amendment Regulations 2000 (No.3)	7
Temporary Order No.5 of 2000 under section 43(8) of the <i>Fisheries Management Act 1991</i>	7
 ATTORNEY-GENERAL'S DEPARTMENT	
Family Law (Child Abduction Convention) Amendment Regulations 2000 (No.2)	8
Native Title (Approved Exploration etc. Acts — New South Wales) (Mining) Determination 2000 under subsection 26A(1) of the <i>Native Title Act 1993</i>	8
Native Title (Approved Exploration etc. Acts — New South Wales) (Petroleum) Determination 2000 under subsection 26A(1) of the <i>Native Title Act 1993</i>	8
Proceeds of Crime Amendment Regulations 2000 (No.1)	8
 DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS	
Regional Equalisation Plan under subclause 64(1) of Schedule 4 of the <i>Broadcasting Services Act 1992</i>	9
Telecommunications Cabling Provider Rules 2000 under subsection 421(1) of the <i>Telecommunications Act 1997</i>	9
Telecommunications (Types of Cabling) Amendment Declaration 2000 (No.1) under subsection 419(1) of the <i>Telecommunications Act 1997</i>	9
 DEPARTMENT OF DEFENCE	
Defence Determination 2000/31	10
 DEPARTMENT OF FINANCE AND ADMINISTRATION	
Notice pursuant to section 45 of the <i>Commonwealth Authorities and Companies Act 1997</i>	11
 DEPARTMENT OF FOREIGN AFFAIRS AND TRADE	
International Tribunal for the Law of the Sea (Privileges and Immunities) Regulations 2000	12

DEPARTMENT OF HEALTH AND AGED CARE

Declaration QZZ No.3/2000 under section 124X of the <i>Health Insurance Act 1973</i>	13
Determination No. PIB23/2000 under paragraph (bj) of Schedule 1 of the <i>National Health Act 1953</i>	13
Determination No. PIB25/2000 under paragraph (bj) of Schedule 1 of the <i>National Health Act 1953</i>	13
Health Insurance (Pathologist-determinable Services) Determination 2000 under section 4BA of the <i>Health Insurance Act 1973</i>	13
Health Insurance (Prescribed Pathologist Services) Determination 2000 under section 4BB of the <i>Health Insurance Act 1973</i>	14
Therapeutic Goods (Manufacturing Principles) Determination No. 1 of 2000 under subsection 36(1) of the <i>Therapeutic Goods Act 1989</i>	14

DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AFFAIRS

Migration Amendment Regulations 2000 (No.6)	15
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DEPARTMENT OF THE PRIME MINISTER AND CABINET

Recognition of Representative Aboriginal/Torres Strait Islander Body 2000 (No.13)	16
---	----

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Amendment Order (No.15) 2000	17
Civil Aviation Amendment Order (No.16) 2000	17
Civil Aviation Orders, Part 105 (7 Instruments)	17-18
Civil Aviation Orders, Part 106 (1 Instrument)	18
Declaration of Exemptions for the Australian Defence Force from Certain Provisions of Road Transport Legislation under subsection 41D(1) of the <i>National Road Transport Commission Act 1991</i>	18
Instrument No. CASA 447/00 under regulation 5.55 of the <i>Civil Aviation Regulations 1988</i>	18
Instrument No. CASA 451/00 under subregulation 207(2) of the <i>Civil Aviation Regulations 1988</i>	18
Instrument No. CASA 452/00 under subregulation 207(2) of the <i>Civil Aviation Regulations 1988</i>	19
Instrument No. CASA 458/00 under subregulation 207(2) of the <i>Civil Aviation Regulations 1988</i>	19
Instrument No. CASA 459/00 under subregulation 207(2) of the <i>Civil Aviation Regulations 1988</i>	19
Instrument No. CASA 460/00 under subregulation 207(2) of the <i>Civil Aviation Regulations 1988</i>	19

DEPARTMENT OF THE TREASURY

Currency (Perth Mint) Determination 2000 (No.4) under subsection 13A(1) of the <i>Currency Act 1965</i>	20
---	----

Currency (Perth Mint) Determination 2000 (No.5) under subsection 13A(1) of the <i>Currency Act 1965</i>	20
Currency (Perth Mint) Determination 2000 (No.6) under subsection 13A(1) of the <i>Currency Act 1965</i>	20
Currency (Perth Mint) Determination 2000 (No.7) under subsection 13A(1) of the <i>Currency Act 1965</i>	20
Currency (Perth Mint) Determination 2000 (No.8) under subsection 13A(1) of the <i>Currency Act 1965</i>	21
Excise Amendment Regulations 2000 (No.5)	21
Retirement Savings Accounts Amendment Regulations 2000 (No.1)	21
Superannuation Industry (Supervision) Amendment Regulations 2000 (No.4)	21
Superannuation Industry (Supervision) Amendment Regulations 2000 (No.5)	21

**DELEGATED LEGISLATION TABLED IN THE SENATE
30 OCTOBER – 2 NOVEMBER 2000**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	3
Attorney-General's	4
Communications, Information Technology and the Arts	3
Defence	1
Education, Training and Youth Affairs	0
Employment, Workplace Relations and Small Business	0
Environment and Heritage	0
Family and Community Services	0
Finance and Administration	1
Foreign Affairs and Trade	1
Health and Aged Care	6
Immigration and Multicultural Affairs	1
Industry, Science and Resources	0
Prime Minister and Cabinet	1
Transport and Regional Services	17
Treasury	9
Veterans' Affairs	0
Total	47

**DELEGATED LEGISLATION TABLED IN THE SENATE
30 OCTOBER – 2 NOVEMBER 2000**

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

<i>Broadcasting Services Act 1992</i>	1
<i>Civil Aviation Act 1988</i>	16
<i>Commonwealth Authorities and Companies Act 1997</i>	1
<i>Currency Act 1965</i>	5
<i>Defence Act 1903</i>	1
<i>Excise Act 1901</i>	1
<i>Family Law Act 1975</i>	1
<i>Fisheries Management Act 1991</i>	2
<i>Health Insurance Act 1973</i>	3
<i>International Organisations (Privileges and Immunities) Act 1963</i>	1
<i>Migration Act 1958</i>	1
<i>National Health Act 1953</i>	2
<i>National Residue Survey (Excise) Levy Act 1998</i>	1
<i>National Road Transport Commission Act 1991</i>	1
<i>Native Title Act 1993</i>	3
<i>Proceeds of Crime Act 1987</i>	1
<i>Retirement Savings Accounts Act 1997</i>	1
<i>Superannuation Industry (Supervision) Act 1993</i>	2
<i>Telecommunications Act 1997</i>	2
<i>Therapeutic Goods Act 1989</i>	1
Total	47

(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

Direction No. NPFD 45 under s. 17(5A) of the *Fisheries Management Act 1991*

Fisheries Management Act 1991

Made	19/10/2000	
Tabled	01/11/2000 S	31/10/2000 HR

Summary Establishes seasonal closures in the area of the Northern Prawn Fishery.

Primary Industries Levies and Charges (National Residue Survey Levies) Amendment Regulations 2000 (No.3) Statutory Rules 2000 No.285

National Residue Survey (Excise) Levy Act 1998

Made	25/10/2000	
Tabled	30/10/2000 S	30/10/2000 HR

Summary Specify an increase in the National Residue Survey Levy on horses slaughtered for human consumption.

Temporary Order No.5 of 2000 under section 43(8) of the *Fisheries Management Act 1991*

Fisheries Management Act 1991

Made	28/09/2000	
Tabled	30/10/2000 S	30/10/2000 HR

Summary Cancels the Temporary Order No.3 of 2000 concerning longline fishing in certain areas of the Australian Fishing Zone off the East Coast of Australia.

ATTORNEY-GENERAL'S DEPARTMENT

Family Law (Child Abduction Convention) Amendment Regulations 2000 (No.2) Statutory Rules 2000 No.275

Family Law Act 1975

Made 11/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Add the Republic of Costa Rica, the Republic of the Fiji Islands, and Turkey to the list of convention countries in Schedule 2 of the Principal Regulations.

Native Title (Approved Exploration etc. Acts — New South Wales) (Petroleum) Determination 2000 under 26A(1) of the *Native Title Act 1993*

Native Title Act 1993

Made 17/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Provides that each act included in the defined class of acts associated with low-impact prospecting titles under the *Petroleum (Onshore) Act 1991* is an “approved exploration etc. act” and consequently is excluded from the right to negotiate under the *Native Title Act 1993*.

Native Title (Approved Exploration etc. Acts — New South Wales) (Mining) Determination under subsection 26A(1) of the *Native Title Act 1993*

Native Title Act 1993

Made 17/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Provides that each act included in the defined class of acts associated with a low-impact exploration licence under the *Mining Act 1992* (NSW) is an “approved exploration etc. act” and consequently is excluded from the right to negotiate under the *Native Title Act 1993*.

Proceeds of Crime Amendment Regulations 2000 (No.1) Statutory Rules 2000 No.276

Proceeds of Crime Act 1987

Made 11/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Increase the annual management fee payable to the Official Trustee for the management of the Confiscated Assets Reserve, to take account of the goods and services tax.

DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS

Regional Equalisation Plan under subclause 64(1) of Schedule 4 of the *Broadcasting Services Act 1992*

Broadcasting Services Act 1992

Made 22/09/2000
Tabled 30/10/2000 S 12/10/2000 HR

Summary Specifies the measures to facilitate the transmission of digital commercial television and datacasting services in regional licence areas.

Telecommunications Cabling Provider Rules 2000 under subsection 421(1) of the *Telecommunications Act 1997*

Telecommunications Act 1997

Made 29/09/2000
Tabled 30/10/2000 S 12/10/2000 HR

Summary Provide for a system of registration of cabling providers.

Telecommunications (Types of Cabling) Amendment Declaration 2000 (No.1) under subsection 419(1) of the *Telecommunications Act 1997*

Telecommunications Act 1997

Made 29/09/2000
Tabled 30/10/2000 S 12/10/2000 HR

Summary Amends the definition of 'broadcaster' under the Principal Declaration, and makes other amendments which have the effect that cabling work that relates to digital data security alarm services, digital data fire alarm services, and digital data computer services will be required to comply with the Telecommunications Cabling Provider Rules 2000.

DEPARTMENT OF DEFENCE**Defence Determination 2000/31*****Defence Act 1903***

Made	12/10/2000	
Tabled	30/10/2000 S	30/10/2000 HR

Summary Removes the liability of any member of the Australian Defence Force with dependants (separated) who is occupying living-in accommodation from paying a contribution for meals, and specifies the rate of rent allowance for a member with dependants (separated) who is entitled to such an allowance.

DEPARTMENT OF FINANCE AND ADMINISTRATION

Notice pursuant to section 45 of the *Commonwealth Authorities and Companies Act 1997*

Commonwealth Authorities and Companies Act 1997

Made	20/09/2000	
Tabled	30/10/2000 S	30/10/2000 HR

Summary Gives notice that the Commonwealth has become a member of the new company called the National Breast Cancer Centre, and gives further details in relation to this membership interest.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE**International Tribunal for the Law of the Sea
(Privileges and Immunities) Regulations 2000
Statutory Rules 2000 No.283*****International Organisations (Privileges and
Immunities) Act 1963***

Made	25/10/2000	
Tabled	30/10/2000 S	30/10/2000 HR

Summary Provide for certain immunities and privileges in relation to activities of the International Tribunal for the Law of the Sea.

DEPARTMENT OF HEALTH AND AGED CARE

Declaration QAA No.3/2000 under s. 124X of the *Health Insurance Act 1973*

Health Insurance Act 1973

Made 10/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Applies Part VC of that Act to the Royal Australian and New Zealand College of Obstetricians and Gynaecologists Ultrasound Project: Threatened miscarriage in the first trimester of pregnancy, the Royal Perth Hospital National Bleeding Disorder Registry of Australia, the Royal College of Pathologists of Australasia Continuing Professional Development Programme, and the Australia and New Zealand Association of Physicians in Nuclear Medicine (Inc) Joint Nuclear Medicine Specialist Credentialling Program.

Determination No. PIB23/2000 under paragraph (bj) of Schedule 1 of the *National Health Act 1953*

National Health Act 1953

Made 04/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Substitutes a new Schedule 1, which provides for benefits to be paid for overnight accommodation in private hospitals in all States and Territories and shared ward accommodation in recognised hospitals in Victoria and Tasmania, adding Cooloola Community Private Hospital (Gympie, Queensland) to Attachment A.

Determination No. PIB25/2000 under paragraph (bj) of Schedule 1 of the *National Health Act 1953*

National Health Act 1953

Made 10/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Substitutes a new Schedule 1, which provides for benefits to be paid for overnight accommodation in private hospitals in all States and Territories and shared ward accommodation in recognised hospitals in Victoria and Tasmania, adding St Vincent's Hospital (Launceston) Ltd to Attachment A.

Health Insurance (Pathologist-determinable Services) Determination 2000 under section 4BA of the *Health Insurance Act 1973*

Health Insurance Act 1973

Made 04/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Allows for the payment of Medicare benefits to cover specific circumstances where services are requested and performed by an Approved Pathology Practitioner, and services which an Approved Pathology Practitioner has deemed necessary to perform in the interest of the patient.

**Health Insurance (Prescribed Pathologist Services)
Determination 2000 under section 4BB of the
Health Insurance Act 1973**

Health Insurance Act 1973

Made 04/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Provides that simple basic pathology services may be performed by a medical practitioner in their own surgery on their own patients, or a medical practitioner on behalf of another medical practitioner, both of whom are members of a group of practitioners, on the requesting practitioner's patients.

**Therapeutic Goods (Manufacturing Principles)
Determination No.1 of 2000 under subsection 36(1)
of the Therapeutic Goods Act 1989**

Therapeutic Goods Act 1989

Made 22/09/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Specifies the principles which apply to the manufacture of fresh blood and blood components.

DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AFFAIRS**Migration Amendment Regulations 2000 (No.6)**
Statutory Rules 2000 No.284***Migration Act 1958***

Made 25/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Provide a mechanism for refusing to grant or cancelling a visa where it is determined that the applicant's presence in Australia may be associated with a risk of proliferation of weapons of mass destruction, and make other technical amendments.

DEPARTMENT OF THE PRIME MINISTER AND CABINET

(Although under the Administrative Arrangements Order the *Public Service Act 1922* is administered by the Prime Minister, some Determinations under the Act are made by officers of other agencies under subdelegation authorised by the Act. Any such Determinations are noted by an asterisk.)

Recognition of Representative Aboriginal/Torres Strait Islander Body 2000 (No.13) made under subsection 203AD(1) of the *Native Title Act 1993*

Native Title Act 1993

Made	20/10/2000	
Tabled	30/10/2000 S	30/10/2000 HR

Summary	Recognises the New South Wales Aboriginal Land Council as the representative Aborigine/Torres Strait Islander body for New South Wales.
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DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Amendment Order (No.15) 2000 under the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 19/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Makes various amendments to the Civil Aviation Orders relating to the carriage of ground proximity warning systems by aeroplanes.

Civil Aviation Amendment Order (No.16) under the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 16/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Removes the category of special category aerodromes and provides that all air operators certificates authorising regular public transport operations in other than high capacity aircraft are subject to the same conditions.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/A320/111

Civil Aviation Act 1988

Made 09/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BAe 146/81

Civil Aviation Act 1988

Made 09/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/IAI-W/22

Civil Aviation Act 1988

Made 19/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/PC-12/23

Civil Aviation Act 1988

Made 12/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/PC-12/25**

Civil Aviation Act 1988

Made 12/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/PZL/5**

Civil Aviation Act 1988

Made 19/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/TBM 700/20 Amdt 1**

Civil Aviation Act 1988

Made 12/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

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

**Civil Aviation Orders, Part 106
Airworthiness Directive AD/LYC/105 Amdt 1**

Civil Aviation Act 1988

Made 12/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

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

**Declaration of Exemptions for the Australian
Defence Force from Certain Provisions of Road
Transport Legislation under subsection 41D(1) of
the *National Road Transport Commission Act 1991***

National Road Transport Commission Act 1991

Made 25/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Exempts the Australian Defence Force from certain regulations made pursuant to the *Road Transport Reform (Vehicles and Traffic) Act 1993*.

**Instrument No. CASA 447/00 under regulation
5.55 of the *Civil Aviation Regulations 1988***

Civil Aviation Act 1988

Made 16/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Provides a uniform set of rules applicable to operators engaged in helicopter stock mustering.

**Instrument No. CASA 451/00 under subregulation
207(2) of the *Civil Aviation Regulations 1988***

Civil Aviation Act 1988

Made 13/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Permits the operation of the aircraft VH-CAV with nasal cannula type individual oxygen dispensing units under certain specified conditions.

**Instrument No. CASA 452/00 under subregulation
207(2) of the Civil Aviation Regulations 1988**

Civil Aviation Act 1988

Made 13/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Permits the operation of the aircraft
VH-LJT with nasal cannula type
individual oxygen dispensing units
under certain specified conditions.

**Instrument No. CASA 460/00 under subregulation
207(2) of the Civil Aviation Regulations 1988**

Civil Aviation Act 1988

Made 17/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Permits the operation of the aircraft
VH-LCA with nasal cannula type
individual oxygen dispensing units
under certain specified conditions.

**Instrument No. CASA 458/00 under subregulation
207(2) of the Civil Aviation Regulations 1988**

Civil Aviation Act 1988

Made 17/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Permits the operation of the aircraft
VH-NPA with nasal cannula type
individual oxygen dispensing units
under certain specified conditions.

**Instrument No. CASA 459/00 under subregulation
207(2) of the Civil Aviation Regulations 1988**

Civil Aviation Act 1988

Made 17/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Permits the operation of the aircraft
VH-FML with nasal cannula type
individual oxygen dispensing units
under certain specified conditions.

DEPARTMENT OF THE TREASURY

Currency (Perth Mint) Determination 2000 (No.4) under subsection 13A(1) of the *Currency Act 1965*

Currency Act 1965

Made 10/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Specifies the design and characteristics of several coins which are part of a series of privy mark coins for the 2000/01 numismatic program of the Perth Mint.

Currency (Perth Mint) Determination 2000 (No.6) under subsection 13A(1) of the *Currency Act 1965*

Currency Act 1965

Made 10/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Specifies the design and characteristics of a bi-metal gold and silver \$20 coin and a \$1 silver coin both of which are part of a series of privy mark coins for the 2000/01 numismatic program of the Perth Mint and which commemorate the commencement of the new millennium.

Currency (Perth Mint) Determination 2000 (No.5) under subsection 13A(1) of the *Currency Act 1965*

Currency Act 1965

Made 10/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Specifies the design and characteristics of several coins which are part of a series of privy mark coins for the 2000/01 numismatic program of the Perth Mint and which commemorate the Centenary of Federation.

Currency (Perth Mint) Determination 2000 (No.7) under subsection 13A(1) of the *Currency Act 1965*

Currency Act 1965

Made 10/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Specifies the design and characteristics of a \$1 silver coin which is part of a series of privy mark coins for the 2000/01 numismatic program of the Perth Mint and which features the Federation Star.

**Currency (Perth Mint) Determination 2000 (No.8)
under subsection 13A(1) of the *Currency Act 1965***

Currency Act 1965

Made 10/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Specifies the design and characteristics of several coins which are part of a series of privy mark coins for the 2000/01 numismatic program of the Perth Mint and which commemorate various States of the United States.

**Superannuation Industry (Supervision)
Amendment Regulations 2000 (No.4)
Statutory Rules 2000 No.280**

Superannuation Industry (Supervision) Act 1993

Made 11/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Amend the definition of 'pooled superannuation trust' in the Principal Regulations, to update the existing definition by inserting references to provisions of the *Income Tax Assessment Act 1997*.

**Excise Amendment Regulations 2000 (No.5)
Statutory Rules 2000 No.278**

Excise Act 1901

Made 11/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Provide that goods falling under the category of 'other excisable beverages' (found in the Schedule to the *Excise Tariff Act 1921*) may be manufactured in Australia using imported alcohol and therefore be subject to excise rather than customs duty on the end product.

**Superannuation Industry (Supervision)
Amendment Regulations 2000 (No.5)
Statutory Rules 2000 No.281**

Superannuation Industry (Supervision) Act 1993

Made 11/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Provide that investment earnings on superannuation benefits that have commenced, since 1 July 1999, to be paid as a pension or annuity are not required to be preserved.

**Retirement Savings Accounts Amendment
Regulations 2000 (No.1)
Statutory Rules 2000 No.279**

Retirement Savings Accounts Act 1997

Made 11/10/2000
Tabled 30/10/2000 S 30/10/2000 HR

Summary Provide that investment earnings on superannuation benefits that have commenced, since 1 July 1999, to be paid from a Retirement Savings Account as a pension or annuity are not required to be preserved.