

**DELEGATED LEGISLATION MONITOR  
18 – 21 AUGUST 2003**

**This week at a glance**

There were 42 disallowable instruments tabled in the Parliament. These were made under 14 separate enabling Acts, through 9 Departments of State.

**Statutory Rules**

3 of the 42 instruments were Statutory Rules, comprising

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

**Instrument makers**

14 instruments were made by the Governor-General or Ministers

28 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE  
18 – 21 AUGUST 2003**

<b>DEPARTMENT OF STATE</b>	<b>NUMBER OF INSTRUMENTS</b>
Agriculture, Fisheries and Forestry	4
Attorney-General's	15
Communications, Information Technology and the Arts	2
Defence	1
Education, Science and Training	0
Employment and Workplace Relations	0
Environment and Heritage	3
Family and Community Services	3
Finance and Administration	0
Foreign Affairs and Trade	0
Health and Ageing	3
Immigration and Multicultural and Indigenous Affairs	1
Industry, Tourism and Resources	0
Prime Minister and Cabinet	0
Transport and Regional Services	0
Treasury	0
Veterans' Affairs	10
<b>Total</b>	<b>42</b>

**DELEGATED LEGISLATION TABLED IN THE SENATE  
18 – 21 AUGUST 2003**

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

<i>A New Tax System (Family Assistance) Act 1999</i>	1
<i>Broadcasting Services Act 1992</i>	1
<i>Customs Act 1901</i>	14
<i>Dairy Produce Act 1986</i>	2
<i>Defence Act 1903</i>	1
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	3
<i>Farm Household Support Act 1992</i>	2
<i>Federal Court of Australia Act 1976</i>	1
<i>Medical Indemnity Act 2002</i>	3
<i>Migration Act 1958</i>	1
<i>Social Security (International Agreements) Act 1999</i>	1
<i>Social Security Act 1991</i>	1
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	1
<i>Veterans' Entitlements Act 1986</i>	10
<b>Total</b>	<b>42</b>

## DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

### **Dairy Exit Program Scheme Amendment 2003 (No. 1) under s. 52C of the *Farm Household Support Act 1992***

#### ***Farm Household Support Act 1992***

Made 19/06/2003  
Tabled 19/08/2003 S 18/08/2003 HR

**Summary** Amends the Scheme as a consequence of the conversion of the Australian Dairy Corporation to a company known as Dairy Australia Limited.

### **Supplementary Dairy Assistance Scheme 2001 Variation (No. 6) under clauses 37B and 37Y of Schedule 2 to the *Dairy Produce Act 1986***

#### ***Dairy Produce Act 1986***

Made 19/06/2003  
Tabled 19/08/2003 S 18/08/2003 HR

**Summary** Amends the Scheme as a consequence of the conversion of the Australian Dairy Corporation to a company known as Dairy Australia Limited.

### **Dairy Structural Adjustment Program Scheme 2000 Amendment (No. 11) under clauses 10 and 35 of Schedule 2 to the *Dairy Produce Act 1986***

#### ***Dairy Produce Act 1986***

Made 19/06/2003  
Tabled 19/08/2003 S 18/08/2003 HR

**Summary** Amends the Scheme as a consequence of the conversion of the Australian Dairy Corporation to a company known as Dairy Australia Limited.

### **Farm Help Re-establishment Grant Scheme Amendment 2003 (No. 2) under s. 52A of the *Farm Household Support Act 1992***

#### ***Farm Household Support Act 1992***

Made 19/06/2003  
Tabled 19/08/2003 S 18/08/2003 HR

**Summary** Amends the Scheme as a consequence of the conversion of the Australian Dairy Corporation to a company known as Dairy Australia Limited.

## ATTORNEY-GENERAL'S DEPARTMENT

### CEO Instrument of Approval No. 10 of 2003 under s. 4A of the *Customs Act 1901*

#### *Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in English relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

### CEO Instrument of Approval No. 13 of 2003 under s. 4A of the *Customs Act 1901*

#### *Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Greek relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

### CEO Instrument of Approval No. 11 of 2003 under s. 4A of the *Customs Act 1901*

#### *Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Vietnamese relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

### CEO Instrument of Approval No. 14 of 2003 under s. 4A of the *Customs Act 1901*

#### *Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Indonesian relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

### CEO Instrument of Approval No. 12 of 2003 under s. 4A of the *Customs Act 1901*

#### *Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Arabic relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

### CEO Instrument of Approval No. 15 of 2003 under s. 4A of the *Customs Act 1901*

#### *Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Italian relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

**CEO Instrument of Approval No. 16 of 2003  
under s. 4A of the *Customs Act 1901***

*Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Japanese relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

**CEO Instrument of Approval No. 19 of 2003  
under s. 4A of the *Customs Act 1901***

*Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in simplified Chinese relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

**CEO Instrument of Approval No. 17 of 2003  
under s. 4A of the *Customs Act 1901***

*Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Korean relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

**CEO Instrument of Approval No. 20 of 2003  
under s. 4A of the *Customs Act 1901***

*Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Spanish relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

**CEO Instrument of Approval No. 18 of 2003  
under s. 4A of the *Customs Act 1901***

*Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Malay relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

**CEO Instrument of Approval No. 21 of 2003  
under s. 4A of the *Customs Act 1901***

*Customs Act 1901*

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in traditional Chinese relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

**CEO Instrument of Approval No. 22 of 2003  
under s. 4A of the *Customs Act 1901***

***Customs Act 1901***

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Approves a form for the purpose of providing to Customs information in Thai relating to imported goods that are accompanied personal or household effects of a passenger of a ship or aircraft.

**CEO Instrument of Approval No. 23 of 2003  
under s. 4A of the *Customs Act 1901***

***Customs Act 1901***

Made 28/07/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Revokes two earlier Instruments of Approval concerning Incoming passenger cards.

**Federal Court Amendment Rules 2003 (No. 3)  
Statutory Rules 2003 No. 206**

***Federal Court of Australia Act 1976***

Made 04/08/2003  
Tabled 18/08/2003 S 14/08/2003 HR

**Summary** Amend the Principal Rules as a consequence of the *Australian Crime Commission Establishment Act 2002*, and make further amendments concerning human rights proceedings, the liability of a legal practitioner for costs, and related matters.

**DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS**

**Determination under Clause 37EA of Schedule 4 to the *Broadcasting Services Act 1992* (No. 1) 2003**

***Broadcasting Services Act 1992***

Made 26/06/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides that a commercial television licensee that broadcasts a television program in high definition under certain circumstances need not simultaneously broadcast that program in analog mode.

**Telecommunications (Customer Service Guarantee) Direction No. 1 of 1999 (Amendment No. 1 of 2003) under s. 124 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999***

***Telecommunications (Consumer Protection and Service Standards) Act 1999***

Made 05/08/2003  
Tabled 19/08/2003 S 19/08/2003 HR

**Summary** Makes provision for exemptions from compliance with performance standards under certain circumstances.

**DEPARTMENT OF DEFENCE****Defence Determination 2003/23***Defence Act 1903*

Made 14/08/2003  
Tabled 20/08/2003 S 20/08/2003 HR

**Summary** Inserts into the Principal Determination dealing with Conditions of Service a rate of contribution to be made by senior officers of the Australian Defence Force who occupy specified service residences in Duntroon.

## DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

### **Inclusion of Species in the List of Threatened Species under s. 178 of the *Environment Protection and Biodiversity Conservation Act 1999***

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

Made 03/07/2003  
 Tabled 20/08/2003 S 20/08/2003 HR

**Summary** Adds a species of cod to the list in the vulnerable category.

### **Inclusion of Species in the List of Threatened Species under s. 178 of the *Environment Protection and Biodiversity Conservation Act 1999***

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

Made 06/08/2003  
 Tabled 20/08/2003 S 20/08/2003 HR

**Summary** Adds a species of lungfish to the list in the vulnerable category.

### **Inclusion of Species in the List of Threatened Species under s. 178 of the *Environment Protection and Biodiversity Conservation Act 1999***

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

Made 06/08/2003  
 Tabled 20/08/2003 S 20/08/2003 HR

**Summary** Adds a species of orchid to the list in the critically endangered category, and a species of butterfly to the list in the endangered category.

## DEPARTMENT OF FAMILY AND COMMUNITY SERVICES

### **Child Disability Assessment Amendment Determination 2003 under s. 38D of the *Social Security Act 1991***

#### *Social Security Act 1991*

Made 12/08/2003  
Tabled 20/08/2003 S 19/08/2003 HR

**Summary** Adds to or modifies the description of six disabilities on the List of Recognised Disabilities in Schedule 3 of the Principal Determination.

### **Social Security (International Agreements) Act 1999 Amendment Regulations 2003 (No. 1) Statutory Rules 2003 No. 207**

#### *Social Security (International Agreements) Act 1999*

Made 14/08/2003  
Tabled 19/08/2003 S 18/08/2003 HR

**Summary** Adds the Agreements on Social Security between Australia and the Republic of Chile, the Republic of Croatia and the Republic of Slovenia, as Schedules 15, 16 and 17, retrospectively, to the *Social Security (International Agreements) Act 1999*.

### **Family Assistance (Meeting the Immunisation Requirements) Determination 2003 under s. 7(2) of the *A New Tax System (Family Assistance) Act 1999***

#### *A New Tax System (Family Assistance) Act 1999*

Made 11/08/2003  
Tabled 20/08/2003 S 19/08/2003 HR

**Summary** Provides that children participating in the vaccine study being conducted by the Murdoch Children's Research Institute meet the immunisation requirements for the purposes of the Act.

## DEPARTMENT OF HEALTH AND AGEING

### **Medical Indemnity (Non-participating MDOs) Determination 2003 under s. 12(1) of the *Medical Indemnity Act 2002***

#### *Medical Indemnity Act 2002*

Made 05/08/2003  
Tabled 18/08/2003 S 14/08/2003 HR

**Summary** Lists medical defence organisations that are not participating MDOs in the Incurred But Not Reported Liability Scheme.

### **Medical Indemnity Regulations 2003 Statutory Rules 2003 No. 208**

#### *Medical Indemnity Act 2002*

Made 14/08/2003  
Tabled 19/08/2003 S 18/08/2003 HR

**Summary** Prescribe various matters relating to the Incurred But Not Reported Liabilities Scheme, including the rate of penalties for late payment.

### **Medical Indemnity (Unfunded IBNR factor — United Medical Protection Limited) Determination 2003 under paragraph 22(1)(b) of the *Medical Indemnity Act 2002***

#### *Medical Indemnity Act 2002*

Made 05/08/2003  
Tabled 18/08/2003 S 14/08/2003 HR

**Summary** Specifies that the unfunded IBNR factor for United Medical Protection Limited is one (1).

**DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS****Instrument of Approval of Primary Reporting System (Aircraft Passengers) under s. 245J of the Migration Act 1958*****Migration Act 1958***

Made 23/06/2003  
Tabled 20/08/2003 S 20/08/2003 HR

**Summary** Approves a system for the purposes of reporting under Part 2, Division 12B of the Act in respect of international passenger aircraft.

## DEPARTMENT OF VETERANS' AFFAIRS

### **Determination of Statement of Principles under s. 196B(2) of the *Veterans' Entitlements Act 1986* Instrument No. 31 of 2003**

#### *Veterans' Entitlements Act 1986*

Made 12/08/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning morbid obesity arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

### **Determination of Statement of Principles under s. 196B(2) of the *Veterans' Entitlements Act 1986* Instrument No. 33 of 2003**

#### *Veterans' Entitlements Act 1986*

Made 12/08/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning restless legs syndrome arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

### **Determination of Statement of Principles under s. 196B(3) of the *Veterans' Entitlements Act 1986* Instrument No. 32 of 2003**

#### *Veterans' Entitlements Act 1986*

Made 12/08/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning morbid obesity arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

### **Determination of Statement of Principles under s. 196B(3) of the *Veterans' Entitlements Act 1986* Instrument No. 34 of 2003**

#### *Veterans' Entitlements Act 1986*

Made 12/08/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning restless legs syndrome arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

**Revocation and Determination of Statement of Principles under s. 196B(2) of the *Veterans' Entitlements Act 1986*  
Instrument No. 35 of 2003**

*Veterans' Entitlements Act 1986*

Made 12/08/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning hypertension arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

**Revocation and Determination of Statement of Principles under s. 196B(2) of the *Veterans' Entitlements Act 1986*  
Instrument No. 37 of 2003**

*Veterans' Entitlements Act 1986*

Made 12/08/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning non-Hodgkin's lymphoma arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

**Revocation and Determination of Statement of Principles under s. 196B(3) of the *Veterans' Entitlements Act 1986*  
Instrument No. 36 of 2003**

*Veterans' Entitlements Act 1986*

Made 12/08/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning hypertension arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

**Revocation and Determination of Statement of Principles under s. 196B(3) of the *Veterans' Entitlements Act 1986*  
Instrument No. 38 of 2003**

*Veterans' Entitlements Act 1986*

Made 12/08/2003  
Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning non-Hodgkin's lymphoma arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

**Revocation and Determination of Statement of Principles under s. 196B(2) of the *Veterans' Entitlements Act 1986***  
**Instrument No. 39 of 2003**

*Veterans' Entitlements Act 1986*

Made 12/08/2003  
 Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning subarachnoid haemorrhage arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

**Revocation and Determination of Statement of Principles under s. 196B(3) of the *Veterans' Entitlements Act 1986***  
**Instrument No. 40 of 2003**

*Veterans' Entitlements Act 1986*

Made 12/08/2003  
 Tabled 18/08/2003 S 18/08/2003 HR

**Summary** Provides a Statement of Principles concerning subarachnoid haemorrhage arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.