

**DELEGATE LEGISLATION MONITOR
10 – 13 OCTOBER 2005**

This week at a glance

There were 50 disallowable instruments tabled in the Parliament. These were made under 34 separate enabling Acts, through 9 Departments of State.

Regulations

16 of the 50 instruments were Regulations, comprising

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

Instrument makers

22 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
10 – 13 OCTOBER 2005**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Attorney-General's	10
Defence	3
Education, Science and Training	4
Employment and Workplace Relations	1
Finance and Administration	1
Health and Ageing	7
Immigration and Multicultural and Indigenous Affairs	1
Transport and Regional Services	16
Treasury	7
Total	50

**DELEGATED LEGISLATION TABLED IN THE SENATE
10 – 13 OCTOBER 2005**

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

<i>Australian Postal Corporation Act 1989</i>	1
<i>Aviation Transport Security Act 2004</i>	2
<i>Bankruptcy Act 1966</i>	1
<i>Christmas Island Act 1958</i>	1
<i>Civil Aviation Act 1988</i>	9
<i>Cocos (Keeling) Islands Act 1955</i>	1
<i>Commonwealth Places (Mirror Taxes) Act 1998</i>	1
<i>Corporations Act 2001</i>	4
<i>Crimes Act 1914</i>	1
<i>Criminal Code Act 1995</i>	1
<i>Customs Act 1901</i>	8
<i>Defence Act 1903</i>	3
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	1
<i>Financial Management and Accountability Act 1997</i>	1
<i>Health Insurance Act 1973</i>	1
<i>Hearing Services Administration Act 1997</i>	1
<i>Indigenous Education (Targeted Assistance) Act 2000</i>	1
<i>Maritime Transport Security and Offshore Facilities Act 2003</i>	2
<i>Migration Act 1958</i>	1
<i>National Health Act 1953</i>	4
<i>National Health and Medical Research Council Act 1992</i>	1
<i>Norfolk Island Act 1979</i>	1
<i>Primary Industries (Customs) Charges Act 1999</i>	1
<i>Primary Industries (Excise) Levies Act 1999</i>	1
<i>Primary Industries Levies and Charges Collection Act 1991</i>	1
<i>Retirement Savings Accounts Act 1997</i>	1
<i>Schools Assistance (Learning Together - Achievement Through Choice and Opportunity) Act 2004</i>	1
<i>Skilling Australia's Workforce (Repeal and Transitional Provisions) Act 2005</i>	1
<i>Social Security Act 1991</i>	2
<i>Superannuation (Government Co-contribution for Low Income Earners) Act 2003</i>	1
<i>Superannuation Act 1976</i>	1
<i>Superannuation Industry (Supervision) Act 1993</i>	1
<i>Trade Practices Act 1974</i>	2
<i>Weapons of Mass Destruction (Prevention of Proliferation) Act 1995</i>	1
Total	61

(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.)

ATTORNEY-GENERAL'S DEPARTMENT

**CEO Instrument of Approval No. 85 of 2005
under ss. 4A and 67F(2) of the *Customs Act 1901*
[F2005L03006]**

Customs Act 1901

Made 28/09/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Approves a form for the purposes of applying for registration as a re-mail reporter.

**CEO Instrument of Approval No. 105 of 2005
under ss. 4A and 71AAAF(1) of the *Customs Act 1901*
[F2005L03070]**

Customs Act 1901

Made 07/10/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Approves a statement for the purposes of making electronically a self-assessed clearance declaration together with a cargo report for goods imported by sea.

**CEO Instrument of Approval No. 98 of 2005
under s. 4A of the *Customs Act 1901*
[F2005L02981]**

Customs Act 1901

Made 28/09/2005
Tabled 10/10/2005 S 10/10/2005 HR

Summary Approves a form for the purposes of applying for permission of the Collector under s. 162 of the Act.

**CEO Instrument of Approval No. 106 of 2005
under ss. 4A and 71AAAF(1) of the *Customs Act 1901*
[F2005L03071]**

Customs Act 1901

Made 07/10/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Approves a statement for the purposes of making electronically a self-assessed clearance declaration together with a cargo report for goods imported by air.

**CEO Instrument of Approval No. 104 of 2005
under s. 4A of the *Customs Act 1901*
[F2005L03039]**

Customs Act 1901

Made 05/10/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Approves a form for the purposes of claiming a drawback of import duty in respect of an import declaration.

**CEO Instrument of Approval No. 107 of 2005
under ss. 4A and 71K of the *Customs Act 1901*
[F2005L03072]**

Customs Act 1901

Made 07/10/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Approves a form for the purposes of communicating an import declaration for goods intended to be entered for home consumption, a return for special goods, and an application to take delivery of goods temporarily imported without duty.

**CEO Instrument of Approval No. 108 of 2005
under ss. 4A and 71K of the *Customs Act 1901*
[F2005L03073]**

Customs Act 1901

Made 07/10/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Approves a form for the purposes of communicating a warehouse declaration in respect of goods that are intended to be entered for warehousing.

**Determination of an Incident under
Division 11A of the *Crimes Act 1914*
[F2005L02994]**

Crimes Act 1914

Made 02/10/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Determines that the Bali bombing on 01 October 2005 is an incident to which Division 11A of the Act applies, thereby permitting the use of streamlined DNA matching procedures.

**Criminal Code Amendment Regulations
2005 (No. 13)
Select Legislative Instrument 2005 No. 214
[F2005L02976]**

Criminal Code Act 1995

Made 06/10/2005
Tabled 10/10/2005 S 10/10/2005 HR

Summary Specify Palestinian Islamic Jihad and its aliases, HAMAS' Izz al-Din al-Qassam Brigades, and Lashkar-e-Tayyiba (LeT) and its aliases, as terrorist organisations.

**Customs Amendment Regulations 2005 (No. 6)
Select Legislative Instrument 2005 No. 230
[F2005L03042]**

Customs Act 1901

Made 06/10/2005
Tabled 12/10/2005 S HR

Summary Prescribe an increase in the value of goods imported into Australia other than by post that have to be reported to Customs on a formal import entry.

DEPARTMENT OF DEFENCE

Defence Determination 2005/39

Defence Act 1903

Made 06/10/2005
 Tabled 13/10/2005 S 12/10/2005 HR

Summary Makes minor amendments to the Principal Determination concerning air traffic controllers, travel cards, and travel allowance.

Defence Determination 2005/40

Defence Act 1903

Made 06/10/2005
 Tabled 13/10/2005 S 12/10/2005 HR

Summary Amends arrangements for dental care for children of members of the Australian Defence Force on long-term posting overseas.

Defence Determination 2005/41

Defence Act 1903

Made 06/10/2005
 Tabled 13/10/2005 S 12/10/2005 HR

Summary Amends the Principal Determination concerning entitlements relating to the costs of temporary accommodation.

DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING

**Indigenous Education (Targeted Assistance)
Amendment Regulations 2005 (No. 1)
Select Legislative Instrument 2005 No. 215
[F2005L03011]**

***Indigenous Education (Targeted Assistance) Act
2000***

Made 06/10/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Specify an increase in the amounts that may be payable as non-ABSTUDY payments to supplement the cost of delivering educational services to indigenous students for a specified period.

**Schools Assistance (Learning Together —
Achievement Through Choice and Opportunity)
Amendment Regulations 2005 (No. 1)
Select Legislative Instrument 2005 No. 216
[F2005L03010]**

***Schools Assistance (Learning Together -
Achievement Through Choice and Opportunity) Act
2004***

Made 06/10/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Provide adjustments to recurrent grants and capital grants for funding for primary and secondary schools for 2005.

**Social Security (Tasmanian Motor Accidents
Insurance Board 'Future Care Payments'
Exemption) (DEST) Determination 2005
under s. 35A of the *Social Security Act 1991*
[F2005L03068]**

Social Security Act 1991

Made 09/09/2005
Tabled 13/10/2005 S 12/10/2005 HR

Summary Approves the Tasmanian Motor Accidents Insurance Board 'Future Care Payments' scheme as an approved scheme under s. 35A of the Act.

**Social Security (Victorian Transport Accident
Commission 'Attendant Care Service' and 'Post
Acute Support' Exemption) (DEST)
Determination 2005 under s. 35A of the *Social
Security Act 1991*
[F2005L03027]**

Social Security Act 1991

Made 09/09/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Approves the Victorian Transport Accident Commission 'Attendant Care Service' and 'Post Acute Support' schemes as an approved scheme under s. 35A of the Act.

DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS

**Skilling Australia's Workforce (Repeal and Transitional Provisions) Regulations 2005
Select Legislative Instrument 2005 No. 217
[F2005L03012]**

Skilling Australia's Workforce (Repeal and Transitional Provisions) Act 2005

Made 06/10/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Specify the final reporting arrangements for the Australian National Training Authority.

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

**Amendment of List of Specimens Taken to be
Suitable for Live Import under s. 303EC(1)
of the *Environment Protection and Biodiversity
Conservation Act 1999*
(EPBC/s.303EC/SSLI/Amend/002)
[F2005L03045]**

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

Made 21/09/2005
Tabled 12/10/2005 S 11/10/2005 HR

Summary Adds one species of parasite to the list
of specimens that are suitable for live
import.

DEPARTMENT OF FINANCE AND ADMINISTRATION

Financial Framework Legislation
Amendment Regulations 2005 (No. 1)
Select Legislative Instrument 2005 No. 218
[F2005L02918]

Australian Postal Corporation Act 1989
Bankruptcy Act 1966
Financial Management and Accountability Act 1997
National Health and Medical Research Council Act 1992
Primary Industries (Customs) Charges Act 1999
Primary Industries (Excise) Levies Act 1999
Primary Industries Levies and Charges Collection Act 1991
Retirement Savings Accounts Act 1997
Superannuation (Government Co-contribution for Low Income Earners) Act 2003
Superannuation Act 1976
Superannuation Industry (Supervision) Act 1993
Weapons of Mass Destruction (Prevention of Proliferation) Act 1995

Made	06/10/2005	
Tabled	12/10/2005 S	11/10/2005 HR

Summary Make technical amendments to fifteen sets of Principal Regulations.

DEPARTMENT OF HEALTH AND AGEING

Determination No. HIB 14/2005 under paragraph (bj) of Schedule 1 to the *National Health Act 1953* [F2005L03055]

National Health Act 1953

Made 06/10/2005
Tabled 12/10/2005 S 11/10/2005 HR

Summary Inserts a revised Schedule 6 into the Principal Determination, specifying second tier defaults payable in respect of overnight and day only treatment.

Determination No. PSO 10/2005 pursuant to s. 5D(1) of the *National Health Act 1953* [F2005L02974]

National Health Act 1953

Made 29/09/2005
Tabled 10/10/2005 S 10/10/2005 HR

Summary Specifies services provided by Knox Private Hospital, St Vincents and Mercy Private Hospital, Ballarat Health Services and St Frances Xavier Cabrini Hospital as outreach services.

Determination No. PSO 08/2005 pursuant to s. 5D(1) of the *National Health Act 1953* [F2005L02973]

National Health Act 1953

Made 29/09/2005
Tabled 10/10/2005 S 10/10/2005 HR

Summary Specifies services provided by The Sydney Clinic and Bendigo Health Care Group as outreach services.

Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2005 (No. 3) Select Legislative Instrument 2005 No. 219 [F2005L03034]

Health Insurance Act 1973

Made 06/10/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Provide Medicare eligibility for magnetic resonance imaging scans conducted at the Mater Children's Hospital in Brisbane.

Determination No. PSO 09/2005 pursuant to s. 5D(1) of the *National Health Act 1953* [F2005L03032]

National Health Act 1953

Made 29/09/2005
Tabled 12/10/2005 S 11/10/2005 HR

Summary Specifies services provided by Toowong Private Hospital as outreach services.

Hearing Services (Participants in the Voucher System) Amendment Determination 2005 (No. 1) under s. 13 of the *Hearing Services Administration Act 1997* [F2005L02975]

Hearing Services Administration Act 1997

Made 29/09/2005
Tabled 10/10/2005 S 10/10/2005 HR

Summary Makes minor technical amendments to the Principal Determination.

DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS

Migration Amendment Regulations 2005 (No. 8)
Select Legislative Instrument 2005 No. 221
[F2005L03037]

Migration Act 1958

Made 06/10/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Amend provisions in the Principal Regulations concerning Student Guardian, Remaining Relative, and New Zealand Citizen (Family Relationship) (Temporary) visas, sponsor undertakings relating to medical and hospital expenses, and make other amendments.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Aviation Transport Security Amendment Regulations 2005 (No. 2)
Select Legislative Instrument 2005 No. 222
[F2005L02901]

Aviation Transport Security Act 2004

Made 06/10/2005
 Tabled 12/10/2005 S 11/10/2005 HR

Summary Amend provisions in the Principal Regulations concerning airport operators who do not provide passenger screening, the issue of Aviation Security Identification Cards (ASICs) by the Civil Aviation Safety Authority, and other matters relating to the issue of ASICs.

Aviation Transport Security Amendment Regulations 2005 (No. 3)
Select Legislative Instrument 2005 No. 223
[F2005L02969]

Aviation Transport Security Act 2004

Made 06/10/2005
 Tabled 12/10/2005 S 11/10/2005 HR

Summary Amend the Principal Regulations to permit the authorised consignment of explosives or explosive devices, and to specify that only inbound international transit passengers must be screened.

Civil Aviation (Fees) Amendment Regulations 2005 (No. 1)
Select Legislative Instrument 2005 No. 224
[F2005L03043]

Civil Aviation Act 1988

Made 06/10/2005
 Tabled 11/10/2005 S 11/10/2005 HR

Summary Amend the Principal Regulations to specify fees payable in connection with the issue of Aviation Security Identification Cards by the Civil Aviation Safety Authority.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/LA-4/25 Amdt 2
[F2005L03076]

Civil Aviation Act 1988

Made 10/10/2005
 Tabled 13/10/2005 S 12/10/2005 HR

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

Civil Aviation Orders, Part 106
Airworthiness Directive AD/ARRIEL/21
[F2005L03046]

Civil Aviation Act 1988

Made 06/10/2005
 Tabled 12/10/2005 S 11/10/2005 HR

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

Civil Aviation Orders, Part 106
Airworthiness Directive AD/LYC/112
[F2005L03019]

Civil Aviation Act 1988

Made 05/10/2005
 Tabled 10/10/2005 S 10/10/2005 HR

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

Determination of Fees for Water and Sewerage Services (No. 3 of 2005) under s. 10 of the Christmas Island Act 1958
[F2005L02916]

Christmas Island Act 1958

Made 23/09/2005
 Tabled 10/10/2005 S 10/10/2005 HR

Summary Specifies the water and sewerage fees for Christmas Island.

Civil Aviation Orders, Part 107
Airworthiness Directive AD/PARA/15
[F2005L03077]

Civil Aviation Act 1988

Made 10/10/2005
 Tabled 13/10/2005 S 12/10/2005 HR

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

Instrument No. CASA 407/05 under rr. 207(3), 250(2), 250(3) and 251(9) of the Civil Aviation Regulations 1988
[F2005L03069]

Civil Aviation Act 1988

Made 30/09/2005
 Tabled 12/10/2005 S 12/10/2005 HR

Summary Makes special provision concerning passengers in a helicopter engaged in special operations.

Determination of Fees for Water and Sewerage Services (No. 2 of 2005) under s. 13 of the Cocos (Keeling) Islands Act 1958
[F2005L02915]

Cocos (Keeling) Islands Act 1955

Made 23/09/2005
 Tabled 10/10/2005 S 10/10/2005 HR

Summary Specifies the water and sewerage fees for the Cocos (Keeling) Islands.

Instrument No. CASA 415/05 under r. 208 of the Civil Aviation Regulations 1988
[F2005L02995]

Civil Aviation Act 1988

Made 04/10/2005
 Tabled 12/10/2005 S 11/10/2005 HR

Summary Permits certain balloons operated by Raging Thunder Balloon Adventures Pty Ltd to be operated without a cabin attendant.

**Instrument No. CASA EX44/05 under r. 308
of the *Civil Aviation Regulations 1988*
[F2005L03078]**

Civil Aviation Act 1988

Made 06/10/2005
Tabled 13/10/2005 S 12/10/2005 HR

Summary Exempts aerial work operators from compliance with requirements concerning training and checking organisations.

**Norfolk Island (Supreme Court Sittings)
Amendment Regulations 2005 (No. 1)
Select Legislative Instrument 2005 No. 226
[F2005L03041]**

Norfolk Island Act 1979

Made 06/10/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Provide that the Supreme Court of Norfolk Island may sit in any Australian State or self-governing Territory.

**Instrument No. CASA EX46/05 under r. 308
of the *Civil Aviation Regulations 1988*
[F2005L03021]**

Civil Aviation Act 1988

Made 22/09/2005
Tabled 10/10/2005 S 10/10/2005 HR

Summary Exempts B737 aircraft operated by Qantas Airways Ltd from compliance with certain requirements concerning visibility requirements for landing or take-off, in specified circumstances.

**Notice About How Incident Reports are to be
Made (No. 2) under s. 182(1) of the *Maritime
Transport and Offshore Facilities Security Act 2003*
[F2005L03075]**

***Maritime Transport Security and Offshore Facilities
Act 2003***

Made 10/10/2005
Tabled 13/10/2005 S 12/10/2005 HR

Summary Specifies the minimum contents of maritime transport security incident reports, and the method by which such reports are to be made.

**Maritime Transport and Offshore Facilities
Security Amendment Regulations 2005 (No. 3)
Select Legislative Instrument 2005 No. 225
[F2005L03031]**

***Maritime Transport Security and Offshore
Facilities Act 2003***

Made 06/10/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Amend the Principal Regulations to establish a system of infringement notices and demerit points.

DEPARTMENT OF THE TREASURY

Accounting Standard AASB 2005-9 : Amendments to Australian Accounting Standards [AASB 4, AASB 1023, AASB 139 and AASB 132] [F2005L03009]

Corporations Act 2001

Made 06/09/2005
Tabled 10/10/2005 S 10/10/2005 HR

Summary Amends certain Australian Accounting Standards as a consequence of the International Accounting Standards Board document Amendment to International Financial Reporting Standards IAS 39 Financial Instruments: Recognition and Measurement and IFRS 4 Insurance Contracts - Financial Guarantee Contracts.

Accounting Standard AASB 2005-11 : Amendments to Australian Accounting Standards [AASB 101, AASB 112, AASB 132, AASB 139 and AASB 141] [F2005L03038]

Corporations Act 2001

Made 08/09/2005
Tabled 11/10/2005 S 11/10/2005 HR

Summary Amends certain Australian Accounting Standards as a result of corrections to several International Financial Reporting Standards.

ASIC Class Order [CO 05/770] [F2005L03044]

Corporations Act 2001

Made 04/08/2005
Tabled 12/10/2005 S 11/10/2005 HR

Summary Amends several Class Orders to include the JSE Securities Exchange South Africa as an approved foreign market.

ASIC Class Order [CO 05/850] [F2005L03059]

Corporations Act 2001

Made 05/10/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Provides relief from Division 5A of Part 7.9 of the Act to persons who make unsolicited offers to Australian residents in connection with any takeover bid for a foreign company.

Commonwealth Places (Mirror Taxes) Amendment Regulations 2005 (No. 1) Select Legislative Instrument 2005 No. 227 [F2005L02730]

Commonwealth Places (Mirror Taxes) Act 1998

Made 06/10/2005
Tabled 12/10/2005 S 12/10/2005 HR

Summary Amend the Principal Regulations by updating references to State tax legislation.

Trade Practices (Consumer Product Information Standards) (Tobacco) Amendment Regulations 2005 (No. 1)
Select Legislative Instrument 2005 No. 229
[F2005L02919]

Trade Practices Act 1974

Made 06/10/2005
 Tabled 12/10/2005 S 12/10/2005 HR

Summary Amend the Principal Regulations to make technical amendments to provisions concerning the mandatory labelling requirements in Part 4 of those Regulations.

Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005
Select Legislative Instrument 2005 No. 228
[F2005L02920]

Trade Practices Act 1974

Made 06/10/2005
 Tabled 12/10/2005 S 12/10/2005 HR

Summary Specify requirements for warning labels on basketball rings and backboards.