

**DELEGATED LEGISLATION MONITOR
26 – 29 MARCH 2007**

This week at a glance

There were 56 disallowable instruments tabled in the Parliament. These were made under 26 separate enabling Acts, through 9 Departments of State.

Regulations

10 of the 56 instruments were Regulations, all of which were made as amending instruments

Instrument makers

17 instruments were made by the Governor-General or Ministers

39 instruments were made by Public Officials

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DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	9
Attorney-General's	2
Communications, Information Technology and the Arts	3
Defence	1
Education, Science and Training	3
Health and Ageing	2
Industry, Tourism and Resources	1
Department of Transport and Regional Services	30
Department of the Treasury	5
Total	56

**DELEGATED LEGISLATION TABLED IN THE SENATE
26 – 29 MARCH 2007**

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

<i>Christmas Island Act 1958</i>	1
<i>Civil Aviation Act 1988</i>	27
<i>Cocos (Keeling) Islands Act 1955</i>	1
<i>Corporations Act 2001</i>	2
<i>Crimes Act 1914</i>	1
<i>Criminal Code Act 1995</i>	1
<i>Defence Act 1903</i>	1
<i>Designs Act 1906</i>	1
<i>Fisheries Management Act 1991</i>	6
<i>Fringe Benefits Tax Act 1986</i>	1
<i>Higher Education Funding Act 1988</i>	1
<i>Higher Education Support Act 2003</i>	2
<i>Income Tax Assessment Act 1997</i>	1
<i>Maritime Transport Security and Offshore Facilities Act 2003</i>	1
<i>National Health Act 1953</i>	2
<i>Olympic Insignia Protection Act 1987</i>	1
<i>Patents Act 1990</i>	1
<i>Plant Breeder's Rights Act 1994</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>Public Lending Right Act 1985</i>	1
<i>Radiocommunications Act 1992</i>	1
<i>Telecommunications Act 1997</i>	1
<i>Trade Marks Act 1995</i>	1
<i>Trade Practices Act 1974</i>	1
Total	60

(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

NPF Direction No. 101 under s. 17(5A) of the *Fisheries Management Act 1991* [F2007L0666]

Fisheries Management Act 1991

Made 13/03/2007
Tabled 28/03/2007 S 28/03/2007 HR

Summary Establishes closures in specified areas of the Northern Prawn Fishery.

NPF Direction No. 104 under s. 17(5A) of the *Fisheries Management Act 1991* [F2007L00710]

Fisheries Management Act 1991

Made 13/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Amends the prohibitions on fishing to make them consistent with new season dates in the Northern Prawn Fishery.

NPF Direction No. 102 under s. 17(5A) of the *Fisheries Management Act 1991* [F2007L00768]

Fisheries Management Act 1991

Made 13/03/2007
Tabled 28/03/2007 S 28/03/2007 HR

Summary Amends the period of application of the daylight exemption area in response to new season dates in the Northern Prawn Fishery.

NPF Direction No. 106 under s. 17(5A) of the *Fisheries Management Act 1991* [F2007L00775]

Fisheries Management Act 1991

Made 13/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Amends the dates on which gear trials can take place in the Northern Prawn Fishery.

NPF Direction No. 103 under s. 17(5A) of the *Fisheries Management Act 1991* [F2007L00707]

Fisheries Management Act 1991

Made 13/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Amends the prohibitions on fishing to make them consistent with new season dates in the Northern Prawn Fishery.

NPF Direction No. 107 under s. 17(5A) of the *Fisheries Management Act 1991* [F2007L00776]

Fisheries Management Act 1991

Made 13/03/2007
Tabled 28/03/2007 S 28/03/2007 HR

Summary Establishes the type of Turtle Excluder Devices and Bycatch Reduction Devices that can be used in the Northern Prawn Fishery.

**Primary Industries (Customs) Charges
Amendment Regulations 2007 (No. 2)
Select Legislative Instrument 2007 No. 35
[F2007L00741]**

Primary Industries (Customs) Charges Act 1999

Made 22/03/2007
Tabled 27/03/2007 S 26/03/2007 HR

Summary Specify a revised rate of export charge for stone fruit.

**Primary Industries (Excise) Levies
Amendment Regulations 2007 (No. 2)
Select Legislative Instrument 2007 No. 36
[F2007L00740]**

Primary Industries (Excise) Levies Act 1999

Made 22/03/2007
Tabled 27/03/2007 S 26/03/2007 HR

Summary Specify a revised rate of marketing levy for stone fruit.

**Primary Industries Levies and Charges
Collection Amendment Regulations 2007 (No. 2)
Select Legislative Instrument 2007 No. 37
[F2007L00742]**

***Primary Industries Levies and Charges
Collection Act 1991***

Made 22/03/2007
Tabled 27/03/2007 S 26/03/2007 HR

Summary Amend the Principal Regulations to remove certain definitions as a result of revised arrangements for the imposition of levy and charges on stone fruit.

ATTORNEY-GENERAL'S DEPARTMENT

Crimes Amendment Regulations 2007 (No. 1)
Select Legislative Instrument 2007 No. 38
[F2007L00755]

Crimes Act 1914

Made 22/03/2007
 Tabled 27/03/2007 S 26/03/2007 HR

Summary Amend the Principal Regulations to prescribe the Office of Police Integrity (Victoria) as a participating agency for the purposes of Part 1AC of the *Crimes Act 1914*.

Criminal Code Amendment Regulations 2007 (No. 2)
Select Legislative Instrument 2007 No. 39
[F2007L00577]

Criminal Code Act 1995

Made 22/03/2007
 Tabled 27/03/2007 S 26/03/2007 HR

Summary Add the name of the Ansar al-Sunna organisation and its aliases to the list of organisations in Schedule 1 of the the Principal Regulations that are specified as terrorist organisations.

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

**Public Lending Right Scheme 1997
(Modification No. 1 of 2007) under
paragraph 5(1)(b) of the *Public Lending
Right Act 1985*
[F2007L00858]**

Public Lending Right Act 1985

Made 23/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Specifies revised rates of payment for creators and publishers under the Public Lending Right Scheme.

**Telecommunications Integrated Public Number
Database Scheme 2007 under s. 295A of the
Telecommunications Act 1997
[F2007L00813]**

Telecommunications Act 1997

Made 22/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Provides for a scheme whereby the Australian Communications and Media Authority may grant authorisations to persons who wish to use and disclose customer data.

**Radiocommunications (Electromagnetic
Radiation — Human Exposure) Amendment
Standard 2007 (No. 1) under s. 162 of the
Radiocommunications Act 1992
[F2007L00812]**

Radiocommunications Act 1992

Made 22/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Specifies a test methodology to be used in the health exposure assessment of mobile and cordless phones, and makes provision for the health exposure assessment of certain other radio devices.

DEPARTMENT OF DEFENCE**Defence Determination 2007/10***Defence Act 1903*

Made 21/03/2007
Tabled 27/03/2007 S 26/03/2007 HR

Summary Specifies revised post indexes for overseas locations where members of the Australian Defence Force serve and makes related technical amendments.

DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING

**Declaration under s. 4(2) of the *Higher Education Funding Act 1988*
[F2007L00840]**

Higher Education Funding Act 1988

Made 21/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Declares five institutions of higher education for the purposes of the Act.

**Higher Education in External Territories Guidelines under s. 238-10 of the *Higher Education Support Act 2003*
[F2007L00834]**

Higher Education Support Act 2003

Made 21/03/2007
Tabled 28/03/2007 S 28/03/2007 HR

Summary Specify information that must be provided in an application for approval as a self-accrediting entity in an Australian external Territory, and provide for related matters.

**Higher Education Provider Approval (No. 05 of 2007) under s. 16-50(1) of the *Higher Education Support Act 2003*
[F2007L00841]**

Higher Education Support Act 2003

Made 26/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Approves the Gestalt Association of Queensland Incorporated as a Higher Education Provider.

DEPARTMENT OF HEALTH AND AGEING

**Amendment Determination No. 5 under
paragraph 98B(1)(a) of the *National Health
Act 1953*
[F2007L00839]**

National Health Act 1953

Made 13/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Amends the Principal Determination to reflect changes to references to legislative instruments that are incorporated by reference into that Determination.

**National Health (Australian Community
Pharmacy Authority Rules) Amendment
Determination 2007 (No. 1) under s. 99L(1)
of the *National Health Act 1953*
[F2007L00828]**

National Health Act 1953

Made 26/03/2007
Tabled 29/03/2007 S 29/03/2007 HR

Summary Amends the Principal Determination to make further specifications regarding the location of community pharmacies.

DEPARTMENT OF INDUSTRY, TOURISM AND RESOURCES

**Intellectual Property Legislation
Amendment Regulations 2007 (No. 1)
Select Legislative Instrument 2007 No. 40
[F2007L00650]**

Designs Act 1906
Olympic Insignia Protection Act 1987
Patents Act 1990
Plant Breeder's Rights Act 1994
Trade Marks Act 1995

Made 22/03/2007
Tabled 27/03/2007 S 26/03/2007 HR

Summary Make amendments to various Principal Regulations as a consequence of new provisions being introduced by the *Intellectual Property Laws Amendment Act 2006* and the *Trade Marks Amendment Act 2006*, and make other technical amendments to the Principal Regulations.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Orders, Part 105
Airworthiness Directive AD/A109/55
[F2007L00701]

Civil Aviation Act 1988

Made 28/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/A330/73
[F2007L00844]

Civil Aviation Act 1988

Made 27/03/2007
 Tabled 29/03/2007 S 29/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/A109/56
[F2007L00700]

Civil Aviation Act 1988

Made 28/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/AMD 50/40
[F2007L00699]

Civil Aviation Act 1988

Made 26/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/A320/203 Amdt 1
[F2007L00753]

Civil Aviation Act 1988

Made 01/03/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/B737/174 Amdt 2
[F2007L00752]

Civil Aviation Act 1988

Made 28/02/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/B737/201 Amdt 1
[F2007L00751]

Civil Aviation Act 1988

Made 26/02/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/ECUREUIL/8 Amdt 2
[F2007L00749]

Civil Aviation Act 1988

Made 28/02/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/B767/229
[F2007L00698]

Civil Aviation Act 1988

Made 23/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/ECUREUIL/120
Amdt 1
[F2007L00725]

Civil Aviation Act 1988

Made 16/03/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/BAe 146/54 Amdt 1
[F2007L00750]

Civil Aviation Act 1988

Made 02/03/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/ERJ-170/1
[F2007L00797]

Civil Aviation Act 1988

Made 22/03/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/GENERAL/84
Amdt 2
[F2007L00754]

Civil Aviation Act 1988

Made 05/02/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-25/42
[F2007L00747]

Civil Aviation Act 1988

Made 26/02/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/HU 369/116
[F2007L00748]

Civil Aviation Act 1988

Made 28/02/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/SA 315/14
[F2007L00694]

Civil Aviation Act 1988

Made 21/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/LEARJET 35/40
[F2007L00697]

Civil Aviation Act 1988

Made 23/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TB10/37
[F2007L00745]

Civil Aviation Act 1988

Made 01/03/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TB 200/10
[F2007L00746]

Civil Aviation Act 1988

Made 01/03/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 106
Airworthiness Directive AD/V2500/3
[F2007L00693]

Civil Aviation Act 1988

Made 21/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TBM 700/38 Amtd 1
[F2007L00744]

Civil Aviation Act 1988

Made 28/02/2007
 Tabled 27/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 107
Airworthiness Directive AD/PFP/19
[F2007L00696]

Civil Aviation Act 1988

Made 21/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/TBM 700/46
[F2007L00743]

Civil Aviation Act 1988

Made 28/02/2007
 Tabled 28/03/2007 S 28/03/2007 HR

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

Civil Aviation Orders, Part 107
Airworthiness Directive AD/PMTV/2
[F2007L00695]

Civil Aviation Act 1988

Made 21/02/2007
 Tabled 26/03/2007 S 26/03/2007 HR

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

Civil Aviation Safety Amendment Regulations 2007 (No. 1)
Select Legislative Instrument 2007 No. 41
[F2007L00794]

Civil Aviation Act 1988

Made 22/03/2007
 Tabled 28/03/2007 S 28/03/2007 HR

Summary Specify new rules for governing aerial application operations.

List of Acts of the Western Australian Parliament under s. 8B of the *Christmas Island Act 1958*

Christmas Island Act 1958

Made 15/03/2007
 Tabled 29/03/2007 S 28/03/2007 HR

Summary Lists those Acts of the Western Australian Parliament that were in force for Christmas Island during the period 02 September 2006 to 15 March 2007.

Exemption No. CASA EX11/07 under r. 308(1) of the *Civil Aviation Regulations 1988*
[F2007L00714]

Civil Aviation Act 1988

Made 20/03/2007
 Tabled 26/03/2007 S 26/03/2007 HR

Summary Exempts a specified aircraft that is involved in the Australian International Air Show from the requirement to be fitted with landing lights.

List of Acts of the Western Australian Parliament under s. 8B of the *Cocos (Keeling) Islands Act 1955*

Cocos (Keeling) Islands Act 1955

Made 15/03/2007
 Tabled 29/03/2007 S 28/03/2007 HR

Summary Lists those Acts of the Western Australian Parliament that were in force for the Cocos (Keeling) Islands during the period 02 September 2006 to 15 March 2007.

Exemption No. CASA EX12/07 under r. 308(1) of the *Civil Aviation Regulations 1988*
[F2007L00756]

Civil Aviation Act 1988

Made 20/03/2007
 Tabled 26/03/2007 S 26/03/2007 HR

Summary Exempts a specified aircraft that is involved in the Australian International Air Show from requirements concerning aerobatic flights.

Maritime Transport and Offshore Facilities Security Amendment Regulations 2007 (No. 1)
Select Legislative Instrument 2007 No. 42
[F2007L00726]

Maritime Transport Security and Offshore Facilities Act 2003

Made 22/03/2007
 Tabled 27/03/2007 S 26/03/2007 HR

Summary Amend the Principal Regulations to specify additional powers for maritime security guards.

DEPARTMENT OF THE TREASURY

ASIC Class Order [CO 07/123] [F2007L00668]

Corporations Act 2001

Made 12/03/2007
Tabled 26/03/2007 S 26/03/2007 HR

Summary Extends the period of transitional dollar disclosure relief for general insurance products.

Income Tax Assessment Amendment Regulations 2007 (No. 1) Select Legislative Instrument 2007 No. 44 [F2007L00581]

Income Tax Assessment Act 1997

Made 22/03/2007
Tabled 27/03/2007 S 26/03/2007 HR

Summary Specify the 'cents per kilometre' rates for calculating deductions for car expenses in the 2006/07 income year.

ASIC Class Order [CO 07/166] [F2007L00779]

Corporations Act 2001

Made 14/03/2007
Tabled 27/03/2007 S 26/03/2007 HR

Summary Amends a previous Class Order to clarify the record-keeping obligations of promoters and operators of registered time-sharing schemes.

Trade Practices Amendment Regulations 2007 (No. 1) Select Legislative Instrument 2007 No. 45 [F2007L00708]

Trade Practices Act 1974

Made 22/03/2007
Tabled 28/03/2007 S 28/03/2007 HR

Summary Amend the Principal Regulations to prescribe collective bargaining thresholds for certain industries, extend the time during which additional collective bargaining notices may be lodged and receive a concessional fee, and make other technical amendments.

Fringe Benefits Tax Amendment Regulations 2007 (No. 1) Select Legislative Instrument 2007 No. 43 [F2007L00664]

Fringe Benefits Tax Act 1986

Made 22/03/2007
Tabled 27/03/2007 S 26/03/2007 HR

Summary Provide a fringe benefits reporting exclusion for the pooled or shared private use by employees of their employer's cars.