

DELEGATED LEGISLATION MONITOR
22 – 25 SEPTEMBER 2008

This week at a glance

There were 55 disallowable instruments tabled in the Parliament. These were made under 22 separate enabling Acts, through 10 Departments of State.

Regulations

15 of the 55 instruments were Regulations, comprising

- 3 made as primary instruments; and
- 12 made as amending instruments

Instrument makers

30 instruments were made by the Governor-General or Ministers

25 instruments were made by Public Officials

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22 – 25 SEPTEMBER 2008**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	1
Attorney-General's Department	7
Broadband, Communications and the Digital Economy	1
Defence	6
Education, Employment and Workplace Relations	1
Health and Ageing	19
Immigration and Citizenship	1
Infrastructure, Transport, Regional Development and Local Government	12
Innovation, Industry, Science and Research	1
Treasury	6
Total	55

**DELEGATED LEGISLATION TABLED IN THE SENATE
22 – 25 SEPTEMBER 2008**

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

<i>Aged Care Act 1997</i>	8
<i>Australian Federal Police Act 1979</i>	1
<i>Aviation Transport Security Act 2004</i>	1
<i>Christmas Island Act 1958</i>	1
<i>Civil Aviation Act 1988</i>	11
<i>Cocos (Keeling) Islands Act 1955</i>	1
<i>Corporations Act 2001</i>	5
<i>Defence (Visiting Forces) Act 1963</i>	1
<i>Defence Act 1903</i>	1
<i>Defence Force Discipline Act 1982</i>	3
<i>Defence Force Discipline Appeals Act 1955</i>	1
<i>Family Law Act 1975</i>	2
<i>Fisheries Management Act 1991</i>	1
<i>Health Insurance Act 1973</i>	9
<i>High Court of Australia Act 1979</i>	1
<i>Judiciary Act 1903</i>	1
<i>Migration Act 1958</i>	1
<i>Private Health Insurance Act 2007</i>	2
<i>Remuneration Tribunal Act 1973</i>	1
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	1
<i>Trade Practices Act 1974</i>	1
<i>Tradex Scheme Act 1999</i>	1
Total	55

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

**ETBF Direction No. 08/02 — Daylight Setting
Closure under ss. 17(5A) and 17(5B) of the
Fisheries Management Act 1991 and ss. 12(1)
and 12(4) of the *Eastern Tuna and Billfish
Fishery Management Plan 2005*
[F2008L03481]**

Fisheries Management Act 1991

Made 16/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary Provides for a closure to daylight
setting of longlines in a specified area
of the Eastern Tuna and Billfish
Fishery.

ATTORNEY-GENERAL'S DEPARTMENT

Australian Federal Police Amendment Regulations 2008 (No. 1)
Select Legislative Instrument 2008 No. 181
[F2008L03474]

Australian Federal Police Act 1979

Made 18/09/2008
 Tabled 24/09/2008 S 24/09/2008 HR

Summary Amend fees payable to the Australian Federal Police for conducting national police check services.

High Court (Precincts) Proclamation 2008 under s. 17(2) of the High Court of Australia Act 1979
[F2008L03485]

High Court of Australia Act 1979

Made 18/09/2008
 Tabled 24/09/2008 S 24/09/2008 HR

Summary Amends the boundary of the High Court to remove land occupied by the National Portrait Gallery.

Family Law Amendment Regulations 2008 (No. 2)
Select Legislative Instrument 2008 No. 182
[F2008L03471]

Family Law Act 1975

Made 18/09/2008
 Tabled 24/09/2008 S 24/09/2008 HR

Summary Repeal certain sections in the Principal Regulations as a consequence of the making of the *Family Law (Family Dispute Resolution Practitioners) Regulations 2008*.

Legal Services Amendment Directions 2008 (No. 2) under s. 55ZF of the Judiciary Act 1903
[F2008L03486]

Judiciary Act 1903

Made 16/09/2008
 Tabled 22/09/2008 S 22/09/2008 HR

Summary Amend the Principal Directions by introducing provisions concerning legal services procurement, the application of the Directions to FMA Agencies, and other matters.

Family Law (Family Dispute Resolution Practitioners) Regulations 2008
Select Legislative Instrument 2008 No. 183
[F2008L03470]

Family Law Act 1975

Made 18/09/2008
 Tabled 24/09/2008 S 24/09/2008 HR

Summary Specify accreditation requirements for family dispute resolution practitioners.

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

Christmas Island Act 1958

Made 15/09/2008
 Tabled 24/09/2008 S 24/09/2008 HR

Summary Lists those Acts of the Western Australian Parliament that were in force for Christmas Island during the period 16 March 2008 to 15 September 2008.

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

Cocos (Keeling) Islands Act 1955

Made 15/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Lists those Acts of the Western Australian Parliament that were in force for the Cocos (Keeling) Islands during the period 16 March 2008 to 15 September 2008.

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

**Telecommunications (Emergency Call Service)
Revocation Determination 2008 under s. 147(1)
of the *Telecommunications (Consumer Protection
and Service Standards) Act 1999*
[F2008L03497]**

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

Made 18/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary Revokes two previous Determinations.

DEPARTMENT OF DEFENCE

Australian Military Court Amendment Rules 2008 (No. 3)
Select Legislative Instrument 2008 No. 197
[F2008L03491]

Defence Force Discipline Act 1982

Made 17/09/2008
 Tabled 22/09/2008 S 22/09/2008 HR

Summary Amend the Principal Rules to provide practice and procedure rules for appeals and applications for an extension of time to appeal to the Australian Military Court.

Defence Force Discipline Appeals Amendment Regulations 2008 (No. 1)
Select Legislative Instrument 2008 No. 186
[F2008L03464]

Defence Force Discipline Appeals Act 1955

Made 18/09/2008
 Tabled 23/09/2008 S 23/09/2008 HR

Summary Amend the Principal Regulations as a consequence of changes made by the *Defence Legislation Amendment Act 2006* and the *Defence Legislation Amendment Act 2008*.

Defence Force Amendment Regulations 2008 (No. 3)
Select Legislative Instrument 2008 No. 184
[F2008L03462]

Defence Act 1903

Made 18/09/2008
 Tabled 23/09/2008 S 23/09/2008 HR

Summary Make a minor amendment to the Principal Regulations.

Defence (Visiting Forces) Amendment Regulations 2008 (No. 1)
Select Legislative Instrument 2008 No. 187
[F2008L03468]

Defence (Visiting Forces) Act 1963

Made 18/09/2008
 Tabled 23/09/2008 S 23/09/2008 HR

Summary Amend the Principal Regulations as a consequence of changes made by the *Defence Legislation Amendment Act 2006* and the *Defence Legislation Amendment Act 2008*.

Defence Force Discipline Amendment Regulations 2008 (No. 1)
Select Legislative Instrument 2008 No. 185
[F2008L03463]

Defence Force Discipline Act 1982

Made 18/09/2008
 Tabled 23/09/2008 S 23/09/2008 HR

Summary Amend the Principal Regulations as a consequence of changes made by the *Defence Legislation Amendment Act 2006* and the *Defence Legislation Amendment Act 2008*.

Summary Authority Rules
Select Legislative Instrument 2008 No. 196
[F2008L03493]

Defence Force Discipline Act 1982

Made 17/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Repeal and remake the Principal Rules with amendments as a consequence of changes made by the *Defence Legislation Amendment Act 2006* and the *Defence Legislation Amendment Act 2008*.

**DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE
RELATIONS****Remuneration Tribunal Determination 2008/18
[F2008L03461]*****Remuneration Tribunal Act 1973***

Made 12/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary Specifies the remuneration and allowances payable to certain holders of part-time and full-time public office.

DEPARTMENT OF HEALTH AND AGEING

Aged Care (Residential Care Subsidy — Amount of Accommodation Charge Top-Up Supplement) Determination 2008 (No. 2) under s. 44-16(3) of the Aged Care Act 1997
[F2008L03514]

Aged Care Act 1997

Made 19/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Revokes and replaces a previous Determination and specifies the amount of the accommodation charge top-up supplement.

Aged Care (Residential Care Subsidy — Amount of Concessional Resident Supplement) Determination 2008 (No. 2) under s. 44-6(4) of the Aged Care Act 1997
[F2008L03509]

Aged Care Act 1997

Made 19/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Revokes and replaces a previous Determination and specifies the amount of the concessional resident supplement.

Aged Care (Residential Care Subsidy — Amount of Accommodation Supplement) Determination 2008 (No. 2) under s. 44-5A(3) of the Aged Care Act 1997
[F2008L03508]

Aged Care Act 1997

Made 19/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Revokes and replaces a previous Determination and specifies the amount of the accommodation supplement.

Aged Care (Residential Care Subsidy — Amount of Pensioner Supplement) Determination 2008 (No. 2) under s. 44-28(7) of the Aged Care Act 1997
[F2008L03513]

Aged Care Act 1997

Made 19/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Revokes and replaces a previous Determination and specifies the amount of the pensioner supplement.

Aged Care (Residential Care Subsidy — Amount of Respite Supplement) Determination 2008 (No. 2) under s. 44-12(3) of the Aged Care Act 1997
[F2008L03510]

Aged Care Act 1997

Made 19/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Revokes and replaces a previous Determination and specifies the amount of the respite supplement.

Aged Care (Residential Care Subsidy — Amount of Transitional Accommodation Supplement) Determination 2008 (No. 2) under s. 44-16(3) of the Aged Care Act 1997
[F2008L03511]

Aged Care Act 1997

Made 19/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Revokes and replaces a previous Determination and specifies the amount of the transitional accommodation supplement.

Aged Care (Residential Care Subsidy — Amount of Transitional Supplement) Determination 2008 (No. 2) under s. 44-16(3) of the Aged Care Act 1997
[F2008L03512]

Aged Care Act 1997

Made 19/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Revokes and replaces a previous Determination and specifies the amount of the transitional supplement.

Determination No. HIB 11/2008 under s. 3(1) of the Health Insurance Act 1973
[F2008L03498]

Health Insurance Act 1973

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Specifies the amount of patient contribution in respect of private hospitals in all States and Territories.

Determination No. HIB 12/2008 under s. 3(1) of the Health Insurance Act 1973
[F2008L03499]

Health Insurance Act 1973

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Specifies the amount of patient contribution in respect of recognised hospitals in Tasmania.

Determination No. HIB 13/2008 under s. 3(1) of the Health Insurance Act 1973
[F2008L03500]

Health Insurance Act 1973

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Specifies the amount of patient contribution in respect of recognised hospitals in Victoria.

Determination No. HIB 14/2008 under s. 3(1) of the Health Insurance Act 1973
[F2008L03501]

Health Insurance Act 1973

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Specifies the amount of patient contribution in respect of recognised hospitals in Queensland.

Determination No. HIB 15/2008 under s. 3(1) of the *Health Insurance Act 1973* [F2008L03502]

Health Insurance Act 1973

Made 18/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary Specifies the amount of patient contribution in respect of recognised hospitals in New South Wales.

Health Insurance (General Medical Services Table) Amendment Regulations 2008 (No. 3) Select Legislative Instrument 2008 No. 188 [F2008L03166]

Health Insurance Act 1973

Made 18/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Amend the Principal Regulations with regard to home-based sleep studies.

Determination No. HIB 16/2008 under s. 3(1) of the *Health Insurance Act 1973* [F2008L03503]

Health Insurance Act 1973

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Specifies the amount of patient contribution in respect of recognised hospitals in the Northern Territory.

Health Insurance (Home-Based Sleep Studies) Determination 2008 under s. 3C(1) of the *Health Insurance Act 1973* [F2008L03459]

Health Insurance Act 1973

Made 10/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary Permits the payment of Medicare benefits for home-based sleep studies.

Determination No. HIB 17/2008 under s. 3(1) of the *Health Insurance Act 1973* [F2008L03504]

Health Insurance Act 1973

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Specifies the amount of patient contribution in respect of recognised hospitals in South Australia.

Private Health Insurance (Benefit Requirements) Amendment Rules 2008 (No. 3) under s. 333-20 of the *Private Health Insurance Act 2007* [F2008L03505]

Private Health Insurance Act 2007

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Make various amendments to the Principal Rules.

**Private Health Insurance (Complying Product)
Amendment Rules 2008 (No. 2) under s. 333-20
of the *Private Health Insurance Act 2007*
[F2008L03506]**

Private Health Insurance Act 2007

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Make minor amendments to the
Principal Rules.

**User Rights Amendment Principles 2008 (No. 2)
under s. 96-1(1) of the *Aged Care Act 1997*
[F2008L03516]**

Aged Care Act 1997

Made 19/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Amend provisions in the Principal
Principles concerning caps on charges
for certain care recipients.

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Migration Amendment Regulations 2008 (No. 6)
Select Legislative Instrument 2008 No. 189
[F2008L03476]

Migration Act 1958

Made 18/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary Amend the Principal Regulations to provide a right of review for certain persons, to create new classes of visa for superyacht crew, and make other amendments.

**DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL
DEVELOPMENT AND LOCAL GOVERNMENT**

**Aviation Transport Security Amendment
Regulations 2008 (No. 2)
Select Legislative Instrument 2008 No. 190
[F2008L03477]**

Aviation Transport Security Act 2004

Made 18/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Amend the Principal Regulations to provide for the accredited air cargo agent scheme.

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/EC 120/18
[F2008L03527]**

Civil Aviation Act 1988

Made 22/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

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

**Civil Aviation Amendment Regulations
2008 (No. 1)
Select Legislative Instrument 2008 No. 191
[F2008L03484]**

Civil Aviation Act 1988

Made 18/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Amend the Principal Regulations as a consequence of a new Part 99 into the *Civil Aviation Safety Regulations 1998*.

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/EC 135/20
[F2008L03494]**

Civil Aviation Act 1988

Made 17/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

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

**Civil Aviation AOD 2008/1 under s. 33(2)
of the *Civil Aviation Act 1988*
[F2008L03478]**

Civil Aviation Act 1988

Made 15/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Specifies drugs for the purposes of the definition of testable drug in the Act.

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-32/12
[F2008L03263]**

Civil Aviation Act 1988

Made 12/08/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary This AD was cancelled on 25 September 2008.

**Civil Aviation Orders, Part 107
Airworthiness Directive AD/PARA/19
[F2008L03487]**

Civil Aviation Act 1988

Made 17/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

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

**Exemption No. CASA EX65/08 under r. 11.160
of the *Civil Aviation Safety Regulations 1998*
[F2008L03466]**

Civil Aviation Act 1988

Made 10/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Provides a 21 day exemption for qualified air traffic controllers from the formal requirement to hold a relevant licence or rating before carrying out air traffic control functions.

**Civil Aviation Safety Amendment Regulations
2008 (No. 1)
Select Legislative Instrument 2008 No. 192
[F2008L03483]**

Civil Aviation Act 1988

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Insert a new Part 99 into the Principal Regulations concerning drug and alcohol management plans and testing.

**Instrument No. CASA 440/08 under r. 179A(1)
of the *Civil Aviation Regulations 1988*
[F2008L03295]**

Civil Aviation Act 1988

Made 09/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary Specifies instructions for the use of precision area navigation procedures for Airbus 380-800 aircraft operated by Qantas Airways Ltd.

**Exemption No. CASA EX40/08 under r. 11.160
of the *Civil Aviation Safety Regulations 1998*
[F2008L02071]**

Civil Aviation Act 1988

Made 17/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Permits a UNICOM service to provide basic traffic information regarding air traffic.

**Instrument No. CASA 496/08 under r. 11.245
of the *Civil Aviation Safety Regulations 1998*
[F2008L03489]**

Civil Aviation Act 1988

Made 18/09/2008
Tabled 22/09/2008 S 22/09/2008 HR

Summary Requires that Cessna 441 Conquest aircraft be grounded after a specified period of time-in-service.

DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH

Tradex Scheme Regulations 2008
Select Legislative Instrument 2008 No. 193
[F2008L03469]

Tradex Scheme Act 1999

Made 18/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Repeal and replace the Principal
Regulations.

DEPARTMENT OF THE TREASURY

ASIC Class Order [CO 08/506] [F2008L03496]

Corporations Act 2001

Made 15/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Provides relief from specified sections of the Act for foreign collective investment schemes authorised by the Securities and Futures Commission of Hong Kong.

ASIC Class Order [CO 08/753] [F2008L03526]

Corporations Act 2001

Made 22/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Varies ASIC Class Order [CO 08/751] by prohibiting short selling of securities of managed investment schemes.

ASIC Class Order [CO 08/751] [F2008L03520]

Corporations Act 2001

Made 19/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Requires disclosure of covered short selling.

Corporations Amendment Regulations 2008 (No. 5) Select Legislative Instrument 2008 No. 194 [F2008L03458]

Corporations Act 2001

Made 18/09/2008
Tabled 23/09/2008 S 23/09/2008 HR

Summary Amend a number of errors in the Principal Regulations concerning product disclosure statements for First Home Saver Accounts.

ASIC Class Order [CO 08/752] [F2008L03525]

Corporations Act 2001

Made 21/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Varies ASIC Class Order [CO 08/751] by prohibiting short selling.

Trade Practices (Consumer Product Safety Standard) (Reduced Fire Risk Cigarettes) Regulations 2008 Select Legislative Instrument 2008 No. 195 [F2008L03475]

Trade Practices Act 1974

Made 18/09/2008
Tabled 24/09/2008 S 24/09/2008 HR

Summary Require cigarettes to be manufactured so as to reduce their propensity to burn their full length without extinguishment.