

**DELEGATED LEGISLATION MONITOR
26-29 NOVEMBER 2012**

This week at a glance

There were 47 disallowable instruments tabled in the Parliament.
These were made under 29 separate enabling Acts, through 11 Commonwealth departments.

Regulations

17 of the 47 instruments were regulations, comprising

- 2 made as primary instruments; and
- 15 made as amending instruments

Instrument makers

23 instruments were made by the Governor-General or ministers

24 instruments were made by public officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE
26-29 NOVEMBER 2012**

DEPARTMENT	NUMBER OF INSTRUMENTS
Department of Agriculture, Fisheries and Forestry	2
Attorney-General's Department	1
Department of Broadband, Communications and the Digital Economy	5
Department of Defence	2
Department of Education, Employment and Workplace Relations	1
Department of Health and Ageing	3
Department of Immigration and Citizenship	2
Department of Industry, Innovation, Science, Research and Tertiary Education	1
Department of Infrastructure and Transport	7
Department of Sustainability, Environment, Water, Population and Communities	7
Department of the Treasury	16
Total	47

**DELEGATED LEGISLATION TABLED IN THE SENATE
26-29 NOVEMBER 2012**

NUMBER OF INSTRUMENTS MADE UNDER SPECIFIC ACTS

<i>Air Navigation Act 1920</i>	1
<i>Australian Citizenship Act 2007</i>	1
<i>Australian Crime Commission Act 2002</i>	1
<i>Australian Meat and Live-stock Industry Act 1997</i>	1
<i>Australian Prudential Regulation Authority Act 1998</i>	1
<i>Aviation Transport Security Act 2004</i>	1
<i>Broadcasting Services Act 1992</i>	3
<i>Civil Aviation Act 1988</i>	2
<i>Climate Change Authority Act 2011</i>	1
<i>Corporations Act 2001</i>	6
<i>Defence Act 1903</i>	2
<i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i>	1
<i>Fisheries Management Act 1991</i>	1
<i>Fuel Quality Standards Act 2000</i>	1
<i>Fuel Tax Act 2006</i>	1
<i>Health Insurance Act 1973</i>	1
<i>Higher Education Support Act 2003</i>	1
<i>Maritime Transport and Offshore Facilities Security Act 2003</i>	1
<i>Migration Act 1958</i>	2
<i>National Transmission Network Sale Act 1998</i>	1
<i>Navigation Act 1912</i>	1
<i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i>	2
<i>Private Health Insurance Act 2007</i>	1
<i>Product Stewardship Act 2011</i>	2
<i>Superannuation Industry (Supervision) Act 1993</i>	8
<i>Telecommunications Act 1997</i>	1
<i>Therapeutic Goods Act 1989</i>	1
<i>Transport Safety Investigation Act 2003</i>	3
<i>Water Act 2007</i>	1
Total	50

(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

**Australian Meat and Live-stock Industry
(Sheepmeat and Goatmeat Export to the European
Union — Quota Year 2013) Order 2012 [under
section 17 of the *Australian Meat and Live-stock
Industry Act 1997*]
[F2012L02274]**

Australian Meat and Live-stock Industry Act 1997

Made 26/11/12
Tabled 29/11/12 S 29/11/12 HR

Summary Specifies the method by which quotas to export sheepmeat and goatmeat to the European Union will be allocated among licensed exporters for the quota year 2013.

**Heard Island and McDonald Islands Fishery Total
Allowable Catch Determination 2012 [under
paragraph 17(6)(aa) of the *Fisheries Management
Act 1991*]
[F2012L02257]**

Fisheries Management Act 1991

Made 21/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Specifies the total allowable catch for target species and catch limits for other species in the Heard Island and McDonald Islands Fishery for the 2012-13 season.

ATTORNEY-GENERAL'S DEPARTMENT

**Australian Crime Commission Amendment
Regulation 2012 (No. 2)**
[Select Legislative Instrument 2012 No. 269]
[F2012L02243]

Australian Crime Commission Act 2002

Made 22/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Prescribes additional international bodies and bodies corporate with which the Australian Crime Commission may share information.

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

National Transmission Network (Declared Successor) Declaration No. 1 of 2012 [under subsection 22(1) of the *National Transmission Network Sale Act 1998*] [F2012L02234]

National Transmission Network Sale Act 1998

Made 16/11/12
Tabled 26/11/12 S 26/11/12 HR

Summary Declares the Western Australian Planning Commission to be a declared successor for the purposes of the Act.

Television Licence Area Plan (Riverland) Variation 2012 [under subsection 26(2) of the *Broadcasting Services Act 1992*] [F2012L02252]

Broadcasting Services Act 1992

Made 19/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Amends certain characteristics, including technical specifications, of broadcasting services in the Riverland licence area, and makes other amendments to the principal variation.

Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2012) [under subclause 6(3) of Schedule 3 to the *Telecommunications Act 1997*] [F2012L02218]

Telecommunications Act 1997

Made 20/11/12
Tabled 26/11/12 S 26/11/12 HR

Summary Amends the principal determination to clarify the definition of 'low impact facility'.

Television Licence Area Plan (Spencer Gulf) Variation 2012 [under subsection 26(2) of the *Broadcasting Services Act 1992*] [F2012L02255]

Broadcasting Services Act 1992

Made 19/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Amends certain characteristics, including technical specifications, of broadcasting services in the Spencer Gulf licence area, and makes other amendments to the principal variation.

Television Licence Area Plan (Broken Hill) Variation 2012 [under subsection 26(2) of the *Broadcasting Services Act 1992*] [F2012L02259]

Broadcasting Services Act 1992

Made 19/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Amends certain characteristics, including technical specifications, of broadcasting services in the Broken Hill licence area, and makes other amendments to the principal variation.

DEPARTMENT OF DEFENCE

Defence Determination 2012/66, Senior officer transitional bonus — amendment [under section 58B of the *Defence Act 1903*]

Defence Act 1903

Made 20/11/12
 Tabled 29/11/12 S 28/11/12 HR

Summary Makes various amendments to the senior officer transitional bonus.

Defence Determination 2012/67, Carer's leave — amendment [under section 58B of the *Defence Act 1903*]

Defence Act 1903

Made 21/11/12
 Tabled 29/11/12 S 28/11/12 HR

Summary Makes various amendments to carer's leave.

**DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE
RELATIONS****Fair Work (Transitional Provisions and
Consequential Amendments) Amendment
Regulation 2012 (No. 2)****[Select Legislative Instrument 2012 No. 270]
[F2012L02260]*****Fair Work (Transitional Provisions and
Consequential Amendments) Act 2009***

Made	22/11/12	
Tabled	28/11/12 S	27/11/12 HR

Summary Provides annual wage increases for certain employees in the Queensland social and community services sector.

DEPARTMENT OF HEALTH AND AGEING

**Health Insurance (Pathology Services Table)
Amendment Regulation 2012 (No. 3)
[Select Legislative Instrument 2012 No. 254]
[F2012L02242]**

Health Insurance Act 1973

Made 22/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Amends the descriptor of a genetic test item in the principal regulation.

**Private Health Insurance (Complying Product)
Amendment Rules 2012 (No. 9) [under item 3 of
the table in section 333-20 of the *Private Health
Insurance Act 2007*]
[F2012L02269]**

Private Health Insurance Act 2007

Made 23/11/12
Tabled 28/11/12 S 28/11/12 HR

Summary Amends the patient contribution payable per night for nursing-home type patients at public hospitals in Western Australia.

**Therapeutic Goods Information (Joint Adverse
Event Notifications System) Specification 2012
[under subsection 61(5D) of the *Therapeutic Goods
Act 1989*]
[F2012L02272]**

Therapeutic Goods Act 1989

Made 21/11/12
Tabled 29/11/12 S 29/11/12 HR

Summary Permits the secretary to release to the public certain therapeutic goods information.

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Migration Amendment Regulation 2012 (No. 7)
 [Select Legislative Instrument 2012 No. 255]
 [F2012L02233]

Migration Act 1958

Made 22/11/12
 Tabled 26/11/12 S 26/11/12 HR

Summary Amends the principal regulations to specify new visa subclasses, and makes other technical amendments.

Migration Legislation Amendment Regulation 2012 (No. 5)
 [Select Legislative Instrument 2012 No. 256]
 [F2012L02236]

Australian Citizenship Act 2007
Migration Act 1958

Made 22/11/12
 Tabled 26/11/12 S 26/11/12 HR

Summary Amends the criteria for the grant of a visa, and makes other amendments to the principal regulations.

**DEPARTMENT OF INDUSTRY, INNOVATION, SCIENCE, RESEARCH AND
TERTIARY EDUCATION**

**Higher Education Support Act 2003 — Higher
Education (Disclosure of Information to Other
Bodies) Determination 2012 [under subsection
180-25(4) of the *Higher Education Support Act
2003*]
[F2012L02256]**

Higher Education Support Act 2003

Made 19/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Permits the disclosure of Higher
Education Support Act information to
officers of certain bodies and
associations.

DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

Aviation Transport Security Amendment Regulation 2012 (No. 5)
[Select Legislative Instrument 2012 No. 257]
[F2012L02247]

Aviation Transport Security Act 2004

Made 22/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Amends the principal regulation to provide that a person who refuses to be screened by a body scan will not be permitted to pass through the screening point, and to provide for related matters.

CASA EX170/12 — Exemption — of authorised flying instructors employed by Singapore Flying College Pte Ltd [under regulation 11.160 of the Civil Aviation Safety Regulations 1998]
[F2012L02268]

Civil Aviation Act 1988

Made 19/11/12
Tabled 28/11/12 S 28/11/12 HR

Summary Exempts authorised flying instructors employed by Singapore Flying College Pte Ltd from compliance with certain requirements concerning restrictions on student pilots.

CASA EX168/12 — Exemption — from standard take-off and landing minima — AirBridgeCargo Airlines Ltd [under regulation 11.160 of the Civil Aviation Safety Regulations 1998]
[F2012L02265]

Civil Aviation Act 1988

Made 19/11/12
Tabled 28/11/12 S 28/11/12 HR

Summary Specifies exemptions from standard take-off and landing minima for a named operator.

Maritime Transport and Offshore Facilities Security Amendment Regulation 2012 (No. 3)
[Select Legislative Instrument 2012 No. 258]
[F2012L02263]

Maritime Transport and Offshore Facilities Security Act 2003

Made 22/11/12
Tabled 28/11/12 S 28/11/12 HR

Summary Applies certain standards applicable to maps to maps provided by port facility operators and port service providers, and makes other amendments to the principal regulations.

**Transport Safety Investigation Amendment
Regulation 2012 (No. 1)**
[Select Legislative Instrument 2012 No. 263]
[F2012L02278]

Transport Safety Investigation Act 2003

Made 22/11/12
Tabled 29/11/12 S 29/11/12 HR

Summary Amends the principal regulations to substitute a new part 4 dealing with the reporting of immediately reportable and routinely reportable matters.

**Transport Safety Investigation Amendment
Regulation 2012 (No. 2)**
[Select Legislative Instrument 2012 No. 264]
[F2012L02280]

Transport Safety Investigation Act 2003

Made 22/11/12
Tabled 29/11/12 S 29/11/12 HR

Summary Amends the principal regulations as a consequence of the Transport Safety Investigation (Confidential Reporting Scheme) Regulation 2012.

**Transport Safety Investigation (Voluntary and
Confidential Reporting Scheme) Regulation 2012**
[Select Legislative Instrument 2012 No. 265]
[F2012L02281]

Air Navigation Act 1920

Navigation Act 1912

Transport Safety Investigation Act 2003

Made 22/11/12
Tabled 29/11/12 S 29/11/12 HR

Summary Establishes a scheme for confidential reporting that applies to aviation, marine and rail transport.

**DEPARTMENT OF SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION
AND COMMUNITIES**

**Climate Change Authority Act 2011 —
specification under section 62(1)(c) — National
Wildlife Corridors**
[F2012L02262]

Climate Change Authority Act 2011

Made 23/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Specifies certain matters concerning national wildlife corridors for the purposes of the Act.

**Fuel Quality Standards Amendment Regulation
2012 (No. 1)**
[Select Legislative Instrument 2012 No. 259]
[F2012L02266]

Fuel Quality Standards Act 2000

Made 22/11/12
Tabled 28/11/12 S 28/11/12 HR

Summary Amends provisions in the principal regulations concerning exemptions from the payment of application fees, and makes other amendments.

**Ozone Protection and Synthetic Greenhouse Gas
Management Amendment Regulation 2012 (No. 3)**
[Select Legislative Instrument 2012 No. 260]
[F2012L02267]

*Ozone Protection and Synthetic Greenhouse Gas
Management Act 1989*

Made 22/11/12
Tabled 28/11/12 S 28/11/12 HR

Summary Increases the permit application fees specified in the principal regulations from 1 January 2013.

**Ozone Protection and Synthetic Greenhouse Gas
Management Amendment Regulation 2012 (No. 4)**
[Select Legislative Instrument 2012 No. 261]
[F2012L02270]

*Ozone Protection and Synthetic Greenhouse Gas
Management Act 1989*

Made 22/11/12
Tabled 28/11/12 S 28/11/12 HR

Summary Makes minor amendments to the principal regulations concerning the management of methyl bromide.

Product Stewardship Regulation 2012
[Select Legislative Instrument 2012 No. 262]
[F2012L02244]

Product Stewardship Act 2011

Made 22/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Specifies application fees for the accreditation of voluntary product stewardship arrangements.

**Product Stewardship (Voluntary Arrangements)
Instrument 2012 [under sections 13 and 14 of the
Product Stewardship Act 2011]**
[F2012L02258]

Product Stewardship Act 2011

Made 14/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Specifies procedures for the accreditation of voluntary arrangements for classes of products.

Water Act 2007 — Basin Plan
[under subparagraph 44(3)(b)(i) of the *Water Act*
2007]
[F2012L02240]

Water Act 2007

Made 22/11/12
Tabled 26/11/12 S 26/11/12 HR

Summary Secifies a basin plan for the Murray-Darling Basin.

DEPARTMENT OF THE TREASURY

ASIC Market Integrity Rules (ASX Market) Amendment 2012 (No. 3) [under subsection 798G(1) of the *Corporations Act 2001*] [F2012L02248]

Corporations Act 2001

Made 20/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Amends the rules to introduce requirements to regulate automated trading.

ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2012 (No. 3) [under subsection 798G(1) of the *Corporations Act 2001*] [F2012L02251]

Corporations Act 2001

Made 20/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Amends the rules to introduce requirements to regulate automated trading.

ASIC Market Integrity Rules (Competition in Exchange Markets) Amendment 2012 (No. 1) [under subsection 798G(1) of the *Corporations Act 2001*] [F2012L02250]

Corporations Act 2001

Made 20/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Amends the rules to introduce requirements to regulate automated trading.

Australian Prudential Regulation Authority (confidentiality) determination No. 25 of 2012 [under section 57 of the *Australian Prudential Regulation Authority Act 1998*] [F2012L02264]

Australian Prudential Regulation Authority Act 1998

Made 22/11/12
Tabled 28/11/12 S 28/11/12 HR

Summary Determines that information provided to APRA by locally-incorporated banks and foreign authorised deposit taking institutions under Reporting Standard ARS 320.0 is non-confidential.

Corporations Amendment Regulation 2012 (No. 10) [Select Legislative Instrument 2012 No. 268] [F2012L02261]

Corporations Act 2001

Made 22/11/12
Tabled 28/11/12 S 27/11/12 HR

Summary Makes various amendments to the principal regulations as a consequence of the *Corporations Amendment (Further Future of Financial Advice Measures) Act 2012*.

Corporations Amendment Regulation 2012 (No. 9)
[Select Legislative Instrument 2012 No. 267]
[F2012L02235]

Corporations Act 2001

Made 22/11/12
 Tabled 26/11/12 S 26/11/12 HR

Summary Prescribes the addition of Commonwealth Government Securities depository interests to the definition of 'Division 3 asset' in the principal regulations, and makes related amendments.

Corporations Amendment Regulations 2010 (No. 3) Amendment Regulation 2012 (No. 2)
[Select Legislative Instrument 2012 No. 266]
[F2012L02245]

Corporations Act 2001

Made 22/11/12
 Tabled 28/11/12 S 27/11/12 HR

Summary Extends to 30 June 2013 the transitional arrangements under which trustee companies are deemed to have a licence.

Fuel Tax Act 2006 — Correcting Fuel Tax Errors Determination (No. 1) 2012 [under section 60-10 of the Fuel Tax Act 2006]
[F2012L02279]

Fuel Tax Act 2006

Made 22/11/12
 Tabled 29/11/12 S 29/11/12 HR

Summary Permits taxpayers to correct errors in earlier tax periods by including relevant amounts in the calculation of net fuel amounts in a later period.

Superannuation (prudential standard) determination No. 1 of 2012 — Prudential Standard SPS 114 — Operational Risk Financial Requirement [under subsection 34C(1) of the Superannuation Industry (Supervision) Act 1993]
[F2012L02221]

Superannuation Industry (Supervision) Act 1993

Made 15/11/12
 Tabled 26/11/12 S 26/11/12 HR

Summary Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning operational risks.

Superannuation (prudential standard) determination No. 2 of 2012 — Prudential Standard SPS 220 — Risk Management [under subsection 34C(1) of the Superannuation Industry (Supervision) Act 1993]
[F2012L02222]

Superannuation Industry (Supervision) Act 1993

Made 15/11/12
 Tabled 26/11/12 S 26/11/12 HR

Summary Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning risk management.

Superannuation (prudential standard) determination No. 3 of 2012 — Prudential Standard SPS 231 — Outsourcing [under subsection 34C(1) of the Superannuation Industry (Supervision) Act 1993]
[F2012L02223]

Superannuation Industry (Supervision) Act 1993

Made 15/11/12
 Tabled 26/11/12 S 26/11/12 HR

Summary Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning outsourcing arrangements.

Superannuation (prudential standard) determination No. 4 of 2012 — Prudential Standard SPS 232 — Business Continuity Management [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*] [F2012L02224]

Superannuation Industry (Supervision) Act 1993

Made 15/11/12
Tabled 26/11/12 S 26/11/12 HR

Summary Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning business continuity management.

Superannuation (prudential standard) determination No. 6 of 2012 — Prudential Standard SPS 510 — Governance [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*] [F2012L02229]

Superannuation Industry (Supervision) Act 1993

Made 15/11/12
Tabled 26/11/12 S 26/11/12 HR

Summary Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity for governance.

Superannuation (prudential standard) determination No. 5 of 2012 — Prudential Standard SPS 250 — Insurance in Superannuation [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*] [F2012L02225]

Superannuation Industry (Supervision) Act 1993

Made 15/11/12
Tabled 26/11/12 S 26/11/12 HR

Summary Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning making available insured benefits to beneficiaries.

Superannuation (prudential standard) determination No. 7 of 2012 — Prudential Standard SPS 521 — Conflicts of Interest [under subsection 34C(1) of the *Superannuation Industry (Supervision) Act 1993*] [F2012L02230]

Superannuation Industry (Supervision) Act 1993

Made 15/11/12
Tabled 26/11/12 S 26/11/12 HR

Summary Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning conflicts of duty and interest.

**Superannuation (prudential standard)
determination No. 8 of 2012 — Prudential
Standard SPS 530 — Investment Governance**
[under subsection 34C(1) of the *Superannuation
Industry (Supervision) Act 1993*]
[F2012L02231]

Superannuation Industry (Supervision) Act 1993

Made	15/11/12	
Tabled	26/11/12 S	26/11/12 HR

Summary Determines a prudential standard which specifies requirements to be met by a registrable superannuation entity concerning investment governance frameworks.