

DELEGATED LEGISLATION MONITOR

28-31 AUGUST 2000

This week at a glance

There were 64 disallowable instruments tabled in the Parliament. These were made under 26 separate enabling Acts, through 10 Departments of State.

Statutory Rules

16 of the 64 instruments were Statutory Rules, comprising

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

Instrument makers

30 instruments were made by the Governor-General or Ministers

34 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE
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DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	2
Attorney-General's	22
Communications, Information Technology and the Arts	6
Defence	1
Education, Training and Youth Affairs	0
Employment, Workplace Relations and Small Business	0
Environment and Heritage	0
Family and Community Services	1
Finance and Administration	6
Foreign Affairs and Trade	0
Health and Aged Care	1
Immigration and Multicultural Affairs	0
Industry, Science and Resources	0
Prime Minister and Cabinet	1
Transport and Regional Services	18
Treasury	6
Veterans' Affairs	0
Total	64

**DELEGATED LEGISLATION TABLED IN THE SENATE
28-31 AUGUST 2000**

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

<i>Adelaide Airport Curfew Act 2000</i>	1
<i>Air Navigation Act 1920</i>	1
<i>Bankruptcy Act 1966</i>	1
<i>Child Support Legislation Amendment Act 1998</i>	1
<i>Christmas Island Act 1958</i>	1
<i>Civil Aviation Act 1988</i>	13
<i>Cocos (Keeling) Islands Act 1955</i>	1
<i>Commonwealth Authorities and Companies Act 1997</i>	1
<i>Corporations Act 1989</i>	1
<i>Crimes Act 1914</i>	1
<i>Customs Act 1901</i>	18
<i>Dairy Produce Act 1986</i>	1
<i>Defence Act 1903</i>	1
<i>Epidemiological Studies (Confidentiality) Act 1981</i>	1
<i>Excise Act 1901</i>	1
<i>Export Control Act 1982</i>	1
<i>Federal Court of Australia Act 1976</i>	2
<i>Financial Management and Accountability Act 1997</i>	5
<i>Fringe Benefits Tax Assessment Act 1986</i>	1
<i>Income Tax Assessment Act 1936</i>	2
<i>Motor Vehicle Standards Act 1989</i>	1
<i>Parliamentary Service Act 1999</i>	1
<i>Radiocommunications Act 1992</i>	2
<i>Telecommunications Act 1997</i>	4
<i>Tobacco Charges Assessment Act 1955</i>	1
<i>Wool Tax (Administration) Act 1964</i>	1
Total	65

(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

Dairy Structural Adjustment Program Scheme Amendment 2000 (No.3)

Dairy Produce Act 1986

Made	16/08/2000	
Tabled	28/08/2000 S	28/08/2000 HR

Summary Makes various amendments to the Dairy Structural Adjustment Program Scheme.

Export Control (Fees) Amendment Orders 2000 (No.2)

Export Control Act 1982

Made	17/08/2000	
Tabled	29/08/2000 S	28/08/2000 HR

Summary Specifies a new fee structure for fees charged under the Live Animal Export program.

ATTORNEY-GENERAL'S DEPARTMENT

Bankruptcy Amendment Regulations 2000 (No.2) Statutory Rules 2000 No.220

Bankruptcy Act 1966

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Amend the Bankruptcy Notice so that references to the Federal Court include references to the Federal Magistrates Service, and remove paragraph 10 from the Bankruptcy Notice, which allowed for the address and telephone number of the relevant Federal Court Registry to be inserted.

CEO Instrument of Approval No. 34 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 20/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new statement for the purposes of communicating to Customs electronic entries and returns under section 71A, subsections 69(5), 70(7), and 77D(5) of the Act in respect of goods that were warehoused immediately after importation.

CEO Instrument of Approval No. 33 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 20/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of communicating to Customs information required under section 71A and subsections 69(5) and 70(7) of the Act in respect of warehoused goods.

CEO Instrument of Approval No. 35 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 20/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form in respect of an application under section 71E of the Act to move particular goods that are, or after importation will be, subject to customs control.

CEO Instrument of Approval No. 36 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 20/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purpose of providing information under section 71 of the Act in relation to certain goods.

CEO Instrument of Approval No. 37 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 20/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of applying to become an EXIT user under subsection 122A(2) of the Act.

CEO Instrument of Approval No. 40 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 22/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of making a documentary application for refund, rebate or remission of duty in respect of goods delivered into home consumption directly after importation.

CEO Instrument of Approval No. 38 of 2000 under s. 4A of the Customs Act 1901 and s. 4AA of the Excise Act 1901

**Customs Act 1901
Excise Act 1901**

Made 20/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves two new forms for the purposes of subregulation 93(14) of the *Customs Regulations 1926* and subregulation 79(14) of the *Excise Regulations 1925*.

CEO Instrument of Approval No. 41 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 22/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of making a documentary application for refund, rebate or remission of duty in respect of warehoused goods delivered into home consumption.

CEO Instrument of Approval No. 39 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 20/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purpose of providing information required under section 71 of the Act and regulation 41 of the Regulations in relation to goods that are the unaccompanied personal or household effects of a passenger.

CEO Instrument of Approval No. 42 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 22/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new statement for the purposes of transmitting to Customs via the COMPILE computer system an application for refund, rebate or remission of duty in respect of goods delivered into home consumption directly after importation.

CEO Instrument of Approval No. 43 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 22/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new statement for the purposes of transmitting to Customs via the COMPILE computer system an application for refund, rebate or remission of duty in respect of warehoused goods delivered into home consumption.

CEO Instrument of Approval No. 46 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 22/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of communicating to Customs a documentary application under subsection 162A(2A) to take delivery of goods imported temporarily without duty.

CEO Instrument of Approval No. 44 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 22/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of regulation 134 of the Regulations.

CEO Instrument of Approval No. 47 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 01/08/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of making application for registration as a special reporter in respect of reportable documents under section 67EC of the Act.

CEO Instrument of Approval No. 45 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 22/06/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of communicating to Customs a documentary application under subsection 162A(2A) of the Act to take delivery of goods imported temporarily without duty.

CEO Instrument of Approval No. 48 of 2000 under s. 4A of the Customs Act 1901

Customs Act 1901

Made 01/08/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new form for the purposes of making application for registration as a special reporter in respect of cargo (other than reportable documents) consigned from a particular mail-order house under section 67EC of the Act.

**CEO Instrument of Approval No. 49 of 2000 under
s. 4A of the *Customs Act 1901***

Customs Act 1901

Made 01/08/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Approves a new statement for the purposes of reporting low value cargo under section 64AB(5) of the Act.

**Federal Court Amendment Rules 2000 (No.4)
Statutory Rules 2000 No.233**

Federal Court of Australia Act 1976

Made 11/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Make a number of amendments to the rules of the Federal Court.

**Crimes Amendment Regulations 2000 (No.3)
Statutory Rules 2000 No.219**

Crimes Act 1914

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Provide for exemptions from the Spent Convictions Scheme in the case of prison administrations in New South Wales, Queensland and Tasmania for the purpose of assessing suitability of a person to have responsibility for the care or control of prisoners.

**Federal Court Amendment Rules 2000 (No.5)
Statutory Rules 2000 No.235**

Federal Court of Australia Act 1976

Made 18/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Make amendments concerning matters remitted by the High Court of Australia to the Federal Court.

**Customs (Prohibited Imports) Amendment
Regulations 2000 (No.7)
Statutory Rules 2000 No.234**

Customs Act 1901

Made 17/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Provide for stronger controls to be imposed on the importation of handguns into Australia.

DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS

Determination under subsection 51(1) (Amendment No.1 of 2000)

Telecommunications Act 1997

Made 27/06/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Extends the date on which the Determination made on 12 January 1998 ceases to have effect to 31 December 2000 or such later date as is determined by the Minister by disallowable instrument.

Determination under subsection 95(1) (Amendment No.1 of 2000)

Telecommunications Act 1997

Made 27/06/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Extends the date on which the Determination made on 12 January 1998 ceases to have effect to 31 December 2000 or such later date as is determined by the Minister by disallowable instrument.

Determination under subsection 51(1) (No.2 of 2000)

Telecommunications Act 1997

Made 12/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Exempts the use by SOCOG of the Qantas Network Unit specified in the Determination for the specified purpose from section 42 of the Act until 30 November 2000.

Radiocommunications Amendment Regulations 2000 (No.1) Statutory Rules 2000 No.221

Radiocommunications Act 1992

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Update the reference to the Act that includes the definition of the Timor Gap Treaty.

**Radiocommunications (Compliance Labelling -
Incidental Emissions) Amendment Notice 2000
(No.1)**

Radiocommunications Act 1992

Made 11/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Gives effect to a Ministerial undertaking given to the Committee by inserting a note to advise of appeal rights in circumstances of adverse decisions by competent bodies.

**Telecommunications (Compliance with
International Agreements) Amendment
Regulations 2000 (No.1)
Statutory Rules 2000 No.222**

Telecommunications Act 1997

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Update the name of the international agreement listed at item 22 of Schedule 1 to the Principal Regulations.

DEPARTMENT OF DEFENCE**Defence Determination 2000/26*****Defence Act 1903***

Made	29/08/2000	
Tabled	31/08/2000 S	30/08/2000 HR

Summary Increases the amount by which a member may be reimbursed for childcare costs associated with a removal from \$45.05 per day to \$47.40 per day.

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES

**Child Support Legislation (Transitional -- Western
Australia) Regulations 2000**
Statutory Rules 2000 No.223

Child Support Legislation Amendment Act 1998

Made	10/08/2000	
Tabled	28/08/2000 S	28/08/2000 HR

Summary Provide transitional arrangements for
the adoption by the Western Australian
Parliament of certain Commonwealth
child support legislation made in 1998.

DEPARTMENT OF FINANCE AND ADMINISTRATION

Commonwealth Authorities and Companies Amendment Order 2000 (No.1)

Commonwealth Authorities and Companies Act 1997

Made 15/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Specify new requirements for the preparation of financial statements under clause 1 of Schedule 1 of the Act.

Determination 2000/13 under section 20 of the Financial Management and Accountability Act 1997

Financial Management and Accountability Act 1997

Made 29/08/2000
Tabled 30/08/2000 S 30/08/2000 HR

Summary Establishes the Official Administered Payment Account for Other Agencies Account as a Special Account.

Determination 2000/11 under section 20 of the Financial Management and Accountability Act 1997

Financial Management and Accountability Act 1997

Made 29/08/2000
Tabled 30/08/2000 S 30/08/2000 HR

Summary Establishes the SAAP National Research and Development Account as a Special Account.

Financial Management and Accountability Amendment Orders 2000 (No.1)

Financial Management and Accountability Act 1997

Made 15/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Specifies new requirements for the preparation of financial statements under section 49 of the Act.

Determination 2000/12 under section 20 of the Financial Management and Accountability Act 1997

Financial Management and Accountability Act 1997

Made 29/08/2000
Tabled 30/08/2000 S 30/08/2000 HR

Summary Establishes the Australians at War Account as a Special Account.

Financial Management and Accountability Amendment Regulations 2000 (No.4) Statutory Rules 2000 No.224

Financial Management and Accountability Act 1997

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Make the Office of the Privacy Commissioner a prescribed Agency.

DEPARTMENT OF HEALTH AND AGED CARE

**Epidemiological Studies (Confidentiality)
Amendment Regulations 2000 (No.1)
Statutory Rules 2000 No.225**

***Epidemiological Studies (Confidentiality)
Amendment Regulations 2000 (No.1)***

Made	10/08/2000	
Tabled	28/08/2000 S	28/08/2000 HR

Summary Specify a new 'prescribed study' under the *Epidemiological Studies (Confidentiality) Act 1981*.

DEPARTMENT OF THE PRIME MINISTER AND CABINET

(Although under the Administrative Arrangements Order the *Public Service Act 1922* is administered by the Prime Minister, some Determinations under the Act are made by officers of other agencies under subdelegation authorised by the Act. Any such Determinations are noted by an asterisk.)

Parliamentary Service (Consequential and Transitional) Determination 2000/1

Parliamentary Service Act 1999

Made	30/06/2000	
Tabled	31/08/2000 S	31/08/2000 HR

Summary Amends the *Financial Management and Accountability Act 1997* by adding to the definition of “Chief Executive” in that Act a reference to the *Parliamentary Service Act 1999*.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Adelaide Airport Curfew Regulations 2000 Statutory Rules 2000 No.226

Adelaide Airport Curfew Act 2000

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Specify arrangements that will permit certain activities to take place at Adelaide Airport during the curfew established under the *Adelaide Airport Curfew Act 2000*.

Civil Aviation Amendment Regulations 2000 (No.5) Statutory Rules 2000 No.227

Civil Aviation Act 1988

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Introduce the 'authorised release certificate' to replace the 'airworthiness tag/release note', correct certain omissions in the *Civil Aviation Regulations 1998*, and make certain other amendments.

Civil Aviation Amendment Order (No.8) 2000 under the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 24/08/2000
Tabled 29/08/2000 S 29/08/2000 HR

Summary Makes various amendments concerning the prescription of aeroplane endorsements.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/AS 355/55

Civil Aviation Act 1988

Made 04/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

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

Civil Aviation Amendment Order (No.10) 2000 under the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 23/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Makes amendments to the original Order concerning the certification of flight instructors.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 206/145

Civil Aviation Act 1988

Made 18/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CA21/10 Amdt 1

Civil Aviation Act 1988

Made 24/08/2000
 Tabled 28/08/2000 S 28/08/2000 HR

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

Civil Aviation Orders, Part 107
Airworthiness Directive AD/PR/34

Civil Aviation Act 1988

Made 17/08/2000
 Tabled 28/08/2000 S 28/08/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CA25/10 Amdt 1

Civil Aviation Act 1988

Made 24/08/2000
 Tabled 28/08/2000 S 28/08/2000 HR

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

Exemption No. CASA EX38/2000 under regulation 308 of the *Civil Aviation Regulations 1988*

Civil Aviation Act 1988

Made 21/08/2000
 Tabled 29/08/2000 S 29/08/2000 HR

Summary Exempts an authorised flying instructor employed by Singapore Flying College PTE LTD from compliance with paragraph 5.70(a) of the Regulations provided that certain conditions are complied with.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/HU 369/105

Civil Aviation Act 1988

Made 28/06/2000
 Tabled 28/08/2000 S 28/08/2000 HR

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

Instrument of Declaration of Special Event Period under subregulation 56A(1) of the *Air Navigation Regulations 1947*

Air Navigation Act 1920

Made 14/08/2000
 Tabled 28/08/2000 S 28/08/2000 HR

Summary Declares the period from the Monday before the Olympic opening ceremony to the Friday after the Paralympic closing ceremony to be a “special event period”.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/UH-1/14

Civil Aviation Act 1988

Made 23/08/2000
 Tabled 28/08/2000 S 28/08/2000 HR

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

Instrument No. CASA 309/00 under subregulation 252(1) of the *Civil Aviation Regulations 1988*

Civil Aviation Act 1988

Made 03/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Directs that Australian aircraft operated by Flight West Airlines are not required to carry life rafts on certain specified routes.

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

Cocos (Keeling) Islands Act 1955

Made 25/08/2000
Tabled 31/08/2000 S 30/08/2000 HR

Summary Lists Western Australian Acts in their application to the Territory of Cocos (Keeling) Islands for the period 11 March 2000 to 25 August 2000.

Instrument No. CASA 338/00 under subregulation 207(2) of the *Civil Aviation Regulations 1988*

Civil Aviation Act 1988

Made 17/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Approves the operation of the aeroplane bearing the marks VH-WNZ without a third altitude indicator.

Revised Motor Vehicle Lighting Standards (Determination No.2 of 2000)

Motor Vehicle Standards Act 1989

Made 14/07/2000
Tabled 30/08/2000 S 29/08/2000 HR

Summary Specifies new national standards for vehicle lighting systems.

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

Christmas Island Act 1958

Made 25/08/2000
Tabled 31/08/2000 S 30/08/2000 HR

Summary Lists Western Australian Acts in their application to the Territory of Christmas Island for the period 11 March 2000 to 25 August 2000.

DEPARTMENT OF THE TREASURY

Accounting Standard AASB 1005: Segment Reporting

Corporations Act 1989

Made 21/08/2000
Tabled 31/08/2000 S 31/08/2000 HR

Summary Requires reporting entities to report information about business and geographical segments.

Income Tax (Farm Management Deposits) Amendment Regulations 2000 (No.1) Statutory Rules 2000 No.230

Income Tax Assessment Act 1936

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Update explanatory statements prescribed in the Principal Regulations as a consequence of the commencement of the Pay As You Go arrangements in the *Taxation Administration Act 1953*.

Fringe Benefits Tax Amendment Regulations 2000 (No.3) Statutory Rules 2000 No.228

Fringe Benefits Tax Assessment Act 1986

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Remove a number of regulations from the Principal Regulations as a consequence of changes associated with the *A New Tax System (Tax Administration) Act 1999*.

Tobacco Charges Amendment Regulations 2000 (No.1) Statutory Rules 2000 No.231

Tobacco Charges Assessment Act 1955

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Omit a number of regulations in the Principal Regulations as a consequence of changes associated with the *A New Tax System (Tax Administration) Act 1999*.

Income Tax Amendment Regulations 2000 (No.5) Statutory Rules 2000 No.229

Income Tax Assessment Act 1936

Made 10/08/2000
Tabled 28/08/2000 S 28/08/2000 HR

Summary Omit or amend a number of regulations in the Principal Regulations as a consequence of changes associated with the *A New Tax System (Tax Administration) Act 1999*.

**Wool Tax (Administration) Amendment
Regulations 2000 (No.1)
Statutory Rules 2000 No.232**

Wool Tax (Administration) Act 1964

Made	10/08/2000	
Tabled	28/08/2000 S	28/08/2000 HR

Summary Omit a number of regulations in the Principal Regulations as a consequence of changes associated with the *A New Tax System (Tax Administration) Act 1999*.