

**DELEGATED LEGISLATION MONITOR
5 – 8 MARCH 2001**

This week at a glance

There were 28 disallowable instruments tabled in the Parliament. These were made under 17 separate enabling Acts, through 9 Departments of State.

Statutory Rules

13 of the 28 instruments were Statutory Rules, comprising

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

Instrument makers

14 instruments were made by the Governor-General or Ministers

14 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	1
Attorney-General's	3
Communications, Information Technology and the Arts	0
Defence	4
Education, Training and Youth Affairs	0
Employment, Workplace Relations and Small Business	2
Environment and Heritage	0
Family and Community Services	0
Finance and Administration	1
Foreign Affairs and Trade	0
Health and Aged Care	0
Immigration and Multicultural Affairs	1
Industry, Science and Resources	2
Prime Minister and Cabinet	0
Reconciliation and Aboriginal and Torres Strait Islander Affairs	0
Transport and Regional Services	11
Treasury	3
Veterans' Affairs	0
Total	28

**DELEGATED LEGISLATION TABLED IN THE SENATE
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**ALPHABETICAL LIST OF ENABLING ACTS AND NUMBER OF INSTRUMENTS
MADE UNDER EACH ACT**

<i>Civil Aviation Act 1988</i>	7
<i>Copyright Act 1968</i>	1
<i>Customs Act 1901</i>	1
<i>Defence Act 1903</i>	4
<i>Export Inspection (Services Charge) Act 1985</i>	1
<i>Family Law Act 1975</i>	1
<i>Fringe Benefits Tax Assessment Act 1986</i>	1
<i>Migration Act 1958</i>	1
<i>Navigation Act 1912</i>	3
<i>Remuneration Tribunal Act 1973</i>	1
<i>Safety, Rehabilitation and Compensation Act 1988</i>	1
<i>Stevedoring Industry Finance Committee Act 1977</i>	1
<i>Superannuation Industry (Supervision) Act 1993</i>	1
<i>Superannuation (Resolution of Complaints) Act 1993</i>	1
<i>Textile, Clothing and Footwear Strategic Investment Program Act 1999</i>	1
<i>Trade Marks Act 1995</i>	1
<i>Workplace Relations Act 1996</i>	1
Total	28

(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

Export Inspection (Service Charge) Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 28

Export Inspection (Service Charge) Act 1985

Made	22/02/2001	
Tabled	05/03/2001 S	05/03/2001 HR

Summary Specify the charges for an inspection service provided by an authorised office in determining whether prescribed commodities in particular cases may be exempted from complying with an order under the *Export Control Act 1982*.

ATTORNEY-GENERAL'S DEPARTMENT

Copyright (International Protection) Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 29

Copyright Act 1968

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Amend Schedule 1 to the Principal Regulations by updating the membership of the relevant copyright treaties and of the World Trade Organisation, add certain countries to Schedule 3 of the Principal Regulations, and update the names of certain countries in accordance with recognised short-form descriptions.

Family Law Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 31

Family Law Act 1975

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Provide new rules to facilitate court ordered and private arbitration of disputes relating to matters dealt with by Part VII of the *Family Law Act 1975*, specify a maximum of nine Judges of the Family Court who will comprise the Appeal Division of the Court, specify a maximum of 200 hours of community service that may be ordered by the Family Court, and provide a definition of prescribed decrees in relation to which leave to appeal would be required.

Customs Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 30

Customs Act 1901

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Make various amendments to the Principal Regulations relating to the temporary importation of prescribed classes of goods into Australia for prescribed purposes.

DEPARTMENT OF DEFENCE

Army and Air Force Canteen Service Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 32

Defence Act 1903

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Amend the principal Regulations to reflect changes to the directors' disclosure provisions of the *Commonwealth Authorities and Companies Act 1997*.

Determination No. 1 of 2001 under s. 52 of the *Defence Act 1903*

Defence Act 1903

Made 06/02/2001
Tabled 08/03/2001 S 08/03/2001 HR

Summary Amends the Defence Force (Superannuation) (Productivity Benefit) Determination by specifying the factor to be used in the calculation of interest applicable for the year ending 31 December 2001.

Defence Determination 2001/5

Defence Act 1903

Made 26/02/2001
Tabled 07/03/2001 S 07/03/2001 HR

Summary Specifies a 2% increase in the rates of deployment allowance for members of the Australian Defence Force assigned for duty with a United Nations mission or similar force.

Defence Determination 2001/6

Defence Act 1903

Made 05/03/2001
Tabled 07/03/2001 S 07/03/2001 HR

Summary Specifies new rates of disturbance allowance relating to telephone installation or reconnection costs for members of the Australian Defence Force, and make other minor amendments.

DEPARTMENT OF EMPLOYMENT, WORKPLACE RELATIONS AND SMALL BUSINESS

Australian Industrial Relations Amendment Rules 2001 (No. 1) Statutory Rules 2001 No. 39

Workplace Relations Act 1996

Made	23/02/2001	
Tabled	05/03/2001 S	05/03/2001 HR

Summary Make a number of miscellaneous amendments to the Principal Rules.

Notice under s. 16(6) of the *Safety, Rehabilitation and Compensation Act 1988* (Notice No. 1 of 2001)

Safety, Rehabilitation and Compensation Act 1988

Made	09/02/2001	
Tabled	05/03/2001 S	05/03/2001 HR

Summary Specifies a revised rate per kilometre of 34 cents for compensating employees who use their own motor vehicle when travelling more than 50 kilometres to obtain medical treatment for compensable injuries.

DEPARTMENT OF FINANCE AND ADMINISTRATION**Remuneration Tribunal Determination 2001/01*****Remuneration Tribunal Act 1973***

Made 07/03/2001
Tabled 08/03/2001 S 07/03/2001 HR

Summary Specifies the remuneration and allowances for the Chief Executive Officer of the Commonwealth Scientific and Industrial Research Organisation.

DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AFFAIRS

Migration Amendment Regulations 2001 (No. 1) **Statutory Rules 2001 No. 27**

Migration Act 1958

Made	22/02/2001	
Tabled	05/03/2001 S	05/03/2001 HR

Summary Define the categories of New Zealand citizens who are able to sponsor family members for permanent visas, create a new class of permanent visa for which New Zealand citizens in Australia may apply, create a new temporary class of visa for family members of New Zealand citizens who are not themselves New Zealand citizens, provide a definition of 'student visa', and make other amendments.

DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

Textile, Clothing and Footwear Strategic Investment Program Scheme Amendment 2001 (No. 1) under ss. 8 and 34 of the *Textile, Clothing and Footwear Strategic Investment Program Act 1999*

Textile, Clothing and Footwear Strategic Investment Program Act 1999

Made 26/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Makes a number of amendments to the Scheme, including new and clarified definitions.

Trade Marks Amendment Regulations 2001 Statutory Rules 2001 No. 33

Trade Marks Act 1995

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Amend the Principal Regulations in order to implement obligations under the Protocol Relating to the Madrid Agreement concerning the International Registrations of Marks and in particular specify the Trade Marks Office's procedures for dealing with Australian applications to the International Bureau of the World Intellectual Property Organisation and with requests to extend to Australia the protection resulting from international registration of trade marks.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 34

Civil Aviation Act 1988

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Make a number of amendments relating to the issue by the Civil Aviation Safety Authority of Australian Technical Standard Order authorisations.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/CESSNA 525/2

Civil Aviation Act 1988

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/A320/111

Civil Aviation Act 1988

Made 16/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/PC-12/27 Amdt 1

Civil Aviation Act 1988

Made 15/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/A320/116

Civil Aviation Act 1988

Made 16/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

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

Instrument No. CASA 98/01 under r. 235(7) of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Specifies requirements for loading fuel on certain aircraft operated by Pearl Aviation for the carriage of patients.

Instrument No. CASA 108/01 under r. 207(2) of the Civil Aviation Regulations

Civil Aviation Act 1988

Made 02/03/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Approves, for a specified period, the operation of the aircraft VH-WGV without a ground proximity warning system being fitted.

**Marine Orders, Part 93 – Marine Pollution Prevention—Noxious Weed Substances, Issue 3
Marine Order No. 4 of 2001**

Navigation Act 1912

Made 22/02/2001
Tabled 05/03/2001 S 01/03/2001 HR

Summary Prescribes matter that give partial effect to the amendment to Annex II of the International Convention for the Prevention of Pollution from Ships 1973.

**Marine Orders, Part 9 – Health—Medical Fitness, Issue 5 (Amendment)
Marine Order No. 5 of 2001**

Navigation Act 1912

Made 22/02/2001
Tabled 05/03/2001 S 01/03/2001 HR

Summary Specifies standards relating to the determination of fitness of seafarers.

**Stevedoring Industry Finance Committee Regulations 2001
Statutory Rules 2001 No. 35**

Stevedoring Industry Finance Committee Act 1977

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Prescribe an amount of \$350,000 for the purposes of section 19 of the *Stevedoring Industry Finance Committee Act 1977*.

**Marine Orders, Part 91 – Marine Pollution Prevention—Oil, Issue 3
Marine Order No. 3 of 2001**

Navigation Act 1912

Made 22/02/2001
Tabled 05/03/2001 S 01/03/2001 HR

Summary Prescribes matters that are necessary to give effect to the amendments to Annex I of the International Convention of the Prevention of Pollution from Ships 1973 which came into force in January 2001.

DEPARTMENT OF THE TREASURY

Fringe Benefits Tax Amendment Regulations 2001 (No. 1)

Statutory Rules 2001 No. 36

Fringe Benefits Tax Assessment Act 1986

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Prescribe as excluded fringe benefits certain benefits provided to Australian Defence Force members relating to removal and storage of household effects as a result of relocations within the same locality.

Superannuation Industry (Supervision) Amendment Regulations 2001 (No. 1)

Statutory Rules 2001 No. 37

Superannuation Industry (Supervision) Act 1993

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Specify standards for the management and control of certain superannuation funds in the Principal Regulations.

Superannuation (Resolution of Complaints) Amendment Regulations 2001 (No. 1)

Statutory Rules 2001 No. 38

Superannuation (Resolution of Complaints) Act 1993

Made 22/02/2001
Tabled 05/03/2001 S 05/03/2001 HR

Summary Prescribe additional complaint-handling bodies and revise the details of other such bodies.