

**DELEGATED LEGISLATION MONITOR  
27 – 30 AUGUST 2001**

**This week at a glance**

There were 27 disallowable instruments tabled in the Parliament.  
These were made under 23 separate enabling Acts, through  
11 Departments of State.

**Statutory Rules**

9 of the 27 instruments were Statutory Rules, comprising

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

**Instrument makers**

16 instruments were made by the Governor-General or Ministers

11 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE  
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<b>DEPARTMENT OF STATE</b>	<b>NUMBER OF INSTRUMENTS</b>
Agriculture, Fisheries and Forestry	3
Attorney-General's	0
Communications, Information Technology and the Arts	2
Defence	1
Education, Training and Youth Affairs	2
Employment, Workplace Relations and Small Business	0
Environment and Heritage	1
Family and Community Services	0
Finance and Administration	3
Foreign Affairs and Trade	0
Health and Aged Care	4
Immigration and Multicultural Affairs	0
Industry, Science and Resources	1
Prime Minister and Cabinet	0
Reconciliation and Aboriginal and Torres Strait Islander Affairs	1
Transport and Regional Services	7
Treasury	2
Veterans' Affairs	0
<b>Total</b>	<b>27</b>

**DELEGATED LEGISLATION TABLED IN THE SENATE  
27 – 30 AUGUST 2001**

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

<i>Airports Act 1996</i>	1
<i>Broadcasting Services Act 1992</i>	1
<i>Civil Aviation Act 1988</i>	5
<i>Coal Excise Act 1949</i>	1
<i>Defence Act 1903</i>	1
<i>Distillation Act 1901</i>	1
<i>Excise Act 1901</i>	1
<i>Financial Management and Accountability Act 1997</i>	1
<i>Health Insurance Act 1973</i>	1
<i>Higher Education Funding Act 1988</i>	2
<i>Motor Vehicle Standards Act 1989</i>	1
<i>Native Title Act 1993</i>	1
<i>National Health Act 1953</i>	3
<i>National Residue Survey (Excise) Levy Act 1998</i>	1
<i>Payment Systems and Netting Act 1998</i>	1
<i>Primary Industries (Customs) Charges Act 1999</i>	1
<i>Primary Industries (Excise) Levies Act 1999</i>	1
<i>Remuneration Tribunal Act 1973</i>	1
<i>Renewable Energy (Electricity) Act 2000</i>	1
<i>Spirits Act 1906</i>	1
<i>Superannuation Act 1990</i>	1
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	1
<i>Trans-Tasman Mutual Recognition Act 1997</i>	1
<b>Total</b>	<b>30</b>

(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

### **Primary Industries (Customs) Charges Amendment Regulations 2001 (No. 5) Statutory Rules 2001 No. 216**

#### ***Primary Industries (Customs) Charges Act 1999***

Made 16/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Provide for a reduction in the live deer export charge and the deer velvet export charge.

### **Primary Industries (Excise) Levies Amendment Regulations 2001 (No. 7) Statutory Rules 2001 No. 217**

#### ***Primary Industries (Excise) Levies Act 1999***

Made 16/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Provide for a reduction in the deer slaughter levy and the deer velvet levy.

### **Primary Industries Levies and Charges (National Residue Survey Levies) Amendment Regulations 2001 (No. 3) Statutory Rules 2001 No. 218**

#### ***National Residue Survey (Excise) Levy Act 1998***

Made 16/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Provide for a reduction in the National Residue Survey levy on the slaughter of deer.

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

**Determination under Clause 6 of Schedule 4 to the  
*Broadcasting Services Act 1992*  
(No. 3) 2001**

***Broadcasting Services Act 1992***

Made	04/07/2001	
Tabled	27/08/2001 S	27/08/2001 HR

**Summary** Permits two specified holders of commercial television broadcasting licences in the Sydney licence area to broadcast HDTV programs that are different from SDTV and analog programs for demonstration purposes at specified dates and times.

**Special Digital Data Service Provider Declaration  
Revocation 2001 (No. 2) under s. 15(6) of the  
*Telecommunications (Consumer Protection and  
Service Standards) Act 1999***

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

Made	22/08/2001	
Tabled	30/08/2001 S	29/08/2001 HR

**Summary** Revokes the status of Cable and Wireless Optus as a special digital data service obligation provider for Western Australia.

**DEPARTMENT OF DEFENCE****Defence Determination 2001/23*****Defence Act 1903***

Made	22/08/2001	
Tabled	27/08/2001 S	27/08/2001 HR

**Summary**      Increases the rates of uniform maintenance allowance and aide-de-camp allowance.



## DEPARTMENT OF EDUCATION, TRAINING AND YOUTH AFFAIRS

### **Determination No. T22-2001 under s. 15 of the *Higher Education Funding Act 1988***

#### ***Higher Education Funding Act 1988***

Made	22/08/2001	
Tabled	29/08/2001 S	29/08/2001 HR

**Summary** Provides funding to certain higher education institutions for the Workplace Reform Program in 2001.

### **Special Capital Projects Guidelines 2001 under s. 27 of the *Higher Education Funding Act 1988***

#### ***Higher Education Funding Act 1988***

Made	07/08/2001	
Tabled	27/08/2001 S	27/08/2001 HR

**Summary** Specifies revised guidelines to higher education institutions concerning proposals for financial assistance for special capital projects.

**DEPARTMENT OF THE ENVIRONMENT AND HERITAGE****Renewable Energy (Electricity) Amendment  
Regulations 2001 (No. 1)  
Statutory Rules 2001 No. 219*****Renewable Energy (Electricity) Act 2000***

Made	16/08/2001	
Tabled	28/08/2001 S	27/08/2001 HR

**Summary** Prescribe certain solar water heater models for the purposes of Schedule 7 of the Principal Regulations, add further requirements relating to solar water heaters, and make other amendments to the Principal Regulations.

## DEPARTMENT OF FINANCE AND ADMINISTRATION

### **Financial Management and Accountability (Special Accounts) Determination 2001/12 under s. 20 of the *Financial Management and Accountability Act 1997***

#### ***Financial Management and Accountability Act 1997***

Made 14/08/2001  
Tabled 27/08/2001 S 23/08/2001 HR

**Summary** Establishes a Special Account known as the Excise Security Deposit Account.

### **Remuneration Tribunal Determination 2001/15**

#### ***Remuneration Tribunal Act 1973***

Made 05/07/2001  
Tabled 30/08/2001 S 29/08/2001 HR

**Summary** Specifies the basic salaries and other entitlements of certain full-time holders of public office, the per diem fees payable to certain part-time holders of public office, the base salary for the Registrar of the National Native Title Tribunal, and corrects typographical errors.

### **Fourteenth Amending Deed to the Deed to Establish an Occupational Superannuation Scheme for Commonwealth Employees and Certain Other Persons pursuant to s. 5 of the *Superannuation Act 1990***

#### ***Superannuation Act 1990***

Made 20/08/2001  
Tabled 27/08/2001 S 28/08/2001 HR

**Summary** Amends the original Deed to provide an additional commutation option for those persons who receive pensions from the scheme.

## DEPARTMENT OF HEALTH AND AGED CARE

### **Determination No. PHI 12/2001 under s. 5D(1) of the *National Health Act 1953***

#### ***National Health Act 1953***

Made 22/06/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Specifies six services provided by, or on behalf of, certain hospitals for the purposes of the definition of outreach service in the Act.

### **Rules No. PB 10 of 2001 under s. 99AAA(8) of the *National Health Act 1953***

#### ***National Health Act 1953***

Made 17/07/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Amend Part 4 of the Schedule to the Principal Rules concerning the placing of hospital identifier numbers in prescription records.

### **Determination No. PHI 23/2001 under Schedule 1, paragraph (bj) of the *National Health Act 1953***

#### ***National Health Act 1953***

Made 22/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Substitutes a new Schedule 5 in Determination No. IHS7/1999 dealing with benefits payable for surgically implanted prostheses, human tissue items, and other medical devices.

### **Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2001 (No. 5) Statutory Rules 2001 No. 220**

#### ***Health Insurance Act 1973***

Made 16/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Provide that the 'MRI Additional Units Eligibility Scheme' is the scheme in force as at 27 June 2001.

**DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES**

**Trans-Tasman Mutual Recognition Act 1997**  
**Amendment Regulations 2001 (No. 1)**  
**Statutory Rules 2001 No. 221**

*Trans-Tasman Mutual Recognition Act 1997*

Made	16/08/2001	
Tabled	28/08/2001 S	27/08/2001 HR

**Summary** Provide for the permanent exemption of ss. 15 and 15A of the South Australian *Summary Offences Act 1953* from the operation of the Trans-Tasman Mutual Recognition Arrangement.

**DEPARTMENT OF RECONCILIATION AND ABORIGINAL AND  
TORRES STRAIT ISLANDER AFFAIRS**

**Recognition of Representative Aboriginal/Torres  
Strait Islander Body 2001 (No. 3) under  
s. 203AD(1) of the *Native Title Act 1993***

***Native Title Act 1993***

Made	12/07/2001	
Tabled	28/08/2001 S	27/08/2001 HR

**Summary**      Recognises the North Queensland Land  
Council Aboriginal Corporation as the  
Representative Aboriginal/Torres Strait  
Islander Body for the Cairns area.

## DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

### **Airports Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 222**

#### *Airports Act 1996*

Made 16/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Add new folio identifiers to the description of the Sydney (Kingsford-Smith) Airport site, thereby incorporating additional land into the airport site.

### **Civil Aviation Amendment Order (No. 14) 2001 under the *Civil Aviation Regulations***

#### *Civil Aviation Act 1988*

Made 17/08/2001  
Tabled 27/08/2001 S 27/08/2001 HR

**Summary** Inserts a set of performance standards for portable megaphones in substitution for the previous Technical Standard Order.

### **Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 206/147**

#### *Civil Aviation Act 1988*

Made 26/07/2001  
Tabled 28/08/2001 S 27/08/2001 HR

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

### **Civil Aviation Orders, Part 105 Airworthiness Directive AD/JETSTREAM/91**

#### *Civil Aviation Act 1988*

Made 16/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

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

### **Civil Aviation Orders, Part 106 Airworthiness Directive AD/CF34/7**

#### *Civil Aviation Act 1988*

Made 15/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

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

### **Civil Aviation Orders, Part 106 Airworthiness Directive AD/M601/1**

#### *Civil Aviation Act 1988*

Made 13/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

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

**Road Vehicle (National Standards) Determination  
No. 4 of 2001 under s. 7 of the *Motor Vehicle  
Standards Act 1989***

***Motor Vehicle Standards Act 1989***

Made	09/08/2001	
Tabled	29/08/2001 S	28/08/2001 HR

**Summary** Specifies new national standards for  
brake systems for passenger cars.



## DEPARTMENT OF THE TREASURY

### **Excise Laws (Licence Fees) Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 223**

*Coal Excise Act 1949*  
*Distillation Act 1901*  
*Excise Act 1901*  
*Spirits Act 1906*

Made 16/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Amend the *Excise Regulations*,  
*Distillation Regulations*, *Spirits*  
*Regulations* and the *Coal Excise*  
*Regulations* to provide for the fee for  
licences to be zero.

### **Payment Systems and Netting Regulations 2001 Statutory Rules 2001 No. 224**

*Payment Systems and Netting Act 1998*

Made 16/08/2001  
Tabled 28/08/2001 S 27/08/2001 HR

**Summary** Declare that the clearing services  
provided by SFE Clearing Corporation  
Pty Ltd, for bonds and repurchase  
agreements and the clearing and  
settlement services provided by that  
corporation for future contracts are a  
“netting market”.