

**DELEGATED LEGISLATION MONITOR
01 – 05 DECEMBER 2003**

This week at a glance

There were 29 disallowable instruments tabled in the Parliament. These were made under 19 separate enabling Acts, through 9 Departments of State.

Statutory Rules

13 of the 29 instruments were Statutory Rules, comprising

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

Instrument makers

18 instruments were made by the Governor-General or Ministers

11 instruments were made by Public Officials

TABLE OF CONTENTS

DELEGATED LEGISLATION TABLED IN THE SENATE 01 – 05 DECEMBER 2003

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Australian Meat and Live-stock Industry (Export of Cattle) Amendment Order 2003 (No. 1) under s. 17 of the <i>Australian Meat and Live-stock Industry Act 1997</i>	6
Australian Meat and Live-stock Industry (Export of Live Sheep and Goats to the Middle East) Amendment Order 2003 (No. 1) under s. 17 of the <i>Australian Meat and Live-stock Industry Act 1997</i>	6
Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2003 under s. 17 of the <i>Australian Meat and Live-stock Industry Act 1997</i>	6
Farm Help Advice Scheme Amendment 2003 (No. 1) under s. 52B(1) of the <i>Farm Household Support Act 1992</i>	6
Farm Help Re-establishment Grant Scheme Amendment 2003 (No. 3) under s. 52A(1) of the <i>Farm Household Support Act 1992</i>	6
Fishing Levy Regulations 2003	6
Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 14)	7
Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 10)	7
Rural Industries Research and Development Corporation Amendment Regulations 2003 (No. 3)	7
Tobacco Research and Development Corporation Repeal Regulations 2003	7

ATTORNEY-GENERAL'S DEPARTMENT

Crimes (Overseas) (Declared Foreign Countries) Regulations 2003	8
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DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS

Australian Film, Television and Radio School Amendment Regulations 2003 (No. 1)	9
---	---

DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS

Australian Industrial Relations Commission Amendment Rules 2003 (No. 4)	10
---	----

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

Amendment of List of Specimens Taken to be Suitable for Live Import under s. 303EC(1)(a) of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	11
Great Barrier Reef Marine Park Amendment Regulations 2003 (No. 3)	11
Great Barrier Reef Marine Park Zoning Plan 2003 under s. 32(11) of the <i>Great Barrier Reef Marine Park Act 1975</i>	11
Product Stewardship (Oil) Amendment Regulations 2003 (No. 2)	11

DEPARTMENT OF FINANCE AND ADMINISTRATION

Nineteenth Amending Deed to the Deed to Establish an Occupational Superannuation Scheme for Commonwealth Employees and Certain Other Persons pursuant to s. 5 of the <i>Superannuation Act 1990</i>	12
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DEPARTMENT OF HEALTH AND AGEING

Declaration No. PB 17 of 2003 under s. 85(2) of the <i>National Health Act 1953</i>	13
Health Insurance (Pathology Services Table) Amendment Regulations 2003 (No. 2)	13
Information Amendment Principles 2003 (No. 1) under s. 96-1(1) of the <i>Aged Care Act 1997</i>	13
Quality of Care Amendment Principles 2003 (No. 1) under s. 96-1(1) of the <i>Aged Care Act 1997</i>	13

DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS

Migration Amendment Regulations 2003 (No. 9)	14
--	----

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Safety Amendment Regulations 2003 (No. 1)	15
Exemption No. CASA EX25/2003 under r. 308(1) of the <i>Civil Aviation Regulations</i>	15
Instrument No. CASA 513/03 under r. 179A of the <i>Civil Aviation Regulations</i>	15
Instrument No. CASA 522/03 under r. 208 of the <i>Civil Aviation Regulations</i>	15
Instrument No. CASA 537/03 under r. 208 of the <i>Civil Aviation Regulations</i>	15
Instrument No. CASA 538/03 under r. 208 of the <i>Civil Aviation Regulations</i>	15

**DELEGATED LEGISLATION TABLED IN THE SENATE
01 – 05 DECEMBER 2003**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	10
Attorney-General's	1
Communications, Information Technology and the Arts	1
Defence	0
Education, Science and Training	0
Employment and Workplace Relations	1
Environment and Heritage	4
Family and Community Services	0
Finance and Administration	1
Foreign Affairs and Trade	0
Health and Ageing	4
Immigration and Multicultural and Indigenous Affairs	1
Industry, Tourism and Resources	0
Prime Minister and Cabinet	0
Transport and Regional Services	6
Treasury	0
Veterans' Affairs	0
Total	29

**DELEGATED LEGISLATION TABLED IN THE SENATE
01 – 05 DECEMBER 2003**

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

<i>Aged Care Act 1997</i>	2
<i>Australian Film, Television and Radio School Act 1973</i>	1
<i>Australian Meat and Live-stock Industry Act 1997</i>	3
<i>Civil Aviation Act 1988</i>	6
<i>Crimes (Overseas) Act 1964</i>	1
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	1
<i>Farm Household Support Act 1992</i>	2
<i>Fisheries Management Act 1991</i>	1
<i>Fishing Levy Act 1991</i>	1
<i>Great Barrier Reef Marine Park Act 1975</i>	2
<i>Health Insurance Act 1973</i>	1
<i>Migration Act 1958</i>	1
<i>National Health Act 1953</i>	1
<i>Primary Industries (Excise) Levies Act 1999</i>	1
<i>Primary Industries and Energy Research and Development Act 1989</i>	2
<i>Primary Industries Levies and Charges Collection Act 1991</i>	1
<i>Product Stewardship (Oil) Act 2000</i>	1
<i>Superannuation Act 1990</i>	1
<i>Workplace Relations Act 1996</i>	1
Total	30

(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 (Export of Cattle) Amendment Order 2003 (No. 1) under s. 17 of the *Australian Meat and Live-stock Industry Act 1997*

Australian Meat and Live-stock Industry Act 1997

Made 28/10/2003
Tabled 03/12/2003 S 02/12/2003 HR

Summary Amends the Principal Order to provide that the conditions for cattle exports to the Middle East will apply all year.

Farm Help Advice Scheme Amendment 2003 (No. 1) under s. 52B(1) of the *Farm Household Support Act 1992*

Farm Household Support Act 1992

Made 27/11/2003
Tabled 01/12/2003 S 01/12/2003 HR

Summary Amends the Farm Help Advice Scheme and specifies the conditions for eligibility and use of financial assistance under the scheme.

Australian Meat and Live-stock Industry (Export of Live Sheep and Goats to the Middle East) Amendment Order 2003 (No. 1) under s. 17 of the *Australian Meat and Live-stock Industry Act 1997*

Australian Meat and Live-stock Industry Act 1997

Made 28/10/2003
Tabled 03/12/2003 S 02/12/2003 HR

Summary Amends the Principal Order to provide that the conditions for sheep and goat exports to the Middle East will apply all year.

Farm Help Re-establishment Grant Scheme Amendment 2003 (No. 3) under s. 52A(1) of the *Farm Household Support Act 1992*

Farm Household Support Act 1992

Made 27/11/2003
Tabled 01/12/2003 S 01/12/2003 HR

Summary Extends the closing date for applications under the Scheme to 30 June 2004, and makes other amendments to the Scheme.

Australian Meat and Live-stock Industry (Export of Live-stock to Saudi Arabia) Order 2003 under s. 17 of the *Australian Meat and Live-stock Industry Act 1997*

Australian Meat and Live-stock Industry Act 1997

Made 27/10/2003
Tabled 03/12/2003 S 03/12/2003 HR

Summary Revokes a previous Order and prohibits a holder of an export licence to directly or indirectly export Australian live-stock to Saudi Arabia.

Fishing Levy Regulations 2003 Statutory Rules 2003 No. 287

Fisheries Management Act 1991* *Fishing Levy Act 1991

Made 20/11/2003
Tabled 01/12/2003 S 01/12/2003 HR

Summary Specify the amounts of levy payable on fishing concessions that relate to the 2003/04 financial year in fisheries managed by the Australian Fisheries Management Authority.

Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 14)
Statutory Rules 2003 No. 288

Primary Industries (Excise) Levies Act 1999

Made 20/11/2003
 Tabled 01/12/2003 S 01/12/2003 HR

Summary Impose a levy on all macropods processed for human or animal consumption, exempt certain macropods, and prescribe who pays the levy.

Tobacco Research and Development Corporation Repeal Regulations 2003
Statutory Rules 2003 No. 271

Primary Industries and Energy Research and Development Act 1989

Made 21/10/2003
 Tabled 03/12/2003 S 03/12/2003 HR

Summary Repeal Statutory Rules 1995 No. 85 concerning the Tobacco Research and Development Corporation, as a consequence of the decision that the corporation be wound up.

Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 10)
Statutory Rules 2003 No. 289

Primary Industries Levies and Charges Collection Act 1991

Made 20/11/2003
 Tabled 01/12/2003 S 01/12/2003 HR

Summary Provide for the collection of levies and export charges that are imposed on macropods.

Rural Industries Research and Development Corporation Amendment Regulations 2003 (No. 3)
Statutory Rules 2003 No. 290

Primary Industries and Energy Research and Development Act 1989

Made 20/11/2003
 Tabled 01/12/2003 S 01/12/2003 HR

Summary Define what constitutes the macropod industry, direct the new macropod research and development levy to the Corporation, and specify the Corporation's accounting requirements in relation to this levy.

ATTORNEY-GENERAL'S DEPARTMENT

**Crimes (Overseas) (Declared Foreign Countries)
Regulations 2003
Statutory Rules 2003 No. 291**

Crimes (Overseas) Act 1964

Made	20/11/2003	
Tabled	01/12/2003 S	01/12/2003 HR

Summary Declare that Iraq and the Solomon Islands are 'declared foreign countries' for the purposes of the *Crimes (Overseas) Act 1964*.

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

**Australian Film, Television and Radio School
Amendment Regulations 2003 (No. 1)
Statutory Rules 2003 No. 292**

*Australian Film, Television and Radio School Act
1973*

Made	20/11/2003	
Tabled	01/12/2003 S	01/12/2003 HR

Summary Specify certain degrees, diplomas and certificates which have been awarded by the School.

DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS

Australian Industrial Relations Commission
Amendment Rules 2003 (No. 4)
Statutory Rules 2003 No. 298

Workplace Relations Act 1996

Made	24/11/2003	
Tabled	01/12/2003 S	01/12/2003 HR

Summary Make various amendments to the
Principal Rules as a consequence of the
*Workplace Relations Amendment (Fair
Termination) Act 2003*.

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

Amendment of List of Specimens Taken to be Suitable for Live Import under s. 303EC(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999*

Environment Protection and Biodiversity Conservation Act 1999

Made 12/11/2003
 Tabled 02/12/2003 S 02/12/2003 HR

Summary Includes Francois' Langur (*Trachypitecus francoisii*) to the list of specimens suitable for live import.

Product Stewardship (Oil) Amendment Regulations 2003 (No. 2) Statutory Rules 2003 No. 294

Product Stewardship (Oil) Act 2000

Made 20/11/2003
 Tabled 01/12/2003 S 01/12/2003 HR

Summary Provide for the payment of a defined product stewardship (oil) benefit for a gazetted oil consumed in Australia for a gazetted use.

Great Barrier Reef Marine Park Amendment Regulations 2003 (No. 3) Statutory Rules 2003 No. 293

Great Barrier Reef Marine Park Act 1975

Made 20/11/2003
 Tabled 01/12/2003 S 01/12/2003 HR

Summary Postpone the commencement date of certain provisions dealing with amended defences to a prosecution for the discharge of sewage in the Marine Park.

Great Barrier Reef Marine Park Zoning Plan 2003 under s. 32(11) of the *Great Barrier Reef Marine Park Act 1975*

Great Barrier Reef Marine Park Act 1975

Made 02/12/2003
 Tabled 03/12/2003 S 03/12/2003 HR

Summary Specifies a zoning plan for the Great Barrier Reef Marine Park.

DEPARTMENT OF FINANCE AND ADMINISTRATION

**Nineteenth 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	27/11/2003	
Tabled	03/12/2003 S	03/12/2003 HR

Summary Changes the amount by which a Public Sector Superannuation Scheme benefit can be reduced where the member has a surcharge debt.

DEPARTMENT OF HEALTH AND AGEING

Declaration No. PB 17 of 2003 under s. 85(2) of the *National Health Act 1953*

National Health Act 1953

Made 20/11/2003
Tabled 02/12/2003 S 27/11/2003 HR

Summary Specifies the circumstances relating to the prescription of two drugs as pharmaceutical benefits.

Quality of Care Amendment Principles 2003 (No. 1) under s. 96-1(1) of the *Aged Care Act 1997*

Aged Care Act 1997

Made 12/11/2003
Tabled 02/12/2003 S 27/11/2003 HR

Summary Require approved providers of aged care to give the Secretary an annual fire safety declaration.

Health Insurance (Pathology Services Table) Amendment Regulations 2003 (No. 2) Statutory Rules 2003 No. 295

Health Insurance Act 1973

Made 20/11/2003
Tabled 01/12/2003 S 01/12/2003 HR

Summary Specify increases in fees for pathology services, used for the calculation of Medicare benefits.

Information Amendment Principles 2003 (No. 1) under s. 96-1(1) of the *Aged Care Act 1997*

Aged Care Act 1997

Made 12/11/2003
Tabled 02/12/2003 S 27/11/2003 HR

Summary Provide that information relating to fire safety may be disclosed to the chief executive officer of a fire-safety authority.

**DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS
AFFAIRS****Migration Amendment Regulations 2003 (No. 9)
Statutory Rules 2003 No. 296*****Migration Act 1958***

Made	20/11/2003	
Tabled	01/12/2003 S	01/12/2003 HR

Summary Amend the criteria for the grant of student visa subclasses, amend student visa evidentiary requirements for English language proficiency, financial capacity and other requirements, and make other related amendments.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Safety Amendment Regulations 2003 (No. 1) Statutory Rules 2003 No. 297

Civil Aviation Act 1988

Made 20/11/2003
Tabled 01/12/2003 S 01/12/2003 HR

Summary Provide that the Civil Aviation Safety Authority has power to issue production certificates for manufacture of aircraft components in certain circumstances, and make other related amendments.

Exemption No. CASA EX25/2003 under r. 308(1) of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 28/10/2003
Tabled 04/12/2003 S 03/12/2003 HR

Summary Specifies revised conditions under which manufacturers of aircraft components may supply replacement parts.

Instrument No. CASA 513/03 under r. 179A of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 28/11/2003
Tabled 04/12/2003 S 03/12/2003 HR

Summary Specifies the instructions and conditions relating to the trial, in specified aircraft operated by Qantas Airways Limited, of global positioning system non-precision approaches.

Instrument No. CASA 522/03 under r. 208 of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 21/11/2003
Tabled 04/12/2003 S 03/12/2003 HR

Summary Provides that each specified hot air balloon operated by Wingaway Pty Ltd may operate without carrying a cabin attendant, subject to specified conditions.

Instrument No. CASA 537/03 under r. 208 of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 28/11/2003
Tabled 04/12/2003 S 03/12/2003 HR

Summary Provides that the specified hot air balloon operated by Balloon Academy Pty Ltd may operate without carrying a cabin attendant, subject to specified conditions.

Instrument No. CASA 538/03 under r. 208 of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 28/11/2003
Tabled 04/12/2003 S 03/12/2003 HR

Summary Provides that each specified hot air balloon operated by Outback Ballooning Pty Ltd may operate without carrying a cabin attendant, subject to specified conditions.