

DELEGATED LEGISLATION MONITOR
16 – 19 OCTOBER 2006

This week at a glance

There were 37 disallowable instruments tabled in the Parliament.
These were made under 16 separate enabling Acts, through
10 Departments of State.

Instrument makers

17 instruments were made by the Governor-General or Ministers

20 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
Defence	1
Education, Science and Training	2
Environment and Heritage	1
Families, Community Services and Indigenous Affairs	3
Finance and Administration	12
Health and Ageing	2
Transport and Regional Services	7
Treasury	5
Veterans' Affairs	2
Total	37

**DELEGATED LEGISLATION TABLED IN THE SENATE
16 – 19 OCTOBER 2006**

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

<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	1
<i>Banking Act 1959</i>	2
<i>Civil Aviation Act 1988</i>	7
<i>Customs Act 1901</i>	1
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	1
<i>Financial Management and Accountability Act 1997</i>	12
<i>Fisheries Management Act 1991</i>	1
<i>Higher Education Support Act 2003</i>	2
<i>Insurance Act 1973</i>	1
<i>Life Insurance Act 1995</i>	1
<i>National Health Act 1953</i>	1
<i>Social Security Act 1991</i>	2
<i>Taxation Administration Act 1953</i>	1
<i>Therapeutic Goods Act 1989</i>	1
<i>Torres Strait Fisheries Act 1984</i>	1
<i>Veterans' Entitlements Act 1986</i>	2
Total	37

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Fish Receiver Permits Declaration 2006 under s. 91(1) of the *Fisheries Management Act 1991* [F2006L03343]

Fisheries Management Act 1991

Made	09/10/2006	
Tabled	16/10/2006 S	16/10/2006 HR
Summary	Specifies fisheries in respect of which fish receiver permits may be issued.	

Torres Strait Fisheries Management Notice No. 72A under s. 16 of the *Torres Strait Fisheries Act 1984* [F2006L03372]

Torres Strait Fisheries Act 1984

Made	11/10/2006	
Tabled	18/10/2006 S	17/10/2006 HR
Summary	Specifies prohibitions and exemptions from those prohibitions on the taking of prawns in the Torres Strait Prawn Fishery.	

DEPARTMENT OF DEFENCE**Defence and Strategic Goods List
Amendment 2006 under paragraph 112(2A)(aa)
of the *Customs Act 1901*
[F2006L03230]*****Customs Act 1901***

Made	25/08/2006	
Tabled	18/10/2006 S	17/10/2006 HR

Summary Remakes in amended form the list of defence and related goods and dual-use goods for which a licence or permission is required prior to their export.

DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING

**Higher Education Provider Approval
(No. 16 of 2006) under s. 16-50(1) of the
Higher Education Support Act 2003
[F2006L03365]**

Higher Education Support Act 2003

Made	12/10/2006	
Tabled	16/10/2006 S	16/10/2006 HR

Summary Approves Dixon Elliott Pty Ltd as a
Higher Education Provider.

**Higher Education Provider Approval
(No. 17 of 2006) under s. 16-50(1) of the
Higher Education Support Act 2003
[F2006L03367]**

Higher Education Support Act 2003

Made	12/10/2006	
Tabled	16/10/2006 S	16/10/2006 HR

Summary Approves Swan TAFE as a Higher
Education Provider.

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

Threat Abatement Plan 2006 for the Incidental Catch (or Bycatch) of Seabirds During Oceanic Longline Fishing Operations under s. 270B(2) of the *Environment Protection and Biodiversity Conservation Act 1999* [F2006L02855]

Environment Protection and Biodiversity Conservation Act 1999

Made	18/07/2006	
Tabled	18/10/2006 S	17/10/2006 HR

Summary Specifies a threat abatement plan for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations.

DEPARTMENT OF FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS

Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2006 (No. 2) under s. 205(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999* [F2006L03342]

A New Tax System (Family Assistance) (Administration) Act 1999

Made	06/10/2006	
Tabled	18/10/2006 S	17/10/2006 HR
Summary	Updates references in the Principal Determination to certain publications of the National Childcare Accreditation Council.	

Social Security (Partially Asset-test Exempt Income Stream — Exemption) (FACS) Principles 2005 under s. 1118(1A) of the *Social Security Act 1991* [F2006L03340]

Social Security Act 1991

Made	22/12/2005	
Tabled	16/10/2006 S	16/10/2006 HR

Summary	Specify the criteria that must be met by an income stream in order to be an asset-test exempt income stream for the purposes of the Act.
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Social Security (Asset-test Exempt Income Stream (Market-linked) — Payment Factors) (FACS) Principles 2005 under s. 9BA(5) of the *Social Security Act 1991* [F2006L03341]

Social Security Act 1991

Made	22/12/2005	
Tabled	16/10/2006 S	16/10/2006 HR

Summary	Specifies the payment factor used for the purposes of the formula used to determine what is an 'asset-test exempt income stream', for the purposes of the Act.
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DEPARTMENT OF FINANCE AND ADMINISTRATION

Financial Management and Accountability Determination 2006/61 — The Telstra Public Share Offer Account Variation and Abolition 2006 under ss. 20(2) and 20(3) of the *Financial Management and Accountability Act 1997* [F2006L03366]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Provides for the variation and subsequent abolition of the Telstra Public Share Offer Account.

Financial Management and Accountability Determination 2006/63 — Business Services Trust Account Variation and Abolition 2006 under ss. 20(2) and 20(3) of the *Financial Management and Accountability Act 1997* [F2006L03369]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Provides for the variation and subsequent abolition of the Business Services Trust Account.

Financial Management and Accountability Determination 2006/62 — Telstra Sale Special Account Establishment 2006 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2006L03368]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Establishes a Special Account entitled the Telstra Sale Special Account and specifies the nature of amounts that may be credited to, and the purposes for which amounts may be debited from, that account.

Financial Management and Accountability Determination 2006/64 — Business Services Special Account Establishment 2006 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2006L03374]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Establishes a Special Account entitled the Business Services Special Account and specifies the nature of amounts that may be credited to, and the purposes for which amounts may be debited from, that account.

Financial Management and Accountability Determination 2006/65 — IP Australia Account Variation and Abolition 2006 under ss. 20(2) and 20(3) of the *Financial Management and Accountability Act 1997* [F2006L03370]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 18/10/2006 S 17/10/2006 HR

Summary Provides for the variation and subsequent abolition of the IP Australia Account.

Financial Management and Accountability Determination 2006/67 — Australian Building Codes Board Account Variation and Abolition 2006 under ss. 20(2) and 20(3) of the *Financial Management and Accountability Act 1997* [F2006L03373]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Provides for the variation and subsequent abolition of the Australian Building Codes Board Account.

Financial Management and Accountability Determination 2006/66 — Intellectual Property Special Account Establishment 2006 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2006L03371]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Establishes a Special Account entitled the Intellectual Property Special Account and specifies the nature of amounts that may be credited to, and the purposes for which amounts may be debited from, that account.

Financial Management and Accountability Determination 2006/68 — Australian Building Codes Board Special Account Establishment 2006 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2006L03375]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 18/10/2006 S 17/10/2006 HR

Summary Establishes a Special Account entitled the Australian Building Codes Board Special Account and specifies the nature of amounts that may be credited to, and the purposes for which amounts may be debited from, that account.

Financial Management and Accountability Determination 2006/69 — Ranger Rehabilitation Account Variation and Abolition 2006 under ss. 20(2) and 20(3) of the *Financial Management and Accountability Act 1997* [F2006L03377]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Provides for the variation and subsequent abolition of the Ranger Rehabilitation Account.

Financial Management and Accountability Determination 2006/71 — Australians at War Account Variation and Abolition 2006 under ss. 20(2) and 20(3) of the *Financial Management and Accountability Act 1997* [F2006L03379]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Provides for the variation and subsequent abolition of the Australians at War Account.

Financial Management and Accountability Determination 2006/70 — Ranger Rehabilitation Special Account Establishment 2006 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2006L03378]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Establishes a Special Account entitled the Ranger Rehabilitation Special Account and specifies the nature of amounts that may be credited to, and the purposes for which amounts may be debited from, that account.

Financial Management and Accountability Determination 2006/72 — Australians at War Special Account Establishment 2006 under s. 20(1) of the *Financial Management and Accountability Act 1997* [F2006L03380]

Financial Management and Accountability Act 1997

Made 11/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Establishes a Special Account entitled the Australians at War Special Account and specifies the nature of amounts that may be credited to, and the purposes for which amounts may be debited from, that account.

DEPARTMENT OF HEALTH AND AGEING

**Amendment Determination No. 2 under
paragraph 98B(1)(a) of the *National Health
Act 1953*
[F2006L03386]**

National Health Act 1953

Made	04/10/2006	
Tabled	18/10/2006 S	17/10/2006 HR

Summary Amends references to legislative instruments that are incorporated by reference in the Principal Determination.

**Therapeutic Goods (Listing) Notice 2006 (No. 4)
under s. 9A(5) of the *Therapeutic Goods Act 1989*
[F2006L03361]**

Therapeutic Goods Act 1989

Made	10/10/2006	
Tabled	18/10/2006 S	17/10/2006 HR

Summary Permits the use of concentrated omega-3 triglycerides-fish as an ingredient in listed complementary medicines.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Orders, Part 105 Airworthiness Directive AD/CIRRUS/4 Amdt 1 [F2006L03363]

Civil Aviation Act 1988

Made 10/10/2006
Tabled 18/10/2006 S 17/10/2006 HR

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

Instrument No. CASA 321/06 under r. 208 of the *Civil Aviation Regulations 1988* [F2006L03351]

Civil Aviation Act 1988

Made 04/10/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Specifies requirements regarding cabin attendants and safety briefings for certain aircraft operated by Virgin Blue Airlines Pty Ltd.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/S-PUMA/65 [F2006L03382]

Civil Aviation Act 1988

Made 12/10/2006
Tabled 18/10/2006 S 17/10/2006 HR

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

Instrument No. CASA 371/06 under r. 179A(1) of the *Civil Aviation Regulations 1988* [F2006L03353]

Civil Aviation Act 1988

Made 30/09/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Specifies precision air navigation procedures to be followed by certain aircraft operated by Qantas Airways Ltd.

Exemption No. CASA EX44/06 under r. 308 of the *Civil Aviation Regulations 1988* [F2006L03344]

Civil Aviation Act 1988

Made 15/09/2006
Tabled 16/10/2006 S 16/10/2006 HR

Summary Exempts a specified model of aircraft from compliance with requirements concerning flight data recorders.

Instrument No. CASA 392/06 under r. 179A(1) of the *Civil Aviation Regulations 1988* [F2006L03376]

Civil Aviation Act 1988

Made 12/10/2006
Tabled 18/10/2006 S 17/10/2006 HR

Summary Specifies precision air navigation procedures to be followed by certain aircraft operated by Qantas Airways Ltd.

**Instrument No. CASA 393/06 under r. 208
of the *Civil Aviation Regulations 1988*
[F2006L03381]**

Civil Aviation Act 1988

Made	13/10/2006	
Tabled	18/10/2006 S	17/10/2006 HR

Summary Amends a typographical error in a previous Instrument that specifies requirements regarding cabin attendants and safety briefings for certain aircraft operated by Virgin Blue Airlines Pty Ltd.

DEPARTMENT OF THE TREASURY

Banking Exemption No. 2 of 2006 under s. 11(4) of the *Banking Act 1959* [F2006L03337]

Banking Act 1959

Made 06/10/2006
Tabled 18/10/2006 S 17/10/2006 HR

Summary Corrects certain omissions in a previous Exemption.

Banking (Prudential Standard) Determination No. 12 of 2006 under paragraph 11AF(1)(a) of the *Banking Act 1959* [F2006L03320]

Banking Act 1959

Made 29/09/2006
Tabled 18/10/2006 S 17/10/2006 HR

Summary Prescribes a Prudential Standard concerning outsourcing that applies to authorised deposit-taking institutions.

Insurance (Prudential Standard) Determination No. 9 of 2006 under s. 32(1) of the *Insurance Act 1973* [F2006L03334]

Insurance Act 1973

Made 29/09/2006
Tabled 18/10/2006 S 17/10/2006 HR

Summary Specifies a Prudential Standard (GPS 231) for general insurers concerning outsourcing arrangements.

Life Insurance (Prudential Standard) Determination No. 3 of 2006 under s. 230A(1) of the *Life Insurance Act 1995* [F2006L03331]

Life Insurance Act 1995

Made 29/09/2006
Tabled 18/10/2006 S 17/10/2006 HR

Summary Specifies a Prudential Standard (LPS 231) for life companies concerning outsourcing arrangements.

PAYG Withholding — Special Tax Table for Payments to Individuals Performing Work or Services in the Joint Petroleum Development Area (JPDA) as Defined in the Timor Sea Treaty under s. 15-25 of Schedule 1 to the *Taxation Administration Act 1953* [F2006L03348]

Taxation Administration Act 1953

Made 10/10/2006
Tabled 18/10/2006 S 17/10/2006 HR

Summary Specifies formulas and procedures to be used for determining the amount to be withheld by an entity from a withholding payment.

DEPARTMENT OF VETERANS' AFFAIRS

Veterans' Entitlements (Veterans' Children Education Scheme) Eligible Child Amendment Instrument 2006 under s. 117 of the *Veterans' Entitlements Act 1986*
Instrument No. R27/2006
[F2006L03357]

Veterans' Entitlements Act 1986

Made	22/09/2006	
Tabled	18/10/2006 S	17/10/2006 HR

Summary Specifies the benefit under the Veterans' Children Education Scheme to which a particular class of eligible children is entitled.

Veterans' Entitlements (Veterans' Children Education Scheme) Eligible Child Determination 2006 under s. 116A of the *Veterans' Entitlements Act 1986*
(Instrument No. R26/2006)
[F2006L03356]

Veterans' Entitlements Act 1986

Made	22/09/2006	
Tabled	16/10/2006 S	16/10/2006 HR

Summary Specifies a class of current or former children of Vietnam veterans as 'eligible children' for the purposes of the Veterans' Children Education Scheme.