DELEGATED LEGISLATION MONITOR 01 – 04 DECEMBER 2008

This week at a glance

There were 59 disallowable instruments tabled in the Parliament. These were made under 29 separate enabling Acts, through 14 Departments of State.

Regulations

21 of the 59 instruments were Regulations, comprising

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

Instrument makers

- 25 instruments were made by the Governor-General or Ministers
- 34 instruments were made by Public Officials

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NUMBER OF INSTRUMENTS

1

14

1

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Treasury

Total

Innovation, Industry, Science and Research

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Infrastructure, Transport, Regional Development and Local Government

DELEGATED LEGISLATION TABLED IN THE SENATE 01 – 04 DECEMBER 2008

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Excise Act 1901	1
Federal Court of Australia Act 1976	1
Fisheries Management Act 1991	1
Hazardous Waste (Regulation of Exports and Imports) Act 1989	1
Health Insurance Act 1973	1
Higher Education Support Act 2003	3
Indigenous Education (Targeted Assistance) Act 2000	1
Industrial Chemicals (Notification and Assessment) Act 1989	1
International Organisations (Privileges and Immunities) Act 1963	1
Migration Act 1958	1
National Health Act 1953	11
National Rental Affordability Scheme Act 2008	1
Navigation Act 1912	1
Parliamentary Entitlements Act 1990	1
Petroleum Excise (Prices) Act 1987	1
Primary Industries (Excise) Levies Act 1999	1
Primary Industries Levies and Charges Collection Act 1991	1
Private Health Insurance (Complaints Levy) Act 1995	1
Radiocommunications Act 1992	1
Trade Practices Act 1974	1
Water Act 2007	1
Workplace Relations Act 1996	1

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Total

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

HIMIF 2008/2009 TAC D7 Determination — Total Allowable Catch Determination — 2008/2009 Season under s. 11 of the *Heard Island* and McDonald Islands Fishery Management Plan 2002

[F2008L04441]

Fisheries Management Act 1991

Made 24/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Specifies the total allowable catch for

target species and catch limits for bycatch species in the Heard Island and McDonald Islands Fishery for the

2008/2009 fishing season.

Primary Industries Levies and Charges Collection Amendment Regulations 2008 (No. 4) Select Legislative Instrument 2008 No. 224 [F2008L04490]

Primary Industries Levies and Charges Collection Act 1991

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Amend the Principal Regulations to

provide for review of decisions by the Administrative Appeals Tribunal and

make other administrative

arrangements.

Primary Industries (Excise) Levies Amendment Regulations 2008 (No. 4) Select Legislative Instrument 2008 No. 223 [F2008L04034]

Primary Industries (Excise) Levies Act 1999

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Vary the marketing component and the

research component of the excise levy

for lot-fed cattle.

ATTORNEY-GENERAL'S DEPARTMENT

Customs Amendment Regulations 2008 (No. 6) Select Legislative Instrument 2008 No. 225 [F2008L04419]

Federal Court Amendment Rules 2008 (No. 2) Select Legislative Instrument 2008 No. 244 [F2008L04528]

Customs Act 1901

Federal Court of Australia Act 1976

Made 28/11/2008

Made 26/11/2008

Tabled 03/12/2008 S 03/12/2008 HR Tabled 03/12/2008 S 03/12/2008 HR

Permit the making of tariff concession Make miscellaneous amendments to **Summary** Summary

> orders for marine saddles. the Principal Rules.

Customs (Prohibited Imports) Amendment Regulations 2008 (No. 5) Select Legislative Instrument 2008 No. 226 [F2008L04423]

Customs Act 1901

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Repeal the control on the importation

of electric dog collars.

Customs (Thailand—Australia Free Trade Agreement) Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 227 [F2008L04438]

Customs Act 1901

Made 28/11/2008

Tabled 04/12/2008 S 04/12/2008 HR

Summary Amend the Principal Regulations to

> incorporate amendments to the product-specific rules of origin contained in Annex 4.1 to the Thailand—Australia Free Trade

Agreement.

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL **ECONOMY**

Broadcasting Services (Anti-Terrorism Requirements for Open Narrowcasting Television Services) Standard 2008 under s. 125(2) of the **Broadcasting Services Act 1992** [F2008L04443]

Broadcasting Services Act 1992

Made 20/11/2008

01/12/2008 S 01/12/2008 HR Tabled

Summary Specifies a standard which prevents

the broadcasting of programs that encourage people to join or finance

listed terrorists.

Broadcasting Services (Anti-Terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2008 under s. 125(2) of the Broadcasting Services Act 1992 [F2008L04444]

Broadcasting Services Act 1992

Made 20/11/2008

01/12/2008 S 01/12/2008 HR Tabled

Summary Specifies a standard which prevents

the broadcasting of programs that encourage people to join or finance

listed terrorists.

Radiocommunications (Foreign Space Objects) Amendment Determination 2008 (No. 2) under paragraph 16(1)(ca) of the Radiocommunications Act 1992 [F2008L04440]

Radiocommunications Act 1992

Made 24/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Amends the name of a corporate entity

in the Principal Determination.

Variation to Licence Area Plan for Charters **Towers Radio** — **No. 1 of 2008 under s. 26(2)** of the Broadcasting Services Act 1992 [F2008L04436]

Broadcasting Services Act 1992

21/11/2008 Made

03/12/2008 S 03/12/2008 HR Tabled

Summary Varies the technical specifications

with which open narrowcasting radio services in the Charters Towers licence

area must comply.

Variation to Licence Area Plan for Colac Radio — No. 1 of 2008 under s. 26(2) of the Broadcasting Services Act 1992 [F2008L04435]

Broadcasting Services Act 1992

Made 21/11/2008

03/12/2008 S 03/12/2008 HR Tabled

Varies the technical specifications with **Summary**

> which radio broadcasting services in the Colac licence area must comply.

Variation to Licence Area Plan for Townsville Radio — No. 1 of 2008 under s. 26(2) of the *Broadcasting Services Act 1992* [F2008L04437]

Broadcasting Services Act 1992

Made 21/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Varies the technical specifications with

which radio broadcasting services in the Townsville licence area must

comply.

DEPARTMENT OF DEFENCE

Defence Determination 2008/60

Defence Act 1903

Made 24/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Makes miscellaneous amendments to

the Principal Determination concerning

Conditions of Service.

DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Indigenous Education (Targeted Assistance) Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 230 [F2008L04483]

Indigenous Education (Targeted Assistance) Act 2000

Made 28/11/2008

Tabled 04/12/2008 S 04/12/2008 HR

Summary Specify an increase in the amount that

is payable to supplement the cost of delivering educational services to

indigenous students.

Other Grants Guidelines (Education) 2008 under s. 238-10 of the *Higher Education Support Act* 2003 [F2008L04362]

Higher Education Support Act 2003

Made 11/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Revoke and remake the Other Grants

Guidelines.

VET Provider Approval (No. 8 of 2008) under clauses 6 and 11(1)(b) of Schedule 1A to the *Higher Education Support Act 2003* [F2008L04549]

Higher Education Support Act 2003

Made 02/12/2008

Tabled 04/12/2008 S 04/12/2008 HR

Summary Approves The Academy of Interactive

Entertainment Ltd as a VET provider.

Workplace Relations Amendment Regulations 2008 (No. 3) Select Legislative Instrument 2008 No. 243 [F2008L04525]

Workplace Relations Act 1996

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Amend the Principal Regulations to

provide that the Australian Industrial Relations Commission may grant full registration to a transitionally registered association where it has amended its rules while transitionally

registered.

DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS

Amendment of List of Exempt Native Specimens under s. 303DC(1) of the *Environment Protection* and *Biodiversity Conservation Act 1999* (EPBC303DC/SFS/2008/32) [F2008L04453]

Environment Protection and Biodiversity Conservation Act 1999

Made 12/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Adds certain specimens taken in the

New South Wales Ocean Trawl Fishery to the list of native specimens that are exempt from trade control provisions.

Amendment of List of Exempt Native Specimens under s. 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC303DC/SFS/2008/39) [F2008L04532]

Environment Protection and Biodiversity Conservation Act 1999

Made 27/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Adds certain specimens taken in the

Torres Strait Prawn Fishery to the list of native specimens that are exempt from trade control provisions. Hazardous Waste (Regulation of Exports and Imports) Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 231 [F2008L04513]

Hazardous Waste (Regulation of Exports and Imports) Act 1989

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Provide particulars of the proposed

export of hazardous waste to Denmark.

Water Amendment Regulations 2008 (No. 2) Select Legislative Instrument 2008 No. 229 [F2008L04439]

Water Act 2007

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Make miscellaneous amendments to

requirements for the giving of water

information.

DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS

National Rental Affordability Scheme Regulations 2008 Select Legislative Instrument 2008 No. 232 [F2008L04484]

National Rental Affordability Scheme Act 2008

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Prescribe matters in relation to the

National Rental Affordability Scheme.

DEPARTMENT OF FINANCE AND DEREGULATION

Parliamentary Entitlements Amendment Regulations 2008 (No. 2) Select Legislative Instrument 2008 No. 228 [F2008L04474]

Parliamentary Entitlements Act 1990

Made 28/11/2008

Tabled 04/12/2008 S 04/12/2008 HR

Summary Amend the Principal Regulations to

allow spouses of Parliamentary Secretaries to receive overseas travel

entitlements.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

Secretariat to the Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels (Privileges and Immunities) Regulations 2008 Select Legislative Instrument 2008 No. 233 [F2008L04489]

International Organisations (Privileges and Immunities) Act 1963

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Provide privileges and immunities to

staff of the Agreement on the Conservation of Albatrosses and

Petrels Secretariat.

DEPARTMENT OF HEALTH AND AGEING

Australian Radiation Protection and Nuclear Safety Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 234 [F2008L04264]

Australian Radiation Protection and Nuclear Safety Act 1998

Made 28/11/2008

Tabled 04/12/2008 S 04/12/2008 HR

Summary Amend references in the Principal

Regulations to Australian and international codes of practice and standards for handling radioactive

material.

Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2008 (No. 4) Select Legislative Instrument 2008 No. 235 [F2008L04262]

Health Insurance Act 1973

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Revise the item description for three

existing Nuclear Medicine Imaging Services and insert two new items to enable Medicare benefits to be paid for

MRI services.

Botulinum Toxin Program — Arrangements made under subparagraph 100(1)(b)(i) of the *National Health Act 1953*No. PB 122 of 2008
[F2008L04527

National Health Act 1953

Made 27/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Specifies arrangements for the supply

of special pharmaceutical products to persons requiring treatment with

botulinum toxin.

Industrial Chemicals (Notification and Assessment) Amendment Regulations 2008 (No. 2) Select Legislative Instrument 2008 No. 236 [F2008L03863]

Industrial Chemicals (Notification and Assessment) Act 1989

Made 28/11/2008

Tabled 04/12/2008 S 04/12/2008 HR

Summary Make amendments to the Principal

Regulations concerning low regulatory

concern chemicals.

Instrument No. PB 113 of 2008 under ss. 85(2), 85(2A) and 85(2AA) of the *National Health Act 1953*[F2008L04383]

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Specifies revisions to the list of drugs

and medicinal preparations that are available as pharmaceutical benefits.

Instrument No. PB 114 of 2008 under ss. 85, 85A and 88 of the *National Health Act 1953* [F2008L04397]

Instrument No. PB 117 of 2008 under ss. 85AB(1) and 85AC(1) of the *National Health Act 1953* [F2008L04415]

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Specifies revisions to the list of drugs

and medicinal preparations that are available as pharmaceutical benefits.

Summary Specifies drugs that are assigned to the

F1 and the F2 formularies.

Instrument No. PB 115 of 2008 under s. 84AF of the *National Health Act 1953* [F2008L04412]

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Determines, for specified brands of

pharmaceutical items, the responsible

persons for those brands.

Instrument No. PB 118 of 2008 under s. 85B of the *National Health Act 1953* [F2008L04418]

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Amends the Principal Determination

concerning price determinations for

pharmaceutical items.

Instrument No. PB 116 of 2008 under ss. 85A(1), 85A(2) and 88(1C) of the *National Health Act 1953* [F2008L04414]

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Amends the Principal Determination

concerning the prescription of pharmaceutical benefits by authorised

optometrists.

Instrument No. PB 119 of 2008 under paragraph 98C(1)(b) of the *National Health Act 1953* [F2008L04420]

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Specifies conditions under which

payments will be made in respect of the supply of pharmaceutical benefits by approved pharmacists and approved

medical practitioners.

Instrument No. PB 120 of 2008 under s. 100(1) of the *National Health Act 1953* [F2008L04413]

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Amends the arrangements for the

availability of drugs and medicinal preparations under the Highly Specialised Drugs Program.

Instrument No. PB 121 of 2008 under s. 100(1) of the *National Health Act 1953* [F2008L04422]

National Health Act 1953

Made 05/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Amends the arrangements for the

availability of special pharmaceutical products to persons who require treatment with chemotherapy

pharmaceuticals.

Instrument No. PB 123 of 2008 under s. 100(1) of the *National Health Act 1953* [F2008L04428]

National Health Act 1953

Made 24/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Amends the arrangements for the

supply of special pharmaceutical products to persons who require treatment with trastuzumab.

Private Health Insurance (Complaints Levy) Amendment Rules 2008 under s. 8 of the *Private* Health Insurance (Complaints Levy) Act 1995 [F2008L04531]

Private Health Insurance (Complaints Levy) Act 1995

Made 25/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Provide for an increase in the

complaints levy imposed on private

health insurers.

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Migration Amendment Regulations 2008 (No. 8) Select Legislative Instrument 2008 No. 237 [F2008L04492]

Migration Act 1958

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Amend the definition of 'permanent

humanitarian visa' in the Principal Regulations, re-enact provisions relating to the Safe Third Country Memorandum of Understanding, and make other minor amendments.

DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT

Civil Aviation Amendment Regulations

2008 (No. 2)

 $Select\ Legislative\ Instrument\ 2008\ No.\ 238$

[F2008L04445]

Civil Aviation Act 1988

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Specify revised requirements

concerning emergency locator

transmitters.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BN-2/26 [F2008L04393]

Civil Aviation Act 1988

Made 05/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary This AD was cancelled on

18 December 2008.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 412/2 Amdt 1 [F2008L04391]

Civil Aviation Act 1988

Made 05/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary This AD was cancelled on

18 December 2008.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BN-2/37 [F2008L04394]

Civil Aviation Act 1988

Made 05/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary This AD was cancelled on

18 December 2008.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BN-2/22 [F2008L04392]

Civil Aviation Act 1988

Made 29/10/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary This AD was cancelled on

18 December 2008.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/DO 228/1 [F2008L04399]

Civil Aviation Act 1988

Made 29/10/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary This AD was cancelled on

18 December 2008.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/ERJ-170/19 [F2008L04405]

Instrument No. CASA 627/08 under r. 208 of the Civil Aviation Regulations 1988 [F2008L04468]

Civil Aviation Act 1988

Civil Aviation Act 1988

Made 05/11/2008

Made 27/11/2008 03/12/2008 S 01/12/2008 S Tabled 03/12/2008 HR Tabled

Summary Varies the technical requirements

Summary Permits Tiger Airways Australia Pty for a particular type of aircraft. Ltd to operate Airbus A320 series aircraft with one cabin attendant for

Instrument No. CASA 629/08 under

of the Civil Aviation Regulations 1988

every 50 passenger seats.

paragraphs 99A(1)(b), 99A(3)(a) and 99A(3)(b)

01/12/2008 HR

Civil Aviation Orders, Part 105 Airworthiness Directive AD/ERJ-170/20 [F2008L04406]

Civil Aviation Act 1988

Made 05/11/2008

03/12/2008 S Tabled 03/12/2008 HR

27/11/2008 **Summary** Varies the technical requirements Made

> for a particular type of aircraft. Tabled 01/12/2008 S 01/12/2008 HR

[F2008L04530]

Civil Aviation Act 1988

Summary Specifies the designated area of

airspace for broadcast requirements for

certain aerodromes.

Instrument No. CASA 558/08 under r. 151(3), 207(3), 250(2) and 251(9) of the Civil Aviation Regulations 1988 [F2008L04277]

Civil Aviation Act 1988

Made 21/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Makes provision for the use of

helicopters engaged in special

operations.

Instrument No. CASA EX74/08 under r. 308 of the Civil Aviation Regulations 1988 and r. 11.160 of the Civil Aviation Safety Regulations 1998 [F2008L04276]

Civil Aviation Act 1988

Made 24/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Specify exemptions for a Rotary Air

Force 2000 two place gyroplane.

Marine Orders — Part 63 — AUSREP, Issue 1 (Amendment) Marine Order No. 11 of 2008 [F2008L04382]

Navigation Act 1912

Made 21/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Amends the Principal Order as a

consequence of changes to Australia's Rescue Coordination Centre and to

INMARSAT services.

DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH

Other Grants Guidelines (Research) 2008 under s. 238-10 of the *Higher Education Support Act 2003* [F2008L04398]

Higher Education Support Act 2003

Made 11/11/2008

Tabled 01/12/2008 S 01/12/2008 HR

Summary Revoke and remake the Other Grants

Guidelines.

DEPARTMENT OF THE TREASURY

A New Tax System (Luxury Car Tax) Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 239 [F2008L04529]

A New Tax System (Luxury Car Tax) Act 1999

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Amend the Principal Regulations so as

to define 'tourist activity' and 'refund-

eligible car'.

Trade Practices (Consumer Product Safety Standard) (Bicycle Helmets) Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 242 [F2008L04523]

Trade Practices Act 1974

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Extend the operation of a consumer

product safety standard for bicycle helmets until 12 December 2009.

Excise Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 240 [F2008L04517]

Excise Act 1901

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Apply the Crude Oil Excise to

condensate.

Petroleum Excise (Prices) Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 241 [F2008L04518]

Petroleum Excise (Prices) Act 1987

Made 28/11/2008

Tabled 03/12/2008 S 03/12/2008 HR

Summary Prescribe oil producing regions which

produce condensate, condensate

production areas and the

commencement date for setting the volume weighted average realised price

for condensate.