

**DELEGATED LEGISLATION MONITOR
19 - 22 MARCH 2012**

This week at a glance

There were 35 disallowable instruments tabled in the Parliament.
These were made under 15 separate enabling Acts, through
9 Commonwealth departments.

Regulations

No regulations were tabled during the sitting week.

Instrument makers

12 instruments were made by the Governor-General or Ministers

23 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE
19 - 22 MARCH 2012**

DEPARTMENT	NUMBER OF INSTRUMENTS
Department of Broadband, Communications and the Digital Economy	4
Department of Climate Change and Energy Efficiency	1
Department of Defence	3
Department of Education, Employment and Workplace Relations	3
Department of Foreign Affairs and Trade	1
Department of Health and Ageing	9
Department of Infrastructure and Transport	11
Department of Sustainability, Environment, Water, Population and Communities	2
Department of the Treasury	1
Total	35

**DELEGATED LEGISLATION TABLED IN THE SENATE
19 - 22 MARCH 2012**

NUMBER OF INSTRUMENTS MADE UNDER SPECIFIC ACTS

<i>Aged Care Act 1997</i>	7
<i>Broadcasting Act 1942</i>	1
<i>Broadcasting Services Act 1992</i>	1
<i>Civil Aviation Act 1988</i>	10
<i>Defence Act 1903</i>	3
<i>Do Not Call Register Act 2006</i>	1
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	2
<i>Health Insurance Act 1973</i>	1
<i>Higher Education Support Act 2003</i>	3
<i>Navigation Act 1912</i>	1
<i>Private Health Insurance Act 2007</i>	2
<i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i>	1
<i>Radiocommunications Act 1992</i>	1
<i>Renewable Energy (Electricity) Act 2000</i>	1
<i>Taxation Administration Act 1953</i>	1
Total	36

(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 BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2012 (No. 2) [under clause 41G of Schedule 4 to the *Broadcasting Services Act 1992*] [F2012L00635]

Broadcasting Act 1942

Made 15/03/12
Tabled 22/03/12 S 22/03/12 HR

Summary Declares a particular SDTV multi-channel broadcasting service to be the primary commercial television broadcasting service in the Griffith and Murrumbidgee Irrigation Area (MIA) TV1 licence area.

Licence Area Plan — Remote Central and Eastern Australia Radio — Variation No. 1 of 2012 [under subsection 26(2) of the *Broadcasting Services Act 1992*] [F2012L00597]

Broadcasting Services Act 1992

Made 14/03/12
Tabled 20/03/12 S 20/03/12 HR

Summary Varies the characteristics, including technical specifications, of radio broadcasting services in the Remote Central and Eastern Australia Radio licence area.

Do Not Call Register (Duration of Registration) Specification (No. 1) 2010 (Amendment No. 1 of 2012) [under subsection 17(1A) of the *Do Not Call Register Act 2006*] [F2012L00611]

Do Not Call Register Act 2006

Made 15/03/12
Tabled 22/03/12 S 21/03/12 HR

Summary Amends the principal specification to provide that numbers on the Do Not Call Register remain in force for six years.

Radiocommunications (Communication with Space Object) Class Licence Variation 2012 (No. 1) [under section 134 of the *Radiocommunications Act 1992*] [F2012L00596]

Radiocommunications Act 1992

Made 14/03/12
Tabled 20/03/12 S 20/03/12 HR

Summary Amends the principal instrument to specify an additional frequency band.

DEPARTMENT OF CLIMATE CHANGE AND ENERGY EFFICIENCY

Renewable Energy (Electricity) Regulations 2001
— STC Calculation Methodology for Solar Water
Heaters and Air Source Heat Pump Water Heaters
— Determination March 2012 [under regulation
19B of the Renewable Energy (Electricity)
Regulations 2001]
[F2012L00591]

Renewable Energy (Electricity) Act 2000

Made	08/03/12	
Tabled	19/03/12 S	19/03/12 HR

Summary Specifies methodologies for determining the number of small-scale technology certificates that can be created for the installation of particular models of solar water heaters and heat pump water heaters.

DEPARTMENT OF DEFENCE

Defence Determination 2012/13, Disturbance and motor vehicle allowance — amendment

Defence Act 1903

Made	01/03/12	
Tabled	20/03/12 S	20/03/12 HR

Summary Adjusts disturbance allowance and motor vehicle allowance rates.

Defence Determination 2012/14, Post indexes — amendment

Defence Act 1903

Made	02/03/12	
Tabled	20/03/12 S	20/03/12 HR

Summary Specifies revised post indexes that apply to overseas locations where members of the Australian Defence Force serve.

Defence Determination 2012/15, Deployment payment

Defence Act 1903

Made	08/03/12	
Tabled	20/03/12 S	20/03/12 HR

Summary Specifies a transitional payment for members of the Australian Defence Force who were deployed in prescribed areas in Libya.

DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Fit and Proper Person Specified Matters 2012
[under subsection 16-25(3) and subclause 6(3) of
Schedule 1A to the *Higher Education Support Act*
2003]
[F2012L00598]

Higher Education Support Act 2003

Made 09/03/12
 Tabled 20/03/12 S 20/03/12 HR

Summary Specifies matters to be taken into account in relation to applications for approval either as a higher education provider or as a VET provider.

Higher Education Support Act 2003 — VET
Provider Approval (No. 2 of 2012) [under clauses 6
and 11 of Schedule 1A to the *Higher Education*
***Support Act 2003*]**
[F2012L00580]

Higher Education Support Act 2003

Made 27/02/12
 Tabled 19/03/12 S 19/03/12 HR

Summary Approves Nicolie ONeill Kinesiology Pty Ltd. as a VET provider.

Revocation of approval under section 22-10 of the
Higher Education Support Act 2003 [under section
22-20 of the *Higher Education Support Act 2003*]
[F2012L00581]

Higher Education Support Act 2003

Made 13/03/12
 Tabled 19/03/12 S 19/03/12 HR

Summary Revokes the approval of a named company as a higher education provider.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

**Private Health Insurance (Complying Product)
Amendment Rules 2012 (No. 1) [under item 3 of
the table in section 333-20 of the *Private Health
Insurance Act 2007*]
[F2012L00599]**

Private Health Insurance Act 2007

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Amends the patient contribution payable per night for nursing-home type patients at public hospitals in some states and in private hospitals.

DEPARTMENT OF HEALTH AND AGEING

Aged Care (Residential Care Subsidy — Amount of Accommodation Supplement) Determination 2012 (No. 1) [under subsection 44-5A(3) of the Aged Care Act 1997]
[F2012L00607]

Aged Care Act 1997

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Specifies the method for determining the amount of the accommodation supplement and specifies the maximum rate of accommodation supplement, with effect from 20 March 2012.

Aged Care (Residential Care Subsidy — Amount of Respite Supplement) Determination 2012 (No. 1) [under subsection 44-12(3) of the Aged Care Act 1997]
[F2012L00602]

Aged Care Act 1997

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Specifies the amount of the respite supplement, with effect from 20 March 2012.

Aged Care (Residential Care Subsidy — Amount of Concessional Resident Supplement) Determination 2012 (No. 1) [under subsection 44-6(4) of the Aged Care Act 1997]
[F2012L00606]

Aged Care Act 1997

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Specifies the amount of the concessional resident supplement, with effect from 20 March 2012.

Aged Care (Residential Care Subsidy — Amount of Transitional Accommodation Supplement) Determination 2012 (No. 1) [under subsection 44-16(3) of the Aged Care Act 1997]
[F2012L00601]

Aged Care Act 1997

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Specifies the amount of the transitional accommodation supplement, with effect from 20 March 2012.

Aged Care (Residential Care Subsidy — Amount of Pensioner Supplement) Determination 2012 (No. 1) [under subsection 44-28(7) of the Aged Care Act 1997]
[F2012L00600]

Aged Care Act 1997

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Specifies the amount of the pensioner supplement, with effect from 20 March 2012.

Aged Care (Residential Care Subsidy — Amount of Transitional Supplement) Determination 2012 (No. 1) [under subsection 44-16(3) of the Aged Care Act 1997]
[F2012L00603]

Aged Care Act 1997

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Specifies the amount of the transitional supplement, with effect from 20 March 2012.

**Health Insurance Act 1973 — Declaration of
Quality Assurance Activity under section 124X
(QAA No. 1/2012) [under section 124X of the
Health Insurance Act 1973]
[F2012L00626]**

Health Insurance Act 1973

Made	22/03/12	
Tabled	22/03/12 S	22/03/12 HR

Summary Specifies two activities as quality assurance activities to which Part VC of the Act applies.

**Private Health Insurance (Benefit Requirements)
Amendment Rules 2012 (No. 1) [under item 3A of
the table in section 333-20 of the *Private Health
Insurance Act 2007*]
[F2012L00604]**

Private Health Insurance Act 2007

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Amends the minimum benefits payable per night for nursing-home type patients at public hospitals in some states and in private hospitals, adds six additional facilities that are eligible for second tier default benefits, and makes other minor amendments to the principal rules.

**User Rights Amendment Principles 2012 (No. 1)
[under subsection 96-1) of the *Aged Care Act 1997*]
[F2012L00605]**

Aged Care Act 1997

Made	14/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Amend provisions in the User Rights Principles 1997 concerning maximum daily accommodation charge for care recipients, with effect from 20 March 2012.

DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

AD/320/174 Amdt 2 — Air Data/Inertial Reference Unit [under subregulation 39.001(1) of the Civil Aviation Safety Regulations 1998]
[F2012L00587]

Civil Aviation Act 1988

Made	14/03/12	
Tabled	19/03/12 S	19/03/12 HR

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

AD/A320/140 Amdt 1 — Relay 11QG Relocation & Test [under subregulation 39.001(1) of the Civil Aviation Safety Regulations 1998]
[F2012L00608]

Civil Aviation Act 1988

Made	19/03/12	
Tabled	22/03/12 S	21/03/12 HR

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

Australian Technical Standard Order C1006 [under paragraph 2.601(2)(a) of the Civil Aviation Safety Regulations 1998]
[F2012L00641]

Civil Aviation Act 1988

Made	09/03/12	
Tabled	22/03/12 S	22/03/12 HR

Summary Prescribes the minimum performance standards which restraint system automated release devices must meet.

CASA 64/12 — Instructions — GNSS as primary means of navigation for NDB and VOR (overlay) approach — Qantas Airways Limited [under regulation 179A of the Civil Aviation Regulations 1988]
[F2012L00589]

Civil Aviation Act 1988

Made	13/03/12	
Tabled	19/03/12 S	19/03/12 HR

Summary Specifies instructions for the conduct of non-precision approach procedures by certain aircraft operated by Qantas Airways Ltd.

CASA 78/12 – Permission and direction – helicopter operations (Aeropower) [under subregulations 151(3), 207(3), 250(2) and 251(9) of the Civil Aviation Regulations 1988]
[F2012L00579]

Civil Aviation Act 1988

Made	05/03/12	
Tabled	19/03/12 S	19/03/12 HR

Summary Permits a named operator to carry out certain helicopter operations.

**CASA ADCX 005/12 — Revocation of Airworthiness Directives [under subregulation 39.001(1) of the Civil Aviation Safety Regulations 1998]
[F2012L00586]**

Civil Aviation Act 1988

Made 14/03/12
Tabled 19/03/12 S 19/03/12 HR

Summary The following airworthiness directive were revoked:
AD/A320/102 and AD/A320/138 on 16 March 2012; and
AD/SEATS/19 and
AD/JETSTREAM/71 on 26 March 2012

**CASA ADCX 007/12 — Revocation of Airworthiness Directives [under subregulation 39.001(1) of the Civil Aviation Safety Regulations 1998]
[F2012L00623]**

Civil Aviation Act 1988

Made 19/03/12
Tabled 22/03/12 S 22/03/12 HR

Summary The following airworthiness directives were revoked:
AD/CF6/65 Amdt 2 on 30 March 2012; and
AD/JETSTREAM/34 Amdt 2 on 23 March 2012

**CASA ADCX 006/12 — Revocation of Airworthiness Directives [under subregulation 39.001(1) of the Civil Aviation Safety Regulations 1998]
[F2012L00588]**

Civil Aviation Act 1988

Made 15/03/12
Tabled 19/03/12 S 19/03/12 HR

Summary The following airworthiness directive was revoked on 19 March 2012:
AD/ROBIN/38 Amdt 1

**CASA EX16/12 — Revocation of exemption from provisions in Part 173 of CASR 1998 — instrument CASA EX82/11 [under regulation 11.160 of the Civil Aviation Safety Regulations 1998]
[F2012L00590]**

Civil Aviation Act 1988

Made 04/03/12
Tabled 19/03/12 S 19/03/12 HR

Summary Revokes a redundant instrument of exemption.

**CASA EX38/12 — Exemption — flight in class D airspace within 16 kilometres of an aerodrome [under regulation 11.160 of the Civil Aviation Safety Regulations 1998]
[F2012L00637]**

Civil Aviation Act 1988

Made 15/03/12
Tabled 22/03/12 S 22/03/12 HR

Summary Specifies exemptions that apply to the operation of hang gliders adjacent to Hobart aerodrome.

Marine Orders Part 91 Amendment 2012 (No. 1)
[under subsection 425(1AA) of the *Navigation Act*
1912 and subsection 34(1) of the *Protection of the*
Sea (Prevention of Pollution from Ships) Act 1983
[F2012L00585]

Navigation Act 1912

Protection of the Sea (Prevention of Pollution from
Ships) Act 1983

Made	08/03/12	
Tabled	19/03/12 S	19/03/12 HR

Summary	Amends the principal orders as a consequence of the <i>Protection of the Sea) Prevention of Pollution from Ships) Amendment (Oil Transfers) Act 2011</i> .
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DEPARTMENT OF SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES

**Amendment of List of Exempt Native Specimens
— Australian High Seas Fishery (13/03/2012)
[under subsection 303DC(1) of the *Environment
Protection and Biodiversity Conservation Act 1999*]
[F2012L00610]**

***Environment Protection and Biodiversity
Conservation Act 1999***

Made	13/03/12	
Tabled	22/03/12 S	21/03/12 HR

Summary Revokes and replaces the conditions under which specimens taken in waters outside the outer limits of the exclusive economic zone are included in the list of native specimens that are exempt from trade control provisions.

**Amendment to the list of threatened species under section 178 of the Environment Protection and Biodiversity Conservation Act 1999 (124) (03/032012) [under section 178 of the *Environment Protection and Biodiversity Conservation Act 1999*]
[F2012L00582]**

***Environment Protection and Biodiversity
Conservation Act 1999***

Made	03/03/12	
Tabled	19/03/12 S	19/03/12 HR

Summary Amends the lists in the endangered and vulnerable categories.

DEPARTMENT OF THE TREASURY

Taxation Administration Act 1953 — Payment summary deferral — Employment termination and departing Australia superannuation payments (02/03/2012) [under paragraphs 16-165(1)(b) and 16-166(b) of Schedule 1 to the *Taxation Administration Act 1953*]
[F2012L00584]

Taxation Administration Act 1953

Made	02/03/12	
Tabled	19/03/12 S	19/03/12 HR

Summary Defers the date for providing copies of payment summaries in respect of employment termination payments until a specified date.