

Parliament of the Commonwealth of Australia

Delegated Legislation Monitor

**Regulations and Disallowable Instruments
tabled in the Senate in 2000**

**Senate Standing Committee on
Regulations and Ordinances**

February 2001

© Commonwealth of Australia

Printed by the Senate Printing Unit, Parliament House Canberra

Table of Contents

Foreword	iv
Departmental statistics	v
Enabling Act statistics	vi
Instruments Disallowed by the Parliament	xi

Alphabetical Listing of all Instruments by Department

Agriculture, Fisheries and Forestry.....	1
Attorney-General's	17
Communications, Information Technology and the Arts	47
Defence	65
Education, Training and Youth Affairs	75
Employment, Workplace Relations and Small Business.....	81
Environment and Heritage	85
Family and Community Services.....	89
Finance and Administration.....	95
Foreign Affairs and Trade.....	105
Health and Aged Care	109
Immigration and Multicultural Affairs	133
Industry, Science and Resources.....	137
Prime Minister and Cabinet	143
Transport and Regional Services	149
Treasury	275
Veterans' Affairs.....	299
Index	307

Foreword

This Delegated Legislation Monitor for 2000 is a consolidated edition of all of the Monitors that are produced in respect of each sitting week of the Senate during the calendar year. The format of the consolidation is similar to that of the weekly Monitors, setting out details of all disallowable instrument of delegated legislation tabled in the Senate. These details include the enabling Act under which each instrument is made, the date it was made, the date of tabling in the Senate and House of Representatives, the Department of State through which the Minister administers the enabling Act, and a short summary of its subject matter.

During 2000 a total of 1850 disallowable instruments were tabled in the Senate. These instruments were made under the authority of 204 separate enabling Acts, administered by 17 Departments of State. By far the largest number of instruments, 850 were made under the *Civil Aviation Act 1988*. Thirty-seven instruments were made under the *Veterans' Entitlements Act 1986*, 50 under the *Defence Act 1903* and 86 under the *Customs Act 1901*. Most instruments were made under a single enabling Act, however, a number of instruments were made under more than one Act.

Of the 1850 instruments tabled in 2000, 382 or 21 per cent, were in the Statutory Rules Series. Regulations in this series are made in accordance with the *Statutory Rules Publication Act 1903*.

The Monitor contains the following information:

- Departmental statistics;
- Enabling Act statistics;
- Alphabetical listing by portfolio of all instruments, including tabling dates and a short summary of subject matter; and
- Index to all instruments.

Abbreviations used for citing tabling dates is as follows:

S = Senate
HR = House of Representatives

Departmental Statistics

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	89
Attorney-General's	159
Communications, Information Technology and the Arts	100
Defence	51
Education, Training and Youth Affairs	26
Employment, Workplace Relations and Small Business	16
Environment and Heritage	20
Family and Community Services	34
Finance and Administration	54
Foreign Affairs and Trade	19
Health and Aged Care	129
Immigration and Multicultural Affairs	12
Industry, Science and Resources	29
Prime Minister and Cabinet	30
Transport and Regional Services	907
Treasury	132
Veterans' Affairs	43
Total	1850

Enabling Act Statistics

Enabling Act	Number
<i>Aboriginal and Torres Strait Islander Commission Act 1989</i>	2
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	1
<i>ACIS Administration Act 1999</i>	4
<i>Adelaide Airport Curfew Act 2000</i>	1
<i>Administrative Appeals Tribunal Act 1975</i>	1
<i>Aged Care Act 1997</i>	14
<i>Aged or Disabled Persons Care Act 1954</i>	1
<i>Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994</i>	1
<i>Air Force Act 1923</i>	2
<i>Air Navigation Act 1920</i>	6
<i>Airports Act 1996</i>	5
<i>A New Tax System (Family Assistance) Act 1999</i>	12
<i>A New Tax System (Family Assistance) (Administration) Act 1999</i>	7
<i>A New Tax System (Goods and Services Tax) Act 1999</i>	16
<i>A New Tax System (Goods and Services Tax Transition) Act 1999</i>	1
<i>A New Tax System (Luxury Car Tax) Act 1999</i>	1
<i>A New Tax System (Wine Equalisation Tax) Act 1999</i>	1
<i>Australia New Zealand Food Authority Act 1991</i>	1
<i>Australian Capital Territory (Planning and Land Management) Act 1988</i>	7
<i>Australian Communications Authority Act 1997</i>	8
<i>Australian Federal Police Act 1979</i>	4
<i>Australian Hearing Service Act 1991</i>	1
<i>Australian Horticultural Corporation Act 1987</i>	1
<i>Australian Meat and Live-stock Industry Act 1997</i>	10
<i>Australian Meat and Live-stock (Quotas) Act 1990</i>	1
<i>Australian Postal Corporation Act 1989</i>	1
<i>Australian Prudential Regulation Authority Act 1998</i>	2
<i>Australian Radiation Protection and Nuclear Safety Act 1998</i>	1
<i>Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998</i>	1
<i>Australian Securities and Investments Commission Act 1989</i>	1
<i>Australian Sports Drug Agency Act 1990</i>	6
<i>Australian Tourist Commission Act 1987</i>	1
<i>Australian War Memorial Act 1980</i>	1
<i>Australian Wine and Brandy Corporation Act 1980</i>	2
<i>Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998</i>	1
<i>Authorised Non-operating Holding Companies Supervisory Levy Imposition Act 1998</i>	1
<i>Banking Act 1959</i>	3
<i>Bankruptcy Act 1966</i>	2
<i>Broadcasting Services Act 1992</i>	10
<i>Census and Statistics Act 1905</i>	1
<i>Charter of United Nations Act 1945</i>	1
<i>Child Care Act 1972</i>	1
<i>Child Support (Assessment) Act 1989</i>	2

<i>Child Support Legislation Amendment Act 1998</i>	1
<i>Child Support (Registration and Collection) Act 1988</i>	1
<i>Christmas Island Act 1958</i>	10
<i>Civil Aviation Act 1988</i>	850
<i>Cocos (Keeling) Islands Act 1955</i>	9
<i>Commerce (Trade Descriptions) Act 1905</i>	1
<i>Commonwealth Authorities and Companies Act 1997</i>	3
<i>Commonwealth Electoral Act 1918</i>	3
<i>Commonwealth Places (Mirror Taxes) Act 1998</i>	3
<i>Consular Fees Act 1955</i>	1
<i>Consular Privileges and Immunities Act 1972</i>	3
<i>Corporations Act 1989</i>	19
<i>Crimes Act 1914</i>	3
<i>Currency Act 1965</i>	15
<i>Customs Act 1901</i>	86
<i>Customs Administration Act 1985</i>	1
<i>Dairy Produce Act 1986</i>	6
<i>Defence Act 1903</i>	50
<i>Defence Force Discipline Act 1982</i>	1
<i>Designs Act 1906</i>	1
<i>Diesel and Alternative Fuels Grants Scheme Act 1999</i>	6
<i>Diplomatic Privileges and Immunities Act 1967</i>	3
<i>Electronic Transactions Act 1999</i>	2
<i>Endangered Species Protection Act 1992</i>	2
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	1
<i>Epidemiological Studies (Confidentiality) Act 1981</i>	1
<i>Excise Act 1901</i>	10
<i>Export Control Act 1982</i>	10
<i>Export Inspections (Quantity Charge) Act 1985</i>	1
<i>Export Market Development Grants Act 1997</i>	1
<i>Extradition Act 1988</i>	4
<i>Family Law Act 1975</i>	9
<i>Farm Household Support Act 1992</i>	5
<i>Federal Court of Australia Act 1976</i>	12
<i>Federal Magistrates Act 1999</i>	5
<i>Financial Management and Accountability Act 1997</i>	14
<i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No.1) 1999</i>	1
<i>Financial Transactions Reports Act 1988</i>	1
<i>Fisheries Management Act 1991</i>	23
<i>Fishing Levy Act 1991</i>	4
<i>Foreign Judgments Act 1991</i>	1
<i>Foreign States Immunities Act 1985</i>	1
<i>Fringe Benefits Tax Assessment Act 1986</i>	4
<i>Fuel Sales Grants Act 2000</i>	1
<i>General Insurance Supervisory Levy Imposition Act 1998</i>	1
<i>Great Barrier Reef Marine Park Act 1975</i>	5
<i>Hazardous Waste (Regulation of Exports and Imports) Act 1989</i>	1
<i>Health Insurance Act 1973</i>	30
<i>Hearing Services Administration Act 1997</i>	5

<i>High Court of Australia Act 1979</i>	1
<i>Higher Education Funding Act 1988</i>	23
<i>Horticultural Research and Development Corporation Act 1987</i>	1
<i>Human Rights Legislation Amendment Act (No.1) 1999</i>	1
<i>Immigration (Education) Charge Act 1992</i>	1
<i>Income Tax Assessment Act 1936</i>	8
<i>Income Tax Assessment Act 1997</i>	2
<i>Indigenous Education (Supplementary Assistance) Act 1989</i>	1
<i>Insurance Act 1973</i>	3
<i>Insurance Contracts Act 1984</i>	1
<i>International Organisations (Privileges and Immunities) Act 1963</i>	4
<i>Interstate Road Transport Act 1985</i>	2
<i>Jervis Bay Territory Acceptance Act 1915</i>	1
<i>Judicial and Statutory Officers (Remuneration and Allowances) Act 1984</i>	1
<i>Judiciary Act 1903</i>	2
<i>Lands Acquisition Act 1989</i>	1
<i>Life Insurance Supervisory Levy Imposition Act 1998</i>	1
<i>Marine Navigation Act 1989</i>	1
<i>Migration Act 1958</i>	10
<i>Migration Agents Registration Application Charge Act 1997</i>	1
<i>Migration Reform Act 1992</i>	1
<i>Military Superannuation and Benefits Act 1991</i>	2
<i>Motor Vehicles Standards Act 1989</i>	3
<i>Mutual Assistance in Criminal Matters Act 1987</i>	1
<i>National Environment Protection Council Act 1994</i>	2
<i>National Health Act 1953</i>	59
<i>National Health and Medical Research Council Act 1992</i>	1
<i>National Parks and Wildlife Conservation Act 1975</i>	4
<i>National Residue Survey (Customs) Levy Act 1998</i>	2
<i>National Residue Survey (Excise) Levy Act 1998</i>	3
<i>National Road Transport Commission Act 1991</i>	1
<i>National Transmission Network Sale Act 1998</i>	1
<i>Native Title Act 1993</i>	34
<i>Navigation Act 1912</i>	10
<i>Nuclear Non-Proliferation (Safeguards) Act 1987</i>	3
<i>Occupational Health and Safety (Commonwealth Employment) Act 1991</i>	5
<i>Occupational Health and Safety (Maritime Industry) Act 1993</i>	1
<i>Overseas Missions (Privileges and Immunities) Act 1995</i>	2
<i>Parliamentary Service Act 1999</i>	4
<i>Passports Act 1938</i>	1
<i>Patents Act 1990</i>	2
<i>Payments Systems and Netting Act 1998</i>	1
<i>Petroleum Excise (Prices) Act 1987</i>	1
<i>Petroleum (Submerged Lands) Act 1967</i>	2
<i>Primary Industries and Energy Research and Development Act 1989</i>	2
<i>Primary Industries (Customs) Charges Act 1999</i>	8
<i>Primary Industries (Excise) Levies Act 1999</i>	13
<i>Primary Industries Levies and Charges Collection Act 1991</i>	11
<i>Private Health Insurance Complaints Levy Act 1995</i>	1
<i>Private Health Insurance Incentives Act 1998</i>	2

<i>Proceeds of Crime Act 1987</i>	1
<i>Product Grants and Benefits Administration Act 2000</i>	2
<i>Product Stewardship (Oil) Act 2000</i>	1
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	1
<i>Public Service Act 1999</i>	8
<i>Quarantine Act 1908</i>	3
<i>Radiocommunications Act 1992</i>	35
<i>Radiocommunications (Receiver Licence Tax) Act 1983</i>	3
<i>Radiocommunications (Spectrum Licence Tax) Act 1987</i>	1
<i>Radiocommunications Taxes Collection Act 1983</i>	1
<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	4
<i>Referendum (Machinery Provisions) Act 1984</i>	1
<i>Remuneration and Allowances Act 1990</i>	1
<i>Remuneration Tribunal Act 1973</i>	15
<i>Retirement Savings Accounts Act 1997</i>	2
<i>Retirement Savings Account Providers Supervisory Levy Imposition Act 1998</i>	1
<i>Road Transport Charges (Australian Capital Territory) Act 1993</i>	1
<i>Road Vehicle Standards Act 1989</i>	1
<i>Safety, Rehabilitation and Compensation Act 1988</i>	3
<i>Science and Industry Research Act 1949</i>	1
<i>Seafarers Rehabilitation and Compensation Act 1992</i>	1
<i>Social Security Act 1991</i>	5
<i>Social Security (International Agreements) Act 1999</i>	4
<i>States Grants (Primary and Secondary Education Assistance) Act 1996</i>	1
<i>Student Assistance Act 1973</i>	1
<i>Superannuation Act 1976</i>	9
<i>Superannuation Act 1990</i>	4
<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997</i>	1
<i>Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997</i>	1
<i>Superannuation Guarantee (Administration) Act 1992</i>	1
<i>Superannuation Industry (Supervision) Act 1993</i>	8
<i>Superannuation (Productivity Benefit) Act 1988</i>	4
<i>Superannuation Supervisory Levy Imposition Act 1998</i>	1
<i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i>	1
<i>Supported Accommodation Assistance Act 1994</i>	1
<i>Taxation Administration Act 1953</i>	4
<i>Telecommunications Act 1997</i>	25
<i>Telecommunications (Carrier Licence Charges) Act 1997</i>	6
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	6
<i>Telecommunications (Interception) Act 1979</i>	1
<i>Telecommunications Legislation Amendment Act 1999</i>	1
<i>Telecommunications (Numbering Charges) Act 1997</i>	2
<i>Television Licence Fees Act 1964</i>	1
<i>Telstra Corporation Act 1991</i>	1
<i>Textile, Clothing and Footwear Strategic Investment Program Act 1999</i>	3
<i>Therapeutic Goods Act 1989</i>	10
<i>Therapeutic Goods (Charges) Act 1989</i>	3
<i>Tobacco Charges Assessment Act 1955</i>	1
<i>Trade Marks Act 1995</i>	1

<i>Trade Practices Act 1974</i>	4
<i>Tradex Scheme Act 1999</i>	2
<i>Trans-Tasman Mutual Recognition Act 1997</i>	2
<i>Veterans' Affairs Legislation Amendment Act (No.1) 1999</i>	1
<i>Veterans' Entitlements Act 1986</i>	37
<i>Wildlife Protection (Regulations of Exports and Imports) Act 1982</i>	3
<i>Wool Tax Act (No.1) 1964</i>	1
<i>Wool Tax Act (No.2) 1964</i>	1
<i>Wool Tax Act (No.3) 1964</i>	1
<i>Wool Tax Act (No.4) 1964</i>	1
<i>Wool Tax Act (No.5) 1964</i>	1
<i>Wool Tax (Administration) Act 1964</i>	1
<i>Workplace Relations Act 1996</i>	6
Total	1882

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.

Delegated legislation disallowed by the Parliament in 2000

Instrument	Date disallowed
Senate	
The following instruments were disallowed in the Senate:	
Provisions 6.3 and 6.4 of Accounting Standard AASB1015, made under section 334 of the Corporations Law	17 February 2000
Customs (Prohibited Imports) Amendment Regulations 1999 (No.9), Statutory Rules 1999 No.333	20 June 2000
Corporations Amendment Regulations 2000 (No.4), Statutory Rules 2000 No.50	28 June 2000
Workplace Relations Amendment Regulations 2000 (No.1), Statutory Rules 2000 No.121	17 August 2000
Native Title (Right to Negotiate - Alternative Provisions) (Queensland Laws about Mining Leases for Alternative Provisions Areas) Determination 2000, made under paragraph 43A(1)(b) of the <i>Native Title Act 1993</i>	30 August 2000
Native Title (Right to Negotiate - Alternative Provisions) (Queensland Laws about Mining Claims for Alternative Provisions Areas) Determination 2000, made under paragraph 43A(1)(b) of the <i>Native Title Act 1993</i>	30 August 2000
Native Title (Right to Negotiate - Alternative Provisions) (Queensland Laws about Mineral Development Licences for Alternative Provisions Areas) Determination 2000, made under paragraph 43A(1)(b) of the <i>Native Title Act 1993</i>	30 August 2000
Native Title (Right to Negotiate - Alternative Provisions) (Queensland Laws about Exploration Permits for Alternative Provisions Areas) Determination 2000, made under paragraph 43A(1)(b) of the <i>Native Title Act 1993</i>	30 August 2000
Native Title (Approved Gold or Tin Mining Acts - Queensland) (Surface Alluvium (Gold or Tin) Mining Leases) Determination 2000, made under subsection 26B(1) of the <i>Native Title Act 1993</i>	30 August 2000
Native Title (Approved Gold or Tin Mining Acts - Queensland) (Surface Alluvium (Gold or Tin) Mining Claims) Determination 2000, made under subsection 26B(1) of the <i>Native Title Act 1993</i>	30 August 2000

Item [4108] of Schedule 4 of the Migration Amendment Regulations 2000 (No.5), Statutory Rules 2000 No.259	1 November 2000
Schedule 2 of the Migration Amendment Regulations 2000 (No.5), Statutory Rules 2000 No.259	1 November 2000
Part 47 of the Civil Aviation Regulations in Item [7] of Schedule 2 and Items [1], [4] and [5] of Schedule 3 of the Civil Aviation Regulations 2000 (No.3), Statutory Rules 2000 No.204	8 November 2000
Native Title (Right to Negotiate - Alternative Provisions) (Western Australia Laws about Alternative Provision Areas) Determination 2000 made under paragraph 43A(1)(b) of the <i>Native Title Act 1993</i>	9 November 2000

House of Representatives

The following instrument was disallowed in the House of Representatives:

Customs (Prohibited Imports) Amendment Regulations 1999 (No.9), Statutory Rules 1999 No.333	5 June 2000
---	-------------

(The notice to disallow these Regulations was not withdrawn or otherwise resolved before the expiry of the time of the notice. The Regulations were therefore deemed to be disallowed at the expiration of 5 June 2000 under subregulation 48(5) of the *Acts Interpretation Act 1901*.)