

DELEGATED LEGISLATION MONITOR
4-7 SEPTEMBER 2000

This week at a glance

There were 65 disallowable instruments tabled in the Parliament. These were made under 27 separate enabling Acts, through 10 Departments of State.

Statutory Rules

16 of the 65 instruments were Statutory Rules, comprising

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

Instrument makers

29 instruments were made by the Governor-General or Ministers

36 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	6
Attorney-General's	3
Communications, Information Technology and the Arts	5
Defence	0
Education, Training and Youth Affairs	0
Employment, Workplace Relations and Small Business	0
Environment and Heritage	1
Family and Community Services	0
Finance and Administration	3
Foreign Affairs and Trade	1
Health and Aged Care	7
Immigration and Multicultural Affairs	0
Industry, Science and Resources	9
Prime Minister and Cabinet	0
Transport and Regional Services	28
Treasury	2
Veterans' Affairs	0
Total	65

**DELEGATED LEGISLATION TABLED IN THE SENATE
4-7 SEPTEMBER 2000**

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

<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	1
<i>ACIS Administration Act 1999</i>	4
<i>Aged Care Act 1997</i>	6
<i>Airports Act 1996</i>	1
<i>Charter of the United Nations Act 1945</i>	1
<i>Christmas Island Act 1958</i>	1
<i>Civil Aviation Act 1988</i>	24
<i>Cocos (Keeling) Islands Act 1955</i>	1
<i>Corporations Act 1989</i>	1
<i>Customs Act 1901</i>	1
<i>Federal Court of Australia Act 1976</i>	1
<i>Federal Magistrates Act 1999</i>	1
<i>Fisheries Management 1991</i>	1
<i>Fringe Benefits Tax Assessment Act 1986</i>	1
<i>Health Insurance Act 1973</i>	1
<i>Jervis Bay Territory Acceptance Act 1915</i>	1
<i>National Health Act 1953</i>	1
<i>National Residue Survey (Customs) Levy Act 1998</i>	1
<i>National Residue Survey (Excise) Levy Act 1998</i>	1
<i>Petroleum (Submerged Lands) Act 1967</i>	2
<i>Primary Industries (Customs) Charges Act 1999</i>	2
<i>Primary Industries (Excise) Levies Act 1999</i>	2
<i>Primary Industries Levies and Charges Collection Act 1991</i>	3
<i>Radiocommunications Act 1992</i>	4
<i>Remuneration Tribunal Act 1973</i>	3
<i>Telecommunications Act 1997</i>	1
<i>Tradex Scheme Act 1999</i>	1
Total	67

(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

Primary Industries (Customs) Charges Amendment Regulations 2000 (No.1) Statutory Rules 2000 No.236

Primary Industries (Customs) Charges Act 1999

Made 29/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

Summary Consolidate the imposition of charges on various primary industry commodities and products.

Primary Industries (Excise) Levies Amendment Regulations 2000 (No.3) Statutory Rules 2000 No.237

Primary Industries (Excise) Levies Act 1999

Made 29/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

Summary Consolidate the imposition of duties of excise on various primary industry commodities and products.

Primary Industries Levies and Charges Collection Amendment Regulations 2000 (No.2) Statutory Rules 2000 No.238

Primary Industries Levies and Charges Collection Act 1991

Made 29/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

Summary Specify the collection processes of all primary industries duties of excise and customs.

Primary Industries Levies and Charges (National Residue Survey Levies) Amendment Regulations Statutory Rules 2000 No.240

Primary Industries Levies and Charges Collection Act 1991

National Residue Survey (Customs) Levy Act 1998
National Residue Survey (Excise) Levy Act 1998

Made 29/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

Summary Make amendments which reflect changes to the appropriate sub-clauses in the Primary Regulations.

Primary Industries Levies, Charges and Collection (Horticultural Products) Repeal Regulations 2000 Statutory Rules 2000 No.239

Primary Industries Levies and Charges Collection Act 1991

Primary Industries (Customs) Charges Act 1999
Primary Industries (Excise) Levies Act 1999

Made 29/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

Summary Repeal a number of individual regulations that were made under Acts that were repealed by the *Primary Industries Levies and Charges (Consequential Amendments) Act 1999*.

**Temporary Order No. 3 of 2000 under subsection
43(8) of the *Fisheries Management Act 1991***

Fisheries Management Act 1991

Made	11/08/2000	
Tabled	04/09/2000 S	04/09/2000 HR

Summary Cancels and replaces Temporary Order No.1 of 2000, thereby varying the area of waters in which longline operators must hold southern bluefin tuna statutory fishing rights (SBT SFRs), reducing the value of SBT SFRs to 250kg, and revising the areas in which Vessel Monitoring Systems are required to be fitted on boats.

ATTORNEY-GENERAL'S DEPARTMENT

Customs Amendment Regulations 2000 (No.9) Statutory Rules 2000 No.241

Customs Act 1901

Made 29/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

Summary Prevent Tariff Concession Orders being made in respect of homopolymer vinyl resins produced by the suspension process (S-PVC) having certain specified characteristics.

Federal Magistrates Amendment Regulation 2000 (No.1) Statutory Rules 2000 No.245

Federal Magistrates Act 1999

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Amend the Principal Regulations to provide that a filing fee of \$50 is payable in respect of applications under section 46PP of the *Human Rights and Equal Opportunity Commission Act 1986*.

Federal Court of Australia Amendment Regulations 2000 (No.4) Statutory Rules 2000 No.244

Federal Court of Australia Act 1976

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Amend the Principal Regulations to provide that a filing fee of \$50 is payable in respect of applications under section 46PP of the *Human Rights and Equal Opportunity Commission Act 1986*.

DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND THE ARTS

Radiocommunications (Third Party Use—Spectrum Licence) Rules 2000

Radiocommunications Act 1992

Made 17/07/2000
Tabled 07/09/2000 S 06/09/2000 HR

Summary Provides that any authorisation by a spectrum licence for third party use of the licence must be revocable at will, and is only enforceable by an action for damages.

Radiocommunications (Trading Rules for Spectrum Licences) Amendment Determination 2000

Radiocommunications Act 1992

Made 17/07/2000
Tabled 07/09/2000 S 06/09/2000 HR

Summary Prevents spectrum licensees trading a part of a spectrum licence if the resulting licences would be less than the minimum contiguous bandwidth set for the relevant band.

Radiocommunications (Third Party Users—Apparatus Licence) Amendment Determination 2000

Radiocommunications Act 1992

Made 17/07/2000
Tabled 07/09/2000 S 06/09/2000 HR

Summary Provides that an apparatus licence may not authorise third part use under the licence unless the authorisation is revocable at will, and is only enforceable by an action for damages.

Telecommunications (Service Provider Determinations) Amendment Regulations 2000 Statutory Rules 2000 No.246

Telecommunications Act 1997

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Provides that the Australian Communications Authority may make determinations relating to the collection of information and verification of identity of purchasers and end-users of pre-paid carriage services, and the specification of information in relation to the telecommunications industry that a carriage service provider must publish or distribute.

Radiocommunications (Third Party Users—Apparatus Licence) Amendment Determination 2000 (No.2)

Radiocommunications Act 1992

Made 30/08/2000
Tabled 07/09/2000 S 06/09/2000 HR

Summary Amends an earlier instrument to correct typographical and technical errors.

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE**Aboriginal and Torres Strait Islander Heritage
Protection (Boobera Lagoon Amendment)
Declaration 2000*****Aboriginal and Torres Strait Islander Heritage
Protection Act 1984***

Made	28/06/2000	
Tabled	04/09/2000 S	31/08/2000 HR

Summary Prohibits the use of power boats and water-skiing on Boobera Lagoon, commencing on 1 May 2002.

DEPARTMENT OF FINANCE AND ADMINISTRATION

Remuneration Tribunal Determination 2000/06

Remuneration Tribunal Act 1973

Made 26/07/2000
 Tabled 04/09/2000 S 04/09/2000 HR

Summary Determines the rates of travel allowance to be paid to holders of judicial and related office, full-time holders of public office and part-time holders of public office.

Remuneration Tribunal Determination 2000/07

Remuneration Tribunal Act 1973

Made 26/07/2000
 Tabled 04/09/2000 S 04/09/2000 HR

Summary Determines the rates of travelling and accommodation allowances to be paid to holders of public office.

Remuneration Tribunal Determination 2000/09

Remuneration Tribunal Act 1973

Made 17/07/2000
 Tabled 04/09/2000 S 04/09/2000 HR

Summary Determines the rates of salary and allowances to be paid to certain holders of public office.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

**Charter of the United Nations (Sanctions - Eritrea
and Ethiopia) Regulations 2000**
Statutory Rules 2000 No.247

Charter of the United Nations Act 1945

Made	29/08/2000	
Tabled	05/09/2000 S	05/09/2000 HR

Summary Implement Australia's obligations
under Security Council resolution 1298,
by prohibiting the sale or supply of
arms and related material, and the
provision of related technical assistance
or training, to Eritrea and Ethiopia.

DEPARTMENT OF HEALTH AND AGED CARE

Community Care Grant Amendment Principles 2000 (No.1)

Aged Care Act 1997

Made 27/06/2000
Tabled 07/09/2000 S 07/09/2000 HR

Summary Provides for the increase of a community care grant by an amount equivalent to the GST payable on the grant.

Residential Care Subsidy Amendment Principles 2000 (No.2)

Aged Care Act 1997

Made 27/06/2000
Tabled 07/09/2000 S 07/09/2000 HR

Summary Provides that an amount equivalent to the 4% increase made under Parts II and IV of the *Veterans' Entitlements Act 1986* will not be included in a care recipient's ordinary income for the purposes of calculating income tested fees under the *Aged Care Act 1997*.

Health Insurance (Accredited Pathology Laboratories – Approval) Amendment Principles 2000 (No.2)

Health Insurance Act 1973

Made 22/08/2000
Tabled 07/09/2000 S 06/09/2000 HR

Summary Adds the Laboratory Accreditation Standards and Guidelines for Nucleic Acid Detection Techniques to the table of National Pathology Accreditation Advisory Council accreditation materials in Schedule 1 of the main Principles.

User Rights Amendment Principles 2000 (No.3)

Aged Care Act 1997

Made 27/06/2000
Tabled 07/09/2000 S 07/09/2000 HR

Summary Provides that approved providers may vary a resident agreement or a community care agreement, without seeking the consent of the care recipient, in order to implement the provisions of the *A New Tax System (Goods and Service Tax) Act 1999*.

National Health Amendment Regulations 2000 (No.3) Statutory Rules 2000 No.242

National Health Act 1953

Made 29/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

Summary Extend certain specified trials of hospital type treatment given in community settings.

User Rights Amendment Principles 2000 (No.4)

Aged Care Act 1997

Made 28/07/2000
Tabled 07/09/2000 S 07/09/2000 HR

Summary Amends the formula for determining the amount that can be added to certain residents' fees by excluding the 4% increase in remote area allowance.

User Rights Amendment Principles 2000 (No.5)***Aged Care Act 1997***

Made	28/07/2000	
Tabled	07/09/2000 S	07/09/2000 HR

Summary Specifies additional amounts, equivalent to the 4% increase made under Part II and IV of the *Veterans' Entitlements Act 1986* that are excluded from income in determining the maximum daily amount of community care fees.

DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES

ACIS Administration (Arm's Length Transactions) Guidelines 2000

ACIS Administration Act 1999

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Specifies the circumstances when a transaction between two parties is considered not to be at arm's length for the purposes of the Automotive Competitiveness and Investment Scheme, and set out the principles for determining the transaction value for a non-arm's length transaction.

ACIS Administration Regulations 2000 Statutory Rules 2000 No.243

ACIS Administration Act 1999

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Sets out key definitions required by the *ACIS Administration Act 1999* to determine activity which is eligible for benefits under the Automotive Competitiveness and Investment Scheme.

ACIS Administration (Commonwealth Financial Assistance) Determination 2000

ACIS Administration Act 1999

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Specifies what is to be considered as other Commonwealth assistance for the purposes of the Automotive Competitiveness and Investment Scheme.

Approval of Application Form and Supplement for Tradex Order under s. 10(2)(b) of the *Tradex Scheme Act 1999*

Tradex Scheme Act 1999

Made 23/06/2000
Tabled 06/09/2000 S 06/09/2000 HR

Summary Approves an application form and supplement for the purposes of paragraph 10(2)(b) of the Act.

ACIS Administration (Modulation) Guidelines 2000

ACIS Administration Act 1999

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Specifies the manner in which credits earned under the Automotive Competitiveness and Investment Scheme are to be modulated.

Approval of Application Form and Supplement for Tradex Order under s. 12(3)(b) of the *Tradex Scheme Act 1999*

Tradex Scheme Act 1999

Made 08/08/2000
Tabled 06/09/2000 S 06/09/2000 HR

Summary Approves an application form and supplement for the purposes of paragraph 12(3)(b) of the Act.

**Approval of Application Form and Supplement for
Tradex Order under s. 39(3)(b) of the *Tradex
Scheme Act 1999***

Tradex Scheme Act 1999

Made 08/08/2000
Tabled 06/09/2000 S 06/09/2000 HR

Summary Approves an application form and supplement for the purposes of paragraph 39(3)(b) of the Act.

**Petroleum (Submerged Lands) Amendment
Regulations 2000 (No.1)
Statutory Rules 2000 No.248**

Petroleum (Submerged Lands) Act 1967

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Provide for matters that have been removed from the *Petroleum (Submerged Lands) Act 1967* dealing with the provision of information about petroleum discoveries and carrying out surveys of wells, structures and equipment, and prescribe certain application fees.

**Petroleum (Submerged Lands) (Management of
Safety on Offshore Facilities) Amendment
Regulations 2000 (No.1)
Statutory Rules 2000 No.249**

Petroleum (Submerged Lands) Act 1967

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Provide for secondary lines, water lines, infrastructure facilities and gas re-injection pipes to be covered by the regulations.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Airports (Control of On-Airport Activities) Amendment Regulations 2000 (No.3) Statutory Rules 2000 No.250

Airports Act 1996

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Provide for the issue of interim liquor licences at the Sydney (Kingsford-Smith) Airport.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/AS 355/51

Civil Aviation Act 1988

Made 25/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/A320/110

Civil Aviation Act 1988

Made 25/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/AS 355/56

Civil Aviation Act 1988

Made 25/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/AB3/161

Civil Aviation Act 1988

Made 25/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/B737/146

Civil Aviation Act 1988

Made 28/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/B747/201 Amdt 2

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/B767/126

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/B747/233

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/BELL 47/61 Amdt 21

Civil Aviation Act 1988

Made 10/08/2000
 Tabled 04/09/2000 S 31/08/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/B757/58

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/BN-2/70

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/B767/125

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CA21/7 Amdt 1

Civil Aviation Act 1988

Made 27/07/2000
 Tabled 04/09/2000 S 31/08/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CA25/7 Amdt 1

Civil Aviation Act 1988

Made 27/07/2000
 Tabled 04/09/2000 S 31/08/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/DC-9/117

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CL-600/34 Amdt 1

Civil Aviation Act 1988

Made 27/07/2000
 Tabled 04/09/2000 S 31/08/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/DHC-8/54 Amdt 2

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CL-600/37

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/GENERAL/39 Amdt 3

Civil Aviation Act 1988

Made 27/07/2000
 Tabled 04/09/2000 S 31/08/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CL-600/38

Civil Aviation Act 1988

Made 25/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/IAI-A/5

Civil Aviation Act 1988

Made 24/08/2000
 Tabled 04/09/2000 S 31/08/2000 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/IAI-W/21**

Civil Aviation Act 1988

Made 24/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

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

Jervis Bay Territory Determination of Fees for Electricity Supply

Jervis Bay Territory Acceptance Act 1915

Made 18/08/2000
Tabled 07/09/2000 S 06/09/2000 HR

Summary Specifies a new scale of fees for electricity supplied by the Commonwealth in the Territory, effective from 1 September 2000.

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/PC-6/45**

Civil Aviation Act 1988

Made 16/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

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

**Tobacco Sellers Licensing Ordinance 2000
Territory of Christmas Island Ordinance No.2 of 2000**

Christmas Island Act 1958

Made 29/08/2000
Tabled 05/09/2000 S 05/09/2000 HR

Summary Continues the application of the *Tobacco Sellers Licensing Act 1975 (WA) (CI)* from 1 July 2000.

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/UH-1/16**

Civil Aviation Act 1988

Made 24/08/2000
Tabled 04/09/2000 S 31/08/2000 HR

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

**Tobacco Sellers Licensing Ordinance 2000
Territory of Cocos (Keeling) Islands Ordinance No.2 of 2000**

Cocos (Keeling) Islands Act 1955

Made 29/08/2000
Tabled 06/09/2000 S 05/09/2000 HR

Summary Continues the application of the *Tobacco Sellers Licensing Act 1975 (WA) (CKI)* from 1 July 2000.

DEPARTMENT OF THE TREASURY

Accounting Standard AASB 1042: Discontinuing Operations

Corporations Act 1989

Made 21/08/2000
 Tabled 05/09/2000 S 04/09/2000 HR

Summary Provides for the treatment of discontinuing operations, as defined, in the financial reports of entities and reporting entities.

Fringe Benefits Tax Amendment Regulations 2000 (No.4) Statutory Rules 2000 No.251

Fringe Benefits Tax Assessment Act 1986

Made 29/08/2000
 Tabled 05/09/2000 S 05/09/2000 HR

Summary Exclude travel between home and work in a marked emergency vehicle from having to be reported on an employee's group certificate as a fringe benefit.