

**DELEGATED LEGISLATION MONITOR  
4-7 DECEMBER 2000**

**This week at a glance**

There were 35 disallowable instruments tabled in the Parliament. These were made under 18 separate enabling Acts, through 10 Departments of State.

**Statutory Rules**

10 of the 35 instruments were Statutory Rules, comprising

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

**Instrument makers**

14 instruments were made by the Governor-General or Ministers

21 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE  
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<b>DEPARTMENT OF STATE</b>	<b>NUMBER OF INSTRUMENTS</b>
Agriculture, Fisheries and Forestry	4
Attorney-General's	1
Communications, Information Technology and the Arts	1
Defence	1
Education, Training and Youth Affairs	5
Employment, Workplace Relations and Small Business	0
Environment and Heritage	0
Family and Community Services	0
Finance and Administration	2
Foreign Affairs and Trade	0
Health and Aged Care	3
Immigration and Multicultural Affairs	0
Industry, Science and Resources	2
Prime Minister and Cabinet	0
Transport and Regional Services	15
Treasury	1
Veterans' Affairs	0
<b>Total</b>	<b>35</b>

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

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

<i>Australian Wine and Brandy Corporation 1980</i>	1
<i>Broadcasting Services Act 1992</i>	1
<i>Christmas Island Act 1958</i>	1
<i>Civil Aviation Act 1988</i>	13
<i>Defence Act 1903</i>	1
<i>Diesel and Alternative Fuels Grants Scheme Act 1999</i>	1
<i>Export Control Act 1982</i>	1
<i>Family Law Act 1975</i>	1
<i>Fisheries Management Act 1991</i>	2
<i>Health Insurance Act 1973</i>	1
<i>Hearing Services Administration Act 1997</i>	1
<i>Higher Education Funding Act 1988</i>	5
<i>National Health Act 1953</i>	1
<i>Patents Act 1990</i>	1
<i>Remuneration Tribunal Act 1973</i>	1
<i>Science and Industry Research Act 1949</i>	1
<i>Superannuation Act 1976</i>	1
<i>Trade Practices Act 1974</i>	1
<b>Total</b>	<b>35</b>

(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

### **Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Amendment Regulations 2000 (No.1) Statutory Rules 2000 No.319**

#### *Australian Wine and Brandy Corporation Act 1980*

Made 01/12/2000  
Tabled 05/12/2000 S 05/12/2000 HR

**Summary** Prescribe the methods of voting at annual general meetings of the Australian Wine and Brandy Corporation, and make other technical amendments of a minor nature.

### **Fisheries Management Amendment Regulations 2000 (No.3) Statutory Rules 2000 No.310**

#### *Fisheries Management Act 1991*

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Apply the exemption set out in subregulation 21(2) of the Principal Regulations (exemption from fees for an application to vary a condition on a fishing permit) to all fisheries managed by a system of Individual Transferable Quota, and remove the fee that is imposed by the Principal Regulations in respect of applications for fishing permits in formally managed fishing areas (excepting for two specified fisheries).

### **Fisheries Management (Refund) Amendment Regulations 2000 (No.1) Statutory Rules 2000 No.311**

#### *Fisheries Management Act 1991*

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Provide for the refund of levy paid in respect of permits for the South East Non-trawl Fishery in accordance with the *Fishing Levy Regulations 1998*.

### **Prescribed Goods (General) Amendment Orders 2000 (No.2) under regulation 3 of the Export Control (Orders) Regulations 1982**

#### *Export Control Act 1982*

Made 30/11/2000  
Tabled 06/12/2000 S 06/12/2000 HR

**Summary** Prescribe certain food products for the purposes of the *Prescribed Goods (General) Orders 1985* where those goods are intended for export to a country, an authority of that country requires a certificate for permit for the products from an Australian authority, and the exporter applies to AQIS for such a certificate or permit.

**ATTORNEY-GENERAL'S DEPT****Family Law (Hague Convention on Intercountry Adoption) Amendment Regulations 2000 (No.1)  
Statutory Rules 2000 No.312***Family Law Act 1975*

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Give effect to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption by adding certain countries and Canadian provinces to the list of new countries in Schedule 2 of the Principal Regulations.

**DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND  
THE ARTS****Broadcasting Services (Digital Television  
Standards) Regulations 2000  
Statutory Rules 2000 No.313*****Broadcasting Services Act 1992***

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Specify standards for high-definition digital television transmission quotas for commercial television and national broadcasters in non-remote areas and for the captioning of television programs for the deaf and hearing impaired.



**DEPARTMENT OF DEFENCE****Defence (Areas Control) Amendment Regulations  
2000 (No.1)  
Statutory Rules 2000 No.314***Defence Act 1903*

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Apply the Principal Regulations (enabling restrictions to be placed on the heights of buildings in the vicinity of Defence airfields) to the Remote Instrument Landing System/Tactical Air Navigation Site Beermullah in Western Australia and the Royal Australian Air Force Base Townsville in Queensland.

**DEPARTMENT OF EDUCATION, TRAINING AND YOUTH AFFAIRS**

**Determination No.T24-1999 under s. 16 of the  
*Higher Education Funding Act 1988***

***Higher Education Funding Act 1988***

Made 30/11/2000  
Tabled 07/12/2000 S 06/12/2000 HR

**Summary** Revises the level of base operating grants in 1999 for adjustments to Higher Education Contribution Scheme for 1999 for certain specified higher education institutions.

**Determination No.T13-2000 under s. 15 of the  
*Higher Education Funding Act 1988***

***Higher Education Funding Act 1988***

Made 24/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Revises the level of base operating grants for certain specified higher education institutions in 2000 for the reimbursements of HECS for overseas trained doctors program.

**Determination No.T25-1999 under s. 15 of the  
*Higher Education Funding Act 1988***

***Higher Education Funding Act 1988***

Made 30/11/2000  
Tabled 07/12/2000 S 06/12/2000 HR

**Summary** Revises the level of base operating grants in 1999 for adjustments to Higher Education Contribution Scheme for 1999 for certain specified higher education institutions.

**Determination No.T14-2000 under s. 15 of the  
*Higher Education Funding Act 1988***

***Higher Education Funding Act 1988***

Made 30/11/2000  
Tabled 07/12/2000 S 06/12/2000 HR

**Summary** Varies the level of financial assistance to Deakin University for the Workplace Reform Program in 2000.

**Determination No.T12-2000 under s. 15 of the  
*Higher Education Funding Act 1988***

***Higher Education Funding Act 1988***

Made 17/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Revises the level of operating grants payable to certain specified higher education institutions.

## DEPARTMENT OF FINANCE AND ADMINISTRATION

### Remuneration Tribunal Determination 2000/13

#### *Remuneration Tribunal Act 1973*

Made 14/10/2000  
 Tabled 04/12/2000 S 30/11/2000 HR

**Summary** Specifies the remuneration and related benefits for the judicial and other offices specified in the instrument.

### Superannuation (CSS) Assets Transfer (PSS Fund) Determination No. 6 under s. 248(1) of the *Superannuation Act 1976*

#### *Superannuation Act 1976*

Made 01/12/2000  
 Tabled 07/12/2000 S 07/12/2000 HR

**Summary** Transfers to the Public Sector Superannuation Scheme (PSS) Fund the balance of the assets that fairly and equitably represent the accumulated contributions and accumulated employer contributions of the Commonwealth Superannuation Scheme members who transferred to the PSS during the period 1 July 1995 to 30 June 1999.

## DEPARTMENT OF HEALTH AND AGED CARE

### Health Insurance Determination HS/2/2000 under s. 3C(1) of the *Health Insurance Act 1973*

#### *Health Insurance Act 1973*

Made 30/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Provides that a diagnostic test in the Pathology Services Table of the Medicare Benefits Schedule (MBS) for the monitoring of diabetes in Aboriginal and Torres Strait Islander people, to be performed in Aboriginal Community Controlled Health Services, shall be treated as if it were an item in the MBS.

### National Health Amendment Regulations 2000 (No.4) Statutory Rules 2000 No.315

#### *National Health Act 1953*

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Prescribe four more diseases as diseases for which vaccines may be provided, for the purposes of section 9B of the *National Health Act 1953*.

### Hearing Services Rules of Conduct Amendment Rules 2000 (No.1) under s. 17(1) of the *Hearing Services Administration Act 1997*

#### *Hearing Services Administration Act 1997*

Made 29/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Amends the date of effect of the Clinical Standards.

**DEPARTMENT OF INDUSTRY, SCIENCE AND RESOURCES**

**Patents Amendment Regulations 2000 (No.1)  
Statutory Rules 2000 No.317**

*Patents Act 1990*

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Implement certain decisions made by the Patent Cooperation Treaty Union Assembly; change the requirements for the filing of basic applications; and make certain other changes relating to the opposition process, the electronic filing of amino acid and nucleotide sequence listings, and filing of documents outside business hours by facsimile.

**Science and Industry Research (Gifts, Trusts and Contracts) Regulations 2000  
Statutory Rules 2000 No.316**

*Science and Industry Research Act 1949*

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Increase the threshold for Ministerial approval for the purposes of sections 9A and 50 of the *Science and Industry Research Act 1949* from \$1 million or more to \$5 million or more.

## DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

### **Civil Aviation Amendment Order (No.19) 2000 under the *Civil Aviation Regulations***

#### *Civil Aviation Act 1988*

Made 29/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Specifies the conditions that must be met in order for the KAMAN Super Seasprite SH-2G(A) aircraft to be exempt from compliance with the *Civil Aviation Regulations 1988* and the *Civil Aviation Regulations 1998*.

### **Civil Aviation Amendment Order (No.20) 2000 under the *Civil Aviation Regulations***

#### *Civil Aviation Act 1988*

Made 30/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Amends section 82.3 of the Civil Aviation Orders to make it possible to use single engine aeroplanes in regular public transport operations under the Visual Flight Rules by day without having to obtain approval in writing.

### **Civil Aviation Orders, Part 105 Airworthiness Directive AD/BN-2/71**

#### *Civil Aviation Act 1988*

Made 28/11/2000  
Tabled 05/12/2000 S 05/12/2000 HR

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

### **Civil Aviation Orders, Part 105 Airworthiness Directive AD/BNT/47**

#### *Civil Aviation Act 1988*

Made 28/11/2000  
Tabled 05/12/2000 S 05/12/2000 HR

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

### **Civil Aviation Orders, Part 105 Airworthiness Directive AD/EMB 110/2 Amdt 8**

#### *Civil Aviation Act 1988*

Made 23/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

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

### **Civil Aviation Orders, Part 105 Airworthiness Directive AD/HU 369/106**

#### *Civil Aviation Act 1988*

Made 24/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

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

**Civil Aviation Orders, Part 105  
Airworthiness Directive AD/PC-12/13 Amdt 1**

*Civil Aviation Act 1988*

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

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

**Determination of Fees for Water and Sewerage Services (No.2 of 2000) under s. 10 of the *Christmas Island Act 1958***

*Christmas Island Act 1958*

Made 01/12/2000  
Tabled 06/12/2000 S 05/12/2000 HR

**Summary** Specifies the fees for water and sewerage services for the territory of Christmas Island.

**Civil Aviation Orders, Part 105  
Airworthiness Directive AD/S-PUMA/38**

*Civil Aviation Act 1988*

Made 28/11/2000  
Tabled 05/12/2000 S 05/12/2000 HR

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

**Exemption No. CASA EX47/2000 under regulation 308 of the *Civil Aviation Regulations 1988***

*Civil Aviation Act 1988*

Made 30/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Applies to Aerosonde pilotless aircraft flown by Aerosonde Robotic Aircraft Pty Ltd.

**Civil Aviation Orders, Part 106  
Airworthiness Directive AD/TPE 331/55**

*Civil Aviation Act 1988*

Made 01/12/2000  
Tabled 05/12/2000 S 05/12/2000 HR

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

**Exemption No. CASA EX48/2000 under regulation 308 of the *Civil Aviation Regulations 1988***

*Civil Aviation Act 1988*

Made 29/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Applies to Daiichi Kosh "Whisper" powered paragliders that are flown in aerial advertising operations.

**Guidelines for the Exercise of the Registrar's Power in Nominating Designated Secondary Shipper Bodies under s. 10.03 of the *Trade Practices Act 1974***

***Trade Practices Act 1974***

Made 15/11/2000  
Tabled 06/12/2000 S 06/12/2000 HR

**Summary** Replaces the previous guidelines to cover inwards designated shipper bodies as well as outwards designated shipper bodies.

**Instrument No. CASA 515/00 under subregulation 207(2) of the *Civil Aviation Regulations 1988***

***Civil Aviation Act 1988***

Made 01/12/2000  
Tabled 06/12/2000 S 06/12/2000 HR

**Summary** Permits the aircraft VH-CZQ to be operated with an approved flight data recorder that complies with the requirements of section 103 of the Civil Aviation Orders with the exception that the recording interval for the undercarriage squat of tilt switch will be one second and not 0.5 of a second.

**Instrument No. CASA 520/00 under subregulation 207(2) of the *Civil Aviation Regulations 1988***

***Civil Aviation Act 1988***

Made 04/12/2000  
Tabled 06/12/2000 S 06/12/2000 HR

**Summary** Permits the operation of certain specified aircraft while carrying life rafts which do not meet the design requirement specified in paragraph 2.4 of section 103.40 of the Civil Aviation Orders.



**DEPARTMENT OF THE TREASURY****Diesel and Alternative Fuels Grants Scheme  
Amendment Regulations 2000 (No.2)  
Statutory Rules 2000 No.318*****Diesel and Alternative Fuels Grants Scheme Act  
1999***

Made 22/11/2000  
Tabled 04/12/2000 S 04/12/2000 HR

**Summary** Define 'emergency vehicle' and amend the Principal Regulations to express the grant rate for compressed natural gas in cubic metres rather than litres.