

**DELEGATED LEGISLATION MONITOR  
29 MARCH – 01 APRIL 2004**

**This week at a glance**

There were 32 disallowable instruments tabled in the Parliament. These were made under 18 separate enabling Acts, through 8 Departments of State.

**Statutory Rules**

15 of the 32 instruments were Statutory Rules, all of which were made as amending instruments

**Instrument makers**

16 instruments were made by the Governor-General or Ministers

16 instruments were made by Public Officials

## TABLE OF CONTENTS

### DELEGATED LEGISLATION TABLED IN THE SENATE 29 MARCH – 01 APRIL 2004

#### DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

|   |   |
|---|---|
| Agricultural and Veterinary Chemicals Code Amendment Order 2004 (No. 1) | 6 |
| Primary Industries (Customs) Charges Amendment Regulations 2004 (No. 2) | 6 |
| Primary Industries (Excise) Levies Amendment Regulations 2004 (No. 1)   | 6 |

#### ATTORNEY-GENERAL'S DEPARTMENT

|   |   |
|---|---|
| Declaration of eligible authority as agency — Corruption and Crime Commission of Western Australia under s. 34 of the <i>Telecommunications (Interception) Act 1979</i> | 7 |
| Disability Discrimination Amendment Regulations 2004 (No. 1)  | 7 |
| Evidence and Procedure (New Zealand) Amendment Regulations 2004 (No. 1)   | 7 |
| Family Law Amendment Rules 2004 (No. 2)   | 7 |

#### DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING

|  |   |
|--|---|
| Determination No. T09-2004 under s. 15 of the <i>Higher Education Funding Act 1988</i> | 8 |
| Determination No. T10-2004 under s. 15 of the <i>Higher Education Funding Act 1988</i> | 8 |

#### DEPARTMENT OF FAMILY AND COMMUNITY SERVICES

|  |   |
|--|---|
| Child Support (Registration and Collection) Amendment Regulations 2004 (No. 1) | 9 |
|--|---|

#### DEPARTMENT OF HEALTH AND AGEING

|   |    |
|---|----|
| Health Insurance (Accredited Pathology Laboratories — Approval) Amendment Principles 2004 (No. 1) under s. 23DNA(1) of the <i>Health Insurance Act 1973</i> | 10 |
| Health Insurance Amendment Regulations 2004 (No. 1)   | 10 |
| Quarantine Amendment Regulations 2004 (No. 1)   | 10 |

#### DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

|   |    |
|---|----|
| Christmas Island (Courts) Amendment Regulations 2004 (No. 1)  | 11 |
| Civil Aviation Amendment Order (No. 2) 2004 under the <i>Civil Aviation Regulations</i>               | 11 |
| Cocos (Keeling) Islands (Courts) Amendment Regulations 2004 (No. 1)                                   | 11 |
| Exemption No. CASA EX09/2004 under r. 308(1) of the <i>Civil Aviation Regulations</i>                 | 11 |
| Exemption No. CASA EX14/2004 under r. 308(1) of the <i>Civil Aviation Regulations</i>                 | 11 |
| Exemption No. CASA EX17/2004 under r. 308(1) of the <i>Civil Aviation Regulations</i>                 | 11 |
| Instrument No. CASA 114/04 under r. 207(2) of the <i>Civil Aviation Regulations</i>                   | 12 |
| List of Acts of the Western Australian Parliament under s. 8B of the <i>Christmas Island Act 1958</i> | 12 |

|   |       |
|---|-------|
| List of Acts of the Western Australian Parliament under s. 8B of the<br><i>Cocos (Keeling) Islands Act 1955</i>       | 12    |
| <b>DEPARTMENT OF THE TREASURY</b>   |       |
| Foreign Acquisitions and Takeovers Amendment Regulations 2004 (No. 1)   | 13    |
| Fringe Benefits Tax Amendment Regulations 2004 (No. 2)  | 13    |
| Fringe Benefits Tax Amendment Regulations 2004 (No. 3)  | 13    |
| Income Tax Assessment Amendment Regulations 2004 (No. 1)  | 13    |
| <b>DEPARTMENT OF VETERANS' AFFAIRS</b>  |       |
| Amendment of Statement of Principles under s. 196B(2) of the <i>Veterans'</i><br><i>Entitlements Act 1986</i>         | 14    |
| Amendment of Statement of Principles under s. 196B(3) of the <i>Veterans'</i><br><i>Entitlements Act 1986</i>         | 14    |
| Determination of Statement of Principles under s. 196B(2) of the <i>Veterans'</i><br><i>Entitlements Act 1986</i> (2) | 14-15 |
| Determination of Statement of Principles under s. 196B(3) of the <i>Veterans'</i><br><i>Entitlements Act 1986</i> (2) | 14-15 |

**DELEGATED LEGISLATION TABLED IN THE SENATE  
29 MARCH – 01 APRIL 2004**

| <b>DEPARTMENT OF STATE</b>                           | <b>NUMBER OF INSTRUMENTS</b> |
|--|------------------------------|
| Agriculture, Fisheries and Forestry                  | 3                            |
| Attorney-General's                                   | 4                            |
| Communications, Information Technology and the Arts  | 0                            |
| Defence  | 0                            |
| Education, Science and Training                      | 2                            |
| Employment and Workplace Relations                   | 0                            |
| Environment and Heritage                             | 0                            |
| Family and Community Services                        | 1                            |
| Finance and Administration                           | 0                            |
| Foreign Affairs and Trade                            | 0                            |
| Health and Ageing                                    | 3                            |
| Immigration and Multicultural and Indigenous Affairs | 0                            |
| Industry, Tourism and Resources                      | 0                            |
| Prime Minister and Cabinet                           | 0                            |
| Transport and Regional Services                      | 9                            |
| Treasury   | 4                            |
| Veterans' Affairs                                    | 6                            |
| <b>Total</b>   | <b>32</b>                    |

**DELEGATED LEGISLATION TABLED IN THE SENATE  
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**ALPHABETICAL LIST OF ENABLING ACTS AND NUMBER OF INSTRUMENTS  
MADE UNDER EACH ACT**

|   |           |
|---|-----------|
| <i>Agricultural and Veterinary Chemicals Code Act 1994</i>  | 1         |
| <i>Child Support (Registration and Collection) Act 1988</i> | 1         |
| <i>Christmas Island Act 1958</i>                            | 2         |
| <i>Civil Aviation Act 1988</i>                              | 5         |
| <i>Cocos (Keeling) Islands Act 1955</i>                     | 2         |
| <i>Disability Discrimination Act 1992</i>                   | 1         |
| <i>Evidence and Procedure (New Zealand) Act 1994</i>        | 1         |
| <i>Family Law Act 1975</i>                                  | 1         |
| <i>Foreign Acquisitions and Takeovers Act 1975</i>          | 1         |
| <i>Fringe Benefits Tax Act 1986</i>                         | 2         |
| <i>Health Insurance Act 1973</i>                            | 2         |
| <i>Higher Education Funding Act 1988</i>                    | 2         |
| <i>Income Tax Assessment Act 1997</i>                       | 1         |
| <i>Primary Industries (Customs) Charges Act 1999</i>        | 1         |
| <i>Primary Industries (Excise) Levies Act 1999</i>          | 1         |
| <i>Quarantine Act 1908</i>                                  | 1         |
| <i>Telecommunications (Interception) Act 1979</i>           | 1         |
| <i>Veterans' Entitlements Act 1986</i>                      | 6         |
| <b>Total</b>  | <b>32</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

### **Agricultural and Veterinary Chemicals Code Amendment Order 2004 (No. 1) Statutory Rules 2004 No. 55**

#### *Agricultural and Veterinary Chemicals Code Act 1994*

Made 31/03/2004  
Tabled 01/04/2004 S 01/04/2004 HR

**Summary** Inserts the date 31 March 2004 in s. 4 of the Principal Order, dealing with labels for containers for swimming pool and spa hypochlorites.

### **Primary Industries (Customs) Charges Amendment Regulations 2004 (No. 2) Statutory Rules 2004 No. 41**

#### *Primary Industries (Customs) Charges Act 1999*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Specify a change to the mix of statutory levy and export charge on fresh stone fruit between the marketing component and the research and development component.

### **Primary Industries (Excise) Levies Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 42**

#### *Primary Industries (Excise) Levies Act 1999*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Specify a change to the statutory levy on fresh stone fruit.

## ATTORNEY-GENERAL'S DEPARTMENT

### **Declaration of eligible authority as agency — Corruption and Crime Commission of Western Australia under s. 34 of the *Telecommunications (Interception) Act 1979***

#### *Telecommunications (Interception) Act 1979*

Made 24/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Declares the Western Australian  
Corruption and Crime Commission to  
be an agency that can apply for and  
execute telecommunications  
interception warrants in its own right.

### **Disability Discrimination Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 43**

#### *Disability Discrimination Act 1992*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Replace references to the National  
Transport Secretariat with references to  
the Accessible Public Transport  
Jurisdictional Committee as a body that  
the Human Rights and Equal  
Opportunity Commission must consult  
when considering exemptions from the  
Disability Standards for Accessible  
Public Transport 2002.

### **Evidence and Procedure (New Zealand) Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 44**

#### *Evidence and Procedure (New Zealand) Act 1994*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Specify certain courts of the Northern  
Territory for the purposes of the  
*Evidence and Procedure (New  
Zealand) Act 1994*.

### **Family Law Amendment Rules 2004 (No. 2) Statutory Rules 2004 No. 53**

#### *Family Law Act 1975*

Made 23/03/2004  
Tabled 01/04/2004 S 01/04/2004 HR

**Summary** Provide for transitional arrangements,  
and make minor amendments to the  
*Family Law Rules 2004*.

**DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING**

**Determination No. T09-2004 under s. 15  
of the *Higher Education Funding Act 1988***

***Higher Education Funding Act 1988***

Made 12/03/2004  
Tabled 29/03/2004 S 25/03/2004 HR

**Summary** Provides for adjustments to Indigenous Support Funding for 2004.

**Determination No. T10-2004 under s. 15  
of the *Higher Education Funding Act 1988***

***Higher Education Funding Act 1988***

Made 12/03/2004  
Tabled 29/03/2004 S 25/03/2004 HR

**Summary** Adjusts the funding to the Batchelor Institute of Indigenous Tertiary Education for Workplace Reform Program in 2004.



**DEPARTMENT OF FAMILY AND COMMUNITY SERVICES****Child Support (Registration and Collection)  
Amendment Regulations 2004 (No. 1)  
Statutory Rules 2004 No. 45*****Child Support (Registration and Collection) Act  
1988***

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Prescribe the methods by which a child support debt is to be paid to the Child Support Registrar.

## DEPARTMENT OF HEALTH AND AGEING

### **Health Insurance (Accredited Pathology Laboratories — Approval) Amendment Principles 2004 (No. 1) under s. 23DNA(1) of the *Health Insurance Act 1973***

#### *Health Insurance Act 1973*

Made 01/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Specify six new publications to provide guidance for pathology laboratories in different areas of practice.

### **Health Insurance Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 46**

#### *Health Insurance Act 1973*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Specify additional information that must be entered by a professional services provider on an account or receipt in relation to those professional services.

### **Quarantine Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 40**

#### *Quarantine Act 1908*

Made 23/03/2004  
Tabled 29/03/2004 S 25/03/2004 HR

**Summary** Substitute references to 'proclaimed place' with 'declared place', prescribe symptoms for which notification is required, prescribe the activities required for vector monitoring and control, and make other amendments to the Principal Regulations.

## DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

### **Christmas Island (Courts) Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 47**

#### *Christmas Island Act 1958*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Amend the Principal Regulations to include certain Western Australian tribunals and members in the definition of 'court of Western Australia' and 'court officer of Western Australia' in s. 4 of the *Christmas Island Act 1958*.

### **Civil Aviation Amendment Order (No. 2) 2004 under the *Civil Aviation Regulations***

#### *Civil Aviation Act 1988*

Made 18/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Removes references to flight simulators from section 45.0 of the Civil Aviation Orders.

### **Cocos (Keeling) Islands (Courts) Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 48**

#### *Cocos (Keeling) Islands Act 1955*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Amend the Principal Regulations to include certain Western Australian tribunals and members in the definition of 'court of Western Australia' and 'court officer of Western Australia' in s. 4 of the *Cocos (Keeling) Islands Act 1955*.

### **Exemption No. CASA EX09/2004 under r. 308(1) of the *Civil Aviation Regulations***

#### *Civil Aviation Act 1988*

Made 04/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Exempts a pilot in command of an Australian aircraft in which a radiocommunication device approved under subregulation 82(1) is installed from compliance with certain licence or certification requirements, and specifies further exemptions for members or staff of the Victorian Department of Sustainability and Environment and the Country Fire Authority of Victoria.

### **Exemption No. CASA EX14/2004 under r. 308(1) of the *Civil Aviation Regulations***

#### *Civil Aviation Act 1988*

Made 08/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Exempts a certain two year old child from requirements concerning seat belts and related requirements.

### **Exemption No. CASA EX17/2004 under r. 308(1) of the *Civil Aviation Regulations***

#### *Civil Aviation Act 1988*

Made 17/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Extends the deadline for compliance with AD/F100/10 for the operator of the aircraft with registration VH-FWH.

**Instrument No. CASA 114/04 under r. 207(2) of  
the *Civil Aviation Regulations***

***Civil Aviation Act 1988***

Made 23/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Approves the use of an aeroplane with a maximum take off weight of less than 5,700 kg in cargo only charter operations without an approved autopilot.

**List of Acts of the Western Australian Parliament  
under s. 8B of the *Christmas Island Act 1958***

***Christmas Island Act 1958***

Made 19/03/2004  
Tabled 31/03/2004 S 30/03/2004 HR

**Summary** Lists those Acts of the Western Australian Parliament that were in force for Christmas island during the period 13 September 2003 to 19 March 2004.

**List of Acts of the Western Australian Parliament  
under s. 8B of the *Cocos (Keeling) Islands Act 1955***

***Cocos (Keeling) Islands Act 1955***

Made 19/03/2004  
Tabled 31/03/2004 S 30/03/2004 HR

**Summary** Lists those Acts of the Western Australian Parliament that were in force for the Cocos (Keeling) Islands during the period 13 September 2004 to 19 March 2004.

## DEPARTMENT OF THE TREASURY

### **Foreign Acquisitions and Takeovers Amendment Regulations 2004 (No. 1)** **Statutory Rules 2004 No. 49**

#### *Foreign Acquisitions and Takeovers Act 1975*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Exempt from the operation of the *Foreign Acquisitions and Takeovers Act 1975*, a foreign custodial company's holding of a legal interest in a share of an Australian corporation held on behalf of an Australian investor.

### **Fringe Benefits Tax Amendment Regulations 2004 (No. 2)** **Statutory Rules 2004 No. 50**

#### *Fringe Benefits Tax Act 1986*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Prescribe as an excluded fringe benefit approved child tuition assistance that is provided to the child of a member of the Australian Defence Force where the child is required to change schools as a result of the member being required to change residence.

### **Fringe Benefits Tax Amendment Regulations 2004 (No. 3)** **Statutory Rules 2004 No. 51**

#### *Fringe Benefits Tax Act 1986*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Prescribe seven funds for the purposes of the *Fringe Benefit Tax Assessment Act 1986* as approved worker entitlement funds.

### **Income Tax Assessment Amendment Regulations 2004 (No. 1)** **Statutory Rules 2004 No. 52**

#### *Income Tax Assessment Act 1997*

Made 23/03/2004  
Tabled 31/03/2004 S 31/03/2004 HR

**Summary** Specify the 'cents per kilometre' rates for calculating deductions for car expenses for the 2003/2004 income year.

## DEPARTMENT OF VETERANS' AFFAIRS

### **Amendment of Statement of Principles under s. 196B(2) of the *Veterans' Entitlements Act 1986* Instrument No. 09 of 2004**

#### *Veterans' Entitlements Act 1986*

Made 26/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Provides a Statement of Principles concerning ischaemic heart disease arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

### **Determination of Statement of Principles under s. 196B(2) of the *Veterans' Entitlements Act 1986* Instrument No. 05 of 2004**

#### *Veterans' Entitlements Act 1986*

Made 26/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Provides a Statement of Principles concerning osteomyelitis arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

### **Amendment of Statement of Principles under s. 196B(3) of the *Veterans' Entitlements Act 1986* Instrument No. 10 of 2004**

#### *Veterans' Entitlements Act 1986*

Made 26/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Provides a Statement of Principles concerning ischaemic heart disease arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

### **Determination of Statement of Principles under s. 196B(3) of the *Veterans' Entitlements Act 1986* Instrument No. 06 of 2004**

#### *Veterans' Entitlements Act 1986*

Made 26/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Provides a Statement of Principles concerning osteomyelitis arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by members of the Forces.

**Determination of Statement of Principles under  
s. 196B(2) of the *Veterans' Entitlements Act 1986*  
Instrument No. 07 of 2004**

*Veterans' Entitlements Act 1986*

Made 26/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Provides a Statement of Principles concerning endometriosis arising from operational service rendered by veterans, peacekeeping service rendered by members of Peacekeeping Forces, or hazardous service rendered by members of the Forces.

**Determination of Statement of Principles under  
s. 196B(3) of the *Veterans' Entitlements Act 1986*  
Instrument No. 08 of 2004**

*Veterans' Entitlements Act 1986*

Made 26/03/2004  
Tabled 29/03/2004 S 29/03/2004 HR

**Summary** Provides a Statement of Principles concerning endometriosis arising from operational service rendered by eligible war service rendered by veterans, and defence service rendered by rendered by members of the Forces.