

**DELEGATED LEGISLATION MONITOR
6 - 9 DECEMBER 2004**

This week at a glance

There were 41 disallowable instruments tabled in the Parliament. These were made under 20 separate enabling Acts, through 10 Departments of State.

Statutory Rules

22 of the 41 instruments were Statutory Rules, comprising

- 5 made as primary instruments; and
- 17 made as amending instruments

Instrument makers

24 instruments were made by the Governor-General or Ministers

17 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
Department of Agriculture, Fisheries and Forestry	4
Attorney-General's Department	11
Department of Communications, Information Technology and the Arts	0
Department of Defence	2
Department of Education, Science and Training	1
Department of Employment and Workplace Relations	0
Department of the Environment and Heritage	1
Department of Family and Community Services	0
Department of Finance and Administration	0
Department of Foreign Affairs and Trade	0
Department of Health and Ageing	5
Department of Immigration and Multicultural and Indigenous Affairs	0
Department of Industry, Tourism and Resources	1
Department of the Prime Minister and Cabinet	0
Department of Transport and Regional Services	10
Department of the Treasury	4
Department of Veterans' Affairs	2
Total	41

**DELEGATED LEGISLATION TABLED IN THE SENATE
6 - 9 DECEMBER 2004**

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

<i>Australian Meat and Live-stock Industry Act 1997</i>	1
<i>Civil Aviation Act 1988</i>	9
<i>Criminal Code Act 1995</i>	6
<i>Customs Act 1901</i>	2
<i>Defence Act 1903</i>	1
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	1
<i>Extradition Act 1988</i>	3
<i>Financial Sector (Transfers of Business) Act 1999</i>	1
<i>Fisheries Management Act 1991</i>	3
<i>Freedom of Information Act 1982</i>	1
<i>Fringe Benefits Tax Act 1986</i>	1
<i>Health Insurance Act 1973</i>	1
<i>Higher Education Support Act 2003</i>	1
<i>Interstate Road Transport Act 1985</i>	1
<i>Military Rehabilitation and Compensation Act 2004</i>	1
<i>National Health Act 1953</i>	4
<i>Petroleum (Submerged Lands) Act 1967</i>	1
<i>Retirement Savings Accounts Act 1997</i>	1
<i>Superannuation Industry (Supervision) Act 1993</i>	1
<i>Veterans' Entitlements Act 1986</i>	1
Total	41

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

**Australian Meat and Live-stock Industry
Amendment and Repeal Order 2004**

Australian Meat and Live-stock Industry Act 1997

Made 30/11/04
Tabled 09/12/04 S 09/12/04 HR

Summary Repeals certain Orders and amends another as a consequence of the making of the Export Control (Animals) Order 2004.

**Bass Strait Central Zone Scallop Fishery
Management Plan Amendment 2004 (No. 1) made
under section 17 of the *Fisheries Management Act
1991***

Fisheries Management Act 1991

Made 17/11/04
Tabled 06/12/04 S 06/12/04 HR

Summary Amends the Fishery Management Plan to allow AFMA to set fishing season dates annually, specify an increase in the minimum size of scallops and correct an administrative error.

**Fisheries Management (Bass Strait Central Zone
Scallop Fishery) Amendment Regulations 2004
(No. 1)**

Statutory Rules 2004 No. 335

Fisheries Management Act 1991

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Omit from the principal Regulations provisions concerning the beginning and end dates for the fishing season in the fishery and the circumstances under which the Total Allowable Catch are increased.

**Fisheries Management (Southern and Eastern
Scalefish and Shark Fishery) Regulations 2004
Statutory Rules 2004 No. 336**

Fisheries Management Act 1991

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Prescribe various matters concerning Integrated Computer Vessel Monitoring systems and related matters.

ATTORNEY-GENERAL'S DEPARTMENT

Criminal Code Amendment Regulations 2004 (No. 2) Statutory Rules 2004 No. 283

Criminal Code Act 1995

Made 31/08/04
Tabled 06/12/04 S 06/12/04 HR

Summary Specify the Al Qa'ida/Islamic Army and its aliases as a terrorist organisation for the purposes of the *Criminal Code Act 1995*.

Criminal Code Amendment Regulations 2004 (No. 5) Statutory Rules 2004 No. 312

Criminal Code Act 1995

Made 04/11/04
Tabled 06/12/04 S 06/12/04 HR

Summary Insert a new regulation 4D into the principal Regulations that specifies the Jamiat ul-Ansar organisation and its aliases as a terrorist organisation for the purposes of the *Criminal Code Act 1995*.

Criminal Code Amendment Regulations 2004 (No. 3) Statutory Rules 2004 No. 284

Criminal Code Act 1995

Made 31/08/04
Tabled 06/12/04 S 06/12/04 HR

Summary Specify the Jemaah Islamiyah and its aliases as a terrorist organisation for the purposes of the *Criminal Code Act 1995*.

Criminal Code Amendment Regulations 2004 (No. 6) Statutory Rules 2004 No. 313

Criminal Code Act 1995

Made 04/11/04
Tabled 06/12/04 S 06/12/04 HR

Summary Insert a new regulation 4E into the principal Regulations that specifies the organisation known as the Armed Islamic Group and its aliases as a terrorist organisation for the purposes of the *Criminal Code Act 1995*.

Criminal Code Amendment Regulations 2004 (No. 4) Statutory Rules 2004 No. 311

Criminal Code Act 1995

Made 04/11/04
Tabled 06/12/04 S 06/12/04 HR

Summary Insert a new regulation 4C into the principal Regulations that specifies the organisation known as Abu Sayyaf Group and its aliases as a terrorist organisation for the purposes of the *Criminal Code Act 1995*.

**Criminal Code Amendment Regulations 2004 (No. 7)
Statutory Rules 2004 No. 314**

Criminal Code Act 1995

Made 04/11/04
Tabled 06/12/04 S 06/12/04 HR

Summary Insert a new regulation 4F into the principal Regulations that specifies the organisation known as the Salafist Group for Call and Combat/GSPC and its aliases as a terrorist organisation for the purposes of the *Criminal Code Act 1995*.

**Customs (Thailand-Australia Free Trade Agreement) Regulations 2004
Statutory Rules 2004 No. 338**

Customs Act 1901

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Prescribe various matters relating to the rules of origin for the purposes of Division 1D of Part VIII of the *Customs Act 1901*.

**Extradition (Croatia) Regulations 2004
Statutory Rules 2004 No. 339**

Extradition Act 1988

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Declare the Republic of Croatia to be an extradition country.

**Extradition (Republic of Croatia) Repeal Regulations 2004
Statutory Rules 2004 No. 340**

Extradition Act 1988

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Repeal the principal Regulations as a consequence of the re-establishment of Croatia as an extradition country under the *Extradition Act 1988*.

**Extradition (Slovenia) Regulations 2004
Statutory Rules 2004 No. 341**

Extradition Act 1988

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Declare Slovenia to be an extradition country.

**Freedom of Information (Miscellaneous Provisions) Amendment Regulations 2004 (No. 1)
Statutory Rules 2004 No. 342**

Freedom of Information Act 1982

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Prescribe the Chief Executive Officer of the Australian Crime Commission as the principal officer for the purposes of the *Freedom of Information Act 1982*.

DEPARTMENT OF DEFENCE

Defence and Strategic Goods List Amendment 2004 made under paragraph 112(2A)(aa) of the *Customs Act 1901*

Customs Act 1901

Made 20/11/04
Tabled 08/12/04 S 08/12/04 HR

Summary Specifies goods that may not be exported from Australia without a licence being granted by the Minister or an authorised person.

Defence Determination 2004/47

Defence Act 1903

Made 24/11/04
Tabled 06/12/04 S 06/12/04 HR

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

DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING**Approval and Notice of Approval — KvB Visual Concepts Pty Ltd pursuant to section 16-50(1) of the *Higher Education Support Act 2003******Higher Education Support Act 2003***

Made 01/12/04
Tabled 07/12/04 S 07/12/04 HR

Summary Approves KvB Visual Concepts Pty Ltd as a Higher Education Provider.

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

Notice of Intent — Accreditation of a plan — Bass Strait Central Zone Scallop Fishery Management Plan 2002 — under section 33 of the *Environment Protection and Biodiversity Conservation Act 1999*

Environment Protection and Biodiversity Conservation Act 1999

Made 24/09/04
Tabled 06/12/04 S 06/12/04 HR

Summary Gives notice of the Minister's proposal to accredit the Bass Strait Central Zone Scallop Fishery Management Plan for the purposes of a declaration under subsection 33(1).

DEPARTMENT OF HEALTH AND AGEING

Declaration No. PB 16 of 2004 under s. 85(2AA) of the *National Health Act 1953*

National Health Act 1953

Made 17/11/04
Tabled 07/12/04 S 06/12/04 HR

Summary Specifies certain drugs and medicinal preparations that are no longer pharmaceutical benefits under Part VII of the Act.

Determination No. PHB22/2004 under Schedule 1, paragraph (bj) of the *National Health Act 1953*

National Health Act 1953

Made 22/11/04
Tabled 07/12/04 S 06/12/04 HR

Summary Amends Schedule 3 to the principal Determination by increasing the default benefits payable in respect of same day accommodation in hospital and day hospital facilities in Tasmania.

Declaration No. PB 17 of 2004 under s. 85(2) of the *National Health Act 1953*

National Health Act 1953

Made 17/11/04
Tabled 07/12/04 S 06/12/04 HR

Summary Specifies those drugs and medicinal preparations that are pharmaceutical benefits under Part VII of the Act.

Health Insurance (General Medical Services Table) Amendment Regulations 2004 (No. 8) Statutory Rules 2004 No. 343

Health Insurance Act 1973

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Amend the definition of 'eligible non-vocationally recognised medical practitioners' in the principal Regulations to include certain medical practitioners registered under the After Hours Other Medical Practitioners Program.

Determination No. PB 18 of 2004 under paragraph 98C(1)(b) of the *National Health Act 1953*

National Health Act 1953

Made 17/11/04
Tabled 07/12/04 S 06/12/04 HR

Summary Specifies the conditions under which payments will be made in respect of the supply of pharmaceutical benefits by approved pharmacists and approved medical practitioners.

DEPARTMENT OF INDUSTRY, TOURISM AND RESOURCES**Petroleum (Submerged Lands) (Management of Well Operations) Regulations 2004
Statutory Rules 2004 No. 344***Petroleum (Submerged Lands) Act 1967*

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Provide for the regulation and management of offshore petroleum well activities.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Amendment Order (No. 10) 2004 under the *Civil Aviation Safety Regulations 1998*

Civil Aviation Act 1988

Made 25/11/04
Tabled 07/12/04 S 07/12/04 HR

Summary Amends paragraphs 3.5 and 3.6 of section 95.33 of the Civil Aviation Orders to include a modified list of technical publications for flight testing of certain military aircraft.

Civil Aviation Amendment Order (No. 7) 2004 under the *Civil Aviation Regulations 1988*

Civil Aviation Act 1988

Made 22/11/04
Tabled 07/12/04 S 07/12/04 HR

Summary Removes subparagraph 7.3(c) of section 100.90 of the Civil Aviation Orders.

Civil Aviation Amendment Order (No. 9) 2004 under the *Civil Aviation Regulations 1988*

Civil Aviation Act 1988

Made 23/11/04
Tabled 07/12/04 S 07/12/04 HR

Summary Specifies various naming changes as a consequence of a new International Civil Aviation Organisation instrument approach and landing chart naming convention.

Civil Aviation Amendment Regulations 2004 (No. 4) Statutory Rules 2004 No. 345

Civil Aviation Act 1988

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Amend the *Civil Aviation Safety Regulations 1998* by inserting a new Part 11 dealing with regulatory administrative procedures, make consequential amendments to other Regulations, and make other technical amendments.

Exemption No. CASA EX40/2004 under r. 308 of the *Civil Aviation Regulations 1988*

Civil Aviation Act 1988

Made 03/12/04
Tabled 07/12/04 S 07/12/04 HR

Summary Permits a Rotary Air Force 2000 two place gyroplane to carry a passenger subject to certain conditions.

Instrument No. CASA 546/04 under r. 235(2) of the *Civil Aviation Regulations 1988*

Civil Aviation Act 1988

Made 11/11/04
Tabled 07/12/04 S 07/12/04 HR

Summary Specifies weight limitations and performance requirements for a specified aircraft operated by the NSW Rural Fire Service.

**Instrument No. CASA 547/04 under r. 179A of the
Civil Aviation Regulations 1988**

Civil Aviation Act 1988

Made 22/11/04
Tabled 07/12/04 S 07/12/04 HR

Summary Provides for the conduct, on a trial basis, of Global Positioning System non-precision approach by Virgin Blue Airlines Pty Ltd, using specified aircraft.

**Interstate Road Transport Amendment
Regulations 2004 (No. 1)
Statutory Rules 2004 No. 346**

Interstate Road Transport Act 1985

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Require B-doubles and higher mass limit vehicles registered under the Federal Interstate Registration Scheme to comply with the operational requirements of the Scheme on routes determined by relevant State and Territory authorities.

**Instrument No. CASA 551/04 under r. 207(2) of
the Civil Aviation Regulations 1988**

Civil Aviation Act 1988

Made 10/11/04
Tabled 07/12/04 S 07/12/04 HR

Summary Provides that the aircraft bearing nationality and registration marks VH-CBK may operate with specified nasal cannula type individual oxygen dispensing units under certain conditions.

**Instrument No. CASA 561/04 under r. 250(2) of
the Civil Aviation Regulations 1988**

Civil Aviation Act 1988

Made 25/11/04
Tabled 07/12/04 S 07/12/04 HR

Summary Provides that passengers in helicopters operated by specified operators that are engaged in special operations may be carried on the undercarriage for the purpose of leaving or boarding the helicopter.

DEPARTMENT OF THE TREASURY

Fringe Benefits Tax Amendment Regulations 2004 (No. 4) Statutory Rules 2004 No. 347

Fringe Benefits Tax Act 1986

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Prescribe the Trust Employees' Entitlement Service as an approved worker entitlement fund.

Transfer Rules No. 1 of 2004 made under subsection 46(1) of the *Financial Sector (Transfers of Business) Act 1999*

Financial Sector (Transfers of Business) Act 1999

Made 30/11/04
Tabled 07/12/04 S 06/12/04 HR

Summary Specifies revised rules governing the voluntary transfer of business between two regulated bodies of the same kind.

Retirement Savings Accounts Amendment Regulations 2004 (No. 4) Statutory Rules 2004 No. 348

Retirement Savings Accounts Act 1997

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Amend the principal Regulations to require that certain superannuation benefits of persons who turn 75 on or after 1 July 2004 must be cashed as soon as practicable after their 75th birthday.

Superannuation Industry (Supervision) Amendment Regulations 2004 (No. 10) Statutory Rules 2004 No. 349

Superannuation Industry (Supervision) Act 1993

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Amend the principal Regulations to require that certain superannuation benefits of persons who turn 75 on or after 1 July 2004 must be cashed as soon as practicable after their 75th birthday.

DEPARTMENT OF VETERANS' AFFAIRS

Military Rehabilitation and Compensation Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 350

Military Rehabilitation and Compensation Act 2004

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Amend the principal Regulations to provide for the indexation of certain amounts on which compensation that is paid to members and former members of the Australian Defence Force is based.

Veterans' Entitlements Amendment Regulations 2004 (No. 1) Statutory Rules 2004 No. 337

Veterans' Entitlements Act 1986

Made 01/12/04
Tabled 09/12/04 S 09/12/04 HR

Summary Provide for the reimbursement to an attendant accompanying an entitled person of the cost of accommodation in commercial, subsidised or private accommodation.