

**DELEGATED LEGISLATION MONITOR
04 – 07 DECEMBER 2006**

This week at a glance

There were 48 disallowable instruments tabled in the Parliament. These were made under 22 separate enabling Acts, through 8 Departments of State.

Regulations

13 of the 48 instruments were Regulations, comprising

- 1 made as a primary instrument; and
- 12 made as amending instruments

Instrument makers

28 instruments were made by the Governor-General or Ministers

20 instruments were made by Public Officials

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04 – 07 DECEMBER 2006**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	10
Attorney-General's	3
Education, Science and Training	2
Environment and Heritage	5
Foreign Affairs and Trade	2
Health and Ageing	6
Transport and Regional Services	18
Treasury	2
Total	48

**DELEGATED LEGISLATION TABLED IN THE SENATE
04 – 07 DECEMBER 2006**

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

<i>Australian Capital Territory (Planning and Land Management) Act 1988</i>	4
<i>Australian Crime Commission Act 2002</i>	1
<i>Aviation Transport Security Act 2004</i>	1
<i>Chemical Weapons (Prohibition) Act 1994</i>	2
<i>Civil Aviation Act 1988</i>	11
<i>Cocos (Keeling) Islands Act 1955</i>	2
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	4
<i>Export Control Act 1982</i>	4
<i>Extradition Act 1988</i>	1
<i>Federal Court of Australia Act 1976</i>	1
<i>Fisheries Management Act 1991</i>	4
<i>Foreign Acquisitions and Takeovers Act 1975</i>	1
<i>Gene Technology Act 2000</i>	1
<i>Health Insurance Act 1973</i>	2
<i>Indigenous Education (Targeted Assistance) Act 2000</i>	1
<i>Medical Indemnity Act 2002</i>	2
<i>National Health Act 1953</i>	1
<i>Ozone Protection and Synthetic Greenhouse Gas Management Act 1989</i>	1
<i>Primary Industries (Customs) Charges Act 1999</i>	1
<i>Primary Industries (Excise) Levies Act 1999</i>	1
<i>Schools Assistance (Learning Together - Achievement Through Choice and Opportunity) Act 2004</i>	1
<i>Trade Practices Act 1974</i>	1
Total	48

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Export Control (Eggs and Egg Products) Amendment Orders 2006 (No. 1) under r. 3 of the *Export Control (Orders) Regulations 1982* [F2006L03924]

Export Control Act 1982

Made 27/11/2006
Tabled 04/12/2006 S 04/12/2006 HR

Summary Amend the Principal Order to impose obligations on an auditor regarding the production of his or her identity card.

Export Control (Plants and Plant Products) Amendment Orders 2006 (No. 2) under r. 3 of the *Export Control (Orders) Regulations 1982* [F2006L03929]

Export Control Act 1982

Made 27/11/2006
Tabled 04/12/2006 S 04/12/2006 HR

Summary Amend the Principal Order to clarify the meaning and operation of certain provisions.

Export Control (Fish and Fish Products) Amendment Orders 2006 (No. 2) under r. 3 of the *Export Control (Orders) Regulations 1982* [F2006L03927]

Export Control Act 1982

Made 27/11/2006
Tabled 04/12/2006 S 04/12/2006 HR

Summary Amend the Principal Order to impose obligations on an auditor regarding the production of his or her identity card.

Primary Industries (Customs) Charges Amendment Regulations 2006 (No. 5) Select Legislative Instrument 2006 No. 317 [F2006L03885]

Primary Industries (Customs) Charges Act 1999

Made 30/11/2006
Tabled 05/12/2006 S 04/12/2006 HR

Summary Remove certain charges on sugar after 30 November 2006.

Export Control (Milk and Milk Products) Amendment Orders 2006 (No. 2) under r. 3 of the *Export Control (Orders) Regulations 1982* [F2006L03928]

Export Control Act 1982

Made 27/11/2006
Tabled 04/12/2006 S 04/12/2006 HR

Summary Amend the Principal Order to impose obligations on an auditor regarding the production of his or her identity card.

Primary Industries (Excise) Levies Amendment Regulations 2006 (No. 7) Select Legislative Instrument 2006 No. 318 [F2006L03884]

Primary Industries (Excise) Levies Act 1999

Made 30/11/2006
Tabled 05/12/2006 S 04/12/2006 HR

Summary Remove certain levies on sugar after 30 November 2006.

**Southern and Eastern Scalefish and Shark Fishery
(Non-Quota Species) Total Allowable Catch (2007
Fishing Year) Determination under s. 15 of the
*Southern and Eastern Scalefish and Shark Fishery
Management Plan 2003*
[F2006L03891]**

Fisheries Management Act 1991

Made 28/11/2006
Tabled 04/12/2006 S 04/12/2006 HR

Summary Specifies total allowable catch limits for two non-quota species of fish in the Fishery.

**Total Allowable Catch Determination —
2006/2007 Season under s. 11 of the *Heard Island
and McDonald Islands Fishery Management
Plan 2003***

**Determination No. HIMIF TAC D5
[F2006L03889]**

Fisheries Management Act 1991

Made 28/11/2006
Tabled 04/12/2006 S 04/12/2006 HR

Summary Specifies the total allowable catches for certain fish species in the Fishery from 01 December 2006 to 30 November 2007.

**Southern and Eastern Scalefish and Shark Fishery
Overcatch and Undercatch (2007 Fishing Year)
Determination under s. 24 of the *Southern and
Eastern Scalefish and Shark Fishery Management
Plan 2003*
[F2006L03898]**

Fisheries Management Act 1991

Made 28/11/2006
Tabled 04/12/2006 S 04/12/2006 HR

Summary Specifies the overcatch and undercatch percentages and determined amounts for quota species in the Fishery from 01 January 2007 to 01 May 2008.

**Southern and Eastern Scalefish and Shark Fishery
(Quota Species) Total Allowable Catch (2007
Fishing Year) Determination under s. 11 of the
*Southern and Eastern Scalefish and Shark Fishery
Management Plan 2003*
[F2006L03893]**

Fisheries Management Act 1991

Made 28/11/2006
Tabled 04/12/2006 S 04/12/2006 HR

Summary Specifies total allowable catch limits for quota species of fish in the Fishery.

ATTORNEY-GENERAL'S DEPARTMENT

**Australian Crime Commission Amendment
Regulations 2006 (No. 4)
Select Legislative Instrument 2006 No. 307
[F2006L03859]**

Australian Crime Commission Act 2002

Made 30/11/2006
Tabled 05/12/2006 S 04/12/2006 HR

Summary Amend the definition of 'serious and organised crime' in the *Australian Crime Commission Act 2002*, and specify the Department of Families, Community Services and Indigenous Affairs as a body or agency in Schedule 6 to the Principal Regulations.

**Federal Court of Australia Amendment
Regulations 2006 (No. 3)
Select Legislative Instrument 2006 No. 309
[F2006L03829]**

Federal Court of Australia Act 1976

Made 30/11/2006
Tabled 05/12/2006 S 04/12/2006 HR

Summary Correct a minor cross-referencing error in the Principal Regulations.

**Extradition (Optional Protocol to the Convention
on the Rights of the Child on the Sale of Children,
Child Prostitution and Child Pornography)
Regulations 2006
Select Legislative Instrument 2006 No. 308
[F2006L03837]**

Extradition Act 1988

Made 30/11/2006
Tabled 05/12/2006 S 05/12/2006 HR

Summary Declare each country which is a State Party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography to be an extradition country.

DEPARTMENT OF EDUCATION, SCIENCE AND TRAINING

**Indigenous Education (Targeted Assistance)
Amendment Regulations 2006 (No. 1)
Select Legislative Instrument 2006 No. 310
[F2006L03883]**

***Indigenous Education (Targeted Assistance)
Act 2000***

Made	30/11/2006	
Tabled	05/12/2006 S	05/12/2006 HR

Summary Provide for an increase in the appropriations for non-ABSTUDY amounts.

**Schools Assistance (Learning Together —
Achievement Through Choice and Opportunity)
Amendment Regulations 2006 (No. 3)
Select Legislative Instrument 2006 No. 311
[F2006L03886]**

***Schools Assistance (Learning Together —
Achievement Through Choice and Opportunity)
Act 2004***

Made	30/11/2006	
Tabled	05/12/2006 S	05/12/2006 HR

Summary Amend funding amounts for certain programs.

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

Inclusion of Species in the List of Threatened Species under s. 178 of the *Environment Protection and Biodiversity Conservation Act 1999* (38) [F2006L03937]

Environment Protection and Biodiversity Conservation Act 1999

Made 09/11/2006
 Tabled 06/12/2006 S 06/12/2006 HR

Summary Adds a species of fish to the list in the Conservation Dependent category.

National Recovery Plan for the Buff Banded Rail (Cocos (Keeling) Islands) (*Gallirallus philippensis andrewsi*) under s. 269A of the *Environment Protection and Biodiversity Conservation Act 1999* [F2006L03945]

Environment Protection and Biodiversity Conservation Act 1999

Made 10/11/2006
 Tabled 06/12/2006 S 06/12/2006 HR

Summary Specifies a recovery plan for the Cocos Buff Banded Rail.

Instrument Repealing and Adopting Recovery Plans under s. 269A(7) of the *Environment Protection and Biodiversity Conservation Act 1999* [F2006L03887]

Environment Protection and Biodiversity Conservation Act 1999

Made 10/11/2006
 Tabled 06/12/2006 S 06/12/2006 HR

Summary Repeals one Recovery Plan and adopts three Recovery Plans.

Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2006 (No. 2) Select Legislative Instrument 2006 No. 312 [F2006L03919]

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

Made 30/11/2006
 Tabled 05/12/2006 S 04/12/2006 HR

Summary Provide for an Exemption List for Non-QPS Application of Methyl Bromide for 2007, and for related matters.

National Recovery Plan for Lister's Gecko (*Lepidodactylus listeri*) and the Christmas Island Blind Snake (*Typhlops exocoeti*) under s. 269A of the *Environment Protection and Biodiversity Conservation Act 1999* [F2006L03939]

Environment Protection and Biodiversity Conservation Act 1999

Made 10/11/2006
 Tabled 06/12/2006 S 06/12/2006 HR

Summary Specifies a recovery plan for a species of gecko and a species of blind snake.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

**Chemical Weapons (Prohibition)
Amendment Regulations 2006 (No. 1)
Select Legislative Instrument 2006 No. 313
[F2006L03830]**

Chemical Weapons (Prohibition) Act 1994

Made	30/11/2006	
Tabled	05/12/2006 S	04/12/2006 HR

Summary Amend the Principal Regulations to provide for matters concerning amendments to the Convention on the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

**Instrument of Approval of Forms under s. 8
of the *Chemical Weapons (Prohibition) Act 1994*
[F2006L03941]**

Chemical Weapons (Prohibition) Act 1994

Made	29/11/2006	
Tabled	07/12/2006 S	07/12/2006 HR

Summary Approves forms to be used for the purposes of the Act.

DEPARTMENT OF HEALTH AND AGEING

**Determination No. HIB 32/2006
under ss. 73AAG(6) and 73AAG(7) of the
National Health Act 1953
[F2006L03858]**

National Health Act 1953

Made 24/11/2006
Tabled 04/12/2006 S 30/11/2006 HR

Summary Specifies a revised list of prostheses and the benefit amounts payable for them.

**Health Insurance (Diagnostic Imaging Services
Table) Amendment Regulations 2006 (No. 6)
Select Legislative Instrument 2006 No. 319
[F2006L03872]**

Health Insurance Act 1973

Made 30/11/2006
Tabled 05/12/2006 S 04/12/2006 HR

Summary Amend the Principal Regulations to permit Medicare benefits to be paid for specifies MRI services.

**Determination No. HIB 33/2006 under s. 3(1)
of the Health Insurance Act 1973
[F2006L03920]**

Health Insurance Act 1973

Made 28/11/2006
Tabled 05/12/2006 S 05/12/2006 HR

Summary Determines the amount of patient contribution for recognised hospitals in Western Australia.

**Medical Indemnity (IBNR Claims) Protocol 2006
under s. 27A of the Medical Indemnity Act 2002
[F2006L03940]**

Medical Indemnity Act 2002

Made 23/11/2006
Tabled 06/12/2006 S 06/12/2006 HR

Summary Specifies eligibility criteria for payments of claim handling fees to a medical defence organisation.

**Gene Technology Amendment Regulations
2006 (No. 1)
Select Legislative Instrument 2006 No. 314
[F2006L03558]**

Gene Technology Act 2000

Made 30/11/2006
Tabled 05/12/2006 S 05/12/2006 HR

Summary Amend the Principal Regulations to remove obsolete provisions, revise information requirements for notifications and licence applications, and make other amendments.

**Medical Indemnity (Run-off Cover Claims and
Administration) Protocol 2006 (No. 2)
under s. 34ZN of the Medical Indemnity Act 2002
[F2006L03938]**

Medical Indemnity Act 2002

Made 23/11/2006
Tabled 05/12/2006 S 05/12/2006 HR

Summary Specifies eligibility criteria for payments of claim handling fees to medical defence organisations and medical indemnity insurers.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Amendment 56 (The Griffin Legacy — Principles and Policies) under s. 6 of the Australian Capital Territory (Planning and Land Management Act 1988
[F2006L03950]

Australian Capital Territory (Planning and Land Management) Act 1988

Made 30/11/2006
Tabled 06/12/2006 S 06/12/2006 HR

Summary Amends the National Capital Plan to include The Griffin Legacy – Principles and Policies concerning the Central National Area.

Amendment 59 (City Hill Precinct) under s. 6 of the Australian Capital Territory (Planning and Land Management Act 1988
[F2006L03952]

Australian Capital Territory (Planning and Land Management) Act 1988

Made 30/11/2006
Tabled 06/12/2006 S 06/12/2006 HR

Summary Amends the National Capital Plan to include policies concerning the City Hill Precinct.

Amendment 60 (Constitution Avenue) under s. 6 of the Australian Capital Territory (Planning and Land Management Act 1988
[F2006L03955]

Australian Capital Territory (Planning and Land Management) Act 1988

Made 30/11/2006
Tabled 06/12/2006 S 06/12/2006 HR

Summary Amends the National Capital Plan to include policies concerning Constitution Avenue.

Amendment 61 (West Basin) under s. 6 of the Australian Capital Territory (Planning and Land Management Act 1988
[F2006L03970]

Australian Capital Territory (Planning and Land Management) Act 1988

Made 30/11/2006
Tabled 06/12/2006 S 06/12/2006 HR

Summary Amends the National Capital Plan to include policies concerning the West Basin area of Lake Burley Griffin.

Aviation Transport Security Amendment Regulations 2006 (No. 5)
Select Legislative Instrument 2006 No. 320
[F2006L03921]

Aviation Transport Security Act 2004

Made 30/11/2006
Tabled 05/12/2006 S 04/12/2006 HR

Summary Amend the Principal Regulations to prescribe one type of airside event zone and one type of landside event zone, and to prescribe requirements and offences in relation to these zones.

**Civil Aviation Order 40.0
Amendment Order (No. 1) 2006
[F2006L03912]**

Civil Aviation Act 1988

Made 28/11/2006
Tabled 05/12/2006 S 05/12/2006 HR

Summary Specifies requirements for a pilot in command of an Australian aircraft with an activated airborne collision avoidance system.

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/CASA/27 Amdt 1
[F2006L03982]**

Civil Aviation Act 1988

Made 05/12/2006
Tabled 07/12/2006 S 07/12/2006 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/CASA/28
[F2006L03931]**

Civil Aviation Act 1988

Made 30/11/2006
Tabled 05/12/2006 S 04/12/2006 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/DAUPHIN/89
[F2006L03944]**

Civil Aviation Act 1988

Made 01/12/2006
Tabled 05/12/2006 S 04/12/2006 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/F2000/22
[F2006L03943]**

Civil Aviation Act 1988

Made 01/12/2006
Tabled 05/12/2006 S 05/12/2006 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/S-PUMA/67
[F2006L03942]**

Civil Aviation Act 1988

Made 01/12/2006
Tabled 05/12/2006 S 05/12/2006 HR

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

Civil Aviation Orders, Part 106
Airworthiness Directive AD/PW500/2
[F2006L03879]

Civil Aviation Act 1988

Made 24/11/2006
 Tabled 04/12/2006 S 04/12/2006 HR

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

Exemption No. CASA EX67/06 under r. 308 of the
***Civil Aviation Regulations 1988* and r. 11.160 of the**
Civil Aviation Safety Regulations 1998
[F2006L03860]

Civil Aviation Act 1988

Made 30/11/2006
 Tabled 05/12/2006 S 04/12/2006 HR

Summary Specifies certain exemptions for a Rotary Air Force 2000 gyroplane.

Exemption No. CASA EX62/06 under r. 11.160
of the *Civil Aviation Safety Regulations 1998*
[F2006L03653]

Civil Aviation Act 1988

Made 28/11/2006
 Tabled 05/12/2006 S 04/12/2006 HR

Summary Specifies an exemption for certain aircraft operated by Qantas Airways Ltd concerning land and short hold operations.

Instrument No. CASA 433/06 under rr. 179A(1)
and 308(1) of the *Civil Aviation Regulations 1988*
[F2006L03697]

Civil Aviation Act 1988

Made 28/11/2006
 Tabled 06/12/2006 S 06/12/2006 HR

Summary Permits Qantas Airways Ltd to conduct a trial of certain area navigation instrument approach and departure procedures.

Exemption No. CASA EX66/06 under r. 11.160
of the *Civil Aviation Safety Regulations 1998*
[F2006L03839]

Civil Aviation Act 1988

Made 30/11/2006
 Tabled 05/12/2006 S 04/12/2006 HR

Summary Specifies an exemption for certain aircraft operated by Australian Airlines Ltd concerning land and short hold operations.

Interpretation Amendment Ordinance
2006 (No. 1)
[F2006L03825]

Cocos (Keeling) Islands Act 1955

Made 30/11/2006
 Tabled 05/12/2006 S 04/12/2006 HR

Summary Repeals a provision in the Principal Ordinance that deals with reference to Cocos (Keeling) Islands time.

**Standard Time and Daylight Saving Time
Ordinance 2006
[F2006L03824]**

Cocos (Keeling) Islands Act 1955

Made	30/11/2006	
Tabled	05/12/2006 S	04/12/2006 HR

Summary Establishes a standard time for the Territory of Cocos (Keeling) Islands and permits the setting of a period of daylight saving time.

DEPARTMENT OF THE TREASURY

Foreign Acquisitions and Takeovers Amendment Regulations 2006 (No. 2) Select Legislative Instrument 2006 No. 316 [F2006L03836]

Foreign Acquisitions and Takeovers Act 1975

Made	30/11/2006	
Tabled	05/12/2006 S	04/12/2006 HR

Summary Increase the dollar amount of certain thresholds at which the screening of foreign investment occurs.

Pricing Principles for the Local Carriage Service, Wholesale Line Rental Service and Public Switched Telephone Originating and Terminating Access Service under s. 152AQA of the *Trade Practices Act 1974* [F2006L03892]

Trade Practices Act 1974

Made	29/11/2006	
Tabled	06/12/2006 S	06/12/2006 HR

Summary Specifies the pricing principles that are to apply to certain telephone services.