DELEGATED LEGISLATION MONITOR 09 – 13 FEBRUARY 2009

This week at a glance

There were 57 disallowable instruments tabled in the Parliament. These were made under 25 separate enabling Acts, through 11 Departments of State.

Regulations

19 of the 57 instruments were Regulations, all of which were made as amending instruments

Instrument makers

- 24 instruments were made by the Governor-General or Ministers
- 33 instruments were made by Public Officials

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Corporations Act 2001	1
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Financial Management and Accountability Act 1997	2
Fisheries Levy Act 1984	1
Income Tax Assessment Act 1997	1
Marine Navigation (Regulatory Functions) Levy Collection Act 1991	1
Marine Navigation Levy Collection Act 1989	1
Maritime Transport and Offshore Facilities Security Act 2003	1
Migration Act 1958	2
National Health Act 1953	2
Ozone Protection and Synthetic Greenhouse Gas Management Act 1989	1
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Retirement Savings Accounts Act 1997	1
Superannuation (Unclaimed Money and Lost Members) Act 1999	1
Superannuation Industry (Supervision) Act 1993	1
Taxation Administration Act 1953	1

57

Total

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Agricultural and Veterinary Chemicals Code Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 1 [F2009L00269]

Agricultural and Veterinary Chemicals Code Act 1994

Made 05/02/2009

Tabled 10/02/2009 S 10/02/2009 HR

Summary Remove an obsolete regulation from

the Principal Regulations.

Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 2 [F2009L00237]

Fisheries Levy Act 1984

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Specify increases in levies in respect of

the Torres Strait Prawn Fishery.

ATTORNEY-GENERAL'S DEPARTMENT

Crimes Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 3 [F2009L00231]

Crimes Act 1914

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Amend the Principal Regulations

as a consequence of the *Defence Legislation Amendment Act* 2006.

Family Law Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 17 [F2009L00262]

Family Law Act 1975

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Amend the Principal Regulations to

prescribe matters as a consequence of the Family Law Amendment (De Facto

Financial Matters and Other

Measures) Act 2008.

Family Law (Family Dispute Resolution Practitioners) Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 18 [F2009L00291]

Family Law Act 1975

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Amend the form of certificate in

Schedule 1 to the Principal

Regulations.

Family Law (Superannuation) Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 19 [F2009L00263]

Family Law Act 1975

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Amend the Principal Regulations as a

consequence of the Family Law Amendment (De Facto Financial Matters and Other Measures)

Act 2008, and correct an error in those

Regulations.

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Radiocommunications Advisory Guidelines (Managing Interference from Transmitters — 2.3 GHz Band) 2009 under s. 262 of the Radiocommunications Act 1992 [F2009L00275]

Radiocommunications Act 1992

Made 03/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Specify technical parameters for

spectrum licences to assist in mitigating interference from

transmitters.

Radiocommunications (Cellular Mobile Telecommunications Devices) Class Licence Variation 2009 (No. 1) under s. 134 of the Radiocommunications Act 1992 [F2009L00270]

Radiocommunications Act 1992

Made 03/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Specifies the types of

telecommunications devices that may be operated under the 2002 Class

Licence.

Radiocommunications Advisory Guidelines (Managing Interference to Receivers — 2.3 GHz Band) 2009 under s. 262 of the *Radiocommunications Act 1992* [F2009L00277]

Radiocommunications Act 1992

Made 03/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Specify technical parameters for

spectrum licences to assist in mitigating interference from

transmitters.

Radiocommunications Spectrum Marketing Plan (2.3 GHz Band) 2009 under s. 39 of the Radiocommunications Act 1992 [F2009L00271]

Radiocommunications Act 1992

Made 03/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Specifies the spectrum lots available

for allocation, and the procedures for

allocation.

Radiocommunications (Trading Rules for Spectrum Licences) Amendment Determination 2009 (No. 1) under paragraph 88(1)(a) of the *Radiocommunications Act 1992* [F2009L00280]

Radiocommunications Act 1992

Made 03/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Amends the minimum contiguous

bandwith for the 2.3 GHz band.

Radiocommunications (Unacceptable Levels of Interference — 2.3 GHz Band) Determination 2009 under s. 145(4) of the *Radiocommunications Act 1992*[F2009L00273]

Radiocommunications Act 1992

Made 03/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Specifies what is an unacceptable level

of interference caused by a transmitter

in the 2.3 GHz band.

DEPARTMENT OF DEFENCE

Defence Determination 2009/06

Defence Determination 2009/09

Defence Act 1903

Defence Act 1903

Made 23/01/2009

Tabled 10/02/2009 S 05/02/2009 HR

Made 04/02/2009

Tabled 10/02/2009 S 05/02/2009 HR

Summary Adjusts rates of deployment allowance

and makes other amendments to the

Principal Determination.

Summary Specifies revised post indexes that

apply to overseas locations where members of the Australian Defence

Force serve.

Defence Determination 2009/07

Defence Act 1903

Made 23/01/2009

Tabled 10/02/2009 S 05/02/2009 HR

Summary Adjusts the rates of disturbance

allowance and vehicle allowance for members of the Australian Defence

Force on overseas posting.

Defence Determination 2009/08

Defence Act 1903

Made 03/02/2009

Tabled 10/02/2009 S 05/02/2009 HR

Summary Amends provisions in the Principal

Determination concerning the Members without dependants Choice Accommodation – Darwin trial.

DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS

Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 4 [F2009L00224]

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

Made 05/02/2009

Tabled 10/02/2009 S 10/02/2009 HR

Summary Specify new offences for refrigeration

and air conditioning work, and make other amendments to the Principal

Regulations.

DEPARTMENT OF FINANCE AND DEREGULATION

Commonwealth Authorities and Companies Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 5 [F2009L00250]

Commonwealth Authorities and Companies Act 1997

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Permit members of the Australian

Government Solicitor Advisory Board to serve on the AGS audit committee, add two companies to the list of Commonwealth companies for which the Finance Minister is prescribed as the responsible Minister, and make a technical amendment to the Principal

Financial Management and Accountability
Determination 2009/02 — Young Endeavour
Youth Program Special Account Establishment
2009 under s. 20(1) of the Financial Management
and Accountability Act 1997
[F2009L00430]

Financial Management and Accountability Act 1997

Made 28/01/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Establishes a Special Account entitled

the Young Endeavour Youth Program Special Account and specifies the nature of amounts that may be credited to, and the purposes for which amounts may be debited from, that account.

Financial Management and Accountability Determination 2009/01 — Young Endeavour Youth Program Operating Fund Account Variation and Abolition 2009 under ss. 20(2) and 20(3) of the Financial Management and Accountability Act 1997 [F2009L00431]

Regulations.

Financial Management and Accountability Act 1997

Made 28/01/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Varies and subsequently abolishes the

Young Endeavour Youth Program

Operating Fund Account.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

Charter of the United Nations (Sanctions) Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 6 [F2009L00282]

Charter of the United Nations Act 1945

Made 05/02/2009

Tabled 10/02/2009 S 10/02/2009 HR

Summary Amend the name of the Principal

Regulations, make consequential amendments, and correct a minor

drafting error.

Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 1) under s. 2B(1) of the *Charter of the United Nations Act 1945* [F2009L00289]

Charter of the United Nations Act 1945

Made 22/01/2009

Tabled 10/02/2009 S 10/02/2009 HR

Summary Amends the Principal Declaration as a

consequence of a change to the name

of the parent Regulations.

DEPARTMENT OF HEALTH AND AGEING

Instrument No. PB 16 of 2009 nder s. 100(1)(b)(i) of the *National Health Act 1953* [F2009L00305]

National Health Act 1953

Made 05/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Permits pharmacy providers at certain

private hospitals in Victoria to use a paperless payment claim procedure.

Instrument No. PB 17 of 2009 under s. 100(1)(b)(i) of the *National Health Act 1953* [F2009L00303]

National Health Act 1953

Made 05/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Permits pharmacy providers at a

specified hospital to use a paperless

payment claim procedure.

Private Health Insurance (Prostheses) Rules 2009 (No. 1) under s. 333-20 of the *Private Health Insurance Act 2007* [F2009L00265]

Private Health Insurance Act 2007

Made 02/02/2009

Tabled 10/02/2009 S 10/02/2009 HR

Summary Revoke and replace the Rules

concerning the list of prostheses for which a private health insurer can be required to pay the minimum benefit.

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Migration Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 7 [F2009L00267]

Migration Act 1958

Made 05/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Summary Amend the Principal Regulations

regarding timeframes for reporting on passengers at the time of arrival in Australia, and create an infringement notice system for operators who fail to

report.

Specification of United Nations Security Council Resolutions under r. 4 of the Migration (United Nations Security Council Resolutions) Regulations 2007 (IMMI 08/125) [F2009L00299]

Migration Act 1958

Made 05/02/2009

Tabled 10/02/2009 S 10/02/2009 HR

Summary Specifies a revised list of United

Nations Security Council Resolution for the purposes of the Principal

Regulations.

DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT

Airports Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 8 [F2009L00254]

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 47/31 [F2009L00151]

Airports Act 1996

Civil Aviation Act 1988

Made 05/02/2009

Tabled 10/02/2009 S

09/02/2009 HR

Made 22/12/2008 Tabled

10/02/2009 S

09/02/2009 HR

Summary Make minor amendments

to the Principal Regulations.

Summary This AD was cancelled

on 12 February 2009.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/B737/352 [F2009L00272]

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BELL 47/34

[F2009L00153]

Civil Aviation Act 1988

Made 03/02/2009

10/02/2009 S Tabled

09/02/2009 HR

Made 22/12/2008

Civil Aviation Act 1988

Tabled

10/02/2009 S

09/02/2009 HR

Varies the technical requirements **Summary**

for a particular type of aircraft.

Summary

This AD was cancelled on 12 February 2009.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/BAe 146/136 [F2009L00274]

Civil Aviation Orders, Part 105

Airworthiness Directive AD/BELL 47/87 Amdt 1 [F2009L00159]

Civil Aviation Act 1988

Made 03/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Civil Aviation Act 1988

Made 22/12/2008 Tabled 10/02/2009 S

09/02/2009 HR

Varies the technical requirements Summary

for a particular type of aircraft.

This AD was cancelled Summary

on 12 February 2009.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/DA40/6 Amdt 1 [F2009L00276]

Civil Aviation Orders, Part 105 Airworthiness Directive AD/PA-23/83 [F2009L00206]

Civil Aviation Act 1988

Civil Aviation Act 1988

Civil Aviation Act 1988

03/02/2009 Made

Made 23/12/2008

Tabled 10/02/2009 S Tabled 10/02/2009 S 09/02/2009 HR 09/02/2009 HR

Summary Varies the technical requirements

for a particular type of aircraft.

Summary This AD was cancelled

on 12 February 2009.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/PA-23/62 [F2009L00197]

Civil Aviation Orders, Part 105 Airworthiness Directive AD/PA-23/86 [F2009L00217]

23/12/2008

Civil Aviation Orders, Part 105

Civil Aviation Act 1988

09/02/2009 HR

Civil Aviation Act 1988

22/12/2008 Made

10/02/2009 S Tabled 10/02/2009 S Tabled 09/02/2009 HR

Summary This AD was cancelled Summary This AD was cancelled

on 12 February 2009. on 12 February 2009.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/PA-23/80 [F2009L00205]

Airworthiness Directive AD/PITTS S-2/13 [F2009L00218]

Made

Civil Aviation Act 1988

Made 23/12/2008 Made 22/12/2008

Tabled 10/02/2009 S 09/02/2009 HR Tabled 10/02/2009 S 09/02/2009 HR

Summary This AD was cancelled Summary This AD was cancelled

on 12 February 2009. on 12 February 2009. Civil Aviation Orders, Part 105 Airworthiness Directive AD/S-PUMA/78 Amdt 2 [F2009L00283]

Civil Aviation Orders, Part 107 Airworthiness Directive AD/ELECT/12 [F2009L00171]

Civil Aviation Act 1988

Civil Aviation Act 1988

03/02/2009 Made

Made 23/12/2008

Tabled 10/02/2009 S Tabled 10/02/2009 S 09/02/2009 HR 09/02/2009 HR

Summary Varies the technical requirements

for a particular type of aircraft.

Summary This AD was cancelled

on 12 February 2009.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/SWSA226/93 [F2009L00219]

Civil Aviation Orders, Part 107 Airworthiness Directive AD/FSM/31 Amdt 2 [F2009L00247]

Civil Aviation Act 1988

23/12/2008 Made

10/02/2009 S Tabled 09/02/2009 HR

30/01/2009 Made

Civil Aviation Act 1988

Civil Aviation Act 1988

10/02/2009 S Tabled 09/02/2009 HR

Summary This AD was cancelled

on 12 February 2009.

Summary Varies the technical requirements for

a particular type of aircraft equipment.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/TBM 700/50 Amdt 1 [F2009L00220]

Exemption No. CASA EX06/09 under r. 11.160 of the Civil Aviation Safety Regulations 1998 [F2009L00133]

28/01/2009

Civil Aviation Act 1988

Made 22/12/2008 Made

Tabled 10/02/2009 S 09/02/2009 HR Tabled 10/02/2009 S 09/02/2009 HR

Summary Varies the technical requirements Summary Exempts Airservices Australia from

> for a particular type of aircraft. certain requirements governing the use

> > of radio-navigation aids.

Instrument No. CASA 50/09 under r. 179A(1) of the *Civil Aviation Regulations* 1988 [F2009L00160]

Civil Aviation Act 1988

Made 30/01/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Provides instructions for the use of

precise area navigation procedures by Air National Australia Pty Ltd.

Instrument No. CASA 82/09 under r. 11.245 of the *Civil Aviation Safety Regulations 1998* [F2009L00302]

Civil Aviation Act 1988

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Directs Qantas Airways Ltd to

undertake an audit of its maintenance personnel and their qualifications.

Marine Navigation Levy Collection Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 9 [F2009L00286]

Marine Navigation Levy Collection Act 1989

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Permit the payment of levy by way of

electronic funds transfer.

Marine Navigation (Regulatory Functions) Levy Collection Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 10 [F2009L00287]

Marine Navigation (Regulatory Functions) Levy Collection Act 1991

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Permit the payment of levy by way of

electronic funds transfer.

Maritime Transport and Offshore Facilities Security Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 11 [F2009L00256]

Maritime Transport and Offshore Facilities Security Act 2003

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Permit offshore facility operators to

request the declaration of ship security zones around ships when in the vicinity of an offshore facility, and make other technical amendments to the Principal

Regulations.

DEPARTMENT OF THE TREASURY

Australian Prudential Regulation Authority (Confidentiality) Determination No. 2 of 2009 under s. 57 of the Australian Prudential Regulation Authority Act 1998 [F2009L00251]

Australian Prudential Regulation Authority Act 1998

Made 30/01/2009

10/02/2009 S Tabled 09/02/2009 HR

Summary Provides that information provided by

> general insurers under certain Reporting Standards is non-

confidential.

Retirement Savings Accounts Act 1997 05/02/2009 Made

> Summary Amend the Principal Regulations as a

Retirement Savings Accounts Amendment

Select Legislative Instrument 2009 No. 14

10/02/2009 S

Regulations 2009 (No. 1)

[F2009L00257]

Tabled

consequence of the Temporary

Residents' Superannuation Legislation

09/02/2009 HR

Amendment Act 2008.

Corporations Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 12 [F2009L00288]

Corporations Act 2001

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Repeal certain regulations in the

Principal Regulations as a consequence of the Corporations Amendment (Short

Selling) Act 2008.

Special Tax Table — Joint Petroleum **Development Area Withholding Schedules** under s. 15-25 of Schedule 1 to the Taxation Administration Act 1953 [F2009L00304]

Taxation Administration Act 1953

Made 05/02/2009

Tabled 12/02/2009 S 12/02/2009 HR

Specifies the withholding schedule for Summary

the Joint Petroleum Development Area.

Income Tax Assessment Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 13 [F2009L00235]

Income Tax Assessment Act 1997

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Amend the list of prescribed private

funds in the Principal Regulations.

Superannuation Industry (Supervision) Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 15 [F2009L00258]

Superannuation Industry (Supervision) Act 1993

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Amend the Principal Regulations as a Summary

consequence of the Temporary

Residents' Superannuation Legislation

Amendment Act 2008.

Superannuation (Unclaimed Money and Lost Members) Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 16 [F2009L00255]

Superannuation (Unclaimed Money and Lost Members) Act 1999

Made 05/02/2009

Tabled 10/02/2009 S 09/02/2009 HR

Summary Amend the Principal Regulations as a

consequence of the Temporary

Residents' Superannuation Legislation

Amendment Act 2008.