

**DELEGATED LEGISLATION MONITOR
23-27 NOVEMBER 2009**

This week at a glance

There were 26 disallowable instruments tabled in the Parliament. These were made under 7 separate enabling Acts, through 5 Departments of State.

Regulations

2 of the 26 instruments were Regulations, comprising

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

Instrument makers

3 instruments were made by the Governor-General or Ministers

23 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE
23-27 NOVEMBER 2009**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Attorney-General's Department	2
Department of Broadband, Communications and the Digital Economy	5
Department of Health and Ageing	10
Department of Infrastructure, Transport, Regional Development and Local Government	8
Department of the Treasury	1
Department of Veterans' Affairs	0
Total	26

**DELEGATED LEGISLATION TABLED IN THE SENATE
23-27 NOVEMBER 2009**

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

<i>Broadcasting Services Act 1992</i>	2
<i>Civil Aviation Act 1988</i>	6
<i>Currency Act 1965</i>	1
<i>Federal Magistrates Act 1999</i>	2
<i>National Health Act 1953</i>	10
<i>Navigation Act 1912</i>	2
<i>Trade Practices Act 1974</i>	3
Total	26

ATTORNEY-GENERAL'S DEPARTMENT

**Federal Magistrates Court Amendment Rules 2009
(No. 3)
Select Legislative Instrument 2009 No. 316
[F2009L04279]**

Federal Magistrates Act 1999

Made 16/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Make miscellaneous amendments to the principal Rules, including amendments to the subpoena rules.

**Federal Magistrates Court (Bankruptcy)
Amendment Rules 2009 (No. 1)
Select Legislative Instrument 2009 No. 317
[F2009L04280]**

Federal Magistrates Act 1999

Made 16/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Make miscellaneous amendments to the principal Rules.

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Broadcasting Services (Simulcast Period for Metropolitan Licence Areas) Determination (No. 1) 2009 under subclause 6A(1) of Schedule 4 to the *Broadcasting Services Act 1992* [F2009L04281]

Broadcasting Services Act 1992

Made 2/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Specifies the end of the simulcast period for the metropolitan licence areas.

Class Exemption (Variation) Determination No. 2 of 2009 under subsection 152AS(1) of the *Trade Practices Act 1974* [F2009L04299]

Trade Practices Act 1974

Made 18/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Amends the principal local carriage service Class Determination.

Broadcasting Services (Simulcast Period for Mildura/Sunraysia Licence Area) Determination (No. 2) 2009 under subclause 6A(2) of Schedule 4 to the *Broadcasting Services Act 1992* [F2009L04283]

Broadcasting Services Act 1992

Made 2/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Specifies the end of the simulcast period for the Mildura/Sunraysia licence area.

Class Exemption (Variation) Determination No. 3 of 2009 under subsection 152AS(1) of the *Trade Practices Act 1974* [F2009L04296]

Trade Practices Act 1974

Made 18/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Amends the principal public switched telephone network originating access Class Determination.

Class Exemption (Variation) Determination No. 1 of 2009 under subsection 152AS(1) of the *Trade Practices Act 1974* [F2009L04298]

Trade Practices Act 1974

Made 18/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Amends the principal wholesale line rental Class Determination.

DEPARTMENT OF HEALTH AND AGEING

Instrument No. PB 106 of 2009 under sections 85(2), 85(2A) and 85(2AA) of the *National Health Act 1953*
[F2009L04287]

National Health Act 1953

Made 12/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Specifies revisions to the list of drugs and medicinal preparations that are available as pharmaceutical benefits.

Instrument No. PB 109 of 2009 under subsection 85AB(1) of the *National Health Act 1953*
[F2009L04272]

National Health Act 1953

Made 12/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Specifies drugs that are assigned to the F1 formulary.

Instrument No. PB 107 of 2009 under sections 85, 85A and 88 of the *National Health Act 1953*
[F2009L04284]

National Health Act 1953

Made 12/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Specifies revisions to the list of drugs and medicinal preparations that are available as pharmaceutical benefits.

Instrument No. PB 110 of 2009 under section 85B of the *National Health Act 1953*
[F2009L04253]

National Health Act 1953

Made 12/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Amends the principal Determination concerning price determinations for pharmaceutical items.

Instrument No. PB 108 of 2009 under section 84AF of the *National Health Act 1953*
[F2009L04286]

National Health Act 1953

Made 12/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Determines, for specified brands of pharmaceutical items, the responsible persons for those brands.

Instrument No. PB 111 of 2009 under subsections 85A(1) and (2) and 88(1C) of the *National Health Act 1953*
[F2009L04285]

National Health Act 1953

Made 12/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Amends the principal Determination concerning the prescription of pharmaceutical benefits by authorised optometrists.

Instrument No. PB 112 of 2009 under paragraph 98C(1)(b) of the *National Health Act 1953* [F2009L04263]

National Health Act 1953

Made 12/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

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

Instrument No. PB 116 of 2009 under subsection 100(1) of the *National Health Act 1953* No. PB 116 of 2009 [F2009L04304]

National Health Act 1953

Made 18/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Amends the arrangements for the availability of drugs and medicinal preparations under the Highly Specialised Drugs Program for Public Hospitals.

Instrument No. PB 113 of 2009 under subsection 100(1) of the *National Health Act 1953* [F2009L04290]

National Health Act 1953

Made 12/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Amends the arrangements for the availability of drugs and medicinal preparations under the Highly Specialised Drugs Program.

Instrument No. PB 114 of 2009 under subsection 100(1) of the *National Health Act 1953* [F2009L04291]

National Health Act 1953

Made 13/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Amends the arrangements for the availability of special pharmaceutical products under the Chemotherapy Pharmaceuticals Access Program.

**DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL
DEVELOPMENT AND LOCAL GOVERNMENT**

**Civil Aviation Orders, Part 106
Airworthiness Directive AD/ARRIEL/19 Amdt 1
[F2009L04309]**

Civil Aviation Act 1988

Made 18/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary This AD was cancelled on 24 November 2009.

**Exemption No. CASA EX93/09 under regulation
308 of the Civil Aviation Regulations 1988
[F2009L04023]**

Civil Aviation Act 1988

Made 16/10/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Specifies exemptions with regard to flight instructor (aeroplane) rating requirements.

**Civil Aviation Orders, Part 106
Airworthiness Directive AD/ARRIEL/34
[F2009L04243]**

Civil Aviation Act 1988

Made 16/11/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary This AD was cancelled on 24 November 2009.

**Exemption No. CASA EX100/09 under regulation
308 of the Civil Aviation Regulations 1988
[F2009L04155]**

Civil Aviation Act 1988

Made 19/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Specifies exemptions with regard to requirements concerning design standards.

**Exemption No. CASA EX92/09 under regulation
308 of the Civil Aviation Regulations 1988
[F2009L04022]**

Civil Aviation Act 1988

Made 16/10/2009
Tabled 23/11/2009 S 23/11/2009 HR

Summary Specifies exemptions with regard to flight instructor (aeroplane) rating requirements.

**Instrument No. CASA 518/09 under regulation 208
of the Civil Aviation Regulations 1988
[F2009L04115]**

Civil Aviation Act 1988

Made 16/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Exempts a specified operator from compliance with certain requirements concerning the minimum number of cabin attendants.

Marine Orders Part 15 — Construction—Fire protection, fire detection and fire extinction, Issue 5 under subsection 425(1AA) of the *Navigation Act 1912*

Order No. 9 of 2009
[F2009L04161]

Navigation Act 1912

Made 18/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Gives mandatory effect to amendments to the International Convention for the Safety of Life at Sea.

Marine Orders Part 94 — Marine Pollution Prevention — Packaged Harmful Substances, Issue 5 under subsection 425(1AA) of the *Navigation Act 1912*

Order No. 8 of 2009
[F2009L04163]

Navigation Act 1912

Made 18/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Gives mandatory effect to international obligations concerning the carriage of harmful substances.

DEPARTMENT OF THE TREASURY

**Currency (Perth Mint) Amendment Determination
2009 (No. 1) under subsection 13A(1) of the
Currency Act 1965
[F2009L04327]**

Currency Act 1965

Made 17/11/2009
Tabled 26/11/2009 S 25/11/2009 HR

Summary Amends errors in the specifications
listed in two previous Determinations.