

**DELEGATED LEGISLATION MONITOR  
22-25 AUGUST 2011**

**This Monitor at a glance**

There were 39 disallowable instruments tabled in the Parliament. These were made under 26 separate enabling Acts, through 13 Departments of State.

**Regulations**

8 of the 39 instruments were Regulations, comprising

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

**Instrument makers**

19 instruments were made by the Governor-General or Ministers

20 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE  
22-25 AUGUST 2011**

| <b>DEPARTMENT OF STATE</b>  | <b>NUMBER OF INSTRUMENTS</b> |
|---|------------------------------|
| Attorney-General's Department   | 2                            |
| Department of Broadband, Communications<br>and the Digital Economy              | 5                            |
| Department of Defence   | 3                            |
| Department of Education, Employment and<br>Workplace Relations                  | 9                            |
| Department of Families, Housing, Community<br>Services and Indigenous Affairs   | 1                            |
| Department of Health and Ageing   | 4                            |
| Department of Immigration and Citizenship                                       | 1                            |
| Department of Infrastructure and Transport                                      | 5                            |
| Department of Innovation, Industry, Science<br>and Research                     | 1                            |
| Department of the Prime Minister and Cabinet                                    | 1                            |
| Department of Resources, Energy and Tourism                                     | 1                            |
| Department of Sustainability, Environment,<br>Water, Population and Communities | 4                            |
| Department of the Treasury  | 2                            |
| <b>Total</b>  | <b>39</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>A New Tax System (Family Assistance) (Administration) Act 1999</i>                           | 2         |
| <i>A New Tax System (Family Assistance) Act 1999</i>  | 2         |
| <i>Aged Care Act 1997</i>   | 2         |
| <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>                           | 1         |
| <i>Australian Film, Television and Radio School Act 1973</i>                                    | 1         |
| <i>Broadcasting Services Act 1992</i>   | 2         |
| <i>Civil Aviation Act 1988</i>  | 5         |
| <i>Competition and Consumer Act 2010</i>  | 1         |
| <i>Copyright Act 1968</i>   | 1         |
| <i>Defence Act 1903</i>   | 1         |
| <i>Defence Force Discipline Act 1982</i>  | 1         |
| <i>Energy Efficiency Opportunities Act 2006</i>   | 1         |
| <i>Environment Protection and Biodiversity Conservation Act 1999</i>                            | 4         |
| <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i>                | 1         |
| <i>Fair Work Act 2009</i>   | 1         |
| <i>Higher Education Support Act 2003</i>  | 2         |
| <i>Independent Contractors Act 2006</i>   | 1         |
| <i>Migration Act 1958</i>   | 1         |
| <i>Military Justice (Interim Measures) Act (No. 1) 2009</i>                                     | 1         |
| <i>National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009</i> | 1         |
| <i>Private Health Insurance Act 2007</i>  | 2         |
| <i>Radiocommunications Act 1992</i>   | 1         |
| <i>Social Security Act 1991</i>   | 1         |
| <i>Student Assistance Act 1973</i>  | 1         |
| <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>                  | 1         |
| <i>Telecommunications (Interception and Access) Act 1979</i>                                    | 1         |
| <b>Total</b>  | <b>39</b> |

## ATTORNEY-GENERAL'S DEPARTMENT

**Anti-Money Laundering and Counter-Terrorism  
Financing Rules Amendment Instrument 2011  
(No. 5) under section 229 of the *Anti-Money  
Laundering and Counter-Terrorism Financing Act  
2006*  
[F2011L01705]**

*Anti-Money Laundering and Counter-Terrorism  
Financing Act 2006*

Made 15/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Amends requirements in the principal  
Rules concerning ongoing customer  
due diligence.

**Copyright Amendment Regulations 2011 (No. 1)  
Select Legislative Instrument 2011 No. 149  
[F2011L01698]**

*Copyright Act 1968*

Made 17/08/2011  
Tabled 23/08/2011 S 23/08/2011 HR

**Summary** Amend the principal Regulations to  
prescribe the Australian Broadcasting  
Corporation, the Australian National  
University Archives Program and the  
Special Broadcasting Service  
Corporation as key cultural institutions.

**DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY**

**Commercial Television Conversion Scheme Variation 2011 (No. 1) under subclause 6(1) of Schedule 4 to the *Broadcasting Services Act 1992* [F2011L01716]**

*Broadcasting Services Act 1992*

Made 16/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

**Summary** Amends the Scheme as a consequence of the *Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Act 2011*.

**National Television Conversion Scheme Variation 2011 (No. 1) under subclause 19(1) of Schedule 4 to the *Broadcasting Services Act 1992* [F2011L01715]**

*Broadcasting Services Act 1992*

Made 17/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

**Summary** Amends the Scheme as a consequence of the *Broadcasting Legislation Amendment (Digital Dividend and Other Measures) Act 2011*.

**Radiocommunications (Communication with Space Object) Class Licence Variation 2011 (No. 2) under section 134 of the *Radiocommunications Act 1992* [F2011L01710]**

*Radiocommunications Act 1992*

Made 16/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Amends the principal Licence to include additional frequency bands.

**Telecommunications (Customer Service Guarantee) Amendment Standard 2011 (No. 1) under section 120 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* [F2011L01704]**

[F2011L01704]

*Telecommunications (Consumer Protection and Service Standards) Act 1999*

Made 16/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Amends provisions in the principal Standard concerning requirements for seeking waiver of Customer Service Guarantee rights.

**Telecommunications (Interception and Access) (Emergency Service Facilities — Victoria) Instrument 2011 made under subsection 6(2D) of the *Telecommunications (Interception and Access) Act 1979* [F2011L01717]**

[F2011L01717]

*Telecommunications (Interception and Access) Act 1979*

Made 26/07/2011  
Tabled 25/08/2011 S 25/08/2011 HR

**Summary** Revokes and replaces a previous instrument which specifies the geographical location of certain emergency service facilities operating in Victoria.



## DEPARTMENT OF DEFENCE

### Defence Determination 2011/37

#### *Defence Act 1903*

Made 16/08/2011  
 Tabled 24/08/2011 S 23/08/2011 HR

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

### Defence Force Discipline Amendment Regulations 2011 (No. 1)

Select Legislative Instrument 2011 No. 150  
 [F2011L01696]

#### *Defence Force Discipline Act 1982*

Made 17/08/2011  
 Tabled 23/08/2011 S 23/08/2011 HR

**Summary** Amend the principal Regulations to permit evidence obtained from the use of a specified laser speed device to be admitted in proceedings.

### Military Justice (Interim Measures) (Remuneration and Entitlements) Amendment Regulations 2011 (No. 1)

Select Legislative Instrument 2011 No. 151  
 [F2011L01699]

#### *Military Justice (Interim Measures) Act (No. 1) 2009*

Made 17/08/2011  
 Tabled 23/08/2011 S 23/08/2011 HR

**Summary** Amend the principal Regulations to correct errors regarding specification of certain salaries.

**DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE  
RELATIONS**

**A New Tax System (Family Assistance) (Child Care Benefit — Recognised Work or Work Related Commitments) Amendment Determination 2011 (No. 1) under subsection 15(2) of the A New Tax System (Family Assistance) Act 1999**  
[F2011L01706]

*A New Tax System (Family Assistance) Act 1999*

Made 19/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Removes a redundant provision concerning the Secretary's power of delegation from the principal Determination.

**Child Care Benefit (Allocation of Child Care Places) Amendment Determination 2011 (No. 2) under section 206 of the A New Tax System (Family Assistance) (Administration) Act 1999**  
[F2011L01709]

*A New Tax System (Family Assistance) (Administration) Act 1999*

Made 19/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Removes a redundant provision concerning the Secretary's power of delegation from the principal Determination.

**Child Care Benefit (Absence From Care — Permitted Circumstances) Amendment Determination 2011 (No. 1) under section 11 of the A New Tax System (Family Assistance) Act 1999**  
[F2011L01708]

*A New Tax System (Family Assistance) Act 1999*

Made 19/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Removes a redundant provision concerning the Secretary's power of delegation from the principal Determination.

**Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2011 (No. 1) under subsection 205(1) of the A New Tax System (Family Assistance) (Administration) Act 1999**  
[F2011L01707]

*A New Tax System (Family Assistance) (Administration) Act 1999*

Made 19/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Removes a redundant provision concerning the Secretary's power of delegation from the principal Determination and specifies certain decisions that are reviewable under section 108 of the Act.

**Fair Work Amendment Regulations 2011 (No. 3)  
Select Legislative Instrument 2011 No. 152  
[F2011L01697]**

*Fair Work Act 2009*

Made 17/08/2011  
Tabled 23/08/2011 S 23/08/2011 HR

**Summary** Amend the principal Regulations to prescribe the Public Service Minister as employing authority for Australian Public Service employees.

**Student Assistance (Education Institutions and Courses) Amendment Determination 2011 (No. 1) under subsection 5D(1) of the *Student Assistance Act 1973*  
[F2011L01693]**

*Student Assistance Act 1973*

Made 12/08/2011  
Tabled 22/08/2011 S 22/08/2011 HR

**Summary** Specifies Masters courses at Australian tertiary institutions that are 'tertiary courses' for the purposes of the Act.

**Fair Work (Transitional Provisions and Consequential Amendments) Amendment Regulations 2011 (No. 2)  
Select Legislative Instrument 2011 No. 153  
[F2011L01701]**

*Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*

Made 17/08/2011  
Tabled 23/08/2011 S 23/08/2011 HR

**Summary** Amend the principal Regulations to correct an error regarding the operation of transitional instruments in relation to certain employees.

**VET Provider Approval No. 18 of 2011 under clauses 6 and 11 of Schedule 1A of the *Higher Education Support Act 2003*  
[F2011L01692]**

*Higher Education Support Act 2003*

Made 17/08/2011  
Tabled 22/08/2011 S 22/08/2011 HR

**Summary** Approves Gurkhas Institute of Technology Pty Ltd. as a VET provider.

**Higher Education Provider Approval No. 4 of 2011 under sections 16-25 and 16-50 of the *Higher Education Support Act 2003*  
[F2011L01713]**

*Higher Education Support Act 2003*

Made 18/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Approves The Board of the Chisholm Institute of Technical and Further Education as a Higher Education Provider.

**DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY SERVICES AND  
INDIGENOUS AFFAIRS**

**Disability Care Load Assessment (Child)  
Amendment Determination 2011 under section  
38E of the *Social Security Act 1991*  
[F2011L01725]**

*Social Security Act 1991*

Made 17/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

**Summary** Amends the conditions under which a child may qualify his or her carer for carer allowance if the child suffers from Diabetes Mellitus Type 1.

## DEPARTMENT OF HEALTH AND AGEING

### **Complaints Principles 2011 under section 96-1 of the *Aged Care Act 1997* [F2011L01691]**

#### *Aged Care Act 1997*

Made 11/08/2011  
Tabled 22/08/2011 S 22/08/2011 HR

**Summary** Specify processes to be followed by the Secretary to the Department of Health and Ageing regarding complaints about residential, community or flexible aged care providers under the Act.

### **Residential Care Subsidy Amendment Principles 2011 (No. 3) under subsection 96-1(1) of the *Aged Care Act 1997* [F2011L01719]**

#### *Aged Care Act 1997*

Made 15/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

**Summary** Amend the method for assessing the payment of viability supplement in respect of residents at a residential care service.

### **Private Health Insurance (Benefit Requirements) Amendment Rules 2011 (No. 6) under item 3A of the table in section 333-20 of the *Private Health Insurance Act 2007* [F2011L01683]**

#### *Private Health Insurance Act 2007*

Made 12/08/2011  
Tabled 22/08/2011 S 22/08/2011 HR

**Summary** Amend Schedule 5 to the Rules to delete two facilities that are no longer eligible for second tier default benefits.

### **Private Health Insurance (Insurer Obligations) Amendment Rules 2011 (No. 1) under section 333-25 of the *Private Health Insurance Act 2007* [F2011L01712]**

#### *Private Health Insurance Act 2007*

Made 5/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Amend the principal Rules to update reference to the Appointed Actuaries Standard.

**DEPARTMENT OF IMMIGRATION AND CITIZENSHIP**

**Specification of United Nations Security Council  
Resolutions under regulation 4, definition of  
'resolution' in the *Migration (United Nations  
Security Council Resolutions) Regulations 2007*  
IMMI 10/081  
[F2011L01718]**

***Migration Act 1958***

Made 15/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

**Summary** Specifies United Nations Security  
Council Resolutions for the purposes of  
the principal Regulations.

## DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

**Civil Aviation Orders, Part 39.001(1)  
Airworthiness Directive AD/DHC-1/41 Amdt 1  
[F2011L01722]**

*Civil Aviation Act 1988*

Made 23/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

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

**Civil Aviation Orders, Part 39.001(1)  
Airworthiness Directive AD/F100/30 Amdt 1  
[F2011L01720]**

*Civil Aviation Act 1988*

Made 19/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

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

**Civil Aviation Orders, Part 39.001(1)  
Airworthiness Directive AD/DHC-1/43 Amdt 1  
[F2011L01721]**

*Civil Aviation Act 1988*

Made 23/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

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

**Exemption No. CASA EX089/11 under regulation  
11.160 of the Civil Aviation Safety Regulations 1998  
[F2011L01724]**

*Civil Aviation Act 1988*

Made 15/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

**Summary** Specifies recency requirements for night flying for a specified operator.

**Civil Aviation Orders, Part 39.001(1)  
Airworthiness Directive AD/DHC-1/44 Amdt 1  
[F2011L01723]**

*Civil Aviation Act 1988*

Made 23/08/2011  
Tabled 25/08/2011 S 25/08/2011 HR

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

**DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH**

**Independent Contractors Amendment Regulations  
2011 (No. 1)  
Select Legislative Instrument 2011 No. 155  
[F2011L01694]**

*Independent Contractors Act 2006*

Made 17/08/2011  
Tabled 22/08/2011 S 22/08/2011 HR

**Summary** Extend the transition period for  
Visiting Medical Officers under the  
*Independent Contractors Act 2006*  
until 1 September 2014.



**DEPARTMENT OF THE PRIME MINISTER AND CABINET**

**Determination of Degrees, Diplomas and  
Certificates No. 2011/1 under section 6A of the  
*Australian Film, Television and Radio School Act  
1973***

**[F2011L01674]**

***Australian Film, Television and Radio School Act  
1973***

Made 2/08/2011  
Tabled 22/08/2011 S 22/08/2011 HR

**Summary** Specifies new degrees, diplomas and  
certificates that may be awarded by the  
School.

**DEPARTMENT OF RESOURCES, ENERGY AND TOURISM**

**Energy Efficiency Opportunities Amendment  
Regulations 2011 (No. 2)  
Select Legislative Instrument 2011 No. 156  
[F2011L01695]**

*Energy Efficiency Opportunities Act 2006*

Made 17/08/2011  
Tabled 23/08/2011 S 20/08/2011 HR

**Summary** Make a number of amendments to the principal Regulations to simplify their operation.

**DEPARTMENT OF SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION  
AND COMMUNITIES**

**Amendment of List of Exempt Native Specimens  
under subsection 303DC(1) of the *Environment  
Protection and Biodiversity Conservation Act 1999*  
EPBC303DC/SFS/2011/22  
[F2011L01711]**

*Environment Protection and Biodiversity  
Conservation Act 1999*

Made 11/08/2011  
Tabled 24/08/2011 S 24/08/2011 HR

**Summary** Amends the conditions under which specimens taken in the Tasmania Scallop Fishery are included in the list of native specimens that are exempt from trade control provisions.

**Amendment of List of Exempt Native Specimens  
under subsection 303DC(1) of the *Environment  
Protection and Biodiversity Conservation Act 1999*  
EPBC303DC/SFS/2011/25  
[F2011L01684]**

*Environment Protection and Biodiversity  
Conservation Act 1999*

Made 16/08/2011  
Tabled 22/08/2011 S 22/08/2011 HR

**Summary** Adds specimens taken in the Queensland Fin Fish (Stout Whiting) Trawl Fishery to the list of native specimens that are exempt from trade control provisions.

**Amendment of List of Exempt Native Specimens  
under subsection 303DC(1) of the *Environment  
Protection and Biodiversity Conservation Act 1999*  
EPBC303DC/SFS/2011/24  
[F2011L01686]**

*Environment Protection and Biodiversity  
Conservation Act 1999*

Made 16/08/2011  
Tabled 22/08/2011 S 22/08/2011 HR

**Summary** Deletes specimens taken in the Queensland Fin Fish (Stout Whiting) Trawl Fishery from the list of native specimens that are exempt from trade control provisions.

**Instrument making Management Plan under  
section 324S(1) of the *Environment Protection and  
Biodiversity Conservation Act 1999*  
[F2011L01714]**

*Environment Protection and Biodiversity  
Conservation Act 1999*

Made 16/03/2011  
Tabled 25/08/2011 S 25/08/2011 HR

**Summary** Specifies a management plan for Cockatoo Island.

## DEPARTMENT OF THE TREASURY

**National Consumer Credit Protection  
(Transitional and Consequential Provisions)  
Amendment Regulations 2011 (No. 1)  
Select Legislative Instrument 2011 No. 157  
[F2011L01700]**

*National Consumer Credit Protection (Transitional  
and Consequential Provisions) Act 2009*

Made 17/08/2011  
Tabled 23/08/2011 S 23/08/2011 HR

**Summary** Amend the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* to clarify the enforcement powers of the Australian Securities and Investments Commission and the power of the courts to make certain orders.

**Revocation of Existing Permanent Ban on  
Miniature Motorbikes (Monkey Bikes) with  
Unsafe Design Features and Imposition of New  
Permanent Ban on Miniature Motorbikes  
(Monkey Bikes) with Unsafe Design Features  
under subsections 117(a), 114(1)(a) and  
114(1)(b)(i) of Schedule 2 of the *Competition and  
Consumer Act 2010*  
Consumer Protection Notice No. 24 of 2011  
[F2011L01702]**

*Competition and Consumer Act 2010*

Made 16/08/2011  
Tabled 23/08/2011 S 23/08/2011 HR

**Summary** Revokes and replaces a permanent ban on specified types of miniature motorbikes.