

**DELEGATED LEGISLATION MONITOR
19-22 SEPTEMBER 2011**

This Monitor at a glance

There were 29 disallowable instruments tabled in the Parliament. These were made under 17 separate enabling Acts, through 8 Departments of State.

Regulations

4 of the 29 instruments were Regulations, comprising

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

Instrument makers

11 instruments were made by the Governor-General or Ministers

18 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE
19-22 SEPTEMBER 2011**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Department of Agriculture, Fisheries and Forestry	2
Attorney-General's Department	1
Department of Broadband, Communications and the Digital Economy	5
Department of Education, Employment and Workplace Relations	3
Department of Health and Ageing	7
Department of Infrastructure and Transport	4
Department of Sustainability, Environment, Water, Population and Communities	1
Department of the Treasury	6
Total	29

**DELEGATED LEGISLATION TABLED IN THE SENATE
19-22 SEPTEMBER 2011**

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

<i>Aged Care Act 1997</i>	4
<i>Banking Act 1959</i>	5
<i>Broadcasting Services Act 1992</i>	2
<i>Civil Aviation Act 1988</i>	4
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	1
<i>Export Inspection (Establishment Registration Charges) Act 1985</i>	1
<i>Export Inspection and Meat Charges Collection Act 1985</i>	1
<i>Foreign Evidence Amendment Act 2010</i>	1
<i>Higher Education Support Act 2003</i>	2
<i>Insurance Act 1973</i>	5
<i>Life Insurance Act 1995</i>	4
<i>National Health Act 1953</i>	1
<i>Private Health Insurance Act 2007</i>	2
<i>Radiocommunications (Receiver Licence Tax) Act 1983</i>	1
<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	1
<i>Remuneration Tribunal Act 1973</i>	1
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	1
Total	37

(Some instruments are made under more than one enabling Act. The number of instruments listed under enabling Acts is, therefore, greater than the number of instruments.)

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

**Export Inspection and Meat Charges Collection
Amendment Regulations 2011 (No. 1)
Select Legislative Instrument 2011 No. 167
[F2011L01913]**

*Export Inspection and Meat Charges Collection Act
1985*

Made 14/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Amend the principal Regulation to specify when amounts charged for a charge period are due for payment, and to specify procedure for remitting or refunding amounts paid by registered establishments.

**Export Inspection (Establishment Registration
Charges) Amendment Regulations 2011 (No. 1)
Select Legislative Instrument 2011 No. 166
[F2011L01914]**

*Export Inspection (Establishment Registration
Charges) Act 1985*

Made 14/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Amend provision in the principal Regulations concerning registration charges.

ATTORNEY-GENERAL'S DEPARTMENT

**Foreign Evidence (Application of Amendments)
Regulations 2011
Select Legislative Instrument 2011 No. 168
[F2011L01911]**

Foreign Evidence Amendment Act 2010

Made 14/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Amend the principal Regulations as they affect Western Australia, South Australia, Tasmania and the Northern Territory, as a consequence of the *Foreign Evidence Amendment Act 2010*.

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Broadcasting Services (Events) Notice (No. 1) 2010 (Amendment No. 12 of 2011) under subsection 115(2) of the *Broadcasting Services Act 1992* [F2011L01907]

Broadcasting Services Act 1992

Made 14/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Removes certain events in the 2011 Australian Football League Premiership competition from the principal Notice to permit the event to be broadcast on free-to-air television digital multi-channel.

National Relay Service (Participating Persons) Determination 2011 (No. 1) under paragraph 94A(2)(a) of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* [F2011L01922]

Telecommunications (Consumer Protection and Service Standards) Act 1999

Made 14/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Determines the gross telecommunications revenue amount for the purposes of the Act.

Broadcasting Services (Events) Notice (No. 1) of 2010 (Amendment No. 13 of 2011) under subsection 115(2) of the *Broadcasting Services Act 1992* [F2011L01908]

Broadcasting Services Act 1992

Made 14/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Removes certain events in the 2011 Rugby World Cup competition from the principal Notice to permit the event to be broadcast on free-to-air television digital multi-channel.

Radiocommunications (Transmitter Licence Tax) Amendment Determination 2011 (No. 2) under subsection 7(1) of the *Radiocommunications (Transmitter Licence Tax) Act 1983* [F2011L01928]

Radiocommunications (Transmitter Licence Tax) Act 1983

Made 13/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Amends the taxation arrangements for radiocommunications transmitter licences.

**Radiocommunications (Receiver Licence Tax)
Amendment Determination 2011 (No. 2) under
subsection 7(1) of the *Radiocommunications
(Receiver Licence Tax) Act 1983*
[F2011L01927]**

***Radiocommunications (Receiver Licence Tax) Act
1983***

Made 13/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Amends the taxation arrangements for
radiocommunications receiver licences.

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

**Notice of Revocation of Approval as a Higher
Education Provider on Application under
subsections 22-40(1) and 22-40(2) of the *Higher
Education Support Act 2003*
[F2011L01933]**

Higher Education Support Act 2003

Made 19/09/2011
Tabled 22/09/2011 S 22/09/2011 HR

Summary Revokes the approval of College of
Law Pty Ltd as a higher education
provider.

**Remuneration Tribunal Determination 2011/19
[F2011L01930]**

Remuneration Tribunal Act 1973

Made 15/09/2011
Tabled 22/09/2011 S 22/09/2011 HR

Summary Amends the remuneration and
allowances payable to judicial and
related officers and to certain holders
of part-time public office.

**VET Provider Approval No. 19 of 2011 under
clause 6, decision under paragraph 11(1)(a) and
notice of approval under paragraph 11(1)(b) of
Schedule 1A to the *Higher Education Support Act
2003*
[F2011L01932]**

Higher Education Support Act 2003

Made 15/09/2011
Tabled 22/09/2011 S 22/09/2011 HR

Summary Approves Australian College of
Natural Medicine Pty Ltd. as a VET
provider.

DEPARTMENT OF HEALTH AND AGEING

Aged Care (Residential Care Subsidy — Amount of Concessional Resident Supplement) Determination 2011 (No. 2) under subsection 44-6(4) of the *Aged Care Act 1997*
[F2011L01909]

Aged Care Act 1997

Made 7/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Specifies the amount of the concessional resident supplement.

Aged Care (Residential Care Subsidy — Amount of Transitional Accommodation Supplement) Determination 2011 (No. 2) under subsection 44-16(3) of the *Aged Care Act 1997*
[F2011L01904]

Aged Care Act 1997

Made 7/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Specifies the amount of the transitional accommodation supplement.

Aged Care (Residential Care Subsidy — Amount of Pensioner Supplement) Determination 2011 (No. 2) under subsection 44-28(7) of the *Aged Care Act 1997*
[F2011L01906]

Aged Care Act 1997

Made 7/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Specifies the amount of the pensioner supplement.

National Health Amendment Regulations 2011 (No. 1) Select Legislative Instrument 2011 No. 169
[F2011L01912]

National Health Act 1953

Made 14/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Amend eligibility restrictions for access to syringes and needles through the National Diabetes Services Scheme.

Aged Care (Residential Care Subsidy — Amount of Respite Supplement) Determination 2011 (No. 2) under subsection 44-12(3) of the *Aged Care Act 1997*
[F2011L01905]

Aged Care Act 1997

Made 7/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Specifies the amount of respite supplement payable from 20 September 2011.

Private Health Insurance (Benefit Requirements) Amendment Rules 2011 (No. 8) under item 3A of the table in section 333-20 of the *Private Health Insurance Act 2007*
[F2011L01924]

Private Health Insurance Act 2007

Made 15/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Amend Schedules A, B and C of the principal Rules concerning benefits payable for hospital treatment.

**Private Health Insurance (Complying Product)
Amendment Rules 2011 (No. 4A) under item 3 of
the table in section 333-20 of the *Private Health
Insurance Act 2007*
[F2011L01919]**

Private Health Insurance Act 2007

Made 14/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Amend the patient contribution payable per night for nursing-home type patients at public hospitals in some States and at private hospitals nationally.

DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

Exemption No. CASA EX104/11 under regulation 11.160 of the *Civil Aviation Safety Regulations 1998* [F2011L01915]

Civil Aviation Act 1988

Made 15/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Permits certain aircraft operated by Jetstar Airways Ltd to engage in land and hold short operations.

Instrument No. CASA 405/11 under regulation 208 of the *Civil Aviation Regulations 1988* [F2011L01916]

Civil Aviation Act 1988

Made 13/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

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

Exemption No. CASA EX106/11 under regulation 11.160 of the *Civil Aviation Safety Regulations 1998* [F2011L01917]

Civil Aviation Act 1988

Made 15/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Specifies exemptions for DAMP organisations regarding the collection and screening of specimens.

Instrument No. CASA 390/11 under regulation 179A of the *Civil Aviation Regulations 1988* [F2011L01910]

Civil Aviation Act 1988

Made 9/09/2011
Tabled 19/09/2011 S 19/09/2011 HR

Summary Specifies conditions to be satisfied by certain aircraft operated by Qantas Airways Ltd engaged in certain types of instrument approaches.

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

**Amendment to the list of threatened species under
section 178 of the *Environment Protection and
Biodiversity Conservation Act 1999*
Instrument No. 127
[F2011L01929]**

***Environment Protection and Biodiversity
Conservation Act 1999***

Made 12/09/2011
Tabled 22/09/2011 S 22/09/2011 HR

Summary Corrects or updates the scientific
names of three species of plants.

DEPARTMENT OF THE TREASURY

Banking exemption No. 3 of 2011 under subsection 11(4) of the *Banking Act 1959*
[F2011L01926]

Banking Act 1959

Made 14/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Adds the name of Temple Society Australia to the list of Funds I Schedule 1 of the principal Determination.

Banking, Insurance and Life Insurance (prudential standards) determination No. 1 of 2011 under subsections 11AF(1) and 11AF(3) of the *Banking Act 1959*; under subsections 32(1) and 32(4) of the *Insurance Act 1973*; and under subsection 230A(1) and 230A(5) of the *Life Insurance Act 1995*
[F2011L01920]

Banking Act 1959
Insurance Act 1973
Life Insurance Act 1995

Made 9/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Revokes three prudential standards and substitutes them with Prudential Standard CPS 231 Outsourcing.

Banking, Insurance and Life Insurance (prudential standards) determination No. 2 of 2011 under subsection 11AF(1) and 11AF(3) of the *Banking Act 1959*; under subsections 32(1) and 32(4) of the *Insurance Act 1973*; and under subsection 230A(1) and 230A(5) of the *Life Insurance Act 1995*
[F2011L01921]

Banking Act 1959
Insurance Act 1973
Life Insurance Act 1995

Made 9/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Revokes three prudential standards and substitutes them with Prudential Standard CPS 232 Business Continuity Management.

Banking, Insurance and Life Insurance (prudential standards) determination No. 3 of 2011 under subsections 11AF(1) and 11AF(3) of the *Banking Act 1959*; under subsections 32(1) and 32(4) of the *Insurance Act 1973*; and under subsections 230A(1) and 230A(5) of the *Life Insurance Act 1995*
[F2011L01923]

Banking Act 1959
Insurance Act 1973
Life Insurance Act 1995

Made 9/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Revokes three prudential standards and substitutes them with Prudential Standard CPS 510 Governance.

Banking, Insurance and Life Insurance (prudential standards) determination No. 4 of 2011 under subsections 11AF(1) and 11AF(3) of the *Banking Act 1959*; under subsections 32(1) and 32(4) of the *Insurance Act 1973* and under subsections 230A(1) and 230A(5) of the *Life Insurance Act 1995*
[F2011L01925]

Banking Act 1959
Insurance Act 1973
Life Insurance Act 1995

Made 9/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Revokes three prudential standards and substitutes them with Prudential Standard CPS 520 Fit and Proper.

Insurance (prudential standard) determination No. 1 of 2011 under subsections 32(1) and 32(4) of the *Insurance Act 1973*
[F2011L01918]

Insurance Act 1973

Made 9/09/2011
Tabled 21/09/2011 S 21/09/2011 HR

Summary Revokes a prudential standard and determines in its place Prudential Standard GPS 221 Risk Management: Level 2 Insurance Groups which applies to all general insurers and authorised non-operating holding companies.