

**DELEGATED LEGISLATION MONITOR  
7-10 NOVEMBER 2011**

**This Monitor at a glance**

There were 28 disallowable instruments tabled in the Parliament. These were made under 16 separate enabling Acts, through 11 Departments of State.

**Regulations**

2 of the 28 instruments were Regulations, comprising

- 1 made as primary instruments; and
- 1 made as amending instruments

**Instrument makers**

10 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  
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<b>DEPARTMENT OF STATE</b>	<b>NUMBER OF INSTRUMENTS</b>
Department of Agriculture, Fisheries and Forestry	3
Department of Broadband, Communications and the Digital Economy	3
Department of Defence	3
Department of Education, Employment and Workplace Relations	1
Department of Finance and Deregulation	1
Department of Health and Ageing	5
Department of Immigration and Citizenship	1
Department of Infrastructure and Transport	4
Department of Sustainability, Environment, Water, Population and Communities	3
Department of the Treasury	1
Department of Veterans' Affairs	3
<b>Total</b>	<b>28</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>Australian Participants in British Nuclear Tests (Treatment) Act 2006</i>	1
<i>Civil Aviation Act 1988</i>	4
<i>Defence Act 1903</i>	3
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	2
<i>Financial Management and Accountability Act 1997</i>	1
<i>Fisheries Management Act 1991</i>	3
<i>Health Insurance Act 1973</i>	2
<i>Higher Education Support Act 2003</i>	1
<i>Migration Act 1958</i>	1
<i>Military Rehabilitation and Compensation Act 2004</i>	1
<i>National Consumer Credit Protection Act 2009</i>	1
<i>Private Health Insurance Act 2007</i>	3
<i>Product Stewardship Act 2011</i>	1
<i>Radiocommunications Act 1992</i>	2
<i>Telecommunications Act 1997</i>	1
<i>Veterans' Entitlements Act 1986</i>	1
<b>Total</b>	<b>28</b>

**DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY**

**2012-13 Southern Bluefin Tuna Australia's National Catch Allocation Determination under section 17(6)(aa) of the *Fisheries Management Act 1991* and under subclause 17.2A of the *Southern Bluefin Tuna Fishery Management Plan 1995* [F2011L02274]**

*Fisheries Management Act 1991*

Made 27/10/2011  
Tabled 9/11/2011 S 17/11/2011 HR

**Summary** Specifies the national catch allocation for Southern Bluefin Tuna for the season commencing 1 December 2011.

**Eastern Tuna and Billfish Fishery Total Allowable Commercial Catch (2011 Fishing Season) Determination under section 3.2 of *Eastern Tuna and Billfish Fishery Management Plan 2010* [F2011L02270]**

*Fisheries Management Act 1991*

Made 7/11/2011  
Tabled 9/11/2011 S 17/11/2011 HR

**Summary** Specifies the total allowable commercial catch for specified quota species.

**Eastern Tuna and Billfish Fishery Overcatch and Undercatch (2011 Fishing Season) Determination under sections 4.5 and 4.6 of the *Eastern Tuna and Billfish Fishery Management Plan 2010* [F2011L02269]**

*Fisheries Management Act 1991*

Made 7/11/2011  
Tabled 9/11/2011 S 17/11/2011 HR

**Summary** Determines the amounts and percentages for quota species in relation to undercatch and overcatch for the fishing season commencing 1 March 2011.

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

**Radiocommunications (Spectrum Re-allocation)  
Declaration No. 1 of 2011 under subsection 153F(1)  
of the *Radiocommunications Act 1992*  
[F2011L02180]**

*Radiocommunications Act 1992*

Made 1/11/2011  
Tabled 7/11/2011 S 3/11/2011 HR

**Summary** Specifies re-allocations of encumbered spectrum.

**Radiocommunications (Spectrum Re-allocation)  
Declaration No. 2 of 2011 under subsection  
153F(1) of the *Radiocommunications Act 1992*  
[F2011L02181]**

*Radiocommunications Act 1992*

Made 1/11/2011  
Tabled 7/11/2011 S 3/11/2011 HR

**Summary** Specifies re-allocations of encumbered spectrum.

**Telemarketing and Research Calls Industry  
Standard Variation 2011 (No. 1) under subsection  
130(1) of the *Telecommunications Act 1997*  
[F2011L02182]**

*Telecommunications Act 1997*

Made 17/10/2011  
Tabled 7/11/2011 S 3/11/2011 HR

**Summary** Makes various amendments to the principal Standard.

## DEPARTMENT OF DEFENCE

### Defence Determination 2011/47

#### *Defence Act 1903*

Made 31/10/2011  
 Tabled 7/11/2011 S 17/11/2011 HR

**Summary** Amends rent bands in the principal Determination.

### Defence Determination 2011/48

#### *Defence Act 1903*

Made 31/10/2011  
 Tabled 7/11/2011 S 17/11/2011 HR

**Summary** Makes minor amendments to the principal Determination to permit members to use leave credits flexibly.

### Defence Determination 2011/49

#### *Defence Act 1903*

Made 7/11/2011  
 Tabled 10/11/2011 S 17/11/2011 HR

**Summary** Specifies adjustments to the rates of deployment allowance in the principal Determination.



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

**VET Provider Approval No. 20 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*  
[F2011L02178]**

*Higher Education Support Act 2003*

Made 27/10/2011  
Tabled 7/11/2011 S 3/11/2011 HR

**Summary** Approves Cornerstone Investment Aust  
Pty Ltd as a VET provider.

**DEPARTMENT OF FINANCE AND DEREGULATION**

**Financial Management and Accountability  
(Variation of the Return of Indigenous Cultural  
Property Special Account) Determination 2011/16  
under subsection 20(2) of the *Financial  
Management and Accountability Act 1997*  
[F2011L02183]**

***Financial Management and Accountability Act 1997***

Made 20/10/2011  
Tabled 7/11/2011 S 3/11/2011 HR

**Summary** Varies and renames the Return of  
Indigenous Cultural Property Special  
Account.

## DEPARTMENT OF HEALTH AND AGEING

**Health Insurance (Accreditation of Podiatric Surgeons) Guidelines PHB23/2004 Revocation Instrument under subsection 3AAA(2) of the *Health Insurance Act 1973***  
[F2011L02244]

*Health Insurance Act 1973*

Made 13/10/2011  
Tabled 7/11/2011 S 17/11/2011 HR

**Summary** Revoke redundant Guidelines.

**Private Health Insurance (Prostheses) Amendment Rules 2011 (No. 3) under item 4 of the table in section 333-20 of the *Private Health Insurance Act 2007***

[F2011L02240]

*Private Health Insurance Act 2007*

Made 28/10/2011  
Tabled 7/11/2011 S 17/11/2011 HR

**Summary** Amend the definition of accredited podiatrist in the principal Rules, and insert a definition of 'National Law'.

**Health Insurance (Review of GP Mental Health Treatment Plan) Determination 2011 under subsection 3C(1) of the *Health Insurance Act 1973***  
[F2011L02245]

*Health Insurance Act 1973*

Made 4/11/2011  
Tabled 7/11/2011 S 17/11/2011 HR

**Summary** Amends a drafting error to permit patients with a GP mental health treatment plan to access Medicare benefits for a review of that plan.

**Private Health Insurance (Registration) Amendment Rules 2011 under item 7 of the table in section 333-20 of the *Private Health Insurance Act 2007***

[F2011L02291]

*Private Health Insurance Act 2007*

Made 28/10/2011  
Tabled 10/11/2011 S 17/11/2011 HR

**Summary** Amend the list of restricted access groups for certain insurers in the principal Rules.

**Private Health Insurance (Accreditation) Rules 2011 under item 5 of the table in section 333-20 of the *Private Health Insurance Act 2007***  
[F2011L02241]

*Private Health Insurance Act 2007*

Made 13/10/2011  
Tabled 7/11/2011 S 17/11/2011 HR

**Summary** Revoke and remake the previous Rules, amending the standard for treatment of a kind practiced by a podiatric surgeon.

**DEPARTMENT OF IMMIGRATION AND CITIZENSHIP**

**Migration Amendment Regulations 2011 (No. 6)**  
**Select Legislative Instrument 2011 No. 199**  
**[F2011L02239]**

*Migration Act 1958*

Made 3/11/2011  
Tabled 7/11/2011 S 17/11/2011 HR

**Summary** Amend provisions in the principal  
Regulations concerning student visas  
and make other amendments.

## DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

**Civil Aviation Order 20.9 Amendment Instrument 2011 (No. 2) under subregulation 235(7) of the *Civil Aviation Regulations 1988* [F2011L02289]**

*Civil Aviation Act 1988*

Made 27/10/2011  
Tabled 10/11/2011 S 17/11/2011 HR

**Summary** Corrects a typographical error in the principal Order.

**Instrument No. CASA 447/11 under subregulation 179A(1) of the *Civil Aviation Regulations 1988* [F2011L02279]**

*Civil Aviation Act 1988*

Made 2/11/2011  
Tabled 9/11/2011 S 17/11/2011 HR

**Summary** Specifies instructions for the approved use of P-RNAV procedures by Qantas A380 aircraft.

**Civil Aviation Orders, Part 39.001(1) Airworthiness Directive AD/CL-600/71 [F2011L02204]**

*Civil Aviation Act 1988*

Made 28/10/2011  
Tabled 7/11/2011 S 17/11/2011 HR

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

**Exemption No. CASA EX122/11 under regulation 11.160 of the *Civil Aviation Safety Regulations 1998* [F2011L02203]**

*Civil Aviation Act 1988*

Made 28/10/2011  
Tabled 7/11/2011 S 17/11/2011 HR

**Summary** Specifies exemptions relating to the production of modified or replacement parts.

**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*  
DPBC303DC/SFS/2011/37  
[F2011L02276]**

*Environment Protection and Biodiversity  
Conservation Act 1999*

Made 3/11/2011  
Tabled 9/11/2011 S 21/11/2011 HR

**Summary** Amends the conditions under which specimens taken in the Western Deepwater Trawl Fishery and the North West Slope Trawl Fishery are included in the list of native specimens that are exempt from trade control provisions.

**Product Stewardship (Televisions and Computers)  
Regulations 2011  
Select Legislative Instrument 2011 No. 200  
[F2011L02266]**

*Product Stewardship Act 2011*

Made 3/11/2011  
Tabled 9/11/2011 S 17/11/2011 HR

**Summary** Specify matters relating to the National Television and Computer Recycling Scheme.

**Amendment of List of Exempt Native Specimens  
under subsection 303DC(1) of the *Environment  
Protection and Biodiversity Conservation Act 1999*  
EPBC303DC/SFS/2011/40  
[F2011L02278]**

*Environment Protection and Biodiversity  
Conservation Act 1999*

Made 3/11/2011  
Tabled 9/11/2011 S 17/11/2011 HR

**Summary** Deletes two species of cod from the list of exempt native specimens.

**DEPARTMENT OF THE TREASURY**

**National Consumer Credit Protection Amendment  
Regulations 2011 (No. 6)  
Select Legislative Instrument 2011 No. 201  
[F2011L02260]**

*National Consumer Credit Protection Act 2009*

Made 3/11/2011  
Tabled 9/11/2011 S 17/11/2011 HR

**Summary** Amend the principal Regulations as a consequence of reforms made by the *National Consumer Credit Protection Amendment (Home Loans and Credit Cards) Act 2011*.

## DEPARTMENT OF VETERANS' AFFAIRS

**MRCIA Treatment Principles (Minor & Technical Variations (No. 2)) Instrument 2011 under subsection 286(2) of the *Military Rehabilitation and Compensation Act 2004***  
**Instrument No. M48/2011**  
**[F2011L02286]**

***Military Rehabilitation and Compensation Act 2004***

Made 31/10/2011  
 Tabled 10/11/2011 S 17/11/2011 HR

**Summary** Rectifies drafting errors and updates references to incorporate documents in the principal instrument.

**Veterans' Entitlements (Treatment Principles — Minor & Technical Variations (No. 2)) Instrument 2011 under subsection 90(4) of the *Veterans' Entitlements Act 1986***  
**Instrument No. R47/2011**  
**[F2011L02287]**

***Veterans' Entitlements Act 1986***

Made 31/10/2011  
 Tabled 10/11/2011 S 17/11/2011 HR

**Summary** Rectifies drafting errors and updates references to incorporate documents in the principal instrument.

**Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Minor & Technical Variations (No. 2) Instrument 2011 under subsection 16(6) of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006***  
**Instrument No. R49/2011**  
**[F2011L02284]**

***Australian Participants in British Nuclear Tests (Treatment) Act 2006***

Made 31/10/2011  
 Tabled 10/11/2011 S 17/11/2011 HR

**Summary** Rectifies drafting errors and updates references to incorporate documents in the principal instrument.