DELEGATED LEGISLATION MONITOR 21-25 NOVEMBER 2011

This Monitor at a glance

There were 40 disallowable instruments tabled in the Parliament. These were made under 23 separate enabling Acts, through 13 Departments of State.

Regulations

5 of the 40 instruments were Regulations, comprising

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

Instrument makers

11 instruments were made by the Governor-General or Ministers

29 instruments were made by Public Officials

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DELEGATED LEGISLATION TABLED IN THE SENATE 21-25 NOVEMBER 2011

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

A New Tax System (Family Assistance) (Administration) Act 1999	2
Australian Meat and Live-stock Industry Act 1997	2
Business Names Registration (Fees) Act 2011	1
Business Names Registration (Transitional and Consequential Provisions) Act 2011	1
Business Names Registration Act 2011	1
Charter of the United Nations Act 1945	1
Civil Aviation Act 1988	7
Corporations Act 2001	2
Defence Act 1903	1
Education Services for Overseas Students Act 2000	1
Environment Protection and Biodiversity Conservation Act 1999	3
Excise Act 1901	2
Fisheries Management Act 1991	1
Health Insurance Act 1973	1
Higher Education Support Act 2003	1
Personal Property Securities Act 2009	1
Radiocommunications Act 1992	3
Remuneration Tribunal Act 1973	1
Renewable Energy (Electricity) Act 2000	1
Safety, Rehabilitation and Compensation Act 1988	1
Seafarers Rehabilitation and Compensation Act 1992	1
Telecommunications Act 1997	2
Veterans' Entitlements Act 1986	3

Total

40

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Australian Meat and Live-stock Industry (Beef Export to the USA — Quota Year 2012) Order 2011 under section 17 of the *Australian Meat and Live-stock Industry Act 1997* [F2011L02386]

Australian Meat and Live-stock Industry Act 1997

Made	1/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Specifies the method by which in-quota beef may be exported to the United States of America in 2012.

Direction Not to Engage in Fishing — NPF Direction No. 154 under section 41A(2) of the *Fisheries Management Act 1991* [F2011L02369]

Fisheries Management Act 1991

Made	10/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Establishes closures in parts of the Northern Prawn Fishery, ending on 31 July 2012.

Australian Meat and Live-stock Industry (Sheepmeat and Goatmeat Export to the European Union — Quota Year 2012) Order 2011 under section 17 of the *Australian Meat and Live-stock Industry Act 1997* [F2011L02389]

Australian Meat and Live-stock Industry Act 1997

Made	1/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Specifies the method by which quotas to export sheepmeat and goatmeat to the European Union will be allocated among licensed exporters for the quota year 2012.

ATTORNEY-GENERAL'S DEPARTMENT

Personal Property Securities (Migrated Security Interests and Effective Registration) Determination 2011 under subsections 333(1) and 337(2) of the *Personal Property Securities Act 2009* [F2011L02395]

Personal Property Securities Act 2009

Made	21/11/2011	
Tabled	25/11/2011 S	23/11/2011 HR

Summary Specifies classes of personal property that are registrable on the Personal Property Securities Register during the migration time, and permits the Registrar to cure relevant defects arising from the data migration process.

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Radiocommunications Licence Conditions (Aeronautical Licence) Amendment Determination 2011 (No. 1) under paragraph 107(1) of the *Radiocommunications Act 1992* [F2011L02383]

Radiocommunications Act 1992

Made	10/11/2011	
Tabled	21/11/2011 S	11/11/2011 HR

Summary Deletes references to 'aeronautical non assigned station' in the principal Determination and makes other consequential amendments.

Radiocommunications (PMTS Jamming Devices — Visiting Forces and Suppliers) Exemption Determination 2011 under subsection 27(2) of the *Radiocommunications Act 1992* [F2011L02382]

Radiocommunications Act 1992

Made	10/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Permits visiting forces and suppliers to the Department of Defence and the Defence Force and to visiting forces to conduct jamming activity on frequency bands used for the supply of a public mobile telecommunications service.

Radiocommunications Licence Conditions (Aircraft Licence) Determination 2011 (No. 1) under paragraph 107(1) of the *Radiocommunications Act 1992* [F2011L02381]

Radiocommunications Act 1992

Made	10/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Revokes and replaces the Radiocommunications Licence Conditions (Aircraft Licence) Determination No. 1 of 1997.

Telecommunications (Infringement Notices) Guidelines 2011 under subsection 572M(2) of the *Telecommunications Act 1997* [F2011L02380]

Telecommunications Act 1997

Made Tabled	10/11/2011 21/11/2011 S	21/11/2011 HR
Summary	Provides guidelines the Australian Com Media Authority of infringement notices	munications and its power to issue

Telecommunications (Listed Infringement Notice Provisions) Declaration 2011 under subsection 572E(7) of the *Telecommunications Act 1997* [F2011L02374]

Telecommunications Act 1997

Made	10/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Specifies provisions in certain Acts that are listed infringement notice provisions for the purposes of the Act.

DEPARTMENT OF CLIMATE CHANGE AND ENERGY EFFICIENCY

Renewable Energy (Electricity) Amendment Regulations 2011 (No. 5) Select Legislative Instrument 2011 No. 222 [F2011L02410]

Renewable Energy (Electricity) Act 2000

 Made
 23/11/2011

 Tabled
 25/11/2011 S
 24/11/2011 HR

Summary Amend the principal Regulations to exclude biomass from native forests as an eligible renewable energy source.

DEPARTMENT OF DEFENCE

Defence Determination 2011/50

Defence Act 1903

Made	10/11/2011	
Tabled	21/11/2011 S	17/11/2011 HR

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

DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

Child Care Benefit (Breach of Conditions for Continued Approval) Amendment Determination 2011 (No. 1) under subsection 200(5) of the *A New Tax System (Family Assistance) (Administration) Act 1999* [F2011L02393]

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

Made	16/11/2011	
Tabled	25/11/2011 S	23/11/2011 HR

Summary Amends the principal Determination to omit certain inoperative provisions.

Education Services for Overseas Students (Designated Authority) Determination 2011 (No. 2) under paragraph (b) of the definition of *designated authority* in section 5 of the *Education Services for Overseas Students Act 2000* [F2011L02388]

Education Services for Overseas Students Act 2000

Made	8/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Determines the designated authority for certain courses and programs.

Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2011 (No. 2) under subsection 205(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999* [F2011L02402]

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

Made	16/11/2011	
Tabled	25/11/2011 S	24/11/2011 HR

Summary Amends provisions in the principal Determination concerning matters to which the Secretary may have regard in making a decision to approve a child care service, and makes other amendments to the Determination. Instrument of Approval — Guide to the Assessment of the Degree of Permanent Impairment — Edition 2.1 under subsection 28(3) of the Safety, Rehabilitation and Compensation Act 1988

[F2011L02375]

Safety, Rehabilitation and Compensation Act 1988

Made	2/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Specifies a revised guide for assessing the degree of permanent impairment for the purposes of lump-sum compensation payments under the Act. Instrument of Approval — Guide to the Assessment of the Degree of Permanent Impairment — Edition 2.1 under subsection 42(3) of the Seafarers Rehabilitation and Compensation Act 1992 [F2011L02387]

Seafarers Rehabilitation and Compensation Act 1992

Made	2/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Specifies a revised guide for assessing the degree of permanent impairment for the purposes of lump-sum compensation payments under the Act.

Remuneration Tribunal Determination 2011/23 [F2011L02384]

Remuneration Tribunal Act 1973

Made	14/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Specifies the remuneration and allowances payable to certain holders of full-time public office.

VET Provider Approval No. 21 of 2011 under clauses 6 and 11 of Schedule 1A to the *Higher Education Support Act 2003* [F2011L02394]

Higher Education Support Act 2003

Made	16/11/2011	
Tabled	25/11/2011 S	23/11/2011 HR

Summary Approves Community Training Australia Pty Ltd as a VET provider.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

Charter of the United Nations (Sanctions — Iran) (Export Sanctioned Goods List) List Amendment Determination 2011 (No. 1) under subregulation 5(2) of the Charter of the United Nations (Sanctions — Iran) Regulations 2008 [F2011L02403]

Charter of the United Nations Act 1945

Made10/11/2011Tabled25/11/2011 S24/11/2011 HR

Summary Removes liquid scintillation counters designed for medical use from the scope of the principal Determination.

DEPARTMENT OF HEALTH AND AGEING

Health Insurance (General Medical Services Table) Amendment Regulations 2011 (No. 3) Select Legislative Instrument 2011 No. 226 [F2011L02407]

Health Insurance Act 1973

Made	23/11/2011	
Tabled	25/11/2011 S	24/11/2011 HR

Summary Reintroduce a definition of 'general practitioner' into the principal Regulations, which had been removed in error.

DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT

Civil Aviation Order 100.6 Repeal Instrument 2011 under regulation 5 of the *Civil Aviation Regulations 1988* [F2011L02390]

Civil Aviation Act 1988

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

Summary Repeals section 100.6 of the principal Orders on the grounds of obsolescence.

Instrument No. CASA 461/11 under subregulation 179A(1) of the *Civil Aviation Regulations 1988* [F2011L02368]

Civil Aviation Act 1988

Made Tabled	8/11/2011 21/11/2011 S	21/11/2011 HR
Summary	use of P-RNAV pro	ons for the approved ocedures by certain v Execujet Australia

Exemption No. CASA EX123/11 under subregulation 11.160(1) of the *Civil Aviation Safety Regulations 1998* [F2011L02405]

Civil Aviation Act 1988

Made Tabled	17/11/2011 25/11/2011 S	24/11/2011 HR
Summary	Specifies exemptions relating to the carriage of passengers on certain aircraft within Antarctica.	

Instrument No. CASA 462/11 under subregulation 179A(1) of the *Civil Aviation Regulations 1988* [F2011L02367]

Civil Aviation Act 1988

Made Tabled	8/11/2011 21/11/2011 S	21/11/2011 HR
Summary	use of P-RNAV p	ions for the approved rocedures by certain by Sundown Pastoral

Co Pty Ltd.

Instrument No. CASA 442/11 under subregulation 179A(1) of the *Civil Aviation Regulations 1988* and subregulation 11.160(1) of the *Civil Aviation Safety Regulations 1998* [F2011L02376]

Civil Aviation Act 1988

Made	10/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Specifies instructions and exemptions for RNAV (RNP-AR) approaches by certain aircraft operated by Qantas Airways Ltd.

Instrument No. CASA ADCX 024/11 under subregulation 39.001(1) of the *Civil Aviation Safety Regulations 1998* [F2011L02319]

Civil Aviation Act 1988

Made Tabled	9/11/2011 21/11/2011 S	21/11/2011 HR
Summary	AD/A330/97 on AD/B737/354 Au 2011; AD/EC 135/17 A 11 November 20	evoked as follows: 14 November 2011; mdt 1 on 16 November andt 1 on

Part 147 Manual of Standards Amendment Instrument 2011 (No. 2) under regulation 147.015 of the *Civil Aviation Safety Regulations 1998* [F2011L02392]

Civil Aviation Act 1988

Made	11/11/2011	
Tabled	25/11/2011 S	23/11/2011 HR

Summary Corrects errors in the principal Standards.

DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH

Business Names Registration (Fees) Regulations 2011 Select Legislative Instrument 2011 No. 213 [F2011L02408]

Business Names Registration (Fees) Act 2011

Made	23/11/2011	
Tabled	25/11/2011 S	24/11/2011 HR

Summary Prescribe amounts payable for chargeable matters under the *Business Names Registration (Fees) Act 2011.*

Business Names Registration Regulations 2011 Select Legislative Instrument 2011 No. 214 [F2011L02406]

Business Names Registration Act 2011

Made	23/11/2011	
Tabled	25/11/2011 S	24/11/2011 HR

Summary Specify rules for determining which names are available to businesses.

Business Names Registration (Transitional and Consequential Provisions) Regulations 2011 Select Legislative Instrument 2011 No. 215 [F2011L02409]

Business Names Registration (Transitional and Consequential Provisions) Act 2011

Made	23/11/2011	
Tabled	25/11/2011 S	24/11/2011 HR

Summary Specify consequential and transitional matters for the purposes of the Business Names Registration ((Transitional and Consequential Provisions) Act 2011.

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/2011/41 [F2011L02399]

Environment Protection and Biodiversity Conservation Act 1999

Made	14/11/2011	
Tabled	25/11/2011 S	23/11/2011 HR

Summary Amends the conditions under which specimens taken in New and Exploratory Fisheries in the CCAMLR Region 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/2011/43 [F2011L02398]

Environment Protection and Biodiversity Conservation Act 1999

Made	14/11/2011	
Tabled	25/11/2011 S	23/11/2011 HR

Summary Amends the conditions under which specimens taken in the Torres Strait Trochus 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/2011/44 [F2011L02385]

Environment Protection and Biodiversity Conservation Act 1999

Made	16/11/2011	
Tabled	21/11/2011 S	21/11/2011 HR

Summary Amends the conditions under which specimens taken in the Western Australian South Coast Crustacean Fishery are included in the list of native specimens that are exempt from trade control provisions.

DEPARTMENT OF THE TREASURY

Accounting Standard AASB 2011-10: Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, AASB 8, AASB 101, AASB 124, AASB 134, AASB 1049 & AASB 2011-8 and Interpretation 14]

[F2011L02334]

Corporations Act 2001

Made	5/09/2011	
Tabled	21/11/2011 S	17/11/2011 HR

Summary Amends several accounting standards as a consequence of the issue of AASB 119 Employee Benefits.

ASIC Class Order [CO 11/1140] [F2011L02348]

Corporations Act 2001

Made	3/11/2011	
Tabled	21/11/2011 S	17/11/2022 HR

Summary Varies the operation of specified provisions in the *Corporations Act* 2001 concerning the financial resources of certain responsible entities.

Excise (Volume of Liquid Fuels — Temperature Correction) Determination 2011 (No. 1) under section 65 of the *Excise Act 1901* [F2011L02373]

Excise Act 1901

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

Summary Specifies methods for determining the volume of excisable liquid fuel.

Excise (Volume of LPG — Temperature and Pressure Correction) Determination 2011 (No. 1) under section 65 of the *Excise Act 1901* [F2011L02378]

Excise Act 1901

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

Summary Specifies methods for determining the volume of LPG.

DEPARTMENT OF VETERANS' AFFAIRS

Veterans' Entitlements (Family law affected income stream) Principles under sections 46ZC and 52BA of the *Veterans' Entitlements Act 1986* [F2011L02396]

Veterans' Entitlements Act 1986

Made	4/11/2011	
Tabled	25/11/2011 S	23/11/2011 HR

Summary Specifies principles to be applied in decisions concerning family law affected income streams.

Veterans' Entitlements (Guidelines for determining whether income stream is asset-test exempt) Determination 2011 under subsection 5JA(6) and 5JB(5) of the *Veterans' Entitlements Act* 1986 [F2011L02400]

Veterans' Entitlements Act 1986

Made	4/11/2011	
Tabled	25/11/2011 S	24/11/2011 HR

Summary Specifies guidelines to be used by the Repatriation Commission when making determinations in relation to certain income streams.

Veterans' Entitlements (Retention of exemption for asset-test exempt income streams) Principles 2011 under section 46ZC and 52BA of the *Veterans' Entitlements Act 1986* [F2011L02401]

Veterans' Entitlements Act 1986

Made	1/11/2011	
Tabled	25/11/2011 S	24/11/2011 HR

Summary Specify circumstances in which certain income streams are fully or partially exempt from the assets test under the Act.