

**DELEGATED LEGISLATION MONITOR
2 – 5 APRIL 2001**

This week at a glance

There were 62 disallowable instruments tabled in the Parliament. These were made under 18 separate enabling Acts, through 7 Departments of State.

Statutory Rules

9 of the 62 instruments were Statutory Rules, comprising

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

Instrument makers

18 instruments were made by the Governor-General or Ministers

44 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE
2 – 5 APRIL 2001**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	0
Attorney-General's	6
Communications, Information Technology and the Arts	0
Defence	2
Education, Training and Youth Affairs	2
Employment, Workplace Relations and Small Business	1
Environment and Heritage	0
Family and Community Services	0
Finance and Administration	0
Foreign Affairs and Trade	0
Health and Aged Care	6
Immigration and Multicultural Affairs	0
Industry, Science and Resources	0
Prime Minister and Cabinet	0
Reconciliation and Aboriginal and Torres Strait Islander Affairs	0
Transport and Regional Services	43
Treasury	2
Veterans' Affairs	0
Total	62

**DELEGATED LEGISLATION TABLED IN THE SENATE
2 – 5 APRIL 2001**

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

<i>Aged Care Act 1997</i>	2
<i>Air Force Act 1923</i>	1
<i>Airports Act 1996</i>	1
<i>Australian Land Transport Development Act 1988</i>	6
<i>Civil Aviation Act 1988</i>	34
<i>Crimes Act 1914</i>	1
<i>Crimes at Sea Act 1979</i>	1
<i>Customs Act 1901</i>	2
<i>Defence Act 1903</i>	1
<i>Education Services for Overseas Students Act 2000</i>	1
<i>Excise Act 1901</i>	2
<i>Extradition Act 1988</i>	1
<i>Higher Education Funding Act 1988</i>	1
<i>National Health Act 1953</i>	4
<i>Occupational Health and Safety (Commonwealth Employment) Act 1991</i>	1
<i>Proceeds of Crime Act 1987</i>	1
<i>Protection of the Sea (Civil Liability) Act 1981</i>	1
<i>Trade Practices Act 1974</i>	1
Total	62

(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.)

ATTORNEY-GENERAL'S DEPARTMENT

Crimes Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 49

Crimes Act 1914

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Amend the Principal Regulations by inserting references to the *Corrective Services Act 2000* (Qld).

Notice No. 2 (2001) of Declared Rate in Respect of Diesel Fuel Rebate under s. 164(5A) of the *Customs Act 1901*

Customs Act 1901

Made 30/03/2001
Tabled 03/04/2001 S 03/04/2001 HR

Summary Prescribes the rate of rebate payable under subsection 164(1) of the Act on and after 2 March 2001 in respect of specified usages of diesel fuel.

Crimes at Sea Repeal Regulations 2001 Statutory Rules 2001 No. 51

Crimes at Sea Act 1979

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Repeal the *Crimes at Sea Regulations 1987*.

Notice No. 2 (2001) of Declared Rate in Respect of Diesel Fuel Rebate under s. 164(5AAC) of the *Customs Act 1901*

Customs Act 1901

Made 30/03/2001
Tabled 03/04/2001 S 03/04/2001 HR

Summary Prescribes the rate of rebate payable under subsection 164(1) of the Act on and after 2 March 2001 in respect of specified usages of diesel fuel.

Extradition (South Africa) Regulations 2001 Statutory Rules 2001 No. 52

Extradition Act 1988

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Give effect to the Treaty on Extradition between Australia and the Republic of South Africa.

**Proceeds of Crime Amendment Regulations 2001
(No. 1)
Statutory Rules 2001 No. 50**

Proceeds of Crime Act 1987

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Replace references to the repealed *Crimes (Confiscation of Profits) Act 1988* (WA) with references to the *Criminal Property Confiscation Act 2000* (WA), and make transitional amendments.

DEPARTMENT OF DEFENCE

Air Force Amendment Regulations 2001 (No. 2) Statutory Rules 2001 No. 53

Air Force Act 1923

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Permit officers to volunteer to change from open-ended to fixed appointments, extend the Limited-Tenure Promotion scheme to the promotion of officers to the rank of Wing Commander, allow rejection of an officer's resignation tendered during an initial minimum period of service, and allow members other than officers to convert from open-ended to fixed enlistment.

Defence Determination 2001/8

Defence Act 1903

Made 29/03/2001
Tabled 02/04/2001 S 02/04/2001 HR

Summary Increases the maximum weekly rate of reimbursement for accommodation costs incurred by a member of the Australian Defence Force's tertiary student child who is unable to complete a course of study within the member's locality of residence, and increases the maximum hourly rate of reimbursement for costs incurred in respect of a member's child who requires additional tuition of therapy to assist in the transition to a new school.

DEPARTMENT OF EDUCATION, TRAINING AND YOUTH AFFAIRS

**Determination No. T18-2000 under s. 15 of the
*Higher Education Funding Act 1988***

Higher Education Funding Act 1988

Made 23/03/2001
Tabled 02/04/2001 S 02/04/2001 HR

Summary Adjusts the higher education institutions base operating grant for under and over enrolments in 2000.

**National Code of Practice for Registration
Authorities and Providers of Education and
Training to Overseas Students under s. 37 of the
*Education Services for Overseas Students Act 2000***

Education Services for Overseas Students Act 2000

Made 28/03/2001
Tabled 02/04/2001 S 02/04/2001 HR

Summary Prescribes national standards for the registration and conduct of registered providers and the conduct of persons who deliver education services to overseas students on behalf of registered providers.

DEPARTMENT OF EMPLOYMENT, WORKPLACE RELATIONS AND SMALL BUSINESS

Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 2001 (No. 1)
Statutory Rules 2001 No. 54

Occupational Health and Safety (Commonwealth Employment) Act 1991

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Make two amendments concerning the appointment of investigators to ensure consistency with the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, ensure that a delegate of the Chief Executive Officer of Comcare has the power to sign an investigator's certificate of appointment, and omit regulation 37H.

DEPARTMENT OF HEALTH AND AGED CARE

Allocation Amendment Principles 2001 (No. 1) under s. 96-1(1) of the *Aged Care Act 1997*

Aged Care Act 1997

Made 06/02/2001
Tabled 02/04/2001 S 02/04/2001 HR

Summary Specifies the records to be given by the transferor to the transferee if a transfer of places is completed.

Determination No. PHI4/2001 under Schedule 1, paragraph (bj) of the *National Health Act 1953*

National Health Act 1953

Made 19/03/2001
Tabled 03/04/2001 S 03/04/2001 HR

Summary Substitutes a new Schedule 4 dealing with benefits for nursing home type patient accommodation.

Determination No. PHI 2/2001 under Schedule 1, paragraph (bj) of the *National Health Act 1953*

National Health Act 1953

Made 19/03/2001
Tabled 03/04/2001 S 03/04/2001 HR

Summary Substitutes a new Schedule 7 dealing with care plans and case conferencing.

Determination No. PHI 5/2001 under Schedule 1, paragraph (bj) of the *National Health Act 1953*

National Health Act 1953

Made 22/03/2001
Tabled 03/04/2001 S 03/04/2001 HR

Summary Substitutes a new Schedule 4 dealing with benefits for nursing home type patient accommodation.

Determination No. PHI 3/2001 under Schedule 1, paragraph (bj) of the *National Health Act 1953*

National Health Act 1953

Made 19/03/2001
Tabled 03/04/2001 S 03/04/2001 HR

Summary Substitutes a new Schedule 3 dealing with benefits payable for same day accommodation.

Records Amendment Principles 2001 (No. 1) under s. 96-1(1) of the *Aged Care Act 1997*

Aged Care Act 1997

Made 06/02/2001
Tabled 02/04/2001 S 02/04/2001 HR

Summary Define the term 'representative' used in the Principles, and require an approved provider to keep up-to-date records of representatives of care recipients.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Airports (Protection of Airspace) Amendment Regulations 2001 (No. 1) Statutory Rules 2001 No. 55

Airports Act 1996

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Prescribe a standard of air turbulence for the purposes of section 182 of the *Airports Act 1996*.

Civil Aviation Orders, Part 105 Airworthiness Directive AD/A320/106 Amdt 1

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/AB3/156 Amdt 2

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/AB3/166

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/B717/2

Civil Aviation Act 1988

Made 23/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

Civil Aviation Orders, Part 105 Airworthiness Directive AD/B737/150

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B737/151**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B757/61**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B747/240**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B757/62**

Civil Aviation Act 1988

Made 28/02/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B747/241**

Civil Aviation Act 1988

Made 28/02/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B767/132**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B757/35 Amdt 1**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B767/133**

Civil Aviation Act 1988

Made 28/02/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B767/134**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/CESSNA 210/61
Amdt 2**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/BAe 146/85**

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/CL-600/38 Amdt 1**

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/BAe 146/86**

Civil Aviation Act 1988

Made 30/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/DH 60/7 Amdt 1**

Civil Aviation Act 1988

Made 26/02/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/BEECH 1900/34**

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/DH 82/13 Amdt 1**

Civil Aviation Act 1988

Made 26/02/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/DHC-8/73 Amdt 1**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/JETSTREAM/34
Amdt 2**

Civil Aviation Act 1988

Made 09/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/DHC-8/77**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/JETSTREAM/90**

Civil Aviation Act 1988

Made 05/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/EC 135/5**

Civil Aviation Act 1988

Made 23/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/PA-31/93 Amdt 2**

Civil Aviation Act 1988

Made 09/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/F100/43**

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/SF340/52**

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 106
Airworthiness Directive AD/PW 100/9**

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 107
Airworthiness Directive AD/SEATS/16 Amdt 1**

Civil Aviation Act 1988

Made 23/02/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Civil Aviation Orders, Part 106
Airworthiness Directive AD/TFE 731/31**

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Determination of Charge Rate for the Financial
Year 1994-95 under s. 10(2) of the Australian Land
Transport Development Act 1988**

Australian Land Transport Development Act 1988

Made 02/04/2001
Tabled 03/04/2001 S 02/04/2001 HR

Summary Specifies the charge rate that is used to determine the proportion of excise and customs duty that is credited to the Australian Land Transport Development Account for the financial year 1994-95.

**Civil Aviation Orders, Part 107
Airworthiness Directive AD/APU/4**

Civil Aviation Act 1988

Made 08/03/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

**Determination of Charge Rate for the Financial
Year 1995-96 under s. 10(2) of the Australian Land
Transport Development Act 1988**

Australian Land Transport Development Act 1988

Made 02/04/2001
Tabled 03/04/2001 S 02/04/2001 HR

Summary Specifies the charge rate that is used to determine the proportion of excise and customs duty that is credited to the Australian Land Transport Development Account for the financial year 1995-96.

**Civil Aviation Orders, Part 107
Airworthiness Directive AD/SEATS/14 Amdt 2**

Civil Aviation Act 1988

Made 23/02/2001
Tabled 05/04/2001 S 04/04/2001 HR

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

Determination of Charge Rate for the Financial Year 1996-97 under s. 10(2) of the *Australian Land Transport Development Act 1988*

Australian Land Transport Development Act 1988

Made 02/04/2001
Tabled 03/04/2001 S 02/04/2001 HR

Summary Specifies the charge rate that is used to determine the proportion of excise and customs duty that is credited to the Australian Land Transport Development Account for the financial year 1996-97.

Determination of Charge Rate for the Financial Year 1999-00 under s. 10(2) of the *Australian Land Transport Development Act 1988*

Australian Land Transport Development Act 1988

Made 02/04/2001
Tabled 03/04/2001 S 02/04/2001 HR

Summary Specifies the charge rate that is used to determine the proportion of excise and customs duty that is credited to the Australian Land Transport Development Account for the financial year 1999-00.

Determination of Charge Rate for the Financial Year 1997-98 under s. 10(2) of the *Australian Land Transport Development Act 1988*

Australian Land Transport Development Act 1988

Made 02/04/2001
Tabled 03/04/2001 S 02/04/2001 HR

Summary Specifies the charge rate that is used to determine the proportion of excise and customs duty that is credited to the Australian Land Transport Development Account for the financial year 1997-98.

**Protection of the Sea (Civil Liability) Amendment Regulations 2001 (No. 1)
Statutory Rules 2001 No. 56**

Protection of the Sea (Civil Liability) Act 1981

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Prescribe the necessary information and amount for the purposes of a relevant insurance certificate for a ship under Part IIIA of the *Protection of the Sea (Civil Liability) Amendment Act 2000*.

Determination of Charge Rate for the Financial Year 1998-99 under s. 10(2) of the *Australian Land Transport Development Act 1988*

Australian Land Transport Development Act 1988

Made 02/04/2001
Tabled 03/04/2001 S 02/04/2001 HR

Summary Specifies the charge rate that is used to determine the proportion of excise and customs duty that is credited to the Australian Land Transport Development Account for the financial year 1998-99.

**Trade Practices Amendment Regulations 2001 (No. 2)
Statutory Rules 2001 No. 57**

Trade Practices Act 1974

Made 22/03/2001
Tabled 02/04/2001 S 03/04/2001 HR

Summary Make a number of amendments to the Part 3 of the Principal Regulations to reflect amendments to Part X of the *Trade Practices Act 1974*, concerning international liner cargo shipping.

DEPARTMENT OF THE TREASURY

Notice No. 2 (2001) of Declared Rate in Respect of Diesel Fuel Rebate under s. 78A(5A) of the *Excise Act 1901*

Excise Act 1901

Made 30/03/2001
 Tabled 03/04/2001 S 03/04/2001 HR

Summary Prescribes the rate of rebate payable under subsection 78A(1) of the Act on and after 2 March 2001 in respect of specified usages of diesel fuel.

Notice No. 2 (2001) of Declared Rate in Respect of Diesel Fuel Rebate under s. 78A(5AAC) of the *Excise Act 1901*

Excise Act 1901

Made 30/03/2001
 Tabled 03/04/2001 S 03/04/2001 HR

Summary Prescribes the rate of rebate payable under subsection 78A(1) of the Act on and after 2 March 2001 in respect of specified usages of diesel fuel.