

**DELEGATED LEGISLATION MONITOR
14-17 SEPTEMBER 2009**

This week at a glance

There were 59 disallowable instruments tabled in the Parliament. These were made under 23 separate enabling Acts, through 12 Departments of State.

Regulations

18 of the 59 instruments were Regulations, comprising

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

Instrument makers

27 instruments were made by the Governor-General or Ministers

32 instruments were made by Public Officials

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14-17 SEPTEMBER 2009**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Department of Agriculture, Fisheries and Forestry	3
Attorney-General's Department	6
Department of Broadband, Communications and the Digital Economy	1
Department of Education, Employment and Workplace Relations	2
Department of the Environment, Water, Heritage and the Arts	1
Department of Families, Housing, Community Services and Indigenous Affairs	1
Department of Finance and Deregulation	4
Department of Health and Ageing	7
Department of Immigration and Citizenship	1
Department of Infrastructure, Transport, Regional Development and Local Government	31
Department of Innovation, Industry, Science and Research	1
Department of the Treasury	1
Total	59

**DELEGATED LEGISLATION TABLED IN THE SENATE
14-17 SEPTEMBER 2009**

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

<i>A New Tax System (Wine Equalisation Tax) Act 1999</i>	1
<i>Australian Film, Television and Radio School Act 1973</i>	1
<i>Christmas Island Act 1958</i>	1
<i>Civil Aviation Act 1988</i>	31
<i>Cocos (Keeling) Islands Act 1955</i>	1
<i>Commonwealth Authorities and Companies Act 1997</i>	1
<i>Customs Act 1901</i>	1
<i>Disability Discrimination Act 1992</i>	1
<i>Financial Management and Accountability Act 1997</i>	2
<i>Health Insurance Act 1973</i>	3
<i>Legislative Instruments Act 2003</i>	1
<i>Migration Act 1958</i>	1
<i>National Measurement Act 1960</i>	1
<i>National Residue Survey (Customs) Levy Act 1998</i>	1
<i>National Residue Survey (Excise) Levy Act 1998</i>	1
<i>Parliamentary Entitlements Act 1990</i>	1
<i>Primary Industries (Customs) Charges Act 1999</i>	1
<i>Primary Industries (Excise) Levies Act 1999</i>	1
<i>Same-Sex Relationships (Equal Treatment in Commonwealth Laws - General Law Reform) Act 2008</i>	1
<i>Schools Assistance Act 2008</i>	1
<i>Social Security Act 1991</i>	2
<i>Telecommunications Act 1997</i>	1
<i>Therapeutic Goods Act 1989</i>	4
Total	60

(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

Primary Industries (Customs) Charges Amendment Regulations 2009 (No. 2) Select Legislative Instrument 2009 No. 209 [F2009L03245]

Primary Industries (Customs) Charges Act 1999

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Increase the Emergency Animal
Disease Response charge on honey.

Primary Industries (Excise) Levies Amendment Regulations 2009 (No. 3) Select Legislative Instrument 2009 No. 210 [F2009L03243]

Primary Industries (Excise) Levies Act 1999

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Increase the Emergency Animal
Disease Response levy on honey.

Primary Industries Levies and Charges (National Residue Survey Levies) Amendment Regulations 2009 (No. 2) Select Legislative Instrument 2009 No. 211 [F2009L03335]

National Residue Survey (Customs) Levy Act 1998 National Residue Survey (Excise) Levy Act 1998

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Decrease the National Residue Survey
excise levy and charge on honey.

ATTORNEY-GENERAL'S DEPARTMENT

Customs Amendment Regulations 2009 (No. 4) Select Legislative Instrument 2009 No. 216 [F2009L03385]

Customs Act 1901

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Amend the list of 'excise-equivalent goods' in the principal Regulations.

List of Acts of the Western Australian Parliament under section 8B of the *Christmas Island Act 1958*

Christmas Island Act 1958

Made 3/09/2009
Tabled 15/09/2009 S 15/09/2009 HR

Summary Lists those Acts of the Western Australian Parliament that were in force for Christmas Island during the period 16 March 2009 to 3 September 2009.

Disability Discrimination Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 217 [F2009L03401]

Disability Discrimination Act 1992

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Add Civil Aviation Order 20.16.3, which restricts people with disability from occupying emergency exit row seating in aeroplanes, to the list of prescribed laws in Schedule 1 to the principal Regulations.

List of Acts of the Western Australian Parliament under section 8B of the *Cocos (Keeling) Islands Act 1955*

Cocos (Keeling) Islands Act 1955

Made 3/09/2009
Tabled 15/09/2009 S 15/09/2009 HR

Summary Lists those Acts of the Western Australian Parliament that were in force for the Cocos (Keeling) Islands during the period 16 March 2009 to 15 September 2009.

Legislative Instruments Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 218 [F2009L03404]

Legislative Instruments Act 2003

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Delete one item from the list of items in Schedule 2 to the principal Regulations that are not subject to disallowance.

**Same-Sex Relationships (Equal Treatment in
Commonwealth Laws — General Law Reform)
(Veterans' Affairs) Regulations 2009**
Select Legislative Instrument 2009 No. 220
[F2009L03231]

***Same-Sex Relationships (Equal Treatment in
Commonwealth Laws - General Law Reform) Act
2008***

Made	7/09/2009	
Tabled	14/09/2009 S	14/09/2009 HR

Summary Provide for the receipt of certain
benefits by dependants of Defence
Force members or veterans as a
consequence of the *Same-Sex
Relationships (Equal Treatment in
Commonwealth Laws – General Law
Reform) Act 2008*.

DEPARTMENT OF BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY

Telecommunications (Data for Emergency Warning Systems) Instrument 2009 under subsection 275B(2) and 275D(2) of the *Telecommunications Act 1997* [F2009L03506]

Telecommunications Act 1997

Made	9/09/2009	
Tabled	15/09/2009 S	15/09/2009 HR

Summary	Specifies emergency laws and emergency management persons in relation to disclosure of information in an integrated public number database.
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DEPARTMENT OF EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS

**Schools Assistance Amendment Regulations 2009
(No. 1)
Select Legislative Instrument 2009 No. 223
[F2009L03331]**

Schools Assistance Act 2008

Made	7/09/2009	
Tabled	14/09/2009 S	14/09/2009 HR

Summary Provide for funding for the 2009 program year for primary and secondary education.

**Social Security (Waiver of Debts — Self Managed Superannuation Funds) (DEEWR) Specification 2009 (No. 1) under section 1237AB of the *Social Security Act 1991*
[F2009L03509]**

Social Security Act 1991

Made	9/09/2009	
Tabled	14/09/2009 S	14/09/2009 HR

Summary Specifies a class of debts arising under the Act that may be waived by the Secretary.

DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS

**Determination of Degrees, Diplomas and
Certificates No. 2009/2 under section 6A of the
*Australian Film, Television and Radio School Act
1973*
[F2009L03352]**

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

Made	28/09/2009	
Tabled	15/09/2009 S	15/09/2009 HR

Summary Specifies a graduate certificate that
may be awarded by the Australian
Film, Television and Radio School.

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

**Social Security (Waiver of Debts — Self Managed
Superannuation Funds) (FaHCSIA) Specification
2009 under section 1237AB of the *Social Security
Act 1991*
[F2009L03492]**

Social Security Act 1991

Made	31/08/2009	
Tabled	14/09/2009 S	14/09/2009 HR

Summary Specifies a class of debts arising under the Act that may be waived by the Secretary.

DEPARTMENT OF FINANCE AND DEREGULATION

Commonwealth Authorities and Companies Amendment Regulations 2009 (No. 4) Select Legislative Instrument 2009 No. 224 [F2009L03465]

Commonwealth Authorities and Companies Act 1997

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Make minor machinery amendments to the principal Regulations.

Financial Management and Accountability Determination 2009/27 — National Disability Special Account Variation 2009 under subsection 20(2) of the *Financial Management and Accountability Act 1997* [F2009L03505]

Financial Management and Accountability Act 1997

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Varies the name of the Commonwealth, State, Territory Disability Agreement Special Account to the National Disability Special Account.

Financial Management and Accountability Determination 2009/29 — Services for Other Entities and Trust Moneys — Office of the Director of Public Prosecutions Special Account Establishment 2009 under subsection 20(1) of the *Financial Management and Accountability Act 1997* [F2009L03504]

Financial Management and Accountability Act 1997

Made 3/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Establishes a Special Account entitled the Services for Other Entities and Trust Moneys – Office of the Director of Public Prosecutions Special Account and specifies the nature of amounts that may be credited to, and the purposes for which amounts may be debited from, that account.

Parliamentary Entitlements Amendment Regulations 2009 (No. 1) Select Legislative Instrument 2009 No. 219 [F2009L03463]

Parliamentary Entitlements Act 1990

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Amend the printing entitlement for Members of Parliament.

DEPARTMENT OF HEALTH AND AGEING

Health Insurance Amendment Regulations 2009 (No. 2)

Select Legislative Instrument 2009 No. 225
[F2009L02262]

Health Insurance Act 1973

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Specify a method for determining the amount that is to be the market value of property.

Therapeutic Goods Amendment Regulations 2009 (No. 5)

Select Legislative Instrument 2009 No. 228
[F2009L02935]

Therapeutic Goods Act 1989

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Amend the principal Regulations to provide for an infringement notices scheme.

Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2009 (No. 3)
Select Legislative Instrument 2009 No. 226
[F2009L02934]

Health Insurance Act 1973

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Make minor amendments to the principal Regulations.

Therapeutic Goods (Listing) Notice 2009 (No. 2)
for the purposes of subsection 9A(5) of the
Therapeutic Goods Act 1989
[F2009L03483]

Therapeutic Goods Act 1989

Made 1/09/2009
Tabled 15/09/2009 S 15/09/2009 HR

Summary Permits the use of sodium citrate and sodium acid citrate in Listed medicines for oral use.

Health Insurance (Pathology Services Table) Amendment Regulations 2009 (No. 3)
Select Legislative Instrument 2009 No. 227
[F2009L02680]

Health Insurance Act 1973

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary Amend the principal Regulations to permit, retrospectively, payment of Medicare benefits for a specified pathology service.

Therapeutic Goods (Listing) Notice 2009 (No. 3)
for the purposes of subsection 9A(5) of the
Therapeutic Goods Act 1989
[F2009L03484]

Therapeutic Goods Act 1989

Made 31/08/2009
Tabled 15/09/2009 S 15/09/2009 HR

Summary Permits the use of potassium chloride in Listed medicines for oral rehydration therapy.

**Therapeutic Goods (Listing) Notice 2009 (No. 4)
for the purposes of subsection 9A(5) of the
Therapeutic Goods Act 1989
[F2009L03485]**

Therapeutic Goods Act 1989

Made	1/09/2009	
Tabled	15/09/2009 S	15/09/2009 HR

Summary Permits the use of sodium bicarbonate
in Listed medicines for oral rehydration
therapy.

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Migration Amendment Regulations 2009 (No. 10)
Select Legislative Instrument 2009 No. 229
[F2009L03359]

Migration Act 1958

Made	7/09/2009	
Tabled	14/09/2009 S	14/09/2009 HR

Summary Amend provisions in the principal
Regulations concerning partner visas.

**DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL
DEVELOPMENT AND LOCAL GOVERNMENT**

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/164/14 Amdt 1
[F2009L03364]**

Civil Aviation Act 1988

Made 12/08/2009
Tabled 15/09/2009 S 15/09/2009 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B747/395
[F2009L03393]**

Civil Aviation Act 1988

Made 12/08/2009
Tabled 14/09/2009 S 14/09/2000 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/AB139/7 Amdt 1
[F2009L03491]**

Civil Aviation Act 1988

Made 7/09/2009
Tabled 14/09/2009 S 14/09/2009 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B747/396
[F2009L03451]**

Civil Aviation Act 1988

Made 14/08/2009
Tabled 14/09/2009 S 14/09/2009 HR

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

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/AUS/13
[F2009L03403]**

Civil Aviation Act 1988

Made 12/08/2009
Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

**Civil Aviation Orders, Part 105
Airworthiness Directive AD/B767/252
[F2009L03450]**

Civil Aviation Act 1988

Made 14/08/2009
Tabled 14/09/2009 S 14/09/2009 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/BEECH 1900/1
[F2009L03392]

Civil Aviation Act 1988

Made 13/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CESSNA 320/24
[F2009L03447]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CESSNA 310/41
[F2009L03449]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CESSNA 337/19
[F2009L03372]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 15/09/2009 S 15/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CESSNA 310/51
Amdt 1
[F2009L03448]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CESSNA 340/4
Amdt 3
[F2009L03371]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CESSNA 400/39
Amdt 3
[F2009L03370]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 105
Airworthiness Directive AD/ERJ-170/24
[F2009L03368]

Civil Aviation Act 1988

Made 12/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/CL-600/109
[F2009L02258]

Civil Aviation Act 1988

Made 22/05/2009
 Tabled 15/09/2009 S 15/06/2009 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/ERJ-190/22
[F2009L03367]

Civil Aviation Act 1988

Made 13/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/ERJ-170/10 Amdt 2
[F2009L03439]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 15/09/2009 S 15/09/2009 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/F27/160
[F2009L03366]

Civil Aviation Act 1988

Made 12/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

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

Civil Aviation Orders, Part 105
Airworthiness Directive AD/SWSA226/97 Amdt 1
[F2009L03433]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 15/09/2009 S 15/09/2009 HR

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

Civil Aviation Orders, Part 106
Airworthiness Directive AD/TBM 700/53
[F2009L03431]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

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

Civil Aviation Orders, Part 106
Airworthiness Directive AD/ARTOUSTE/3
[F2009L03452]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 106
Airworthiness Directive AD/THIELERT/11
Amdt 2
[F2009L03430]

Civil Aviation Act 1988

Made 12/08/2009
 Tabled 15/09/2009 S 15/09/2009 HR

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

Civil Aviation Orders, Part 106
Airworthiness Directive AD/T53/23
[F2009L03432]

Civil Aviation Act 1988

Made 12/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

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

Civil Aviation Orders, Part 106
Airworthiness Directive AD/TPE 331/21
[F2009L03418]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 106
Airworthiness Directive AD/TPE 331/27
[F2009L03415]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 15/09/2009 S 15/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 106
Airworthiness Directive AD/TPE 331/29
[F2009L03414]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 15/09/2009 S 15/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Orders, Part 106
Airworthiness Directive AD/TPE 331/32
[F2009L03413]

Civil Aviation Act 1988

Made 14/08/2009
 Tabled 15/09/2009 S 15/09/2009 HR

Summary This AD was cancelled on 24 September 2009.

Civil Aviation Safety Amendment Regulations 2009 (No. 2)
Select Legislative Instrument 2009 No. 232
[F2009L03481]

Civil Aviation Act 1988

Made 7/09/2009
 Tabled 14/09/2009 S 14/09/2009 HR

Summary Amend provisions in the principal Regulations concerning the transfer of ownership of registered aircraft.

Exemption No. CASA EX61/09 under subregulation 308(1) of the *Civil Aviation Regulations 1988*
[F2009L02983]

Civil Aviation Act 1988

Made 3/09/2009
 Tabled 15/09/2009 S 15/09/2009 HR

Summary Permits Virgin Blue Airlines Pty Ltd to carry children suffering from a serious medical condition without them having to occupy their own seat and use an adult seat belt.

Exemption No. CASA EX70/09 under subregulation 308(1) of the *Civil Aviation Regulations 1988*
[F2009L03388]

Civil Aviation Act 1988

Made 8/09/2009
 Tabled 15/09/2009 S 15/09/2009 HR

Summary Permits the use of certain sport and recreational aircraft during the Townsville Airshow 2009.

**Instrument number CASA 387/09 under
subregulations 207(3), 250(2) and (3), and 251(9) of
the *Civil Aviation Regulations 1988*
[F2009L03330]**

Civil Aviation Act 1988

Made	3/09/2009	
Tabled	14/09/2009 S	14/09/2009 HR

Summary Permits passengers in a helicopter engaged in special operations and in the hover to be carried on the undercarriage for the purpose of leaving or boarding the helicopter.

DEPARTMENT OF INNOVATION, INDUSTRY, SCIENCE AND RESEARCH

National Trade Measurement Regulations 2009
Select Legislative Instrument 2009 No. 233
[F2009L03479]

National Measurement Act 1960

Made 7/09/2009
Tabled 15/09/2009 S 15/09/2009 HR

Summary Specify arrangements for a national
system of trade measurement.

DEPARTMENT OF THE TREASURY

**A New Tax System (Wine Equalisation Tax)
Amendment Regulations 2009 (No. 1)
Select Legislative Instrument 2009 No. 234
[F2009L03358]**

***A New Tax System (Wine Equalisation Tax) Act
1999***

Made	7/09/2009	
Tabled	14/09/2009 S	14/09/2009 HR

Summary Amend the definition of 'grape wine product' in the principal Regulations.