

**DELEGATED LEGISLATION MONITOR
08 – 11 SEPTEMBER 2003**

This week at a glance

There were 51 disallowable instruments tabled in the Parliament. These were made under 26 separate enabling Acts, through 12 Departments of State.

Statutory Rules

24 of the 51 instruments were Statutory Rules, comprising

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

Instrument makers

30 instruments were made by the Governor-General or Ministers

21 instruments were made by Public Officials

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**DELEGATED LEGISLATION TABLED IN THE SENATE
08 – 11 SEPTEMBER 2003**

DEPARTMENT OF STATE	NUMBER OF INSTRUMENTS
Agriculture, Fisheries and Forestry	11
Attorney-General's Department	5
Communications, Information Technology and the Arts	1
Defence	2
Education, Science and Training	0
Employment and Workplace Relations	4
Environment and Heritage	1
Family and Community Services	0
Finance and Administration	0
Foreign Affairs and Trade	1
Health and Ageing	13
Immigration and Multicultural and Indigenous Affairs	2
Industry, Tourism and Resources	2
Prime Minister and Cabinet	0
Transport and Regional Services	7
Treasury	2
Veterans' Affairs	0
Total	51

**DELEGATED LEGISLATION TABLED IN THE SENATE
08 – 11 SEPTEMBER 2003**

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

<i>Aged Care Act 1997</i>	2
<i>Civil Aviation Act 1988</i>	7
<i>Currency Act 1965</i>	1
<i>Customs Act 1901</i>	2
<i>Defence Act 1903</i>	2
<i>Director of Public Prosecutions Act 1983</i>	1
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	1
<i>Extradition Act 1988</i>	1
<i>Family Law Act 1975</i>	1
<i>Gene Technology Act 2000</i>	1
<i>Health Insurance Act 1973</i>	1
<i>Income Tax Assessment Act 1936</i>	1
<i>International Organisations (Privileges and Immunities) Act 1963</i>	1
<i>Migration Act 1958</i>	2
<i>National Health Act 1953</i>	9
<i>National Residue Survey (Excise) Levy Act 1998</i>	1
<i>Patents Act 1990</i>	1
<i>Primary Industries (Customs) Charges Act 1999</i>	3
<i>Primary Industries (Excise) Levies Act 1999</i>	2
<i>Primary Industries and Energy Research and Development Act 1989</i>	1
<i>Primary Industries Levies and Charges Collection Act 1991</i>	3
<i>Remuneration Tribunal Act 1973</i>	3
<i>Telecommunications Act 1997</i>	1
<i>Trade Marks Act 1995</i>	1
<i>Wheat Marketing Act 1989</i>	1
<i>Workplace Relations Act 1996</i>	1
Total	51

DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY

Primary Industries (Customs) Charges Amendment Regulations 2003 (No. 8) Statutory Rules 2003 No. 220

Primary Industries (Customs) Charges Act 1999

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provide for the imposition of charge on all exports of Australian wheat until 30 June 2006, and specify the rate of that charge.

Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 13) Statutory Rules 2003 No. 225

Primary Industries (Excise) Levies Act 1999

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Specify a reduced rate for the research and development levy on grapes, and impose a PHA levy on grapes.

Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 11) Statutory Rules 2003 No. 216

Primary Industries (Excise) Levies Act 1999

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Impose a levy on the slaughter at an abattoir of ostriches intended for human consumption.

Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 6) Statutory Rules 2003 No. 209

Primary Industries Levies and Charges Collection Act 1991

Made 14/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Prescribe certain levies as 'dairy levy' for the purposes of permitting the Department of Agriculture, Fisheries and Forestry to provide information about payment of those levies to Dairy Australia Limited.

Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 12) Statutory Rules 2003 No. 221

Primary Industries (Customs) Charges Act 1999

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Make a minor amendment to the Principal Regulations to reflect the renumbering of provisions in other cognate regulations.

Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No. 7) Statutory Rules 2003 No. 217

Primary Industries (Customs) Charges Act 1999

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provide for the payment and collection of levy on ostriches, and related matters.

**Primary Industries Levies and Charges Collection
Amendment Regulations 2003 (No. 8)
Statutory Rules 2003 No. 222**

*Primary Industries Levies and Charges Collection
Act 1991*

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provide for the manner of payment of the wheat export charge and for related matters.

**Rural Industries Research and Development
Corporation Amendment Regulations 2003 (No. 2)
Statutory Rules 2003 No. 219**

*Primary Industries and Energy Research and
Development Act 1989*

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Define the ostrich industry and provide for the attachment of ostrich levy to the Rural Industries Research and Development Corporation.

**Primary Industries Levies and Charges Collection
Amendment Regulations 2003 (No. 9)
Statutory Rules 2003 No. 226**

*Primary Industries Levies and Charges Collection
Act 1991*

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Specify that the PHA levy is imposed on grapes.

**Wheat Marketing Amendment Regulations
2003 (No. 1)
Statutory Rules 2003 No. 223**

Wheat Marketing Act 1989

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Identify the charge on exported wheat that is produced in Australia as an amount of charge for the purposes of the *Wheat Marketing Act 1989*.

**Primary Industries Levies and Charges (National
Residue Survey Levies) Amendment Regulations
2003 (No. 4)
Statutory Rules 2003 No. 218**

National Residue Survey (Excise) Levy Act 1998

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Specify the national residue survey rate of levy on ostriches for the period from 01 September 2003 to 31 August 2006, and from 01 September 2006.

ATTORNEY-GENERAL'S DEPARTMENT

Customs Amendment Regulations 2003 (No. 6) Statutory Rules 2003 No. 227

Customs Act 1901

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Declare that products bearing a logo, in relation to the Rugby World Cup 2003, owned and controlled by RWC 2003 Ltd, are a class of airport shop goods.

Extradition (Turkey) Regulations 2003 Statutory Rules 2003 No. 228

Extradition Act 1988

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Give effect in Australian domestic law to the Treaty on Extradition between Australia and the Republic of Turkey.

Customs (Prohibited Imports) Amendment Regulations 2003 (No. 7) Statutory Rules 2003 No. 210

Customs Act 1901

Made 14/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Increases the customs value of refillable lighters to which import controls apply.

Family Law (Superannuation) Amendment Regulations 2003 (No. 2) Statutory Rules 2003 No. 229

Family Law Act 1975

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Prescribe two further classes of superannuation interests, and make other amendments and corrections to the Principal Regulations.

Director of Public Prosecutions Amendment Regulations 2003 (No. 1) Statutory Rules 2003 No. 211

Director of Public Prosecutions Act 1983

Made 14/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Prescribes the enforcement of superannuation orders made against Commonwealth employees and Australian Federal Police employees as a function of the Director of Public Prosecutions.

**DEPARTMENT OF COMMUNICATIONS, INFORMATION TECHNOLOGY AND
THE ARTS**

**Telecommunications (Standard Form of
Agreement Information) Determination 2003
under s. 480A(2) of the *Telecommunications Act*
1997**

Telecommunications Act 1997

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Specifies a new standard form of agreement that carriage service providers must supply to their customers.

DEPARTMENT OF DEFENCE**Defence Determination 2003/24***Defence Act 1903*

Made 22/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Specifies the minimum period of recreation leave that may be granted to a member of the Australian Defence Force.

Defence Determination 2003/25*Defence Act 1903*

Made 05/09/2003
Tabled 11/09/2003 S 10/09/2003 HR

Summary Revises the contribution rates and local allowance limits for housing assistance and related purposes for members of the Australian Defence Force.

DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS

Remuneration Tribunal Determination 2003/17

Remuneration Tribunal Act 1973

Made 14/07/2003
Tabled 10/09/2003 S 10/09/2003 HR

Summary Specifies remuneration levels and travel allowance rates for certain positions in the Australian Prudential Regulation Authority, for the Australian Reinsurance Pool Corporation, and amends certain allowances paid to members of Parliament.

Workplace Relations Amendment Regulations 2003 (No. 2) Statutory Rules 2003 No. 212

Workplace Relations Act 1996

Made 14/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Prescribe the types of information and copies of document that the President of the Australian Industrial Relations Commission is required to provide to the Minister, and make other technical amendments to the Principal Regulations.

Remuneration Tribunal Determination 2003/18

Remuneration Tribunal Act 1973

Made 12/08/2003
Tabled 10/09/2003 S 10/09/2003 HR

Summary Makes miscellaneous amendments to the Principal Determination concerning the designation of, and fees paid to, certain part-time holders of office.

Remuneration Tribunal Determination 2003/19

Remuneration Tribunal Act 1973

Made 12/08/2003
Tabled 10/09/2003 S 10/09/2003 HR

Summary Adds 'misbehaviour' as an exclusion to the payment of early termination benefit for specified offices.

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE**Amendment of List of Exempt Native Specimens
under s. 303DC(1) of the *Environment Protection
and Biodiversity Conservation Act 1999******Environment Protection and Biodiversity
Conservation Act 1999***

Made 03/09/2003
Tabled 09/09/2003 S 08/09/2003 HR

Summary Permits the continued export of marine
fishery products for a further twelve
months.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE**Inter-American Development Bank (Privileges and Immunities) Regulations 2003
Statutory Rules 2003 No. 230***International Organisations (Privileges and Immunities) Act 1963*

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Confer upon the Inter-American Development Bank juridical personality and legal capacity to enable it to exercise its powers and perform its functions in Australia.

DEPARTMENT OF HEALTH AND AGEING

Declaration QAA No. 2/2003 under s. 124X of the Health Insurance Act 1973

Health Insurance Act 1973

Made 01/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Amends the list of activities that are declared to be quality assurance Activities to which Part VC of the Act applies.

Determination No. PHS 12/2003 under paragraph (bj) of Schedule 1 to the National Health Act 1953

National Health Act 1953

Made 26/06/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Substitutes a new Schedule 2 to the determination made on 30 June 1999, dealing with levels of benefit for overnight accommodation in shared ward accommodation in recognised hospitals in all States and Territories except Victoria and Tasmania.

Determination No. PHS 10/2003 under paragraph (bj) of Schedule 1 to the National Health Act 1953

National Health Act 1953

Made 27/06/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Adds a new Schedule 9 to the Principal Determination, dealing with rural and regional default benefits for overnight and day only treatment.

Determination No. PHS 13/2003 under paragraph (bj) of Schedule 1 to the National Health Act 1953

National Health Act 1953

Made 26/06/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Substitutes a new Schedule 3 to the determination made on 30 June 1999, concerning benefits payable for same day accommodation.

Determination No. PHS 11/2003 under paragraph (bj) of Schedule 1 to the National Health Act 1953

National Health Act 1953

Made 26/06/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Substitutes a new Schedule 1 to the determination made on 30 June 1999, concerning benefits payable for overnight accommodation in private hospitals in all States and Territories and in recognised hospitals in Victoria and Tasmania.

Determination No. PHS 14/2003 under paragraph (bj) of Schedule 1 to the National Health Act 1953

National Health Act 1953

Made 26/06/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Substitutes a new Schedule 4 to the determination made on 30 June 1999, dealing with benefits payable for Nursing Home Type Patient accommodation in public hospitals.

Determination No. PHS 15/2003 under paragraph (bj) of Schedule 1 to the *National Health Act 1953*

National Health Act 1953

Made 26/06/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Substitutes a new Schedule 8 to the determination made on 30 June 1999, dealing with benefits payable for outreach services in hospital and day hospital facilities.

Determination No. PHS 18/2003 under paragraph (bj) of Schedule 1 to the *National Health Act 1953*

National Health Act 1953

Made 25/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Substitutes a new Schedule 5 to the determination made on 30 June 1999, dealing with surgically implanted prostheses, human tissue items and other medical devices.

Determination No. PHS 16/2003 pursuant to s. 5D(1) of the *National Health Act 1953*

National Health Act 1953

Made 27/06/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Specifies services provided by certain hospitals for the purposes of the definition of outreach service in s. 4(1) of the Act.

Gene Technology (Recognition of Designated Areas) Principle 2003 under s. 21(1) of the *Gene Technology Act 2000*

Gene Technology Act 2000

Made 31/07/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provides for the recognition of areas designated under a State law for the purpose of preserving the identity of GM crops for marketing purposes.

Determination No. PHS 17/2003 pursuant to s. 5D(1) of the *National Health Act 1953*

National Health Act 1953

Made 27/06/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Specifies a service provided by certain hospitals for the purposes of the definition of outreach service in s. 4(1) of the Act.

Residential Care Subsidy Amendment Principles 2003 (No. 1) under s. 96-1(1) of the *Aged Care Act 1997*

Aged Care Act 1997

Made 26/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Amends provisions concerning the determination by the Minister of different amounts of basic subsidy amount.

**User Rights Amendment Principles 2003 (No. 1)
under s. 96-1(1) of the *Aged Care Act 1997***

Aged Care Act 1997

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Allow an approved provider to charge a care recipient receiving care in an unfunded place an additional amount for the provision of a service if certain specified criteria are satisfied.

DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS

**Migration Amendment Regulations 2003 (No. 6)
Statutory Rules 2003 No. 224**

Migration Act 1958

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Amend the Principal Regulations with respect to the requirements for the granting of protection visas.

**Migration (Angola — United Nations Security Council Resolutions) Repeal Regulations 2003
Statutory Rules 2003 No. 231**

Migration Act 1958

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Give effect to United Nations Security Council Resolution 1448 (2002).

DEPARTMENT OF INDUSTRY, TOURISM AND RESOURCES

Patents Amendment Regulations 2003 (No. 2) **Statutory Rules 2003 No. 213**

Patents Act 1990

Made 14/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Make provision for the disclosure of patent search results, as a consequence of the *Intellectual Property Laws Amendment Act 2002*, and make other minor amendments to the Principal Regulations.

Trade Marks Amendment Regulations 2003 (No. 1) **Statutory Rules 2003 No. 214**

Trade Marks Act 1995

Made 14/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Replace references to 'trade marks officer' with reference to 'employee' in the Principal Regulations, as a consequence of the *Intellectual Property Laws Amendment Act 2002*.

DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

Civil Aviation Amendment Regulations 2003 (No. 6) Statutory Rules 2003 No. 232

Civil Aviation Act 1988

Made 27/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provide for the appointment of Designated Aviation Medical Examiners and related matters.

Instrument No. CASA 353/03 under r. 252(1) of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 22/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provides that aircraft operated by Capiteq trading as Airnorth Regional may operate over water on specified routes without being required to carry life rafts.

Exemption No. CASA EX19/2003 under r. 308(1) of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 25/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Reduce the amount of flight time required before the holder of an air transport pilot (aeroplane) licence who has not flown a type of aircraft within the preceding 35 days can act as pilot in command of that type of aircraft.

Instrument No. CASA 354/03 under r. 252(1) of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 22/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provides that aircraft operated by Alliance Airlines Pty Ltd may operate over water on specified routes without being required to carry life rafts.

Exemption No. CASA EX20/2003 under r. 235(11) of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 26/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provides an exemption relating to the loading of fuel on certain aircraft used by the Royal Flying Doctor Service.

Instrument No. CASA 355/03 under r. 252(1) of the *Civil Aviation Regulations*

Civil Aviation Act 1988

Made 22/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Provides that aircraft operated by Virgin Blue Airlines Pty Ltd may operate over water on specified routes without being required to carry life rafts.

**Instrument No. CASA 392/03 under r. 235(7) of
the *Civil Aviation Regulations***

Civil Aviation Act 1988

Made 29/08/2003
Tabled 08/09/2003 S 08/09/2003 HR

Summary Specifies a type of hand held terminal that may be used in the vicinity of an aircraft if used as part of an 'account and authorise' baggage reconciliation system for international aviation operations.

DEPARTMENT OF THE TREASURY

Currency (Royal Australian Mint) Determination 2003 (No. 5) under s. 13A(1) of the *Currency Act 1965*

Currency Act 1965

Made 29/07/2003
 Tabled 08/09/2003 S 08/09/2003 HR

Summary Specifies the design and characteristics of two silver coins issued as part of the Mint's Collector issues program for 2003.

Income Tax Amendment Regulations 2003 (No. 2) Statutory Rules 2003 No. 215

Income Tax Assessment Act 1936

Made 14/08/2003
 Tabled 08/09/2003 S 08/09/2003 HR

Summary Add the Stock Exchange of Newcastle Limited to the list of approved stock exchanges for the purposes of the foreign investment fund regime in Part XI of the *Income Tax Assessment Act 1936*.