



# **Legislative Instruments Regulations 2004**

**Statutory Rules No. 373, 2004**

made under the

*Legislative Instruments Act 2003*

## **Compilation No. 19**

**Compilation date:** 23 June 2015

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## About this compilation

### This compilation

This is a compilation of the *Legislative Instruments Regulations 2004* that shows the text of the law as amended and in force on 23 June 2015 (the **compilation date**).

This compilation was prepared on 23 June 2015.

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw ([www.comlaw.gov.au](http://www.comlaw.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Contents

|  |    |
|--|----|
| <b>Part 1—Preliminary</b>  | 1  |
| 1 Name of Regulations .....  | 1  |
| 2 Commencement .....   | 1  |
| 3 Definition .....   | 1  |
| 4 Meaning of <i>lodge</i> .....  | 1  |
| <b>Part 2—Federal Register of Legislative Instruments</b>                    | 3  |
| 5 Information to be lodged with legislative instrument for registration..... | 3  |
| <b>Part 3—Registration</b>   | 4  |
| 6 Lodgment for registration.....   | 4  |
| <b>Part 4—Exemptions and exclusions</b>                                      | 5  |
| 7 Instruments that are not legislative instruments.....                      | 5  |
| 8 Legislative instruments not subject to disallowance .....                  | 5  |
| 9 Legislative instruments not subject to sunseting .....                     | 5  |
| 10 Existing disallowance provisions .....                                    | 5  |
| <b>Schedule 1—Instruments declared not to be legislative instruments</b>     | 6  |
| <b>Part 1—General classes of instruments</b>                                 | 6  |
| <b>Part 2—Instruments made under particular provisions</b>                   | 10 |
| <b>Schedule 2—Legislative instruments not subject to disallowance</b>        | 13 |
| <b>Schedule 3—Legislative instruments not subject to sunseting</b>           | 15 |
| <b>Schedule 4—Existing disallowance provisions</b>                           | 21 |

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|                                      |    |
|--------------------------------------|----|
| <b>Endnotes</b>                      | 22 |
| <b>Endnote 1—About the endnotes</b>  | 22 |
| <b>Endnote 2—Abbreviation key</b>    | 23 |
| <b>Endnote 3—Legislation history</b> | 24 |
| <b>Endnote 4—Amendment history</b>   | 26 |

## **Part 1—Preliminary**

### **1 Name of Regulations**

These Regulations are the *Legislative Instruments Regulations 2004*.

### **2 Commencement**

These Regulations commence on 1 January 2005.

### **3 Definition**

In these Regulations:

*Act* means the *Legislative Instruments Act 2003*.

### **4 Meaning of *lodge***

- (1) For the definition of ***lodge*** in subsection 4(1) of the Act, this regulation applies.
- (2) An electronic document is lodged if:
  - (a) it is in any of the following word processing or data formats:
    - (i) Microsoft Word 97 or later version;
    - (ii) rich text format;
    - (iii) another format agreed, in writing, by the First Parliamentary Counsel; and
  - (b) it is given to the First Parliamentary Counsel:
    - (i) through the electronic lodgement facility at <https://lodgment.frli.gov.au>; or
    - (ii) in another way agreed, in writing, by the First Parliamentary Counsel.

**Regulation 4**

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- (3) A non-electronic document is lodged if it is:
- (a) delivered to the Office of Parliamentary Counsel at 63 Denison Street, Deakin ACT 2600; or
  - (b) posted to the Office of Parliamentary Counsel at Locked Bag 30, Kingston ACT 2604; or
  - (c) delivered, posted or otherwise given to the First Parliamentary Counsel in a way agreed, in writing, by the First Parliamentary Counsel.

## **Part 2—Federal Register of Legislative Instruments**

### **5 Information to be lodged with legislative instrument for registration**

For section 21 of the Act, a person who is required to lodge a legislative instrument for registration must also lodge with the First Parliamentary Counsel the following information about the instrument:

- (a) the name and relevant provision of the enabling legislation;
- (b) a brief description of the subject matter of the instrument;
- (c) a reference identifying any document incorporated by reference in the instrument;
- (d) the title of the instrument and of any instrument that it affects;
- (e) the number of pages in the instrument;
- (f) for an instrument to which section 28 of the Act applies:
  - (i) the reference number (if any) allocated to the instrument when it was made; and
  - (ii) if the instrument was required to be notified or published in the *Gazette*—the date of the notification or publication; and
  - (iii) if the instrument was required to be laid before each House of the Parliament—the date when the instrument was laid before each House; and
  - (iv) information about any partial disallowance of the instrument;
- (g) the name and contact details of a person who can answer questions about the instrument.

## **Part 3—Registration**

### **6 Lodgment for registration**

- (1) Subsection 29(1) of the Act operates as if the table in that subsection were amended by omitting from item 1 “The first day of the 12th month after the commencing day” and substituting “1 October 2006”.

Note: Under subsection 29(1) of the Act, certain instruments must be backcaptured before 1 January 2006. Subregulation 6 (1) extends the period of backcapture to before 1 October 2006.

- (2) For paragraph 29(4)(b) of the Act, the period of 6 months is prescribed.



## **Part 4—Exemptions and exclusions**

### **7 Instruments that are not legislative instruments**

For item 24 of the table in subsection 7(1) of the Act, and subject to sections 6 and 7 of the Act, instruments mentioned in Schedule 1 are prescribed.

Note: The inclusion of a kind of instrument in Schedule 1 does not imply that an instrument of that kind would be a legislative instrument if it were not included in that Schedule—see subsection 7(2) of the Act.

### **8 Legislative instruments not subject to disallowance**

For item 44 of the table in subsection 44(2) of the Act, legislative instruments mentioned in Schedule 2 are prescribed.

Note: The inclusion of a kind of instrument in Schedule 2 does not imply that every instrument of that kind is a legislative instrument—see subsection 44(3) of the Act.

### **9 Legislative instruments not subject to sunseting**

For item 51 of the table in subsection 54(2) of the Act, legislative instruments mentioned in Schedule 3 are prescribed.

Note: The inclusion of a kind of instrument in Schedule 3 does not imply that every instrument of that kind is a legislative instrument—see subsection 54(3) of the Act.

### **10 Existing disallowance provisions**

For subsection 57(5) of the Act, subsection 57(2) of the Act does not apply to disallowance provisions mentioned in Schedule 4.

## **Schedule 1—Instruments declared not to be legislative instruments**

(regulation 7)

### **Part 1—General classes of instruments**

1. An instrument of delegation, including any directions to the delegate.
2. An instrument of authorisation (that is, an instrument the effect of which is to authorise a specified individual to take a particular action or act in a particular way) or an application for such an instrument.
3. An instrument the effect of which is to approve a manner of doing an act.
4. An evidentiary certificate.
5. An instrument prescribing or approving a form.
6. A practice direction made by a court or tribunal.
7. A Proclamation that provided solely for the commencement of an Act, or provisions of an Act, and had effect before 1 January 2005.
8. An instrument whose effect was spent before 1 January 2005.
9. An instrument of appointment, engagement or employment, or an instrument of suspension or termination of appointment, engagement or employment.
10. An instrument of resignation.
11. An instrument granting leave of absence or determining terms and conditions of appointment, engagement or employment.
12. An instrument constituting recommendations or advice.
13. An annual or periodic report.

14. Any of the following:
    - (a) an instrument granting, renewing, transferring, suspending or cancelling a licence or permit that authorises a specified person to do an act, or registration of a specified person;
    - (b) an instrument refusing to grant, renew or transfer such a licence, permit or registration;
    - (c) an instrument imposing conditions on such a licence, permit or registration.
  15. A warrant, an application for a warrant, or an instrument supporting such an application.
  16. An instrument authorising:
    - (a) the surveillance of a person or thing; or
    - (b) the retrieval of a device facilitating such surveillance; or
    - (c) the interception of a thing.
  17. An application for an instrument mentioned in item 16, or an instrument supporting such an application.
  18. An instrument acknowledging the receipt of something.
  19. An instrument requesting or requiring a person to attend premises, give evidence, answer questions, produce documents or give information.
  20. Any of the following:
    - (a) a notice of a decision or proposed decision;
    - (b) a notice of reasons for a decision or proposed decision;
    - (c) a notice of rights of review.
  21. An instrument the making or issue of which is:
    - (a) a decision that is reviewable under the *Administrative Decisions (Judicial Review) Act 1977*; or
    - (b) a decision that would be reviewable under that Act except for an exemption under that Act or another Act.
  22. An agreement, contract or undertaking authorised to be made or given under legislation, or an instrument made under such an agreement, contract or undertaking.
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**Schedule 1** Instruments declared not to be legislative instruments

**Part 1** General classes of instruments

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- 23. An acceptance or rejection of an undertaking.
  - 24. A nomination, request or invitation, or a withdrawal of a nomination, request or invitation.
  - 25. An application for an order, direction or other instrument, or a withdrawal of such an application, to any of the following:
    - (a) a court;
    - (b) a Judge or a Magistrate (including a Judge or Magistrate acting in a personal capacity);
    - (c) an officer of a court;
    - (d) a tribunal;
    - (e) a member or an officer of a tribunal.
  - 26. An order, direction, or other instrument made in response to an application, being an order, direction or other instrument made by any of the following:
    - (a) a court;
    - (b) a Judge or a Magistrate (including a Judge or Magistrate acting in a personal capacity);
    - (c) an officer of a court;
    - (d) a tribunal;
    - (e) a member or an officer of a tribunal.
  - 26A. An order, direction, or other instrument made in a proceeding before any of the following:
    - (a) a court;
    - (b) a Judge or a Magistrate;
    - (c) an officer of a court;
    - (d) a tribunal;
    - (e) a member or an officer of a tribunal.
  - 27. An assessment of tax or an amendment of an assessment of tax.
  - 28. A garnishee notice.
  - 29. An instrument remitting or waiving a penalty, or discharging or extinguishing a liability, in relation to a particular person.
  - 30. An infringement notice.
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31. An instrument varying, in a particular case, the time for a particular act to be done or a particular event to occur, or an instrument extending or shortening, in a particular case, a time period in which a particular act is to be done or a particular event is to occur.
32. An instrument that renews, transfers, suspends, cancels or terminates a right created or an obligation imposed by an instrument that is not a legislative instrument.
33. An instrument that varies or revokes an instrument that is not a legislative instrument.
34. A corporate plan.
35. A notice published in the *Gazette* that announces the day on which an international agreement comes into force for Australia.

## **Part 2—Instruments made under particular provisions**

- 1A. Each of the following:
  - (a) a declaration made under regulation 6 of the *Airspace Regulations 2007*;
  - (b) a determination made under subregulation 9(2) of those Regulations.
1. Each of the following:
  - (a) an instrument made under the *Aviation Transport Security Act 2004*, other than regulations made under that Act or an instrument made under section 2 or 107 of that Act;
  - (b) an instrument made under regulations made under that Act.
2. An Order made under paragraph 4.1(c) or (f) and subsection 6.2 of the Programs and Awards Statute 2006, made under the *Australian National University Act 1991*.
3. A determination made under section 32 of the *Australian Postal Corporation Act 1989*.
- 3AA. A notice under subsection 10(2) of the *Census and Statistics Act 1905*.
- 3A. Each of the following:
  - (a) a determination made under section 48, 65, 73, 76 or 76A of the *Commonwealth Electoral Act 1918*;
  - (b) a direction made under section 59 of that Act;
  - (c) a notice under section 80 or subsection 200D(2), 225(1), 227(3) or 227(4) of that Act.
4. An instrument made under section 161J of the *Customs Act 1901*.
5. An instrument made under section 269P or 269Q of the *Customs Act 1901* before 1 January 2005.
6. An instrument under Part XVB of the *Customs Act 1901*.

7. An authorisation under section 16 of the *Customs Administration Act 1985*.
8. An instrument made under section 8, 9, 10 or 11 of the *Customs Tariff (Anti-Dumping) Act 1975*.
9. A determination made under regulation 14 or 23 of the *Defence (Personnel) Regulations 2002*.
- 9A. A certificate issued under regulation 5A of the *Diplomatic Privileges and Immunities Regulations 1989*.
10. An instrument made under subsection 42 (1) of the *Foreign Evidence Act 1994*.
- 10A. A declaration of a state of emergency made under the *Jervis Bay Territory Emergency Management Ordinance 2015*.
11. An order made under subsection 85(1) of the *Jervis Bay Territory Rural Fires Ordinance 2014*.
12. Each of the following:
  - (a) an instrument made under the *Maritime Transport Security Act 2003*, other than regulations made under that Act or an instrument made under section 2 or 182 of that Act;
  - (b) an instrument made under regulations made under that Act.
- 12F. A determination made under subsection 1084(1) or 1118B(2) of the *Social Security Act 1991*.
13. A determination made under paragraph 154A(4)(c) of the *Superannuation Act 1976*.
14. A determination made under paragraph 3.1(d) of the Trust Deed:
  - (a) made under section 4 of the *Superannuation Act 1990*; and
  - (b) as in force from time to time.
15. A determination made under paragraph 3.1(e) of the Trust Deed made under section 10 of the *Superannuation Act 2005*.
16. Record-keeping rules made under subsection 151BU(1) of the *Trade Practices Act 1974* for and in relation to one or more specified carriers or one or more specified carriage service

providers, other than a carrier or carriage service provider specified by inclusion in a specified class.

17. Each of the following:

- (a) an instrument issued by the Defence Force under paragraph 5B(2)(a) of the *Veterans' Entitlements Act 1986*;
- (b) an instrument signed by the Vice Chief of the Defence Force under paragraph 5B(2)(b) of that Act;
- (c) an instrument signed by the Minister for Defence under paragraph 5B(2)(c) of that Act;
- (d) a determination made under section 5R of that Act;
- (e) an instrument issued by the Defence Force under subsection 6D(1) of that Act;
- (ea) a determination made under subsection 46L(1) or 52AA(2) of that Act;
- (f) a designation made in accordance with paragraph (b) of the definition of ***Peacekeeping Force*** in subsection 68(1) of that Act.



## **Schedule 2—Legislative instruments not subject to disallowance**

(regulation 8)

1. An instrument made under section 19B or 19BA of the *Acts Interpretation Act 1901*.
- 1A. A notice given under subsection 17(1) of the *Air Services Act 1995*.
- 1B. Each of the following:
  - (a) a determination made under regulation 5 of the *Airspace Regulations 2007*;
  - (b) a designation made under regulation 8 of those Regulations;
  - (c) a designation or determination made under regulation 11 of those Regulations;
  - (d) a direction given under regulation 12 of those Regulations;
  - (e) instructions given under subregulation 3.03(3) or (4) of the *Air Services Regulations 1995*.
2. A variation of a set of rules made under section 61 of the *Australian Research Council Act 2001*.
- 2A. A notice given under section 12A of the *Civil Aviation Act 1988*.
- 2AA. Fee waiver principles made under subsection 91(1B) of the *Classification (Publications, Films and Computer Games) Act 1995*.
- 2B. Each of the following:
  - (a) a notice under section 80, subsection 200D(2), 225(1), 227(3) or 227(4) or paragraph 305A(1)(c) of the *Commonwealth Electoral Act 1918*;
  - (b) a declaration made under subsection 246(1) of that Act for the purposes of the meaning of ‘station’.
3. A Proclamation made under section 3A or 3B of the *Control of Naval Waters Act 1918*.

4. A determination made under section 126DA of the *Customs Act 1901*.
- 4A. A notice made under subsection 16A(1) of the *Customs Tariff Act 1995*.
6. An instrument made under section 59 of the *Education Services for Overseas Students Act 2000*.
- 6A. A determination made under subsection 6(1) of the *Military Rehabilitation and Compensation Act 2004*.
7. Regulations made under section 7 of the *National Transport Commission Act 2003*.
8. A privacy code approved under section 18BB of the *Privacy Act 1988*.
- 8A. An approval, under section 18BD of the *Privacy Act 1988*, of a variation of an approved privacy code.
- 8B. A revocation, under section 18BE of the *Privacy Act 1988*, of an approval of an approved privacy code, or of a variation of an approved privacy code under section 18BD of that Act.
9. A determination made under section 16 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.
- 9A. A declaration made under section 6 of the *Terrorism Insurance Act 2003*.
10. A determination made for the purposes of the definition of ***non-warlike service*** or ***warlike service*** in subsection 5C(1) of the *Veterans' Entitlements Act 1986*.

## Schedule 3—Legislative instruments not subject to sunseting

Note: See regulation 9.

### 1 Legislative instruments not subject to sunseting

The following table sets out legislative instruments that are not subject to sunseting.

| Legislative instruments not subject to sunseting |  |
|--|--|
| Item   | Legislative instruments  |
| 1  | Regulations made under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i>   |
| 2  | Orders made under section 19B (Reference to Minister, Department etc. where no longer any such Minister, or Department abolished etc.) or 19BA (Reference to Minister, Department etc. inconsistent with changed administrative arrangements) of the <i>Acts Interpretation Act 1901</i>   |
| 3  | Instruments relating to aviation safety made under the <i>Airspace Regulations 2007</i>  |
| 4  | Rules made under section 229 (AML/CTF Rules) of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>  |
| 5  | Regulations made under the <i>Aviation Transport Security Act 2004</i>   |
| 6  | Determinations made under subsection 70A(4) (determinations relating to recognised settlement systems) of the <i>Cheques Act 1986</i>  |
| 7  | Principles made under subsection 91(1B) (fee waiver principles) of the <i>Classification (Publications, Films and Computer Games) Act 1995</i>   |
| 8  | Instruments made under section 104 or 105 (safety standards) of Schedule 2 (The Australian Consumer Law) to the <i>Competition and Consumer Act 2010</i> , including prescribed consumer product safety standards under section 65C of the <i>Trade Practices Act 1974</i> that were in force immediately before the commencement of item 4 of Schedule 7 to the <i>Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010</i> |

**Schedule 3** Legislative instruments not subject to sunseting**Legislative instruments not subject to sunseting**

| <b>Item</b> | <b>Legislative instruments</b>   |
|-------------|--|
| 9           | Instruments made under section 114 (permanent bans) of Schedule 2 (The Australian Consumer Law) to the <i>Competition and Consumer Act 2010</i> , including notices under subsection 65C(7) of the <i>Trade Practices Act 1974</i> that were in force immediately before the commencement of item 3 of Schedule 7 to the <i>Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010</i>   |
| 10          | Instruments made under section 134 or 135 (information standards) of Schedule 2 (The Australian Consumer Law) to the <i>Competition and Consumer Act 2010</i> , including prescribed consumer product information standards under section 65D of the <i>Trade Practices Act 1974</i> that were in force immediately before the commencement of item 5 of Schedule 7 to the <i>Trade Practices Amendment (Australian Consumer Law) Act (No. 2) 2010</i> |
| 11          | Proclamations made under section 3A (Proclamation of vessels as exempt vessels) or 3B (Proclamation of waters as naval waters) of the <i>Control of Naval Waters Act 1918</i>  |
| 12          | Standards made under section 334 (Accounting standards) or 336 (Auditing standards) of the <i>Corporations Act 2001</i>  |
| 13          | Rules made under section 798G (Market integrity rules) of the <i>Corporations Act 2001</i>   |
| 14          | Instruments made under section 827D (Reserve Bank may determine financial stability standards) of the <i>Corporations Act 2001</i>   |
| 15          | Regulations made under the <i>Cross-Border Insolvency Act 2008</i>   |
| 15A         | Determinations made solely for the purposes of either or both of sections 13 (Standard composition of coins) and 13A (Standard weight, design and dimension of coins) of the <i>Currency Act 1965</i>  |
| 15B         | Regulations made under the <i>Currency Act 1965</i>  |
| 16          | Regulations made solely for the purposes of section 50 (Prohibition of the importation of goods) or 112 (Prohibited exports) of the <i>Customs Act 1901</i>  |
| 17          | Tariff concession orders made under Part XVA (Tariff concession orders) of the <i>Customs Act 1901</i>   |
| 17A         | Disability standards made under section 31 of the <i>Disability Discrimination Act 1992</i>  |
| 17B         | Regulations made under the <i>Extradition Act 1988</i>   |

**Legislative instruments not subject to sunseting****Item      Legislative instruments**

- 17C      Proclamations made under any of the following provisions of the *Family Law Act 1975*:
- (a) subsection 39(7) (fixing a day on and after which proceedings in relation to matters arising under Part V of the *Family Law Act 1975* may not be instituted in, or transferred to, a court of summary jurisdiction in a specified State or Territory);
  - (b) subsection 39(7A) (declaration that on and after a specified date, a Proclamation made under subsection 39(7) of the *Family Law Act 1975* is revoked);
  - (c) subsection 40(3) (fixing a date on and after which matrimonial causes, and other proceedings, referred to in subsection 39(5) of the *Family Law Act 1975* may not be instituted in or transferred to the Supreme Court of a State or Territory specified in the Proclamation, or may be so instituted or transferred only where specified conditions are complied with. Such a Proclamation may be expressed to apply only to proceedings of a specified class or specified classes and may be expressed to apply only to the institution of proceedings in, or the transfer of proceedings to, a particular Registry or Registries of a Supreme Court referred to in the Proclamation);
  - (d) subsection 41(2) (declaration that on and after a specified date, section 41 of the *Family Law Act 1975* applies to a court known as a Family Court created by a State);
  - (e) subsection 60E(6) as in force before its repeal by the *Family Law Reform Act 1995* (declaration that amendments made to the *Family Law Act 1975* by the *Law and Justice Legislation Amendment Act 1992* extend to a specified State);
- Note:      See subregulation 69ZF(3) of the *Family Law Act 1975*.
- (f) subsection 69J(3) (fixing a day on and after which proceedings in relation to matters arising under Part VII of the *Family Law Act 1975* may not be instituted in, or transferred to, a court of summary jurisdiction in a specified State or Territory);
  - (g) subsection 69J(6) (declaration that on and after a specified date, a Proclamation made under subsection 69J(3) of the *Family Law Act 1975* is revoked);
  - (h) subsection 69ZF(1) (declaration that all child welfare law provisions of Part VII of the *Family Law Act 1975* extend to a specified State);

**Schedule 3** Legislative instruments not subject to sunseting

| <b>Legislative instruments not subject to sunseting</b> |  |
|---|--|
| <b>Item</b>   | <b>Legislative instruments</b>   |
|   | (i) subsection 96(3) (fixing a day on and after which appeals to the Supreme Court of a specified State or Territory under section 96 of the <i>Family Law Act 1975</i> may not be instituted)   |
| 18  | Regulations made under the <i>Foreign Acquisitions and Takeovers Act 1975</i>  |
| 19  | Approvals given under subsection 16-25(1) (approvals of higher education providers) of the <i>Higher Education Support Act 2003</i>  |
| 20  | Approvals given under subclause 6(1) or (1A) (approvals of VET providers) of Schedule 1A (VET FEE-HELP Assistance Scheme) to the <i>Higher Education Support Act 2003</i>  |
| 20A   | Regulations made under the <i>International Transfer of Prisoners Act 1997</i>   |
| 21  | Regulations made under the <i>Judges' Pensions Act 1968</i>  |
| 22  | Regulations made under the <i>Maritime Transport and Offshore Facilities Security Act 2003</i>   |
| 23  | Determinations made under section 6 (Kinds of service to which this Act applies) or 8 (Ministerial determinations that other people are members) of the <i>Military Rehabilitation and Compensation Act 2004</i>                                   |
| 23A   | Regulations made under the <i>Mutual Assistance in Business Regulation Act 1992</i>  |
| 24  | Regulations made solely for the purposes of section 7 (Regulations setting out model legislation and road transport legislation) of the <i>National Transport Commission Act 2003</i>  |
| 25  | Determinations made under paragraph 26(3)(b) (determinations relating to excluded Acts) of the <i>Native Title Act 1993</i> as in force immediately before 30 September 1998   |
| 26  | Regulations made solely for the purposes of Division 6 (Native title functions of prescribed bodies corporate and holding of native title in trust) or Division 7 (Financial matters) of Part 2 (Native Title) of the <i>Native Title Act 1993</i> |
| 27  | Regulations made under the <i>Papua New Guinea (Staffing Assistance) Act 1973</i>  |
| 28  | Regulations made under the <i>Parliamentary Contributory Superannuation Act 1948</i>   |
| 29  | Regulations made under the <i>Payment Systems and Netting Act 1998</i>   |
| 30  | Declarations made under subsection 9(3) (facilities not purchased payment facilities) of the <i>Payment Systems (Regulation) Act 1998</i>  |

| <b>Legislative instruments not subject to sunseting</b> |  |
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| <b>Item</b>   | <b>Legislative instruments</b>   |
| 31  | Regulations made under the <i>Payment Systems (Regulation) Act 1998</i>  |
| 32  | Notices given under section 36 (Designation of parts of the spectrum for spectrum licences) of the <i>Radiocommunications Act 1992</i>   |
| 33  | Declarations made under section 153B (Spectrum re-allocation declaration) of the <i>Radiocommunications Act 1992</i>   |
| 34  | Declarations made under subparagraph (c)(iii) (declaration that body corporate is Commonwealth authority) of the definition of <b>Commonwealth authority</b> in subsection 4(1) of the <i>Safety, Rehabilitation and Compensation Act 1988</i>   |
| 35  | Declarations made under section 4A (Declaration that ACT a Commonwealth authority) of the <i>Safety, Rehabilitation and Compensation Act 1988</i>  |
| 36  | Instruments made under subsection 5(6) (notices declaring persons to be Commonwealth employees) of the <i>Safety, Rehabilitation and Compensation Act 1988</i>   |
| 37  | Declarations made under subparagraph 6(1)(h)(ii) (declaration relating to places outside Australia), or (i)(ii) (declaration relating to classes of employees outside Australia), of the <i>Safety, Rehabilitation and Compensation Act 1988</i> |
| 38  | Declarations made under section 100 (Minister may declare a corporation eligible to be granted a licence under this Part) of the <i>Safety, Rehabilitation and Compensation Act 1988</i>   |
| 39  | Regulations made under the <i>Superannuation Act 1922</i>  |
| 40  | Regulations made under the <i>Superannuation Act 1976</i> , except regulations made solely for the purposes of section 153AN (fees for reconsideration) or subsection 160(1) (costs of administration) of that Act                               |
| 41  | Regulations made under the <i>Superannuation (Productivity Benefit) Act 1988</i>   |
| 42  | Codes made under subclause 37(1) (access codes) of Schedule 1 (Standard carrier licence conditions) to the <i>Telecommunications Act 1997</i>  |
| 43  | Declarations made under subclause 4(1) (protection zone declarations) of Schedule 3A (Protection of submarine cables) to the <i>Telecommunications Act 1997</i>  |

**Schedule 3** Legislative instruments not subject to sunseting

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| <b>Legislative instruments not subject to sunseting</b> |   |
|---|---|
| <b>Item</b>   | <b>Legislative instruments</b>  |
| 44  | Declarations made under subsection 6N(2) (Declaration of staff members of State Police Forces) or section 34 (Declaration of an eligible authority of a State as an agency) of the <i>Telecommunications (Interception and Access) Act 1979</i> |
| 45  | Declarations made under section 6 (Declared terrorist incidents) of the <i>Terrorism Insurance Act 2003</i>   |
| 46  | Regulations made under the <i>Terrorism Insurance Act 2003</i>  |
| 47  | Determinations made for the purposes of the definition of <b>non-warlike service</b> or <b>warlike service</b> in subsection 5C(1) (Eligibility related definitions) of the <i>Veterans' Entitlements Act 1986</i>                              |
| 48  | Determinations made under subsection 5R(1) (determinations relating to relevant service) of the <i>Veterans' Entitlements Act 1986</i>  |
| 49  | Instruments made under subsection 69B(6) (requirements for British nuclear test defence service) of the <i>Veterans' Entitlements Act 1986</i>  |
| 50  | Determinations made for the purposes of the definition of <b>hazardous service</b> in subsection 120(7) of the <i>Veterans' Entitlements Act 1986</i>   |
| 51  | Regulations made under the <i>Protection of Word "Anzac" Act 1920</i>   |

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## **Schedule 4—Existing disallowance provisions**

(regulation 10)

1. *Financial Management and Accountability Act 1997*—section 22.
2. *Remuneration Tribunal Act 1973*—subsections 7(8) and (8A).

## Endnotes

### Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

## Endnote 2—Abbreviation key

**Endnote 2—Abbreviation key**

|  |  |
|--|--|
| A = Act  | orig = original  |
| ad = added or inserted                                   | par = paragraph(s)/subparagraph(s)<br>/sub-subparagraph(s)             |
| am = amended   | pres = present   |
| amdt = amendment   | prev = previous  |
| c = clause(s)  | (prev...) = previously   |
| C[x] = Compilation No. x                                 | Pt = Part(s)   |
| Ch = Chapter(s)  | r = regulation(s)/rule(s)  |
| def = definition(s)                                      | Reg = Regulation/Regulations   |
| Dict = Dictionary  | reloc = relocated  |
| disallowed = disallowed by Parliament                    | renum = renumbered   |
| Div = Division(s)  | rep = repealed   |
| exp = expires/expired or ceases/ceased to have<br>effect | rs = repealed and substituted  |
| F = Federal Register of Legislative Instruments          | s = section(s)/subsection(s)   |
| gaz = gazette  | Sch = Schedule(s)  |
| LI = Legislative Instrument                              | Sdiv = Subdivision(s)  |
| LIA = <i>Legislative Instruments Act 2003</i>            | SLI = Select Legislative Instrument                                    |
| (md) = misdescribed amendment                            | SR = Statutory Rules   |
| mod = modified/modification                              | Sub-Ch = Sub-Chapter(s)  |
| No. = Number(s)  | SubPt = Subpart(s)   |
| o = order(s)   | <u>underlining</u> = whole or part not<br>commenced or to be commenced |
| Ord = Ordinance  |  |

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

| Number and year | FRLI registration or gazettal | Commencement   | Application, saving and transitional provisions |
|-----------------|-------------------------------|--|---|
| 373, 2004       | 23 Dec 2004                   | 1 Jan 2005 (r 2)   |   |
| 14, 2005        | 25 Feb 2005<br>(F2005L00362)  | 26 Feb 2005 (r 2)  | —   |
| 27, 2005        | 11 Mar 2005<br>(F2005L00540)  | 12 Mar 2005 (r 2)  | —   |
| 184, 2005       | 19 Aug 2005<br>(F2005L02290)  | 20 Aug 2005 (r 2)  | —   |
| 266, 2005       | 24 Nov 2005<br>(F2005L03682)  | 25 Nov 2005 (r 2)  | —   |
| 300, 2005       | 16 Dec 2005<br>(F2005L04094)  | 17 Dec 2005 (r 2)  | —   |
| 196, 2006       | 27 July 2006<br>(F2006L02426) | 28 July 2006 (r 2)   | —   |
| 152, 2007       | 22 June 2007<br>(F2007L01676) | Sch 2: 1 July 2007 (r 2(b))<br>Remainder: 23 June 2007<br>(r 2(a)) | —   |
| 249, 2007       | 27 Aug 2007<br>(F2007L02582)  | 28 Aug 2007 (r 2)  | —   |
| 66, 2008        | 2 May 2008<br>(F2008L01257)   | 3 May 2008 (r 2)   | —   |
| 218, 2009       | 9 Sept 2009<br>(F2009L03404)  | 10 Sept 2009 (r 2)   | —   |
| 319, 2010       | 13 Dec 2010<br>(F2010L03179)  | 14 Dec 2010 (r 2)  | —   |
| 21, 2011        | 11 Mar 2011<br>(F2011L00416)  | 12 Mar 2011 (r 2)  | —   |
| 179, 2012       | 6 Aug 2012<br>(F2012L01653)   | 1 Oct 2012 (s 2)   | —   |

## Endnote 3—Legislation history

| Number and year | FRLI registration or gazettal | Commencement   | Application, saving and transitional provisions |
|-----------------|-------------------------------|--|---|
| 283, 2012       | 10 Dec 2012<br>(F2012L02376)  | 11 Dec 2012 (s 2)  | —   |
| 51, 2013        | 11 Apr 2013<br>(F2013L00649)  | Sch 1 (items 67–71): 12 Apr 2013 (s 2 item 2)  | —   |
| 212, 2013       | 8 Aug 2013<br>(F2013L01537)   | 9 Aug 2013   | —   |
| 187, 2014       | 17 Dec 2014<br>(F2014L01730)  | 18 Dec 2014 (s 2)  | —   |
| 81, 2015        | 22 June 2015<br>(F2015L00859) | Sch 1 (item 1): <u>awaiting commencement (s 2 item 2)</u><br>Remainder: 23 June 2015<br>(s 2 items 1, 3) | —   |

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

| Provision affected | How affected   |
|--------------------|--|
| <b>Part 1</b>      |  |
| r 4 .....          | am No 249, 2007; No 179, 2012  |
| <b>Part 2</b>      |  |
| r 5 .....          | am No 179, 2012  |
| <b>Part 3</b>      |  |
| r 6 .....          | am No 266, 2005  |
| <b>Schedule 1</b>  |  |
| Schedule 1 .....   | am No 27, 2005; No 184, 2005; No 300, 2005; No 196, 2006; No 152; 2007; No 319; 2010; No 283, 2012; No 51, 2013; No 187, 2014; No 81, 2015 ( <u>Sch 1 item 1</u> ) |
| <b>Schedule 2</b>  |  |
| Schedule 2 .....   | am No 27, 2005; No 184, 2005; No 300, 2005; No 152, 2007; No 249, 2007; No 66, 2008; No 218, 2009  |
| <b>Schedule 3</b>  |  |
| Schedule 3 .....   | am No 27, 2005; No 300, 2005; No 152, 2007; No 249, 2007; No 66, 2008; No 21, 2011<br>rs No 212, 2013<br>am No 187, 2014   |
| <b>Schedule 4</b>  |  |
| Schedule 4 .....   | am No 14, 2005   |