



# **Legislation (Exemptions and Other Matters) Regulation 2015**

**Select Legislative Instrument No. 158, 2015**

made under the

*Legislation Act 2003*

## **Compilation No. 9**

<b>Compilation date:</b>	25 August 2020
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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Legislation (Exemptions and Other Matters) Regulation 2015* that shows the text of the law as amended and in force on 25 August 2020 (the **compilation date**).

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 the Legislation Register ([www.legislation.gov.au](http://www.legislation.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 the Legislation Register 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.

### Editorial changes

For more information about any editorial changes made in this compilation, see 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 the Legislation Register 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## **Part 1—Preliminary**

### **1 Name**

This is the *Legislation (Exemptions and Other Matters) Regulation 2015*.

### **3 Authority**

This instrument is made under the *Legislation Act 2003*.

### **5 Definitions**

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) amend;
- (b) enabling legislation;
- (c) instrument;
- (d) legislative instrument;
- (e) notifiable instrument;
- (f) repeal.

In this instrument:

*Act* means the *Legislation Act 2003*.

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## Part 2—Instruments that are not legislative instruments

### 6 Classes of instruments that are not legislative instruments

- (1) For paragraph 8(6)(b) of the Act and subject to subsection (2), an instrument in a class of instruments referred to in an item of the following table is not a legislative instrument.

Classes of instruments that are not legislative instruments	
Item	Class of instrument
1	An instrument of delegation, including any directions to the delegate
2	An instrument that is a direction to a delegate
3	An instrument that is a direction given by a Minister to: (a) a Commonwealth company within the meaning of the <i>Public Governance, Performance and Accountability Act 2013</i> ; or (b) a corporate Commonwealth entity within the meaning of that Act; other than any such direction: (c) that is required to be laid before the Houses of the Parliament under the legislation that authorises the giving of the direction; or (d) the full text of which is required to be published in the Gazette or elsewhere under the legislation that authorises the giving of the direction
4	Each of the following: (a) an instrument that has the effect of authorising or approving a particular person to take a particular action or act in a particular way; (b) an application for an instrument referred to in paragraph (a)
5	An instrument the effect of which is to approve a manner or method of doing an act
6	An instrument prescribing or approving a form
7	An instrument acknowledging the receipt of a thing
8	Each of the following: (a) an instrument of appointment, engagement or employment; (b) an instrument suspending or terminating an appointment, engagement or employment; (c) an instrument authorising a person to hold a particular position or office
9	An instrument of resignation
10	An instrument: (a) relating to terms and conditions of appointment, engagement, employment or service; or (b) granting leave of absence; other than an instrument that is required to be laid before the Parliament under subsection 7(7) of the <i>Remuneration Tribunal Act 1973</i>
11	An instrument constituting recommendations or advice
12	A report or review, including an annual or periodic report or review
13	An evidentiary certificate

**Classes of instruments that are not legislative instruments**

<b>Item</b>	<b>Class of instrument</b>
14	Each of the following: (a) an instrument granting, renewing, transferring, suspending, cancelling or terminating a licence or permit that authorises a particular person to do an act; (b) an instrument of registration of a particular person; (c) an instrument renewing, transferring, suspending, cancelling or terminating a registration of a particular person; (d) an instrument refusing to grant, renew or transfer a licence or permit referred to in paragraph (a) or a registration referred to in paragraph (b); (e) an instrument imposing conditions on such a licence, permit or registration
15	Each of the following: (a) a warrant; (b) an application for a warrant; (c) an instrument supporting an application for a warrant
16	Each of the following: (a) an instrument authorising: (i) the surveillance of a person or thing; or (ii) the retrieval of a device facilitating such surveillance; or (iii) the interception of a thing; (b) an application for an instrument referred to in paragraph (a); (c) an instrument supporting an application for an instrument referred to in paragraph (a)
17	An instrument requesting or requiring a person to attend premises, give evidence, answer questions, produce documents, give information or provide assistance
18	Each 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
19	An instrument the making or issue of which is: (a) a decision that is reviewable under the <i>Administrative Decisions (Judicial Review) Act 1977</i> ; or (b) a decision that would be reviewable under that Act except for an exemption under that Act or another Act; other than an instrument that includes a provision of a kind referred to in paragraph 8(4)(b) of the <i>Legislation Act 2003</i>
20	Each of the following: (a) an agreement, contract or undertaking authorised to be made or given under legislation; (b) an instrument made under such an agreement, contract or undertaking
21	A consent to, acceptance of, rejection of, or withdrawal of an undertaking
22	Each of the following: (a) a nomination, request or invitation; (b) a withdrawal of a nomination, request or invitation

## Part 2 Instruments that are not legislative instruments

### Section 6

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#### Classes of instruments that are not legislative instruments

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Item	Class of instrument
23	Each of the following: (a) an application for an order, direction or other instrument (a <i>court or tribunal instrument</i> ) to any of the following (a <i>relevant person or body</i> ), or a withdrawal of such an application: (i) a court; (ii) a Judge or a Magistrate (including a Judge or Magistrate acting in a personal capacity); (iii) an officer of a court; (iv) a tribunal; (v) the Fair Work Commission; (vi) a member or an officer of a tribunal or the Fair Work Commission; (b) a court or tribunal instrument made in response to an application to a relevant person or body; (c) a court or tribunal instrument made by a relevant person or body in proceedings or in dealing with a matter
24	A practice direction made by a court or tribunal
25	An assessment of tax
26	A garnishee notice
27	Each of the following: (a) an instrument remitting or waiving a penalty in relation to a particular person; (b) an instrument discharging or extinguishing a liability in relation to a particular person
28	An infringement notice
29	Each of the following: (a) an instrument varying, in a particular case, the time for a particular act to be done or a particular event to occur; (b) 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
30	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
31	An instrument that amends or repeals an instrument that is not a legislative instrument
32	A corporate plan (however described)
33	A law of a self-governing Territory
34	Each of the following: (a) a law of a State or self-governing Territory that applies in a non-self-governing Territory; (b) an instrument made under such a law
35	An Ordinance of the former Colony of Singapore that applies in a non-self-governing Territory and an instrument made under such an Ordinance
36	An instrument that is a notifiable instrument referred to in the table in section 8

- (2) An instrument is not included in a class of instruments referred to in an item of the table in subsection (1) if:



- (a) the instrument is of a kind that is declared to be a legislative instrument by section 10 of the Act; or
- (b) the instrument has effect other than as provided in the item or any other item of the table (disregarding any application, saving or transitional provisions in the instrument).

## 7 Particular instruments that are not legislative instruments

For paragraph 8(6)(b) of the Act, each instrument referred to in an item of the following table is not a legislative instrument.

<b>Particular instruments that are not legislative instruments</b>	
<b>Item</b>	<b>Instrument</b>
1	Each of the following: (a) a declaration made under regulation 6 of the <i>Airspace Regulations 2007</i> ; (b) a determination made under subregulation 9(2) of those Regulations
2	An order made by the Commissioner under section 38 of the <i>Australian Federal Police Act 1979</i>
3	A determination made under section 32 of the <i>Australian Postal Corporation Act 1989</i>
4	A guideline given under section 8A of the <i>Australian Security Intelligence Organisation Act 1979</i>
5	Each of the following: (a) an instrument made under the <i>Aviation Transport Security Act 2004</i> (other than a regulation made under that Act or an instrument made under section 107 of that Act); (b) an instrument made under a regulation made under that Act
6	A notice given under subsection 10(2) of the <i>Census and Statistics Act 1905</i>
6A	Each of the following: (a) a declaration made or recorded in writing under section 16A or 17 of the <i>Christmas Island Emergency Management Ordinance 2012</i> ; (b) an extension given or recorded in writing under section 16B or 18 of that Ordinance; (c) a revocation given or recorded in writing under section 16C or 19 of that Ordinance
6B	Each of the following: (a) a declaration made or recorded in writing under section 16A or 17 of the <i>Cocos (Keeling) Islands Emergency Management Ordinance 2012</i> ; (b) an extension given or recorded in writing under section 16B or 18 of that Ordinance; (c) a revocation given or recorded in writing under section 16C or 19 of that Ordinance
7	Each of the following: (a) a determination made under section 48, 65, 73, 76 or 76A of the <i>Commonwealth Electoral Act 1918</i> ; (b) a direction made under section 59 of that Act; (c) an instrument made under section 80 of that Act
8	A record-keeping rule made under subsection 151BU(1) of the <i>Competition and Consumer Act 2010</i> 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)

## Part 2 Instruments that are not legislative instruments

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**Particular instruments that are not legislative instruments**

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<b>Item</b>	<b>Instrument</b>
9	An instrument (other than a regulation or other instrument that was disallowable before 1 January 2005) made under the <i>Corporations Act 2001</i> that, in relation to: (a) a specified person (other than a person specified by membership of a class) or to persons associated with that specified person; or (b) a specified facility (other than a facility specified by membership of a class); or (c) a specified financial product (other than a product specified by membership of a class); has the effect of: (d) exempting the person, facility or product from the rules made under that Act; or (e) modifying the operation of the rules made under that Act in their application to the person, facility or product
10	Each of the following: (a) an instrument made under section 161J of the <i>Customs Act 1901</i> ; (b) a determination made under section 273 of that Act; (c) an instrument made under Part XVB of that Act
11	An instrument made under section 8, 9, 10 or 11 of the <i>Customs Tariff (Anti-Dumping) Act 1975</i>
12	Each of the following: (a) an instruction issued under section 11 of the <i>Defence Act 1903</i> ; (b) a determination made under section 58H of that Act
14	A certificate issued under regulation 5A of the <i>Diplomatic Privileges and Immunities Regulations 1989</i>
15	A fair work instrument (within the meaning of the <i>Fair Work Act 2009</i> )
16	A transitional instrument or Division 2B State instrument (within the meaning of the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> )
17	An instrument made under subsection 42(1) of the <i>Foreign Evidence Act 1994</i>
18	A declaration of a state of emergency made under the <i>Jervis Bay Territory Emergency Management Ordinance 2015</i>
19	An order made under subsection 85(1) of the <i>Jervis Bay Territory Rural Fires Ordinance 2014</i>
20	A legal services direction issued under paragraph 55ZF(1)(b) of the <i>Judiciary Act 1903</i>
21	Each of the following: (a) an instrument made under the <i>Maritime Transport and Offshore Facilities Security Act 2003</i> (other than a regulation made under that Act or an instrument made under section 182 of that Act); (b) an instrument made under a regulation made under that Act
22	A designation made under section 11 of the <i>Payment Systems (Regulation) Act 1998</i>
23	An order made under paragraph 4.1(c) or (f) and subsection 6.2 of the <i>Programs and Awards Statute 2013</i> , made under the <i>Australian National University Act 1991</i>
24	An instrument made under section 72 of the <i>Public Service Act 1999</i>
25	A determination made under subsection 1084(1) or 1118A(2) of the <i>Social Security Act 1991</i>

**Particular instruments that are not legislative instruments**

<b>Item</b>	<b>Instrument</b>
26	A determination made under paragraph 154A(4)(c) of the <i>Superannuation Act 1976</i>
27	A determination made under paragraph 3.1(d) of the Trust Deed that is made under section 4 of the <i>Superannuation Act 1990</i>
28	A determination made under paragraph 3.1(e) of the Superannuation (PSSAP) Trust Deed made under section 10 of the <i>Superannuation Act 2005</i>
29	An instrument (other than a regulation or other instrument that was disallowable before 1 January 2005) made under the <i>Superannuation Industry (Supervision) Act 1993</i> that, in relation to: <ul style="list-style-type: none"> <li>(a) a specified person (other than a person specified by membership of a class) or to persons associated with that specified person; or</li> <li>(b) a specified financial product (other than a product specified by membership of a class);</li> </ul> has the effect of: <ul style="list-style-type: none"> <li>(c) exempting the person or product from the rules made under that Act; or</li> <li>(d) modifying the operation of the rules made under that Act in their application to the person or product</li> </ul>
30	A private ruling given or a public ruling made under the <i>Taxation Administration Act 1953</i>
31	Each of the following: <ul style="list-style-type: none"> <li>(a) an instrument issued by the Defence Force under paragraph 5B(2)(a) of the <i>Veterans' Entitlements Act 1986</i>;</li> <li>(b) an instrument made under paragraph 5B(2)(b) of that Act;</li> <li>(c) an instrument made under paragraph 5B(2)(c) of that Act;</li> <li>(d) a determination made under section 5R of that Act;</li> <li>(e) an instrument made under subsection 6D(1) of that Act;</li> <li>(f) a determination made under subsection 46L(1) or 52AA(2) of that Act;</li> <li>(g) a designation made in accordance with paragraph (b) of the definition of <b><i>Peacekeeping Force</i></b> in subsection 68(1) of that Act</li> </ul>

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## Part 3—Instruments that are notifiable instruments

### 8 Classes of instruments that are notifiable instruments

For paragraph 11(2)(b) of the Act, an instrument in a class of instruments referred to in an item of the following table is a notifiable instrument.

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<b>Classes of instruments that are notifiable instruments</b>	
<b>Item</b>	<b>Class of instrument</b>
1	An instrument that announces the day an international agreement enters into force for Australia

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## Part 4—Legislative instruments that are not subject to disallowance

### 9 Classes of legislative instruments that are not subject to disallowance

For paragraph 44(2)(b) of the Act, section 42 of the Act (disallowance of legislative instruments) does not apply to a legislative instrument in a class of legislative instruments referred to in an item of the following table.

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

#### Classes of legislative instruments that are not subject to disallowance

Item	Legislative instrument
1	An instrument that, in accordance with the provisions of the enabling legislation, does not commence unless it is approved by either or both of the Houses of the Parliament
2	An instrument that is a direction by a Minister to any person or body
3	An instrument (other than a regulation) relating to superannuation
4	An instrument made under an annual Appropriation Act

### 10 Particular legislative instruments that are not subject to disallowance

For paragraph 44(2)(b) of the Act, section 42 of the Act (disallowance of legislative instruments) does not apply to a legislative instrument referred to in an item of the following table.

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

#### Particular legislative instruments that are not subject to disallowance

Item	Legislative instrument
1	A substituted reference order made under section 19B of the <i>Acts Interpretation Act 1901</i>
2	Each of the following: (a) a notice given under subsection 17(1) of the <i>Air Services Act 1995</i> ; (b) an instruction given under subregulation 3.03(3) or (4) of the <i>Air Services Regulations 1995</i>
3	Each of the following: (a) a determination made under regulation 5 of the <i>Airspace Regulations 2007</i> ; (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
4	A determination made under subsection 5(2) of the <i>Australian Citizenship Act 2007</i>
5	A determination specifying drugs, made under section 4A of the <i>Australian Federal Police Act 1979</i>

**Part 4** Legislative instruments that are not subject to disallowance

Section 10

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**Particular legislative instruments that are not subject to disallowance**

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<b>Item</b>	<b>Legislative instrument</b>
6	Each of the following: (a) a statute made under the <i>Australian National University Act 1991</i> ; (b) a rule or order made under such a statute
7	Each of the following: (a) a rule made under section 60 of the <i>Australian Research Council Act 2001</i> ; (b) a variation of a set of rules made under section 61 of that Act
8	Each of the following: (a) a standard made under section 122 of the <i>Broadcasting Services Act 1992</i> ; (b) an amendment made under section 128 of that Act to a standard under Part 9 of that Act
9	A notice given under section 12A of the <i>Civil Aviation Act 1988</i>
10	Each of the following: (a) an instrument made under paragraph 305A(1A)(a) of the <i>Commonwealth Electoral Act 1918</i> ; (b) an instrument made under subsection 246(1) of that Act for the purposes of the meaning of <i>station</i>
11	A Proclamation made under section 3A or 3B of the <i>Control of Naval Waters Act 1918</i>
12	Each of the following: (a) a determination made under section 126DA of the <i>Customs Act 1901</i> ; (b) a determination made under paragraph 153L(1)(c), 153P(2)(c) or 153Q(1)(c) or subsection 153ZIH(2) of that Act; (c) a tariff concession order made under Part XVA of that Act; (d) an instrument made under section 269SC or 269SD of that Act; (e) a by-law made under section 271 of that Act for the purposes of Schedule 4 to the <i>Customs Tariff Act 1995</i>
13	A revocation of a commercial tariff concession order to which section 20 of the <i>Customs Legislation (Tariff Concessions and Anti-Dumping) Amendment Act 1992</i> applies
14	A notice made under subsection 16A(1) of the <i>Customs Tariff Act 1995</i>
15	An instrument made under section 303CA, 344 or 350 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
16	A by-law made under section 165 of the <i>Excise Act 1901</i> for the purposes of the Excise Tariff within the meaning of section 4 of that Act
17	Each of the following: (a) a Proclamation made under section 5 of the <i>Flags Act 1953</i> ; (b) a warrant made under section 6 of that Act; (c) a rule made under section 7 of that Act
18	A Proclamation made under section 31 of the <i>Great Barrier Reef Marine Park Act 1975</i>
20	Each of the following: (a) an instrument (other than a regulation) made under Part 1, 2 or 9 of the <i>Migration Act 1958</i> ; (b) an instrument made under Part 1, 2 or 5 of, or Schedule 1, 2, 4, 5A or 8 to, the <i>Migration Regulations 1994</i>

<b>Particular legislative instruments that are not subject to disallowance</b>	
<b>Item</b>	<b>Legislative instrument</b>
21	A determination made under subsection 6(1) of the <i>Military Rehabilitation and Compensation Act 2004</i>
22	A declaration made under section 32 of the <i>Mutual Recognition Act 1992</i>
23	A regulation made under section 7 of the <i>National Transport Commission Act 2003</i>
23A	Each of the following: (a) a determination made under subsection 7(2), 54(1) or 232(1) of the <i>National Vocational Education and Training Regulator Act 2011</i> ; (b) an instrument made under paragraph 157(1)(p) of that Act; (c) a direction made under subsection 160(1) or 181(1) of that Act; (d) an instrument made under subsection 185(1), 186(1), 187(1), 188(1) or 189(1) of that Act
24	An instrument made under subsection 203AH(1) of the <i>Native Title Act 1993</i>
25	Each of the following: (a) a direction given under section 20 of the <i>Parliamentary Service Act 1999</i> ; (b) an instrument made under section 23 or subsection 24(3) of that Act
26	Each of the following: (a) an instrument made under Subdivision A of Division 3 of Part 3 of the <i>Payment Systems (Regulation) Act 1998</i> ; (b) an instrument made under section 18 of that Act; (c) an instrument made under section 25 of that Act
27	Each of the following: (a) a direction issued under section 21 of the <i>Public Service Act 1999</i> ; (b) an instrument made under section 23 or subsection 24(3) of that Act
29	An instrument made under subsection 60(1) or 106(1) of the <i>Radiocommunications Act 1992</i>
30	An instrument made under subsection 463(1) of the <i>Telecommunications Act 1997</i>
31	A declaration made under section 6 of the <i>Terrorism Insurance Act 2003</i>
32	A declaration made under section 31 of the <i>Trans-Tasman Mutual Recognition Act 1997</i>
33	A determination made for the purposes of the definition of <b>non-warlike service</b> or <b>warlike service</b> in subsection 5C(1) of the <i>Veterans' Entitlements Act 1986</i>

Section 11

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## Part 5—Legislative instruments that are not subject to sunseting

### 11 Classes of legislative instruments that are not subject to sunseting

For paragraph 54(2)(b) of the Act, Part 4 of Chapter 3 of the Act (sunseting of legislative instruments) does not apply to a legislative instrument in a class of legislative instruments referred to in an item of the following table.

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

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#### Classes of legislative instruments that are not subject to sunseting

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Item	Legislative instrument
1	An instrument the sole purpose of which, or a primary purpose of which, is to give effect to an international obligation of Australia
2	An instrument that establishes a body having power to enter into contracts for the purposes of the body's functions
3	An instrument that is a direction by a Minister to any person or body
4	An instrument the sole purpose of which, or a primary purpose of which, is to confer power on a self-governing Territory
5	An Ordinance made under a power delegated by the Parliament in an Act providing for the government of a non-self-governing Territory
6	An instrument (other than a regulation) relating to superannuation
7	An instrument made under an annual Appropriation Act

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### 12 Particular legislative instruments that are not subject to sunseting

For paragraph 54(2)(b) of the Act, Part 4 of Chapter 3 of the Act (sunseting of legislative instruments) does not apply to a legislative instrument referred to in the following table.

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

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#### Particular legislative instruments that are not subject to sunseting

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Item	Legislative instrument
1	A substituted reference order made under section 19B of the <i>Acts Interpretation Act 1901</i>
2	An instrument made under section 8, 9 or 9A of the <i>Aboriginal Land Grant (Jervis Bay Territory) Act 1986</i>
3	A regulation made under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i>
4	Each of the following: (a) an instrument relating to aviation safety made under the <i>Air Services Act 1995</i> ; (b) an instrument made under a regulation made under that Act

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<b>Particular legislative instruments that are not subject to sunseting</b>	
<b>Item</b>	<b>Legislative instrument</b>
5	Each of the following: (a) a statement made under subsection 8(1) of the <i>Airspace Act 2007</i> ; (b) a regulation made under that Act; (c) an instrument relating to aviation safety made under a regulation made under that Act
6	A rule made under section 229 of the <i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>
7	A national capital plan made under the <i>Australian Capital Territory (Planning and Land Management) Act 1988</i>
8	A determination specifying drugs, made under section 4A of the <i>Australian Federal Police Act 1979</i>
8A	A regulation made under the <i>Australian National Registry of Emissions Units Act 2011</i>
9	Each of the following: (a) a statute made under the <i>Australian National University Act 1991</i> ; (b) a rule or order made under such a statute
9A	Each of the following: (a) an instrument made under the <i>Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006</i> ; (b) a regulation made under that Act
9B	A regulation made under the <i>Australian Securities and Investments Commission Act 2001</i>
10	A statement made under subsection 34C(1) of the <i>Australian Security Intelligence Organisation Act 1979</i>
10A	A regulation made under the <i>Australian War Memorial Act 1980</i>
11	A regulation made under the <i>Aviation Transport Security Act 2004</i>
12	Each of the following: (a) an instrument made under subsection 5(8) of the <i>Banking Act 1959</i> ; (b) an instrument made under section 16AD of that Act; (c) an instrument made under section 70C of that Act
13	An instrument made under section 26 of the <i>Broadcasting Services Act 1992</i>
13A	Each of the following: (a) a rule made under section 26 of the <i>Business Names Registration Act 2011</i> ; (b) a determination made under section 27 or 28 of that Act; (c) a regulation made under that Act
14	A determination made under subsection 70A(4) of the <i>Cheques Act 1986</i>
15	An instrument relating to aviation safety made under the <i>Civil Aviation Act 1988</i> , the <i>Civil Aviation Regulations 1988</i> or the <i>Civil Aviation Safety Regulations 1998</i>
16	Each of the following: (a) an instrument made under section 104 or 105 of Schedule 2 to the <i>Competition and Consumer Act 2010</i> (including a prescribed consumer product safety standard made under section 65C of the <i>Trade Practices Act 1974</i> that was 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> );

**Part 5** Legislative instruments that are not subject to sunseting

Section 12

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**Particular legislative instruments that are not subject to sunseting**

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<b>Item</b>	<b>Legislative instrument</b>
	(b) an instrument made under section 114 of Schedule 2 to the <i>Competition and Consumer Act 2010</i> (including a notice given under subsection 65C(7) of the <i>Trade Practices Act 1974</i> that was 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> );
	(c) an instrument made under section 134 or 135 of Schedule 2 to the <i>Competition and Consumer Act 2010</i> (including a prescribed consumer product information standard made under section 65D of the <i>Trade Practices Act 1974</i> that was 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> );
	(d) the Australian Competition and Consumer Commission (Allowances) Regulations;
	(e) the <i>Competition and Consumer Regulations 2010</i> ;
	(f) the Trade Practices (Removal of Exceptions) Regulations
17	A Proclamation made under section 3A or 3B of the <i>Control of Naval Waters Act 1918</i>
18	Each of the following: (a) a standard made under section 334 or 336 of the <i>Corporations Act 2001</i> ; (b) a rule made under section 798G of that Act; (c) an instrument made under section 827D of that Act; (d) the <i>Corporations Regulations 2001</i>
18A	A regulation made under the <i>Corporations (Fees) Act 2001</i>
18B	A regulation made under the <i>Corporations (Review Fees) Act 2003</i>
19	A regulation made under the <i>Cross-Border Insolvency Act 2008</i>
20	Each of the following: (a) a determination made solely for the purposes of either or both of sections 13 and 13A of the <i>Currency Act 1965</i> ; (b) a regulation made under that Act
21	Each of the following: (a) a regulation made solely for the purposes of section 50 or 112 of the <i>Customs Act 1901</i> ; (b) a determination made under paragraph 153L(1)(c), 153P(2)(c) or 153Q(1)(c) or subsection 153ZIH(2) of that Act; (c) a tariff concession order made under Part XVA of that Act
22	A determination made under subsection 6(4) of the <i>Defence Housing Australia Act 1987</i>
22A	A regulation made under the <i>Defence Service Homes Act 1918</i>
22B	A regulation made under the <i>Designs Act 2003</i>
23	A disability standard made under section 31 of the <i>Disability Discrimination Act 1992</i>
24	An instrument made under section 178, 181, 183, 207A, 248, 270B, 303CA, 303DB, 303EB, 303FG, 324G, 341G, 344 or 517 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>
25	Each of the following made under section 165 of the <i>Excise Act 1901</i> : (a) Excise By-law No. 75; (b) Excise By-law No. 114; (c) Excise By-law No. 127; (d) Excise By-law No. 129;

**Particular legislative instruments that are not subject to sunseting**

<b>Item</b>	<b>Legislative instrument</b>
	(e) Excise By-law No. 151; (f) Excise By-law No. 154
26	A regulation made under the <i>Extradition Act 1988</i>
27	Each of the following: (a) an instrument made under subsection 14(4) of the <i>Fair Work Act 2009</i> ; (b) a rule made under subsection 32A(1) of that Act; (c) a declaration made under subsection 388(1) of that Act; (d) an instrument made under subsection 559(3B) of that Act; (e) a regulation made under that Act
27A	A regulation made under the <i>Fair Work (Registered Organisations) Act 2009</i>
27B	A regulation made under the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i>
28	A Proclamation made under any of the following provisions of the <i>Family Law Act 1975</i> : (a) subsection 39(7); (b) subsection 39(7A); (c) subsection 40(3); (d) subsection 41(2); (e) subsection 60E(6) as in force before its repeal by the <i>Family Law Reform Act 1995</i> (see subsection 69ZF(3) of the <i>Family Law Act 1975</i> ); (f) subsection 69J(3); (g) subsection 69J(6); (h) subsection 69ZF(1); (i) subsection 96(3)
28A	The <i>Financial Framework (Supplementary Powers) Regulations 1997</i>
29	A plan of management made under section 17 of the <i>Fisheries Management Act 1991</i>
30	Each of the following: (a) a Proclamation made under section 5 of the <i>Flags Act 1953</i> ; (b) a warrant made under section 6 of that Act; (c) a rule made under section 7 of that Act
31	A regulation made under the <i>Foreign Acquisitions and Takeovers Act 1975</i>
31A	An instrument made under the <i>Gene Technology Act 2000</i>
32	Each of the following: (a) a Proclamation made under section 31 of the <i>Great Barrier Reef Marine Park Act 1975</i> ; (b) a zoning plan prepared in accordance with Division 2 of Part V of that Act; (c) a plan of management prepared in accordance with Part VB of that Act
33	Each of the following: (a) an approval given under subsection 16-25(1) of the <i>Higher Education Support Act 2003</i> ; (b) an approval given under subclause 6(1) or (1A) of Schedule 1A to that Act

Part 5 Legislative instruments that are not subject to sunseting

Section 12

**Particular legislative instruments that are not subject to sunseting**

<b>Item</b>	<b>Legislative instrument</b>
34	Each of the following: (a) an instrument made under section 62ZZC of the <i>Insurance Act 1973</i> ; (b) an instrument made under section 131A of that Act
34A	A regulation made under item 84 of Schedule 4 to the <i>Intellectual Property Laws Amendment Act 2015</i>
35	A regulation made under the <i>International Transfer of Prisoners Act 1997</i>
36	A regulation made under the <i>Judges' Pensions Act 1968</i>
37	An instrument made under section 251A of the <i>Life Insurance Act 1995</i>
38	A regulation made under the <i>Maritime Transport and Offshore Facilities Security Act 2003</i>
38A	The <i>Migration Regulations 1994</i>
39	A determination made under section 6 or 8 of the <i>Military Rehabilitation and Compensation Act 2004</i>
40	An instrument made under section 7 or 9 of the <i>Motor Vehicle Standards Act 1989</i>
41	A regulation made under the <i>Mutual Assistance in Business Regulation Act 1992</i>
41A	A regulation made under the <i>Mutual Assistance in Criminal Matters Act 1987</i>
42	A declaration made under section 32 of the <i>Mutual Recognition Act 1992</i>
42AA	A regulation made under the <i>National Consumer Credit Protection Act 2009</i>
42AB	A regulation made under the <i>National Consumer Credit Protection (Fees) Act 2009</i>
42A	Each of the following: (a) a determination made under section 10 or 75 of the <i>National Greenhouse and Energy Reporting Act 2007</i> ; (b) a rule made under section 22XS of that Act; (c) a regulation made under that Act; (d) an instrument made under a regulation made under that Act
43	Each of the following: (a) a determination of the National Land Transport Network made under subsection 5(1) of the <i>National Land Transport Act 2014</i> ; (b) an instrument determining conditions made under section 27, 44, 86 or 90 of that Act
44	A regulation made solely for the purposes of section 7 of the <i>National Transport Commission Act 2003</i>
44A	Each of the following: (a) a determination made under subsection 54(1) or 232(1) of the <i>National Vocational Education and Training Regulator Act 2011</i> ; (b) an instrument made under paragraph 157(1)(p) of that Act; (c) a direction made under subsection 160(1) or 181(1) of that Act; (d) an instrument made under subsection 185(1), 186(1), 187(1), 188(1) or 189(1) of that Act
45	Each of the following: (a) a determination made under paragraph 26(3)(b) of the <i>Native Title Act 1993</i> as in force immediately before 30 September 1998;

**Particular legislative instruments that are not subject to sunseting**

<b>Item</b>	<b>Legislative instrument</b>
	(b) an instrument made under subparagraph 26(1)(c)(iv), subsection 26A(1), 26B(1) or 26C(2), paragraph 43(1)(b) or 43A(1)(b), subsection 207A(1), 207B(3), 245(4) or 251C(4) or (5), or paragraph (i) of the definition of <i>infrastructure facility</i> in section 253, of that Act;
	(c) a regulation made solely for the purposes of Division 6 or 7 of Part 2 of that Act
45AA	A regulation made under the <i>Olympic Insignia Protection Act 1987</i>
45A	A regulation made under the <i>Papua New Guinea (Members of the Forces Benefits) Act 1957</i>
46	A regulation made under the <i>Papua New Guinea (Staffing Assistance) Act 1973</i>
47	A regulation made under the <i>Parliamentary Contributory Superannuation Act 1948</i>
48	Each of the following: (a) a direction made under section 20 of the <i>Parliamentary Service Act 1999</i> ; (b) an instrument made under section 23 or subsection 24(3) of that Act
48A	A regulation made under the <i>Patents Act 1990</i>
49	Each of the following: (a) a regulation made under the <i>Payment Systems and Netting Act 1998</i> ; (b) an approval given under section 9 of that Act
50	Each of the following: (a) a declaration made under subsection 9(3) of the <i>Payment Systems (Regulation) Act 1998</i> ; (b) an instrument made under Subdivision A of Division 3 of Part 3 of that Act; (c) an instrument made under section 18 of that Act; (d) an instrument made under section 25 of that Act; (e) a regulation made under that Act
50A	A regulation made under the <i>Plant Breeder's Rights Act 1994</i>
51	A regulation made under section 23 of the <i>Protection of the Sea (Powers of Intervention) Act 1981</i>
52	Each of the following: (a) a regulation made under subsection 33(1) of the <i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> ; (b) an order made under subsection 34(1) of that Act
53	A regulation made under the <i>Protection of Word "Anzac" Act 1920</i>
54	Each of the following: (a) a direction issued under section 21 of the <i>Public Service Act 1999</i> ; (b) an instrument made under section 23 or subsection 24(3) of that Act
55	Each of the following: (a) a notice given under section 36 of the <i>Radiocommunications Act 1992</i> ; (aa) an instrument prepared under subsection 44A(1), or a variation under subsection 44A(6), of that Act; (b) a declaration made under section 153B of that Act
56	An instrument required to be laid before the Parliament under subsection 7(7) of the

Part 5 Legislative instruments that are not subject to sunseting

Section 12

**Particular legislative instruments that are not subject to sunseting**

<b>Item</b>	<b>Legislative instrument</b>
	<i>Remuneration Tribunal Act 1973</i>
56A	A regulation made under the <i>Renewable Energy (Electricity) Act 2000</i>
56B	The <i>Retirement Savings Accounts Regulations 1997</i>
57	Each of the following: (a) a declaration made under subparagraph (c)(iii) of the definition of <b>Commonwealth authority</b> in subsection 4(1) of the <i>Safety, Rehabilitation and Compensation Act 1988</i> ; (b) a declaration made under section 4A of that Act; (c) an instrument made under subsection 5(6) of that Act; (d) a declaration made under subparagraph 6(1)(h)(ii), or (i)(ii), of that Act; (e) a declaration made under section 100 of that Act
57A	A Proclamation made under section 7, 8, 10B, 12 or 13B of the <i>Seas and Submerged Lands Act 1973</i>
58	A regulation made under the <i>Superannuation Act 1922</i>
59	A regulation made under the <i>Superannuation Act 1976</i> (other than a regulation made solely for the purposes of section 153AN or subsection 160(1) of that Act)
59A	The <i>Superannuation Industry (Supervision) Regulations 1994</i>
60	A regulation made under the <i>Superannuation (Productivity Benefit) Act 1988</i>
61	Each of the following: (a) a code made under subclause 37(1) of Schedule 1 to the <i>Telecommunications Act 1997</i> ; (aa) the <i>Carrier Licence Conditions (Networks supplying Superfast Carriage Services to Residential Customers) Declaration 2014</i> made under subsection 63(2) of that Act; (b) a declaration made under subclause 4(1) of Schedule 3A to that Act
62	A declaration made under subsection 6N(2) or section 34 of the <i>Telecommunications (Interception and Access) Act 1979</i>
63	Each of the following: (a) a declaration made under section 6 of the <i>Terrorism Insurance Act 2003</i> ; (b) a regulation made under that Act
63AA	Each of the following: (a) the <i>Therapeutic Goods Regulations 1990</i> ; (b) the <i>Therapeutic Goods (Medical Devices) Regulations 2002</i>
63AB	Each of the following: (a) a declaration made under subsection 3(3) of the <i>Torres Strait Fisheries Act 1984</i> ; (b) a Proclamation made under section 15 of that Act; (c) an arrangement made under section 31 of that Act; (d) a legislative instrument made by or on behalf of the Protected Zone Joint Authority in the exercise of a power under subsection 35(1) of that Act
63A	A regulation made under the <i>Trade Marks Act 1995</i>
64	A declaration made under section 31 of the <i>Trans-Tasman Mutual Recognition Act 1997</i>
65	Each of the following: (a) a determination made for the purposes of the definition of <b>non-warlike service</b> or <b>warlike service</b> in subsection 5C(1) of the <i>Veterans' Entitlements Act 1986</i> ;

**Particular legislative instruments that are not subject to sunseting**

<b>Item</b>	<b>Legislative instrument</b>
	(b) an instrument made under section 29, 69B, 105 or 117 of that Act; (c) a determination made for the purposes of the definition of <i>hazardous service</i> in subsection 120(7) of that Act; (d) a regulation made under that Act
66	A regulation made under the <i>War Graves Act 1980</i>
67	Each of the following: (a) a Basin Plan adopted under section 44 of the <i>Water Act 2007</i> ; (b) an amendment of a Basin Plan adopted under section 23B or 48 of that Act; (c) an amendment of a Basin Plan made under a regulation made under that Act; (d) a decision to accredit a water resource plan under section 63 of that Act; (e) a decision to accredit an amendment of a water resource plan under section 65 of that Act; (f) a rule made under section 92 or 97 of that Act; (g) a regulation made under that Act
68	Each of the following: (a) a regulation made under the <i>Work Health and Safety Act 2011</i> ; (b) an instrument made under subsection 274(1) of that Act
69	A regulation made under the <i>Work Health and Safety (Transitional and Consequential Provisions) Act 2011</i>

## 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

### 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.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### 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 abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

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

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Legislation (Exemptions and Other Matters) Regulation 2015 (SLI No. 158, 2015)	22 Sept 2015 (F2015L01475)	5 Mar 2016 (s 2(1) item 1)	
Biosecurity (Consequential Amendments and Transitional Provisions) Regulation 2016	9 May 2016 (F2016L00717)	Sch 2 (item 18) and Sch 3: 16 June 2016 (s 2(1) item 1)	Sch 3
Legislation (Exemptions and Other Matters) Amendment (Sunsetting and Disallowance Exemptions) Regulation 2016	9 Dec 2016 (F2016L01897)	10 Dec 2016 (s 2(1) item 1)	—
Legislation (Exemptions and Other Matters) Amendment (Sunsetting Exemptions) Regulations 2017	28 Aug 2017 (F2017L01093)	29 Aug 2017 (s 2(1) item 1)	—
Legislation (Exemptions and Other Matters) Amendment (Emergency Management Instruments) Regulations 2017	20 Dec 2017 (F2017L01688)	21 Dec 2017 (s 2(1) item 1)	—
Legislation (Exemptions and Other Matters) Amendment (2018 Measures No. 1) Regulations 2018	12 June 2018 (F2018L00750)	13 June 2018 (s 2(1) item 1)	—
Legislation (Exemptions and Other Matters) Amendment (2018 Measures No. 2) Regulations 2018	10 Aug 2018 (F2018L01101)	11 Aug 2018 (s 2(1) item 1)	—
Legislation (Exemptions and Other Matters) Amendment (2019 Measures No. 1) Regulations 2019	8 Apr 2019 (F2019L00550)	9 Apr 2019 (s 2(1) item 1)	—
Legislation (Exemptions and Other Matters) Amendment (2019 Measures No. 2) Regulations 2019	12 Sept 2019 (F2019L01184)	13 Sept 2019 (s 2(1) item 1)	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Telecommunications Legislation Amendment (Competition and Consumer) Act 2020	47, 2020	25 May 2020	Sch 2 (item 15): 25 Aug 2020 (s 2(1) item 3)	—

## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

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Provision affected	How affected
<b>Part 1</b>	
s 2 .....	rep LA s 48D
s 4 .....	rep LA s 48C
<b>Part 2</b>	
s 7 .....	am F2016L01897; F2017L01688
<b>Part 4</b>	
s 10 .....	am F2016L00717; F2016L01897; F2019L00550
<b>Part 5</b>	
s 12 .....	am F2016L01897; F2017L01093 ed C3 am F2018L00750; F2018L01101; F2019L00550; F2019L01184; Act No 47, 2020
Schedule 1 .....	rep LA s 48C

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