

**Authorised Version**  
**Subordinate Legislation (Legislative Instruments)**  
**Amendment Regulations 2018**  
**S.R. No. 91/2018**

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## Authorised Version

STATUTORY RULES 2018

S.R. No. 91/2018

*Subordinate Legislation Act 1994*

### **Subordinate Legislation (Legislative Instruments) Amendment Regulations 2018**

The Governor in Council makes the following Regulations:

Dated: 26 June 2018

Responsible Minister:

GAVIN JENNINGS  
Special Minister of State

ANDREW ROBINSON  
Clerk of the Executive Council

## **Part 1—Preliminary**

### **1 Objective**

The objective of these Regulations is to amend the Subordinate Legislation (Legislative Instruments) Regulations 2011—

- (a) to prescribe certain instruments not to be legislative instruments for the purposes of the **Subordinate Legislation Act 1994**; and
- (b) to prescribe certain instruments to be legislative instruments for the purposes of the **Subordinate Legislation Act 1994**; and
- (c) to exempt certain legislative instruments from the operation of specified provisions of the **Subordinate Legislation Act 1994**.

## **2 Authorising provisions**

These Regulations are made under sections 4A and 28 of the **Subordinate Legislation Act 1994**.

## **3 Commencement**

These Regulations come into operation on 1 July 2018.

## **4 Principal Regulations**

In these Regulations, the Subordinate Legislation (Legislative Instruments) Regulations 2011<sup>1</sup> are called the Principal Regulations.

## **Part 2—Schedule 1 amendments**

### **5 Aboriginal Heritage Act 2006**

Before item 1.1 of Schedule 1 to the Principal Regulations **insert**—

"1.1AAB An Aboriginal cultural heritage land management agreement under Division 1A of Part 5."

### **6 Accident Towing Services Act 2007**

After item 2.3 of Schedule 1 to the Principal Regulations **insert**—

"2.4 A notice under section 212H(4)."

### **7 Building Act 1993**

After item 7.1 of Schedule 1 to the Principal Regulations **insert**—

"7.1A A determination of appropriate fee under section 188(5)."

### **8 New item 12 inserted in Schedule 1**

After item 11 of Schedule 1 to the Principal Regulations **insert**—

#### **"12 Climate Change Act 2017**

12.1 A determination under section 10(1)."

### **9 New items 16A and 16AB inserted in Schedule 1**

After item 16 of Schedule 1 to the Principal Regulations **insert**—

#### **"16A EastLink Project Act 2004**

16A.1 An Order under section 99.

16A.2 An Order under section 112(4).

16A.3 A determination under section 121(1).

16A.4 A declaration under section 143.

16A.5 A declaration under section 144.

16A.6 An Order under section 226.

**16AB Eastlink Project Regulations 2016**

16AB.1 A declaration under regulation 5(a)(ii)."

**10 Education and Training Reform Act 2006**

(1) For item 17.1 of Schedule 1 to the Principal Regulations **substitute**—

"17.1 An Order under section 2.1.5 exempting a specific child."

(2) For item 17.4 of Schedule 1 to the Principal Regulations **substitute**—

"17.4 An Order by the Governor in Council under section 3.1.11(1) in respect of TAFE institutes and boards."

(3) Items 17.3, 17.5, 17.15, 17.16, 17.17, 17.18, 17.19, 17.20 and 17.21 of Schedule 1 to the Principal Regulations are **revoked**.

(4) For item 17.26 of Schedule 1 to the Principal Regulations **substitute**—

"17.26 An instrument made under section 2.2.16."

(5) After item 17.26 of Schedule 1 to the Principal Regulations **insert**—

"17.27 An Order under section 2.5.21A(8).

17.28 An Order under section 2.5.22(8).

17.29 A Ministerial Order under section 5.10.4 in relation to the objectives of a school council for the purposes of section 2.3.4(d).

17.30 A Ministerial Order under section 5.10.4 that confers or imposes a function, duty or power under section 2.3.5(k)(ii).

- 17.31 A Ministerial Order under section 5.10.4 that determines that instruction is equivalent to year 12 education for the purposes of section 2.2.4.
- 17.32 An Order under section 2.3.2.
- 17.33 A Ministerial Order under section 5.10.4 to confer powers on a school council for the purposes of section 2.3.6(2).
- 17.34 A Ministerial Order under section 5.10.4 in relation to the performance of a school council for the purposes of section 2.3.7(1).
- 17.35 A Ministerial Order under section 5.10.4 in relation to the preparation of a school plan for the purposes of section 2.3.24(1).
- 17.36 A Ministerial Order under section 5.10.4 in relation to matters required in an annual report for the purposes of section 2.3.27(1).
- 17.37 An Order in Council under section 5.10.3 in respect of the functions of a TAFE institute under section 3.1.12B(1)(1)."

**11 Item 29.2 revoked in Schedule 1**

Item 29.2 of Schedule 1 to the Principal Regulations is **revoked**.

**12 Melbourne City Link Act 1995**

After item 31.9 of Schedule 1 to the Principal Regulations **insert**—

"31.9A A declaration under section 56ZP(2)."

**13 Port Management Act 1995**

For item 42.14 of Schedule 1 to the Principal Regulations **substitute**—

"42.14 An approval under section 91E(5)."

**14 Item 51A substituted in Schedule 1**

For item 51A of Schedule 1 to the Principal Regulations **substitute—**

**"51A Rail Safety (Local Operations)  
(Accreditation and Safety)  
Regulations 2017**

51A.1 An instrument under regulation 37(2)."

**15 Item 56 revoked in Schedule 1**

Item 56 of Schedule 1 to the Principal Regulations is **revoked**.

**16 Item 64A revoked in Schedule 1**

Item 64A of Schedule 1 to the Principal Regulations is **revoked**.

**17 Transport Integration Act 2010**

(1) After item 66.1 of Schedule 1 to the Principal Regulations **insert—**

"66.2 A Transport Restructuring Order made under section 65A(1)."

(2) Item 66.16 of Schedule 1 to the Principal Regulations is **revoked**.



## **Part 3—Schedule 2 amendments**

### **18 Cemeteries and Crematoria Act 2003**

Items 4.1 and 4.4 of Schedule 2 to the Principal Regulations are **revoked**.

### **19 Education and Training Reform Act 2006**

(1) After item 9.2 of Schedule 2 to the Principal Regulations **insert**—

"9.2A An instrument under section 2.7.2(2)(b) specifying funding to be Government school recurrent funding.

9.2B An instrument under section 2.7.2(3)(i) specifying funding not to be Government school recurrent funding."

(2) In item 9.3 of Schedule 2 to the Principal Regulations, for "section 5.2.12" **substitute** "section 5.10.4".

(3) Item 9.5 of Schedule 2 to the Principal Regulations is **revoked**.

(4) In item 9.6 of Schedule 2 to the Principal Regulations, for "section 5.2.13" **substitute** "section 5.2.13(1)".

## **Part 4—Schedule 3 amendments**

### **20 New item 2A inserted in Schedule 3**

After item 2 of Schedule 3 to the Principal Regulations **insert**—

#### **"2A Access to Medicinal Cannabis Act 2016**

2A.1 A notice under section 43."

### **21 Accident Compensation Act 1985**

(1) For item 3.1 of Schedule 3 to the Principal Regulations **substitute**—

"3.1 An Order under section 82C(1A)."

(2) In item 3.6 of Schedule 3 to the Principal Regulations, for "section 99(15)" **substitute** "section 99(16)".

(3) Items 3.2, 3.3, 3.7, 3.22, 3.23, 3.24, 3.25 and 3.26 of Schedule 3 to the Principal Regulations are **revoked**.

### **22 Building Act 1993**

After item 16.1 of Schedule 3 to the Principal Regulations **insert**—

"16.1A A determination under section 192A."

### **23 Item 16A revoked in Schedule 3**

Item 16A of Schedule 3 to the Principal Regulations is **revoked**.

### **24 Catchment and Land Protection Act 1994**

Item 19.3 of Schedule 3 to the Principal Regulations is **revoked**.

**25 Cemeteries and Crematoria Act 2003**

After item 20.6 of Schedule 3 to the Principal Regulations **insert**—

"20.6A An exemption under section 40A(1).".

**26 New item 32A inserted in Schedule 3**

After item 32 of Schedule 3 to the Principal Regulations **insert**—

**"32A EastLink Project Act 2004**

32A.1 An Order under section 7(1) or (2).

32A.2 An Order under section 55(1).

32A.3 An Order under section 56(3).

32A.4 An Order under section 61(2).

32A.5 An Order under section 62(2).

32A.6 An Order under section 66(3).

32A.7 An Order under section 125(2).

32A.8 An Order under section 202.

32A.9 An Order under section 230(4).".

**27 Education and Training Reform Act 2006**

(1) For item 33.1 of Schedule 3 to the Principal Regulations **substitute**—

"33.1 An Order under section 2.1.5 that—

(a) is of not more than 12 months duration; and

(b) does not exempt a specific child.".

(2) Items 33.3, 33.4, 33.5, 33.6, 33.7, 33.8, 33.9, 33.10, 33.11, 33.13, 33.14 and 33.15 of Schedule 3 to the Principal Regulations are **revoked**.

- (3) In items 33.16, 33.17, 33.29 and 33.30 of Schedule 3 to the Principal Regulations, for "section 5.2.12" **substitute** "section 5.10.4".
- (4) For item 33.31 of Schedule 3 to the Principal Regulations **substitute**—
- "33.31 A Ministerial Order under section 5.10.4 for the purposes of section 2.4.44(2)(d), prescribing a decision to be a decision in respect of which there is a right of review or appeal."
- (5) For item 33.39 of Schedule 3 to the Principal Regulations **substitute**—
- "33.39 A Ministerial Order under section 5.10.4 for the purposes of section 4.3.1(6)(d)."
- (6) After item 33.46 of Schedule 3 to the Principal Regulations **insert**—
- "33.47 A Ministerial Order under section 5.10.4 or section 5.10.5 for the purposes of determining salaries and allowances to be paid and terms and conditions of employment under section 2.3.8(1).
- 33.48 An instrument under section 2.7.2(2)(b) specifying funding to be Government school recurrent funding.
- 33.49 An instrument under section 2.7.2(3)(i) specifying funding not to be Government school recurrent funding."

**28 New items 40AA and 40AAB inserted in Schedule 3**

After item 40 of Schedule 3 to the Principal Regulations **insert**—

**"40AA Estate Agents Act 1980**

- 40AA.1 A guideline issued by the Director under section 47AD(1).

40AA.2 A determination by the Director under section 47AD(2).

**40AAB Federation University Australia Act 2010**

40AB.1 A university statute or a university regulation made under section 28."

**29 Gambling Regulation Act 2003**

(1) After item 46.17 of Schedule 3 to the Principal Regulations **insert**—

"46.17A A determination made by the Minister under section 3.8A.19A."

(2) Items 46.9 and 46.10 of Schedule 3 to the Principal Regulations are **revoked**.

**30 Item 51 substituted in Schedule 3**

For item 51 of Schedule 3 to the Principal Regulations **substitute**—

**"51 Heritage Act 2017**

51.1 An interim protection order under section 143(1).

51.2 A declaration under section 169(3).

51.3 A notice under section 188(1)."

**31 New item 52A inserted in Schedule 3**

After item 52 of Schedule 3 to the Principal Regulations **insert**—

**"52A Housing Act 1983**

52A.1 A determination made by the Director under section 142E(1)."

**32 New item 53A inserted in Schedule 3**

After item 53 of Schedule 3 to the Principal Regulations **insert**—

**"53A Kardinia Park Stadium Act 2016**

53A.1 A declaration made under section 34(1)."

**33 Local Government Act 1989**

Before item 62.1 of Schedule 3 to the Principal Regulations **insert**—

"62.1AA An Order under section 185D.

62.1AAB An Order under section 185E."

**34 New item 63A inserted in Schedule 3**

After item 63 of Schedule 3 to the Principal Regulations **insert**—

**"63A Major Transport Projects Facilitation Act 2009**

63A.1 A declaration made under section 193(1).

63A.2 An Order under section 194(1)."

**35 Melbourne City Link Act 1995**

(1) After item 67.1 of Schedule 3 to the Principal Regulations **insert**—

"67.1A A revocation by the Minister under section 61A."

(2) After item 67.2 of Schedule 3 to the Principal Regulations **insert**—

"67.2A A revocation by the Minister under section 93HA."

**36 Item 69 revoked in Schedule 3**

Item 69 of Schedule 3 to the Principal Regulations is **revoked**.

**37 Planning and Environment Act 1987**

Items 82.3 and 82.4 of Schedule 3 to the Principal Regulations are **revoked**.

**38 Port Management Act 1995**

(1) In item 84.11 of Schedule 3 to the Principal Regulations for "73F(2)" **substitute** "73F(2)(b)".

(2) After item 84.12 of Schedule 3 to the Principal Regulations **insert**—

"84.12A A determination under section 74A(1)".

(3) After item 84.14 of Schedule 3 to the Principal Regulations **insert**—

"84.14A A declaration under section 84(1AA).

84.14B A declaration under section 84(1A)".

**39 Port Management (Local Ports) Regulations 2015**

(1) After item 85.1 of Schedule 3 to the Principal Regulations **insert**—

"85.1A A determination under regulation 11(1)".

(2) After item 85.2 of Schedule 3 to the Principal Regulations **insert**—

"85.2A A guideline under regulation 44(2)".

**40 Road Safety Act 1986**

(1) After item 97.3 of Schedule 3 to the Principal Regulations **insert**—

"97.3A An Order made by the Minister under section 25(1)".

(2) Item 97.12 of Schedule 3 to the Principal Regulations is **revoked**.

**41 Item 99 substituted in Schedule 3**

For item 99 of Schedule 3 to the Principal Regulations **substitute**—

**"99 Road Safety Road Rules 2017**

- 99.1 A notice under rule 244C(1).
- 99.2 A determination under rule 317A(3).
- 99.3 A declaration made under rule 407."

**42 Item 109 revoked in Schedule 3**

Item 109 of Schedule 3 to the Principal Regulations is **revoked**.

**43 Transport Integration Act 2010**

Items 115.1 and 115.2 of Schedule 3 to the Principal Regulations are **revoked**.

**44 Transport (Compliance and Miscellaneous) Act 1983**

Item 116.8 of Schedule 3 to the Principal Regulations is **revoked**.

**45 Item 116A substituted in Schedule 3**

For item 116A of Schedule 3 to the Principal Regulations **substitute**—

**"116A Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017**

- 116A.1 A notice under paragraph (b) of the definition of *compulsory ticket area* in regulation 5(1)".

**46 Item 117 revoked in Schedule 3**

Item 117 of Schedule 3 to the Principal Regulations is **revoked**.



Subordinate Legislation (Legislative Instruments) Amendment  
Regulations 2018  
S.R. No. 91/2018

Part 4—Schedule 3 amendments

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**47 Item 120 revoked in Schedule 3**

Item 120 of Schedule 3 to the Principal  
Regulations is **revoked**.

**48 Workplace Injury Rehabilitation and Compensation  
Act 2013**

After item 125A.19 of Schedule 3 to the Principal  
Regulations **insert**—

"125A.20 An Order under section 44(1A).".

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## **Endnotes**

- <sup>1</sup> Reg. 4: S.R. No. 52/2011. Reprint No. 1 as at 12 May 2016. Reprinted to S.R. No. 6/2016.