COVID-19 legislative scrutiny

May 2020

1-8 May 2020

Instrument	Date registered	Description
Customs By-law No. 2019608 [F2020L00540]	1/05/2020	This by-law prescribes certain medical products and hygiene products imported as part of the response to the COVID-19 pandemic.
Parliamentary Contributory Superannuation (Early Release Payments) Regulations 2020 [F2020L00542]	1/05/2020	The instrument allows early access to superannuation by deferred members in the Parliamentary Contributory Superannuation Scheme (PCSS) due to severe financial hardship and compassionate grounds due to COVID-19.
Therapeutic Goods Amendment (Radiopharmaceuticals and Radiopharmaceutical Active Ingredients) Regulations 2020 [F2020L00544]	1/05/2020	This instrument introduces an exemption from the operation of Part 3-3 of the *Therapeutic Goods Act 1989* for certain radiopharmaceuticals and radiopharmaceutical active ingredients. This exemption is necessary to facilitate the continued supply of radiopharmaceuticals to patients around Australia which has been negatively impacted by the unforeseen reduction in commercial flights between Australian capital cities caused by the current outbreak of COVID-19.
Social Security (Coronavirus Economic Response—2020 Measures No. 7) Determination 2020 [F2020L00545]	1/05/2020	This instrument varies the *Social Security Act 1991* to remove the liquid assets test waiting period and seasonal work preclusion period for social security claimants who had already served a part of such period prior to 25 March 2020, and for people who claim during certain periods, to expand and expedite access to payments for those financially impacted by COVID-19.
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 2) 2020 [F2020L00546]	1/05/2020	This instrument amends the rules relating to the JobKeeper scheme to adjust some elements of the scheme, and expand access to the scheme in some areas.
National Vocational Education and Training Regulator (Charges) Amendment (COVID-19) Determination 2020 [F2020L00547]	4/05/2020	This instrument provides for the refunding and waiver of charges imposed on registered training organisations and registered providers by the Australian Skills Quality Authority, to assist the vocational education and training sector during the COVID-19 pandemic.
Australian Skills Quality Authority Instrument Fixing Fees Amendment (Refund of Fees)	4/05/2020	This instrument further provides for the refunding and waiver of fees charged to registered training organisations and registered providers by the Australian Skills Quality Authority to assist the

Determination 2020 [F2020L00548]		vocational education and training sector during the COVID-19 pandemic.
Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020 [F2020L00549]	4/05/2020	This instrument provides the Tertiary Education Quality and Standards Agency (TEQSA) with the capacity to refund certain fees due to special or unusual circumstances that cause the fee to be unreasonable or inequitable, including in circumstances related to the COVID-19 pandemic event.
Therapeutic Goods Amendment (Excluded Goods—Hand Sanitisers) Determination (No. 2) 2020 [F2020L00551]	5/5/2020	This instrument clarifies certain matters relating to the specification of hand sanitisers that are excluded goods for the purposes of the *Therapeutic Goods Act 1989*, and to introduce minor safety measures.
Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2020 (No. 2) [F2020L00559]	7/05/2020	This instrument clarifies the rules where reporting entities are seeking to rely on alternative identity proofing processes to establish the identity of their customer in circumstances where that customer possesses, but cannot produce or provide, relevant identity documents due to measures designed to prevent the spread of COVID-19.
ASIC Corporations (AFCA Regulatory Requirement) Instrument 2020/0433 [F2020L00560]	7/05/2020	This instrument makes some amendments to the manner in which the Australian Financial Complaints Authority operator must comply with conditions of the AFCA Scheme Authorisation 2018, as part of the COVID-19 pandemic response.
Financial Sector (Collection of Data) (reporting standard) determination No. 5 of 2020 [F2020L00561]	7/05/2020	This instrument reinstates reporting standards to APRA for Registered Financial Corporations and authorised deposit-taking institutions, which had been revoked in January. These have been reinstated in light of the volatile market movements and unprecedented economic conditions caused by the COVID-19 virus, given the need for a consistent series of reporting to develop the National Accounts to accurately represent the impacts of the COVID-19 virus on Australia's economic activity.
Financial Sector (Collection of Data) (reporting standard) determination No. 6 of 2020 [F2020L00562]	7/05/2020	This instrument reinstates reporting standards to APRA for Registered Financial Corporations and authorised deposit-taking institutions, which had been revoked in January. These have been reinstated in light of the volatile market movements and unprecedented economic conditions caused by the COVID-19 virus, given the need for a consistent series of reporting to develop the National Accounts to accurately represent the impacts of the COVID-19 virus on Australia's economic activity.

9-14 May 2020

Bill/Instrument	Date registered	Description
National Greenhouse and Energy Reporting (Safeguard Mechanism) Amendment (Extended Transition) Rule 2020 [F2020L00566]	11/05/2020	This instrument amends the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 to delay the requirement to apply for new baselines due to the COVID-19 pandemic.
VET Student Loans Amendment Rules (No. 1) 2020 [F2020L00569]	12/05/2020	This instrument temporarily exempts students from the requirement to pay loan fees associated with Vocational Education and Training (VET) student loans for six months, to assist students as they deal with the financial consequences of the global outbreak of COVID-19.
Aged Care Legislation Amendment (Emergency Leave) Bill 2020	13/05/2020	This bill introduces an emergency leave type that will enable approved providers to remain eligible for residential care subsidy in declared emergency situations (such as the current COVID-19 pandemic) and ensure approved providers cannot decide to charge aged care residents a fee during a declared emergency to reserve their place in an aged care service. These emergency situations may include natural disasters, pandemics or other large-scale emergencies that may impact the safe provision of residential aged care and the safety of the resident.
Privacy Amendment (Public Health Contact Information) Bill 2020	13/05/2020	This bill seeks to provide stronger privacy protections for users of the Commonwealth's COVIDSafe app and data collected through the COVIDSafe app than that which would otherwise apply in the *Privacy Act 1988.*
Air Navigation (Exemption for Commercial Non-Scheduled Flights) Amendment Determination 2020 [F2020L00571]	13/05/2020	This determination removes exemptions for single charter flights carrying passengers where the seating capacity of the aircraft exceeds 80 persons, while the Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020 remains in force. This would have the effect that operators of such flights must seek permission from the Secretary of the Department of Infrastructure, Transport, Regional Development and Communication for such operations.
Great Barrier Reef Marine Park Amendment (Coronavirus Economic Response Package) Bill 2020	14/05/2020	This bill effectively waives the requirement for Great Barrier Reef Marine Park permission holders to pay the environmental management charge to the Great Barrier Reef Marine Park Authority for the period 1 January 2020 to 31 March 2020. This is intended to provide financial relief to the Great Barrier Reef tourism industry and other relevant permission holders impacted by the COVID-19 pandemic.
Coronavirus Economic Response Package (Deferral of Sunsetting	13/04/2020	This determination extends the end date for the Cashless Debit Card trial in all existing sites and Income Management in the Cape York region from 30 June

– Income Management and Cashless Welfare Arrangements) Determination 2020 [F2020L00572]		2020 to 31 December 2020, to avoid changes in the manner in which affected individual's receive income support payments during the COVID-19 pandemic.
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Variation (Extension) Instrument 2020 [F2020L00574]	14/05/2020	This instrument extends the human biosecurity emergency period related to the COVID-19 pandemic for a further 3 months until 17 September 2020.
Parliamentary Business Resources Amendment (Office Expenses) Regulations 2020 [F2020L00575]	14/05/2020	These regulations enable certain members of parliament to produce and place content on regional broadcast radio. This is in response to the impact of COVID 19 on regional media, in particular the reduction in print media services, to enable members in regional areas to continue to communicate with their constituents. However, the amendments are not limited to the duration of the pandemic.
Australian Postal Corporation (Performance Standards) Amendment (2020 Measures No. 1) Regulations 2020 [F2020L00579]	15/05/2020	These regulations provide a temporary change to performance standards for the delivery of letters by Australia Post, in response to the impacts of COVID-19. They will also give Australia Post an exemption from its retail outlet requirements, should temporary closures be necessary due to workforce impacts COVID-19.
CASA EX83/20 — Aeronautical Knowledge Examinations (Extension of Time Due to COVID-19) Exemption 2020 [F2020L00580]	15/05/2020	This instrument provides temporary relief for persons who have started the aeronautical knowledge examination process but who may be unable to complete the process within the prescribed period of 2 years due to COVID 19 restrictions.

15-21 May

Bill/Instrument	Date registered	Description
Marriage (Celebrant Registration Charge) Determination 2020 [F2020L00588]	19/05/2020	This determination sets the celebrant registration charge payable by Commonwealth-registered marriage celebrants at $0 for the 2020-2021 financial year, in response to economic impact of measures implemented to contain the spread of COVID-19.
ASIC Corporations (Amendment) Instrument 2020/452 [F2020L00591]	20/05/2020	This instrument temporarily provides entities (including public companies, proprietary companies, registered schemes, disclosing entities and financial services licensees) with more time to complete financial reports and have those reports audited, in light of the extra time required due to altered work

		arrangements in response to the COVID-19 pandemic.
Health Insurance (Section 3C Pathology Services – COVID-19) Amendment (No. 3) Determination 2020 [F2020L00592]	20/5/2020	This instrument updates a reference in the pathology services table to a COVID-19 test.
Health Insurance (Section 3C General Medical Services - COVID-19 Telehealth and Telephone Attendances) Amendment (Further Expansion of Remote Attendance Items) Determination 2020 [F2020L00593]	20/5/2020	This instrument further expands the range of telehealth and phone specialist, and other health professional services which may be delivered to include services by specialist anaesthetists, dietitians and dental practitioners.
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Amendment Determination (No. 2) 2020 [F2020L00594]	20/5/2020	This instrument extends the operation of existing provisions until 17 September 2020 to prevent a cruise ship from entering Australian territory or Australian ports, unless an exemption applies to the ship.

22 – 28 May

Bill/Instrument	Date registered	Description
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 4) 2020 [F2020L00603]	22/05/2020	This extends the period of operation of the mechanism that allows authorised deposit-taking institutions to confirm that notices have been provided by the Commissioner of Taxation to entities concerning their election to participate in the JobKeeper payment scheme.
Coronavirus Economic Response Package (Modifications—National Redress Scheme for Institutional Child Sexual Abuse) Determination 2020 [F2020L00604]	22/05/2020	This determination temporarily changes the requirements for a valid application for redress under the National Redress Scheme for the period of 1 March 2020 to 31 December 2020. During this period, applicants will not need to provide a signed and witnessed statutory declaration, in recognition of the social distancing requirements associated with the COVID-19 pandemic.
Coronavirus Economic Response Package (Payments and	22/05/2020	This instrument amends the JobKeeper payment eligibility requirements to provide that the 6 month turnover test period applying to universities is limited

Benefits) Amendment Rules (No. 3) 2020 [F2020L00605]		to only those universities that are Table A providers within the meaning of *Higher Education Support Act 2003*.
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Amendment (No. 3) Determination 2020 [F2020L00606]	23/05/2020	This instrument varies the existing emergency requirements for the management of the human biosecurity risk posed by COVID-19 to remote communities by: amending some designated areas, amending entry rules, and clarify some requirements related to ships docked in ports which are designated areas.
Industry Research and Development (National Communications Campaign to Support Small Business Program) Instrument 2020 [F2020L00607]	23/05/2020	This instrument prescribes the 'National Communications Campaign to Support Small Business Program', the purpose of which is to mitigate the negative economic impacts of COVID‑19 on these businesses by encouraging consumers to patronise small businesses.
Corporations (Coronavirus Economic Response) Determination (No. 2) 2020 [F2020L00611]	25/5/2020	This determination modifies the operation of the civil penalty provisions in the *Corporations Act 2001* to establish a temporary test based on a disclosing entity or its officers' knowledge, recklessness or negligence with respect to whether certain information would have a material effect on the price or value of its enhanced disclosure securities and therefore should be disclosed under the Act. This is stated as being implemented to encourage businesses to continue to meet their reporting obligations during the uncertainty created by COVID-19.
Public Governance, Performance and Accountability (Section 75 Transfers) Amendment Determination 2019-2020 (No. 6) [F2020L00614]	26/5/2020	This instrument implements machinery of government changes resulting from the Administrative Arrangements Order of 5 December 2019 and from the Government's communications response to COVID-19.
Aged Care Legislation Amendment (Subsidies-COVID-19 Support) Instrument 2020 [F2020L00615]	26/5/2020	This instrument prescribes a new 'other supplement' for the purposes of the *Aged Care Act 1997* and *Aged Care (Transitional Provisions) Act 1997*. The new 'other supplement' is the COVID-19 support supplement which is payable to approved providers of residential care and flexible care.
CASA EX60/20 – CRS and SM CRS Document to Cover Specialist Maintenance by a Class D AMO – Instrument 2020 [F2020L00616]	27/5/2020	This instrument uses an exemption to expedite the modification of certain legislative procedures to allow certain specialist maintenance organisations to be used more flexibly by aircraft maintenance. These measures may assist with COVID-19 related social distancing measures, by providing that a larger pool of personnel can provide specialist aircraft maintenance.

ASIC Corporations (Deferral of Design and Distribution Obligations) Instrument 2020/486 [F2020L00618]	27/5/2020	This instrument temporarily exempts any person who is required to make a target market determination from all provisions of Part 7.8A of the *Corporations Act 2001*, until the end of 4 October 2021. This is in response to the effect of COVID-19 on the Australian economy, including the financial system.
ASIC Credit (Deferral of Mortgage Broker Obligations) Instrument 2020/487 [F2020L00623]	27/5/2020	This instrument temporarily exempts persons from duties under the *National Consumer Credit Protection Act 2009* in relation to the provision of credit assistance to a consumer before 1 January 2021; and in relation to a benefit given before 1 January 2021 to a licensee or a representative of a licensee. This is in response to the effect of COVID-19 on the Australian economy, including the financial system.
CASA EX82/20 — Non-Destructive Testing and Aircraft Welding Authorities (Visual Testing) Exemption 2020 [F2020L00630]	28/05/2020	This instrument allows the Civil Aviation Safety Authority to renew authorities for non-destructive testing of aircraft and aircraft components, and authorities for aircraft welding, that expire during a specified 6-month period, without requiring the authority holder to undergo certain face-to-face tests or examinations that cannot be carried out while COVID-19 restrictions are in place.

29-31 May

Bill/Instrument	Date registered	Description
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2020 (No. 5) (PB 42 of 2020) [F2020L00641]	29/05/2020	This instrument makes changes to the pharmaceutical benefits listed on the Pharmaceutical Benefits Scheme during the COVID-19 pandemic.
National Health (Continued Dispensing – Emergency Measures) Amendment Determination 2020 (No.4) (PB 44 OF 2020) [F2020L00643]	29/05/2020	This instrument expands the list of pharmaceutical benefits that can be supplied by an approved pharmacist, providing a continued option for consumers to obtain Pharmaceutical Benefits Scheme subsidised access to their medicines to assist in managing the demand on the health system during the COVID-19 outbreak.
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2020 (No. 5)) (PB 46 OF 2020) [F2020L00646]	29/05/2020	This instrument makes changes to drugs, forms, manners of administration, brands, responsible person codes, authorised prescribers, maximum quantities and repeats, and the circumstances for prescribing various pharmaceutical benefits (including authority requirements). This includes amendments which apply during the COVID-19 pandemic.