

COVID-19 legislative scrutiny

August 2020

1-8 August 2020

Bill/ Instrument	Date registered	Description
Health Insurance (Section 3C Pathology Services – COVID-19) Amendment (No. 5) Determination 2020 [F2020L00981]	3/08/2020	This instrument expands the SARS-COV-2 testing item introduced on 28 July 2020 to apply to a person who drives a heavy vehicle interstate.
Tertiary Education Quality and Standards Agency Determination of Fees (Amendment) 2020 [F2020L00985]	4/08/2020	This instrument provides for merits review in relation to discretionary decisions to waive and refund fees and narrow the scope of discretions to waive and refund fees. The explanatory materials note that these measures are in response to stakeholder feedback in relation to the impacts of the COVID-19 pandemic on the higher education sector.
CASA EX108/20 – EPC Requirements for ATOs Transitioning to the FER (Extensions of Time Due to COVID-19) – Exemption Amendment Instrument 2020 (No. 2) [F2020L00986]	4/08/2020	This instrument varies an existing exemption from certain provisions of Part 61 of the Civil Aviation Safety Regulations 1998 to accommodate to continuing severe impacts from the effects of the COVID-19 pandemic.
Defence Determination, Conditions of service Amendment (COVID-19 response) Determination 2020 (No. 16) [F2020L00990]	5/08/2020	This instrument expands certain benefits that have been provided in response to the COVID-19 pandemic and to provide additional benefits to meet the ongoing needs to the Australian Defence Force workforce during this period.

9-15 August 2020

Bill/ Instrument	Date registered	Description
Greenhouse and Energy Minimum Standards (Exemption) Instrument (No. 2) 2020 [F2020L00993]	6/08/2020	This instrument specifies models of Greenhouse and Energy Minimum Standards (GEMS) products that the GEMS Regulator has exempted from requirements under the Greenhouse and Energy Minimum Standards (Air Conditioners up to 65kW) Determination 2019 due to testing delays associated with the COVID-19 pandemic.
Financial Framework (Supplementary	6/08/2020	These regulations establish legislative authority for government to make pandemic leave disaster payment

Powers) Amendment (Home Affairs Measures No. 4) Regulations 2020 [F2020L00994]		grants to eligible individuals who are unable to earn income while under a direction to self-isolate or quarantine resulting from COVID-19.
CASA EX94/20 — Exemption from Regulation 42.150 of CASR (Time Allowed to Vary Approved Maintenance Program) Instrument 2020 [F2020L00995]	6/08/2020	This instrument exempts persons responsible for the continuing airworthiness of certain aircraft from complying with a 90-day limit imposed under regulation 42.150 of the Civil Aviation Safety Regulations 1998 for varying an aircraft's approved maintenance program. This is in response to a lack of staff during the COVID-19 pandemic.
Health Insurance (Section 3C General Medical – Expansion of GP and Allied Health Mental Health Services) Determination 2020 [F2020L00996]	6/08/2020	This instrument lists 36 new temporary mental health treatment items to provide 10 additional Medicare-subsidised psychological therapy sessions for people subject to further restrictions outlined in public health orders as part of the COVID-19 pandemic.
Intellectual Property Laws Amendment (Fee Amounts and Other Measures) Regulations 2020 [F2020L00997]	7/08/2020	These regulations implement changes in fees arising from the fee review conducted by IP Australia, including taking into consideration an anticipated decline in customer demand for IP rights associated with the COVID-19 economic downturn.
National Health Security (National Notifiable Disease List) Amendment (Human Coronavirus with Pandemic Potential) Instrument 2020 [F2020L01009]	10/08/2020	This instrument amends the National Health Security (National Notifiable Disease List) Instrument 2018 to permanently list 'human coronavirus with pandemic potential' on the National Notifiable Disease List under the National Health Security Act 2007.
Social Security (Coronavirus Economic Response—2020 Measures No. 12) Determination 2020 [F2020L01010]	10/08/2020	This provides for additional purposes for which the Secretary of the Department of Social Services can use JobKeeper information provided to the Secretary by the Commissioner of Taxation under section 204A of the Administration Act. It also authorises the Secretary to use JobKeeper information for additional purposes.
Therapeutic Goods (Standard for Faecal Microbiota Transplant Products) (TGO 105) Order 2020 [F2020L01011]	11/08/2020	This instrument establishes a ministerial standard for therapeutic goods that are faecal microbiota transplant products. The timing of the introduction of these measures is associated with the COVID-19 pandemic.
Greenhouse and Energy Minimum Standards (Refrigerated Cabinets Revocation) Instrument 2020 [F2020L01013]	11/08/2020	This instrument revokes the Greenhouse and Energy Minimum Standards (Refrigerated Cabinets) Determination 2019 which was due to commence on 15 August 2020. This follows feedback from industry

		stakeholders as to the effect of COVID-19 on their capacity to register all products in accordance with that determination.
Greenhouse and Energy Minimum Standards (Refrigerated Cabinets) Determination 2020 [F2020L01014]	11/08/2020	This instrument establishes minimum energy efficiency requirements, and associated requirements for conducting tests, for refrigerated display cabinets, refrigerated storage cabinets, ice cream freezers and refrigerated display scooping cabinets for gelato. This determination mirrors an earlier determination which was revoked before its commencement due to the COVID-19 pandemic.
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 7) 2020 [F2020L01021]	14/08/2020	This instrument provides a new employment reference date of 1 July 2020 for employees to be eligible for JobKeeper scheme.

16-21 August 2020

Bill/ Instrument	Date registered	Description
Veterans' Affairs Pharmaceutical Benefits Schemes Amendment Determination 2020 [F2020L01026]	17/08/2020	This instrument updates references to the current Community Pharmacy Agreement, and extends the transitional period for the implementation of Active Ingredient Prescribing, and updates references to the pharmaceutical benefits which may be prescribed without a prescription under the emergency arrangements which were put in place for the bushfires and extended for the COVID-19 pandemic.
Migration (LIN 20/182: Subclass 417 (Working Holiday) visa—Specified work and places) Instrument 2020 [F2020L01033]	18/08/2020	The instrument specifies critical COVID-19 work in the healthcare and medical sectors carried out after 31 January 2020, enabling relevant applicants who have carried out critical COVID-19 work in the healthcare and medical sectors after 31 January 2020 in any place in Australia to count this work towards eligibility for a second or third Subclass 417 visa.
Migration (LIN 20/184: Subclass 462 (Work and Holiday) visa – Specified work and areas) Instrument 2020 [F2020L01034]	18/08/2020	This instrument provides that relevant applicants who undertake critical COVID-19 work in the healthcare and medical sectors after 31 January 2020 in any postcode area in Australia may count this work towards eligibility for a second or third Subclass 462 visa.
National Health (Efficient Funding of Chemotherapy) Amendment (COVID-19	20/08/2020	This instrument enables eligible public hospitals to use a 'chemotherapy medication chart' to write prescriptions for infusions and related pharmaceutical

Simplified Prescribing) Special Arrangement 2020 [F2020L01037]		benefits, to enable private hospitals to use a chemotherapy medication chart to write prescriptions for infusions, without the need for the original paper prescriptions, to help ensure timely access to such medications during the COVID-10 pandemic.
National Health (Chemotherapy Prescribing) Special Arrangement 2020 [F2020L01038]	20/08/2020	This instrument authorises the use of a Chemotherapy Medication Chart either in paper or electronic form, and was developed in response to the potential impact of the pandemic on vulnerable patients.
Financial Framework (Supplementary Powers) Amendment (Education, Skills and Employment Measures No. 4) Regulations 2020 [F2020L01040]	20/08/2020	This instrument establishes legislative authority for government spending on certain activities administered by the Department of Education, Skills and Employment, including the Local Jobs – COVID-19 Recovery Pilot.
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 4) Regulations 2020 [F2020L01041]	20/08/2020	This instrument establishes legislative authority for government spending on certain activities administered by the Department of Health, including a grant to Raise Foundation, to improve mental health and wellbeing outcomes for young people, and improve resilience to the current COVID-19 pandemic.
Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development and Communications Measures No. 7) Regulations 2020 [F2020L01042]	20/08/2020	This instrument establishes legislative authority for government spending on certain activities administered by the Department of Infrastructure, Transport, Regional Development and Communications, including programs to support the recovery of the arts sector from the adverse impacts of COVID-19.

22-28 August 2020

Bill/ Instrument	Date registered	Description
Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date [AASB 101] [F2020L01049]	21/08/2020	This instrument defers recently made requirements for the presentation of liabilities in the statement of financial position as current or non-current by one year, to periods beginning on or after 1 January 2023, in response to the COVID-19 pandemic.
Amendments to Australian Accounting Standards – Covid-19-Related Rent	21/08/2020	This instrument adds new disclosure requirements for COVID-19-related rent concessions for entities reporting under Tier 2 (Simplified Disclosures).

Concessions: Tier 2 Disclosures [AASB 16 & AASB 1060] [F2020L01050]		
Child Care Subsidy Amendment (Coronavirus Response Measures No. 6) Minister's Rules 2020 [F2020L01052]	21/08/2020	This instrument increases the number of allowable absence days that are available to individuals whose children are in care at approved child care services in Victoria, and increases the cap on the appropriation in section 233 of the A New Tax System (Family Assistance) (Administration) Act 1999 for payments under the Community Child Care Fund Special Circumstances (CCCF-SC) Grant Opportunity program for the 2020-2021 financial year from \$584 million to \$623 million.
Banking, Insurance, Life Insurance and Superannuation (prudential standard) determination No. 1 of 2020 [F2020L01062]	26/08/2020	This instrument determines Prudential Standard CPS 226 Margining and risk mitigation for non-centrally cleared derivatives, and includes deferrals of some arrangements as a result of the COVID-19 pandemic.
Coronavirus Economic Response Package (Jobkeeper Payments) Amendment Act 2020	26/08/2020	This Act extends the operation of the JobKeeper scheme to 28 March 2021.
CASA EX121/20 — Commercial Pilot Licence (Helicopter) Flight Training Requirements (COVID-19) Exemption 2020 [F2020L01067]	27/08/2020	This instrument exempts a group of applicants for the commercial pilot licence with the helicopter category rating from the requirement to undergo the last 30 hours of their required flight training within the period of 3 months immediately before the flight test for the licence, noting the impacts of the COVID-19 pandemic.
ASIC Corporations (Hardship Withdrawals Relief) Instrument 2020/778 [F2020L01069]	27/08/2020	This instrument provides responsible entities of registered managed investment schemes relief from certain provisions in Chapter 5C of the Corporations Act 2001 to facilitate withdrawals by members suffering hardship while the scheme is frozen. The explanatory materials note that the COVID-19 impact may lead to increased investor demand to withdraw on hardship grounds.
National Health (Continued Dispensing — Emergency Measures) Amendment Determination 2020 (No. 7) [F2020L01070]	27/08/2020	This instrument provides for the addition of the listed drug acalabrutinib and for the addition of forms of the listed drugs imipramine and methylphenidate to the list of pharmaceutical benefits that can be supplied as a Continued Dispensing supply, to assist in managing the demands on the healthcare system during the COVID-19 pandemic.

Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Cessation of Temporary Funding Increases) Determination 2020 [F2020L01076]	27/08/2020	This instrument ceases from 1 September 2020 temporary aged care funding increases payable to approved aged care providers (relating to home care, residential care and the homeless supplement). Those temporary increases provided additional support from 1 March 2020 to 31 August 2020 in response to pressures on workforce supply resulting from COVID-19.
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29-31 August 2020

Bill/ Instrument	Date registered	Description
Aged Care (Subsidy, Fees and Payments) Amendment (Cessation of Temporary Funding Increases) Determination 2020 [F2020L01077]	28/08/2020	This instrument ceases, from 1 September 2020, temporary aged care funding increases payable to approved aged care providers announced by the Australian Government on 20 March 2020. Those temporary increases provided additional support from 1 March 2020 to 31 August 2020 in response to pressures on workforce supply resulting from COVID-19.
Social Security (Coronavirus Economic Response—2020 Measures No. 14) Determination 2020 [F2020L01093]	30/08/2020	This instrument: extends the period in respect of which the COVID-19 supplement will be paid; reinstates the assets tests and the liquid assets test waiting period for certain payments; temporarily increases the income free area to \$300 a fortnight for JobSeeker Payment recipients (except recipients who are both not a member of a couple and who are the principal carer of a child) and Youth Allowance (Other) recipients; increases the partner income taper rate for JobSeeker Payment recipients from 25 cents for every dollar over the partner income free area to 27 cents for every dollar over the partner income free area. It also extends other measures to assist social security payment recipients impacted by COVID-19.
Industry Research and Development (Eat Seafood Australia Program) Instrument 2020 [F2020L01101]	31/08/2020	This instrument prescribes the Eat Seafood Australia Program, providing funding through the \$1 billion COVID-19 Relief and Recovery Fund. The explanatory materials state that this will the program will support the survival and recovery of the seafood industry, which has been disproportionately affected by the COVID-19 crisis
Veterans' Entitlements (Provisional Access to Medical Treatment) Amendment Determination No. 2 2020 [F2020L01109]	31/08/2020	This instrument extends the intake period of the Provisional Access to Medical Treatment Trial (the Trial) by twelve months to 1 July 2021 and the closing date of the provision of treatment under the Trial by twelve months to 31 December 2021. The explanatory materials note that this reflects changing processing times and capacity amid unprecedented increases in

		claims intakes as well as workforce capacity within the COVID-19 pandemic environment
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