

COVID-19 legislative scrutiny

September 2020

1-6 September 2020

Bill/ Instrument	Date registered	Description
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Cruise Ships) Amendment (No. 1) Determination 2020 [F2020L01114]	1/09/2020	This instrument extends the prohibition on cruise ships from entering Australian territory or Australian ports, unless an exemption applies to the ship, and operates from 2 September 2020 for the duration of the declared human biosecurity emergency period (to 17 December 2020).
Migration (LIN 20/156: Jobactive - Period, manner and evidence of labour market testing) Amendment Instrument 2020 [F2020L01123]	2/09/2020	This instrument includes an additional requirement for the manner in which labour market testing is required to be undertaken. Specifically, this instrument requires for nominated positions to be advertised on the Government's Jobactive website.
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Variation (Extension No. 2) Instrument 2020 [F2020L01129]	3/09/2020	This instrument extends the COVID-19 human biosecurity emergency period for a further 3 months until 17 December 2020.
Treasury Laws Amendment (Release of Superannuation on Compassionate Grounds) Regulations (No. 3) 2020 [F2020L01133]	3/09/2020	This instrument extends the deadline by which applications must be made for coronavirus related early release from superannuation and retirement savings accounts to 31 December 2020.
Coronavirus Economic Response Package (Deferral of Sunset—ASIO Special Powers Relating to Terrorism Offences) Determination 2020 [F2020L01134]	4/09/2020	The instrument provides that Division 3 of Part III of the Australian Security Intelligence Organisation Act 1979 will continue to operate until 7 March 2021. This has the effect that the framework allowing the Australian Security Intelligence Organisation (ASIO) to question and detain persons under a warrant in relation to terrorism offences would continue in operation.
Parliamentary Contributory	4/09/2020	This instrument aligns the timing period for early release superannuation applications due to COVID-19

Superannuation (Early Release Payments) Amendment Regulations 2020 [F2020L01136]		in the Parliamentary Contributory Superannuation Scheme with that available to other Australians.
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7-13 September 2020

Bill/ Instrument	Date registered	Description
Product Stewardship (Oil) Amendment (Re-refined Base Oil) Regulations 2020 [F2020L01140]	7/09/2020	This instrument creates an additional 12 cents per litre of product stewardship (oil) benefit, in respect of re-refined base oil, where the entitlement to the benefit arose on or after 1 July 2020 and on or before 31 December 2020. This temporary additional amount of the product stewardship (oil) benefit is part of the COVID-19 Relief and Recovery Fund.
Migration (LIN 20/229: COVID-19 Pandemic event for Subclass 408 (Temporary Activity) visa and visa application charge for Temporary Activity (Class GG) visa) Instrument 2020 [F2020L01145]	7/09/2020	This instrument specifies an additional class of persons to enable people with the relevant skills and qualifications to undertake work in the aged care sector to apply for the Subclass 408 visa.
Banking (prudential standard) determination No. 4 of 2020 [F2020L01147]	9/09/2020	This instrument temporarily adjusts the prudential treatment for loans granted repayment deferrals, or that are otherwise restructured, due to COVID-19. Where an authorised deposit-taking institution provides an eligible borrower with a repayment deferral, it does not need to classify the loan as restructured, and may pause the counting of days past-due, so as not to trigger the requirement to classify the loan as impaired.
Australian Prudential Regulation Authority (confidentiality) determination No. 2 of 2020 [F2020L01148]	9/09/2020	This instrument provides that information given to APRA under ARS 923.2 is non-confidential. As a result, the information will be disclosed by APRA under subsection 56(5C) of the Act. The explanatory materials state that information will provide the public with a better understanding of exposures by authorised deposit-taking institutions (ADIs) to loans subject to repayment deferrals, or otherwise restructured, due to COVID-19 and the resulting impact on an ADI's risk profile.
Financial Sector (Collection of Data) (reporting standard) determination No. 8 of 2020 [F2020L01149]	9/09/2020	This instrument determines ARS 923.2 which collects data from authorised deposit-taking institutions on their exposure to loans with repayment deferrals due to COVID-19, and is aligned with the temporary

		amendments to APS 220.
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14-20 September 2020

Bill/ Instrument	Date registered	Description
Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2020 (No. 4) [F2020L01161]	14/09/2020	This instrument extends the period to 31 December 2020 during which individuals affected by the adverse economic effects of the COVID-19 pandemic can apply to the Australian Taxation Office for the early release of funds from their superannuation or retirement savings account.
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 8) 2020 [F2020L01165]	15/09/2020	This instrument extends the period of wage subsidy support provided under the JobKeeper scheme until 28 March 2021, but tapering the scheme in the December 2020 and March 2021 quarters.
Coronavirus Economic Response Package (Payments and Benefits) (Timing of Supplies Made and Decline in Turnover Test) Rules 2020 (No. 1) [F2020L01171]	16/09/2020	This instrument sets out the time or times a supply is treated as being made when determining the current GST turnover of an entity for the purposes of section 8B of the Coronavirus Economic Response Package (Payments and Benefits) Rules 2020.
Coronavirus Economic Response Package (Payments and Benefits) Higher Rate Determination 2020 [F2020L01172]	16/09/2020	For fortnights beginning on or after 28 September 2020, there are two rates for JobKeeper payments that entities can claim. This instrument specifies circumstances in which the higher rate of an entity's JobKeeper payment applies to an individual who is an eligible employee of the entity.
Coronavirus Economic Response Package (Payments and Benefits) Alternative Reference Period Determination 2020 [F2020L01173]	16/09/2020	For fortnights beginning on or after 28 September 2020, there are two rates for JobKeeper payments that entities can claim. This instrument determines an alternative reference period that applies to a specified class of individuals if the Commissioner considers this to be a more suitable reference period for the purpose of applying the Rules to individuals in the specified class.
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Overseas Travel Ban Emergency Requirements)	17/09/2020	This instrument clarifies the requirement imposed on the operator of an aircraft or vessel to ensure that the aircraft or vessel does not leave Australian territory with an Australian citizen or permanent resident on board and to expand the decision-making authority to grant exemptions.

Amendment (No. 1) Determination 2020 [F2020L01176]		
Aged Care (Leave from Residential Care Services) (Situation of Emergency—Human Coronavirus with Pandemic Potential) Amendment Determination 2020 [F2020L01180]	18/09/2020	This instrument provides for the situation of emergency under the <i>Aged Care Act 1997</i> to be extended from 30 September 2020 until 30 June 2021, and provide emergency leave to residential aged care recipients across Australia.
Migration Amendment (COVID-19 Concessions) Regulations 2020 [F2020L01181]	18/09/2020	This instrument assists certain temporary and provisional visa holders, including individuals who are on a pathway to permanent residence, who have been disadvantaged by the consequences of the COVID-19 pandemic, such as border closures, restrictions imposed on businesses and the general economic downturn, by providing several concessions.
Aged Care Legislation Amendment (Subsidies—COVID-19 Support Supplement and Workforce Continuity Funding Measures No. 2) Instrument 2020 [F2020L01183]	18/09/2020	This instrument prescribes a second COVID-19 support supplement payment, which is payable for each day in June 2020 that a care recipient was being provided residential care by their approved provider, and continue, from 1 September 2020, the temporary increases to the viability supplement and to the homeless supplement which had ended on 31 August 2020.
Fair Work Amendment (Jobkeeper Payments) Regulations 2020 [F2020L01185]	18/09/2020	This instrument supports the extension of the temporary workplace flexibilities in the <i>Fair Work Act 2009</i> that complement the JobKeeper payment scheme by ensuring that the 10 per cent decline in turnover test continues to be aligned with the decline in turnover test set out in the Coronavirus Economic Response Package (Payments and Benefits Rules 2020), and providing for a method of determining the 'ordinary hours' of particular classes of employees relevant to a legacy employer issuing a JobKeeper enabling stand down direction under s 789GJA.

21-27 September 2020

Bill/ Instrument	Date registered	Description
Health Insurance Legislation Amendment (Extend Cessation Date of Temporary COVID-19 Items) Determination 2020 [F2020L01190]	21/09/2020	This instrument extends the temporary telehealth and phone consultation services for six months until 31 March 2021, expand the pathology testing item for essential workers to include people who travel interstate as a rail crew member and remove the requirement to bulk-bill attendances for certain

		patients.
Corporations and Bankruptcy Legislation Amendment (Extending Temporary Relief for Financially Distressed Businesses and Individuals) Regulations 2020 [F2020L01191]	21/09/2020	This instrument extends the application of temporarily increased thresholds relating to bankruptcy until 31 December 2020.
Corporations (Coronavirus Economic Response) Determination (No. 3) 2020 [F2020L01194]	22/09/2020	This instrument enables meetings to be run electronically and to enable electronic signatures to be used, in response to problems which companies face during the COVID-19 pandemic.
ASIC Corporations (Amendment) Instrument 2020/862 [F2020L01198]	23/09/2020	This instrument extends the end dates for three separate temporary relief measures relating to capital raisings and financial advice due to the uncertain impacts of COVID-19.
Coronavirus Economic Response Package (Payments and Benefits) Alternative Decline in Turnover Test Rules (No. 2) 2020 [F2020L01200]	23/09/2020	This instrument gives certain entities or classes of entities an alternative basis on which they may satisfy the actual decline in turnover test or the decline in turnover test to be eligible for JobKeeper payments.
CASA EX132/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 3) [F2020L01202]	23/09/2020	This instrument further extends the already extended time provided for pilots and others to satisfy flight proficiency, flight review and medical certification requirements.
Health Insurance Legislation Amendment (Bulk-billing Incentive (No. 2)) Regulations 2020 [F2020L01203]	23/09/2020	This instrument removes the temporary increase that was applied to the schedule fees for the bulk-billing incentive items, and returns the schedule fees to their normal rate from 1 October 2020. This includes the application of indexation of 1.5 per cent that was applied to most MBS items on 1 July 2020.
Corporations (Coronavirus Economic Response) Determination (No. 4) 2020 [F2020L01206]	23/09/2020	This determination temporarily modifies the operation of some 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. The explanatory statement

		states that this is to facilitate the continuation of business in circumstances relating to COVID-19.
Norfolk Island Continued Laws Amendment (Coronavirus Economic Response Measures) Rules (No. 2) 2020 [F2020L01207]	24/09/2020	This instrument extends the temporary Coronavirus economic response measures contained in the Bankruptcy Act 2006 (NI) and the Companies Act 1985 (NI), to match the same time periods as the equivalent Commonwealth Coronavirus economic response measures.
National Health (COVID-19 Supply of Pharmaceutical Benefits) Special Arrangement Amendment (Extension and Record Forms) Instrument 2020 [F2020L01212]	24/09/2020	This instrument extends the special arrangement to make the supply of pharmaceutical benefits to patients at risk of COVID-19, or who have been prescribed a pharmaceutical benefit by a health professional at risk of COVID-19 virus, more convenient; removes the provision requiring for a person in receipt of a pharmaceutical benefit to acknowledge the receipt of the pharmaceutical benefit upon supply; and waives requirements of an approved pharmacist or medical practitioner to sign a record of supply of a pharmaceutical benefit for the purpose of the PBS Safety Net.
Work Health and Safety (Hazardous Chemicals) Exemption 2020 [F2020L01218]	25/09/2020	This instrument provides that manufacturers, importers, suppliers and end users of chemicals who currently comply with the most recent (seventh) edition of the United Nations Globally Harmonised System of Classification and Labelling of Hazardous Chemicals, may seek to be exempted from certain Work Health and Safety regulations as agreed by Safe Work Australia Members.

28-30 September

Bill/ Instrument	Date registered	Description
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (HFC Quota Allocation—Grandfathered Quota) Regulations 2020 [F2020L01229]	28/09/2020	These regulations adjust the hydrofluorocarbon (HFC) grandfathered quota calculation method for the 2022 and 2023 allocation period and all future allocation periods in response to COVID-19 disruptions.
ASIC Corporations (Amendment) Instrument 2020/885 [F2020L01235]	28/09/2020	This instrument extends the relief granted for issuance of debit cards until 31 December 2020.
Therapeutic Goods (Medical Devices—Information that Must Accompany Application	28/09/2020	This instrument specifies that a declaration of conformity must accompany an application for inclusion in relation to certain Class I medical devices

for Inclusion) Amendment (COVID-19 Measures—Class I Medical Devices) Determination 2020 [F2020L01236]		and Class I system or procedure pack. The explanatory statement advises that the need to determine accompanying information in relation to Class I medical devices has arisen because of the pandemic, which has significantly increased the number of applications for inclusion of Class I medical devices in the Register, from an average of 150 applications per month to a peak of over 1,200 applications in April 2020.
Advance to the Finance Minister Determination (No. 3 of 2020-2021) [F2020L01237]	28/09/2020	This instrument allocates \$808,754,000 to the Department of Health following the entering into of agreements with AstraZeneca, CSL and Seqirus for the supply and production of the University of Oxford and University of Queensland COVID-19 Vaccine candidates and essential in order to participate in the COVAX Facility.
Defence Determination, Conditions of service Amendment (COVID-19 Postings) Determination 2020 (No. 19) [F2020L01239]	28/09/2020	This instrument makes provisions relating to the posting of members during the COVID-19 pandemic, making rules applying to members and their dependants travelling from their old posting location to their new posting location and the removal of their furniture and effects, vehicles and animals.
Defence Determination, Conditions of service Amendment Determination 2020 (No. 20) [F2020L01246]	29/09/2020	This determination amends rules relating to conditions of service, including amendments related to the COVID-19 pandemic.
National Health (Pharmaceutical Benefits) Legislation Amendment (Continuing Treatment during Coronavirus Pandemic) Instrument 2020 (No. 2) [F2020L01247]	29/09/2020	This instrument changes the date of repeal of some of provisions, including those related to the supply of highly specialised drugs, and ensures the temporary measures remain in effect during the current health pandemic.
Part 101 Manual of Standards (Miscellaneous Amendments) Instrument 2020 (No. 1) [F2020L01249]	29/09/2020	This instrument amends the Part 101 (Unmanned Aircraft and Rockets) Manual of Standards 2019 to include a “take effect” date deferral (associated with the COVID-19 pandemic), transitional arrangements and administrative procedures.
Private Health Insurance Legislation Amendment Rules (No. 6) 2020 [F2020L01244]	29/09/2020	This instrument reflects adjustments to accommodation benefits in Tasmania, and changes to items of the Medicare Benefits Schedule, including those related to the provision of additional mental health therapy sessions for persons with a mental health disorder who are subject to COVID-19 public health orders.

VET Student Loans Amendment Rules (No. 3) 2020 [F2020L01269]	30/09/2020	This instrument extends the period students are temporarily exempt from the requirement to pay loan fees associated with VET student loans until 30 June 2021.
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