COVID-19 legislative scrutiny

December 2020

1 – 6 December 2020

Bill/ Instrument	Date registered/ introduced	Description
Therapeutic Goods (Medical Devices—Information that Must Accompany Application for Inclusion) Amendment (COVID-19 Measures—Class 1 IVD Medical Devices) Determination 2020 [F2020L01528]	3/12/2020	This instrument specifies that a declaration of conformity must accompany an application for inclusion in relation to Class 1 in vitro diagnostic (IVD) medical devices. The explanatory materials state that this is in response to the surge in application for such devices during the COVID-19 pandemic, and the need for clarify in the application procedure.
Australian Immunisations Register Amendment (Reporting) Bill 2020	3/12/2020	This bill would require registered vaccination providers to report to the Australian Immunisation Register information relating to vaccinations they administer and vaccinations which they are notified about that were given outside Australia. It would further empower the Secretary of the Department of Health to require a recognised vaccination provider to give information if they do not comply with this reporting requirement.
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 9) 2020 [F2020L01534]	4/12/2020	This instrument establishes the JobMaker scheme, which provides for a payment which is designed to support businesses to hire additional employees where they otherwise may not have done so and expand their organisation to provide young people with access to new employment opportunities as the economy recovers from the Coronavirus.
JobMaker Hiring Credit Reporting Obligations Instrument 2020 [F2020L01535]	4/12/2020	This instrument sets out the information that entities who seek to participate in the JobMaker Hiring Credit scheme must provide to the Australian Taxation Office, to ensure that they are eligible to participate in the scheme, and to enable the ATO to determine the value of the payments participating entities are entitled to.

7-13 December 2020

Bill/ Instrument	Date registered/ introduced	Description
Primary Industries (Customs) Charges Amendment (Farmed Prawns and Macadamias) Regulations 2020 [F2020L01539]	07/12/2020	This instrument temporarily decreases the white spot disease repayment charged on farmed prawns for one year, following a request for relief for prawn farmers impacted by COVID-19 restrictions.
Primary Industries (Excise) Levies Amendment (Dried Fruits, Farmed Prawns, Forest Growers and Macadamias) Regulations 2020 [F2020L01540]	07/12/2020	This instrument temporarily decreases the white spot disease repayment levy on farmed prawns for one year, following a request for relief for prawn farmers impacted by COVID-19 restrictions.
Financial Sector (Collection of Data) (reporting standard) determination No. 7 of 2020 [F2020L01541]	07/12/2020	This instrument determines the Australian Government Arts Sector Show Starter Loan Guarantee Scheme, meaning that the Government will guarantee of 100 per cent of new loans issued by eligible authorised deposit-taking institution lenders for eligible arts and entertainment businesses in order to enhance lenders' willingness and ability to provide credit and vital additional funding to support the arts sector through the economic impacts of the Coronavirus.
Fishing Levy Amendment (2020-2021 Levy Amounts) Regulations 2020 [F2020L01542]	07/12/2020	This instrument sets the levy payable in respect of fishing concessions, and notes the impact of COVID-19 restrictions on related budgets.
Defence Determination, Conditions of service Amendment Determination 2020 (No. 28) [F2020L01546]	09/12/2020	This instrument amends various aspects of the defence conditions of service, including relevantly: relaxing COVID-19 restrictions relating to the overseas reunion travel; and extending the end date for the salary non-reduction period for various workers.
Health Insurance (Section 3C General Medical – Expansion of GP and Allied Health Mental Health Services) Amendment (Care Recipient in a Residential Aged Care Facility) Determination 2020 [F2020L01548]	09/12/2020	This instrument prescribes 50 new Medicare Benefits Schedule items for mental health treatment planning and review for care recipients in an aged care facility, in response to the COVID-19 pandemic.

Health Insurance (Section 3C General Medical – Expansion of GP and Allied Health Chronic Disease Management Services for Care Recipients of a Residential Aged Care Facility) Determination 2020 [F2020L01552]	09/12/2020	This instrument prescribes 73 new temporary Medicare Benefits Schedule items for GP and allied health chronic disease management services for care recipients in residential aged care facilities, to respond to those people affected by the COVID-19 pandemic and the measures taken to contain its spread.
Therapeutic Goods Amendment (2020 Measures No. 2) Bill 2020	9/12/2020	This bill would amend the *Therapeutic Goods Act* to remove a potential impediment to the importation and supply of COVID-19 vaccines in Australia (relating to the requirement that vaccines have a registration or listing number on the label as prescribed).
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Variation (Extension No. 3) Instrument 2020 [F2020L01566]	10/12/2020	This instrument extends the human biosecurity emergency period for a further 3 months until 17 March 2021.
Customs (Prohibited Exports) Amendment (COVID-19 Export Restrictions Repeal) Regulations 2020 [F2020L01567]	10/12/2020	This instrument repeals two temporary controls on the export of goods essential to preventing the spread of COVID-19, which were previously introduced. These prohibited the exportation of disposable face masks and hand sanitisers.
Banking (prudential standard) determination No. 5 of 2020 [F2020L01570]	11/12/2020	This instrument, in response to the COVID-19 outbreak, revokes two APRA determinations with the effect of further deferring the commencement date of the requirement that authorised deposit-taking institutions utilise an advanced measurement approach to operational risk.
Financial Framework (Supplementary Powers) Amendment (Agriculture, Water and the Environment Measures No. 7) Regulations 2020 [F2020L01574]	11/12/2020	This instrument establishes legislative authority for spending on four activities administered by the Department of Agriculture, Water and the Environment, including a ReefBuilder scheme to support regions which have been disproportionately impacted by the COVID-19 pandemic.
Migration Amendment (Prospective Marriage Visas) Regulations 2020 [F2020L01577]	11/12/2020	This instrument addresses the impact of COVID-19 travel restrictions by extending the duration of Subclass 300 (Prospective Marriage) visas, to 31 March 2022, if the visa holder or former holder was outside Australia on 10 December 2020, and the visa was in effect at any time during the period from 6 October

		2020 to 10 December 2020.
Banking (prudential standard) determination No. 6 of 2020 [F2020L01583]	11/12/2020	This instrument gives effect to a 12 month deferral of implementation of the operational risk capital requirements of the Basel III capital standards, in response to the COVID-19 pandemic.
Financial Framework (Supplementary Powers) Amendment (Education, Skills and Employment Measures No. 8) Regulations 2020 [F2020L01585]	11/12/2020	This instrument establishes legislative authority for spending on three activities administered by the Department of Education, Skills and Employment, including a program to support the welfare of workers from the Pacific who participate in the Seasonal Worker Program and Pacific Labour Scheme, noting that this has been impacted by the COVID-19 pandemic.
Industry Research and Development (COVID-19 Consumer Travel Support Program) Instrument 2020 [F2020L01594]	11/12/2020	This instrument prescribes the COVID-19 Consumer Travel Support Program, which will provide eligible travel agents and tour arrangement service providers with a one-off payment of between $1,500 and $100,000, scaled according to turnover.

14-20 December 2020

Bill/ Instrument	**Date registered/ introduced**	**Description**
Higher Education Support (VET) Amendment (VET FEE-HELP Student Protection) Guidelines 2020 [F2020L01605]	14/12/2020	This instrument extends the period of time by which persons affected by the inappropriate conduct of VET providers (or their agents) may apply to have their HELP balances re-credited, noting that part of the reason for this is the effect of the COVID-19 pandemic, and the potential for some students not being aware of a debt or having the opportunity to lodge an application.
Other Grants Guidelines (Education) Amendment (No. 3) 2020 [F2020L01607]	14/12/2020	This instrument gives effect to several amendments which were made by the Higher Education Support Amendment (Job-Ready Graduates and Supporting Regional and Remote Students) Act 2020, including to establish the: Indigenous, Regional and Low SES Attainment Fund; National Priorities and Industry Linkage Fund; and Higher Education Continuity Guarantee (which seeks to ensure that eligible higher education providers can keep operating, employing staff, and providing quality education services in the aftermath of COVID-19).
Treasury Laws	14/12/2020	This instrument makes minor and technical

Amendment (Miscellaneous and Technical Amendments) Regulations 2020 [F2020L01610]		amendments to regulations in the Treasury portfolio, including amendments to the Retirement Savings Accounts Regulations 1997 and Superannuation Industry (Supervision) Regulations 1994, which enable permanent residents of New Zealand to apply for the early release of superannuation on compassionate grounds during the COVID-19 pandemic.
CASA 69/20 — Prescription and Approval of United Kingdom and Japan as Recognised Foreign States Instrument 2020 [F2020L01613]	15/12/2020	This instrument prescribes the United Kingdom and Japan as recognised foreign States, permitting Australian operators to apply to use flight simulation training devices located in Japan, given the impact of COVID-19 travel restrictions.
Customs By-law No. 2020321 [F2020L01621]	16/12/2020	This instrument establishes that certain medical and hygiene products imported as part of the COVID-19 pandemic response are dutiable at a nil rate.
Higher Education Provider Amendment (Tuition Protection and Other Measures) Guidelines 2020 [F2020L01633]	17/12/2020	This instrument sets out tuition protection requirements with which higher education providers must comply, including requirements which reflect the waiver of levies for higher education providers in response to the COVID-19 pandemic.
Child Care Subsidy Amendment (Coronavirus Response Measures No. 8) Minister's Rules 2020 [F2020L01634]	17/12/2020	This instrument implements measures supporting child care providers and families in response to the COVID-19 pandemic and strengthen compliance, including to: increase the number of allowable absence days for children enrolled in Victoria; amending eligibility for the Child Care Subsidy; and extending the measure permitting approved providers to waive their fees where required to close because of health directions.
Education Services for Overseas Students (TPS Levies) (Administrative and Base Fees) Determination 2020 [F2020L01638]	18/12/2020	This instrument specifies the dollar amounts payable by all non-exempt Commonwealth Register of Institutions and Courses for Overseas Students registered providers for the purpose of working out the administrative and base fee components of the Tuition Protection Service levy, noting the temporary reduction in these fee components in response to the COVID-19 pandemic.
Migration Amendment (Temporary Graduate Visas) Regulations 2020 [F2020L01639]	18/12/2020	These regulations seek to encourage international students to study in regional Australia on a student visa and to continue living in regional Australia on a temporary graduate visa, and clarifies the operation of a concession allowing applications for Subclass 485 (Temporary Graduate) visas to be made from outside Australia during the concession period associated with the COVID-19 pandemic

Therapeutic Goods (Standard for Disinfectants and Sanitary Products) Amendment Order 2020 [F2020L01650]	18/12/2020	This Amendment Order incorporates the most recent version of the TGA instructions for disinfectant testing (which includes the selection of test parameters for disinfectants, including in relation to the SARS-CoV-2 virus), and targets a label warning requirement in relation to disinfectants that contain chlorhexidine.

21-27 December 2020

Bill/ Instrument	**Date registered/ introduced**	**Description**
Corporations Amendment (Corporate Insolvency Reforms) Regulations 2020 [F2020L01654]	21/12/2020	This instrument enables the new debt restructuring and simplified liquidation regimes established by the *Corporations Amendment (Corporate Insolvency Reforms) Act 2020*, which were made noting that the economic consequences COVID-19 highlight the need for a system of external administration that can accommodate the needs of small businesses.
Social Security (Coronavirus Economic Response—2020 Measures No. 16) Determination 2020 [F2020L01671]	22/12/2020	This instrument extends the COVID-19 supplement period through to 31 March 2021, at a rate of $150 per fortnight.
Education Services for Overseas Students (TPS Levies) (Risk Rated Premium and Special Tuition Protection Components) Instrument 2020 [F2020L01672]	22/12/2020	This instrument specifies a method for working out the amount payable by all non-exempt Commonwealth Register of Institutions and Courses for Overseas Students registered providers for the risk rated premium and special tuition protection components of the TPS levy, and nots that the financial impacts of the COVID-19 pandemic influenced decisions regarding the setting of these amounts.
Veterans' Affairs (Treatment Principles – Extend Eligibility for Allied Health Treatment to Residential Care Recipients) Determination 2020 [F2020L01674]	22/12/2020	This instrument varies the Veterans Affairs Treatment Principles, which set out the circumstances in which treatment may be provided to persons who are eligible to receive treatment under the provisions of various Veterans' Affairs portfolio Acts, including to reflect COVID-19 related additional measures to support aged care residents whose physical and mental wellbeing had been affected by the pandemic.
Defence (Domestic emergency operations) Determination 2020 [F2020L01685]	22/12/2020	This instrument provides a reimbursement to members for the costs associated with their early return, cancellation or changes made to a holiday if they are required to provide service as a part of an

		operation established in response to a domestic emergency, which may include a natural disaster or the outbreak of an infectious disease such as COVID-19 during a pandemic.
Health Insurance (Section 3C General Medical – Expansion of GP and Allied Health Mental Health and Chronic Disease Management Services) Amendment Determination 2020 [F2020L01704]	23/12/2020	This instrument lists four new temporary items for care recipients in a residential aged care facility to enable general practitioners and medical practitioners working in general practice to provide initial focussed psychological strategy treatment services for assessed mental health disorders. The explanatory materials note that this is part of the additional support provided to those affected by the COVID-19 pandemic.
Norfolk Island Continued Laws Amendment (Coronavirus Economic Response Measures) Rules (No. 3) 2020 [F2020L01708]	24/12/2020	These rules amend the Norfolk Island Bankruptcy Act to permanently increase to $10,000 from $2,000 the minimum amount of debt required to be owed before a creditor can initiate involuntary bankruptcy proceedings against a debtor; and the Norfolk Island Companies Act to permanently increase to $2,000, from $1,000, the statutory minimum for a creditor to issue a demand to a debtor company. These amendments were initially established in response to the COVID-19 pandemic.
Income Tax Assessment (Eligible State and Territory COVID-19 Economic Recovery Grant Programs) Declaration 2020 [F2020L01709]	24/12/2020	This instrument declares six programs as being eligible small business COVID-19 grant programs.
Coronavirus Economic Response Package (Modifications—National Health (Pharmaceutical Benefits Scheme)) Determination 2020 [F2020L01715]	24/12/2020	This instrument permits Approved Pharmacists to legally issue Safety Net Concession Cards and Pharmaceutical Benefits Entitlement Cards, and allows Services Australia to process and pay claims by those suppliers, where the applications are lodged without an applicant signature, to ensure that patients can continue to receive medication during COVID-19.
Poisons Standard February 2021 [F2020L01716]	24/12/2020	This instrument repeals and replaces the existing poisons standard, including to reflect a decision to include a new entry in Schedule 4 to the Poisons Standard for SARS-CoV-2 (COVID-19) vaccines.
Defence Determination, Conditions of service Amendment (Overseas education assistance) Determination 2020 (No. 26) [F2020L01717]	24/12/2020	This instrument updates benefits relating to education assistance provided to the children of members who are on long-term postings in the United States of America who remained at the posting location during the COVID-19 evacuations.

Social Security (Pension Bonus Scheme—Non-accruing Members) Amendment Declaration 2020 [F2020L01719]	24/12/2020	This instrument provides that where a person is unable to work due to the impact of COVID-19, and as a result, is unable to pass the Pension Bonus Scheme work test in order to accrue a bonus period, they will be taken to be a non-accruing member for that period and will be able to continue in the Scheme.