

The Senate

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Standing  
Committee for the  
Scrutiny of Delegated  
Legislation

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Delegated Legislation Monitor

Monitor 3 of 2020

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Senator Raff Ciccone	Victoria, ALP
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# Introduction

The Senate Standing Committee on Regulations and Ordinances (the committee) was established in 1932. The committee's name was changed on 4 December 2019 to the Senate Standing Committee for the Scrutiny of Delegated Legislation.<sup>1</sup> The role of the committee is to examine the technical qualities of all disallowable legislative instruments, and to decide whether they comply with the committee's non-partisan scrutiny principles.

## Terms of reference

The committee's scrutiny principles are set out in Senate standing order 23(3) which requires the committee to scrutinise each instrument as to whether:

- (a) it is in accordance with its enabling Act and otherwise complies with all legislative requirements;
- (b) it appears to be supported by a constitutional head of legislative power and is otherwise constitutionally valid;
- (c) it makes rights, liberties, obligations or interests unduly dependent on insufficiently defined administrative powers;
- (d) those likely to be affected by the instrument were adequately consulted in relation to it;
- (e) its drafting is defective or unclear;
- (f) it, and any document it incorporates, may be freely accessed and used;
- (g) the accompanying explanatory material provides sufficient information to gain a clear understanding of the instrument;
- (h) it trespasses unduly on personal rights and liberties;
- (i) it unduly excludes, limits or fails to provide for independent review of decisions affecting rights, liberties, obligations or interests;
- (j) it contains matters more appropriate for parliamentary enactment; and
- (k) it complies with any other ground relating to the technical scrutiny of delegated legislation that the committee considers appropriate.

Senate standing order 23(4) also requires the committee to scrutinise each instrument to determine whether the attention of the Senate should be drawn to

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1 On 27 November 2019, the Senate agreed to amend standing orders 23 and 25(2)(a), with effect from 4 December 2019. For further information, see [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Scrutiny\\_of\\_Delegated\\_Legislation/Changes\\_to\\_committee\\_standing\\_orders](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Changes_to_committee_standing_orders).

the instrument on the ground that it raises significant issues, or otherwise gives rise to issues that are likely to be of interest to the Senate.

### **Nature of the committee's scrutiny**

The committee's work may be broadly described as technical legislative scrutiny. In this regard, the committee does not examine the policy merits of delegated legislation. However, if the committee determines that an instrument raises significant issues, it may write to the relevant legislation committee to alert that committee to the instrument, or otherwise draw the instrument to the attention of the Senate.

Where an instrument does not appear to comply with the committee's technical scrutiny principles, the committee's usual approach is to correspond with the responsible minister or relevant agency to seek further explanation or clarification of the matter at issue. The committee may also seek an undertaking for specific action to address its scrutiny concerns.

The committee's work is supported by the processes for the registration, tabling and disallowance of legislative instruments under the *Legislation Act 2003*.<sup>2</sup>

### **Publications**

The committee's usual practice is to table a report, the *Delegated Legislation Monitor*, each Senate sitting week. The monitor provides an overview of the committee's scrutiny of disallowable legislative instruments for the preceding period. Disallowable legislative instruments detailed in the monitor are also listed in the 'Index of instruments' on the committee's website.<sup>3</sup>

### **Ministerial correspondence**

The committee undertakes formal correspondence with ministers in order to resolve more significant scrutiny concerns. Ministerial correspondence is published on the committee's website.<sup>4</sup>

### **Agency correspondence**

The committee undertakes informal correspondence with agencies via its secretariat to gather information about potential scrutiny concerns. This correspondence assists the committee in deciding whether it is necessary to seek further advice from the relevant minister about those concerns. Agency correspondence is not published;

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2 For further information on the disallowance process and the work of the committee see *Oggers' Australian Senate Practice*, 14th Edition (2016), Chapter 15.

3 *Index of instruments*, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Scrutiny\\_of\\_Delegated\\_Legislation/Index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Index).

4 See [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Scrutiny\\_of\\_Delegated\\_Legislation/Monitor](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Monitor).

however, a record of the instrument, scrutiny issue and status of the correspondence is included in Appendix A (ongoing matters) and Appendix B (concluded matters) in the monitor.

## **Guidelines**

Guidelines relating to the committee's scrutiny principles are published on the committee's website.<sup>5</sup>

## **General information**

The Federal Register of Legislation should be consulted for the text of instruments, explanatory statements, and associated information.<sup>6</sup>

The Senate Disallowable Instruments List provides a listing of tabled instruments for which disallowance motions may be moved in the Senate.<sup>7</sup>

The Disallowance Alert records all notices of motion for the disallowance of instruments, and their progress and eventual outcome.<sup>8</sup>

## **Instruments considered in this monitor**

The committee examined 43 disallowable legislative instruments registered on the Federal Register of Legislation between 17 January 2020 and 5 February 2020.

This monitor identifies the instruments registered in this period about which the committee has or had scrutiny concerns. It also identifies instruments registered before this period in relation to which the committee is continuing to engage with the relevant minister or agency, or has concluded its examination.

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5 See [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Scrutiny\\_of\\_Delegated\\_Legislation/Guidelines](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Guidelines).

6 See Australian Government, Federal Register of Legislation, [www.legislation.gov.au](http://www.legislation.gov.au).

7 Parliament of Australia, *Senate Disallowable Instruments List*, [http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/leginstruments/Senate\\_Disallowable\\_Instruments\\_List](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/leginstruments/Senate_Disallowable_Instruments_List).

8 *Disallowance Alert 2020*, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Scrutiny\\_of\\_Delegated\\_Legislation/Alerts](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Alerts).



# Chapter 1

## **Instruments raising significant scrutiny concerns**

1.1 This chapter details the instruments which raise significant scrutiny concerns in relation to which the committee is seeking further information from the relevant minister.

1.2 Where necessary, the committee may place a notice of motion to disallow an instrument contained in this chapter to emphasise its scrutiny concerns and to provide the Senate with additional time to consider the instrument with the benefit of the committee's comments. Accordingly, where appropriate, this chapter also details the committee's reasons for withdrawing notices of motion to disallow such instruments.

1.3 The committee is currently seeking to resolve all outstanding scrutiny concerns by correspondence with the relevant minister or agency. Copies of relevant correspondence are available on the committee's website.<sup>1</sup>

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1 See [www.aph.gov.au/senate\\_sdlc](http://www.aph.gov.au/senate_sdlc).



## Chapter 2

### Matters of interest to the Senate

2.1 Senate standing order 23(4) requires the committee to scrutinise each instrument to determine whether the Senate's attention should be drawn to it on the ground that it raises significant issues, or otherwise gives rise to issues that are likely to be of interest to the Senate.

2.2 This chapter identifies the instruments which the committee has resolved to draw to the attention of the Senate and the relevant legislation committee under standing order 23(4), with the exception of instruments which specify Commonwealth expenditure, which are listed in Chapter 3.<sup>1</sup>

2.3 There are no instruments, other than those listed in Chapter 3, which the committee has resolved to draw to the attention of the Senate and the relevant legislation committee under standing order 23(4) in this *Delegated Legislation Monitor*.

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1 Details of all instruments which the committee has resolved to draw to the attention of the Senate under standing order 23(4) are published on the committee's website: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Scrutiny\\_of\\_Delegated\\_Legislation/Matters\\_of\\_interest\\_to\\_the\\_Senate](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Matters_of_interest_to_the_Senate).



## Chapter 3

### Scrutiny of Commonwealth expenditure

3.1 The *Financial Framework (Supplementary Powers) Act 1997* (FF(SP) Act) and the *Industry Research and Development Act 1986* (IRD Act) authorise the Commonwealth to spend public money on grants and programs specified in instruments made under those Acts. Consequently, the specification of expenditure in an instrument made under these Acts effectively authorises the Commonwealth to spend public moneys on the relevant grant or program. The scrutiny of such instruments is a key aspect of parliamentary scrutiny and control of Commonwealth expenditure.<sup>1</sup>

3.2 To facilitate such scrutiny, this chapter draws the Senate's attention to the nature and extent of Commonwealth expenditure that is authorised by the FF(SP) Act and the IRD Act and specified in delegated legislation made under those Acts.<sup>2</sup>

3.3 This chapter identifies the expenditure specified in legislative instruments registered between 17 January 2020 and 5 February 2020.

3.4 The committee has resolved to write to the relevant legislation committees to alert those committees to the expenditure listed below that falls within their area of portfolio responsibility. The committee does so under standing order 23(4) which requires the committee to scrutinise each instrument to determine whether the Senate's attention should be drawn to it on the ground that it raises significant issues, or otherwise gives rise to issues that are likely to be of interest to the Senate.

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1 For further information see the committee's guideline on [Scrutiny of Commonwealth expenditure](#) and Chapter 7 of the report of the committee's inquiry, [Parliamentary scrutiny of delegated legislation](#).

2 Details of all instruments which specify Commonwealth expenditure are published on the committee's website: [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Scrutiny\\_of\\_Delegated\\_Legislation/Scrutiny\\_of\\_Commonwealth\\_expenditure](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Scrutiny_of_Commonwealth_expenditure).

<b>Instrument</b>	<b>Grant/Program</b>	<b>Amount</b>	<b>Description</b>	<b>Portfolio committee</b>
<b>Financial Framework (Supplementary Powers) Amendment (Health Measures No. 1) Regulations 2020 [F2020L00033]</b>	Bushfire Recovery Access Program	\$14.7 million over three years from 2019-20	The program provides for immediate front line distress and trauma counselling for those who were impacted by the recent bushfires.	Senate Community Affairs Legislation Committee
	Training for front-line personnel	\$2 million over three years from 2019-20	Funding will be provided for training for front-line personnel and volunteers who attended, or were affected by, the recent bushfires to recognise the signs of trauma and support help seeking.	Senate Community Affairs Legislation Committee
	Bushfire trauma response coordinators	\$3.2 million over three years from 2019-20	Funding will be provided to establish bushfire trauma response coordinators within Primary Health Networks, who will be a single point of contact for individuals, families and communities directly impacted by the bushfires.	Senate Community Affairs Legislation Committee
	Supporting communities in recovery	\$2.7 million over three years from 2019-20	Funding will be provided for grants of up to \$10,000 to communities for activities at the grass-roots level to strengthen social connectedness and peer support activities, as well as assertive outreach initiatives to prevent suicide and identify post-traumatic stress disorder.	Senate Community Affairs Legislation Committee
	Cross-jurisdictional mental health framework	\$0.5 million over three years from 2019-20	Funding will be provided to develop a cross-jurisdictional mental health framework that will set out a joint approach to disasters, the response and recovery.	Senate Community Affairs Legislation Committee

<b>Instrument</b>	<b>Grant/Program</b>	<b>Amount</b>	<b>Description</b>	<b>Portfolio committee</b>
<b>Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 1) Regulations 2020 [F2020L00032]</b>	Support to communities affected by bushfires—payments for children	\$10 million in 2019-20 (uncapped)	Funding will be provided for supplementary one-off payments under the Australian Government Disaster Recover Payment to eligible families who have been adversely affected by the recent bushfires. The payments are intended to provide one-off financial assistance to help families meet the costs associated with supporting their child or children to commence or return to school, such as for uniforms, books and stationery.	Senate Legal and Constitutional Affairs Legislation Committee
<b>Industry Research and Development (International Space Investment Initiative Program) Instrument 2020 [F2020L00089]</b>	International Space Investment Initiative Program	\$15 million (initial funding)	The program will provide Australian organisations and businesses with opportunities to be involved with international space projects and to collaborate with relevant overseas organisations (such as international space agencies). The program will be delivered through streams including: <ul style="list-style-type: none"> <li>the Open Doors stream, which targets international space agency projects which provide opportunities for the Australian space sector; and</li> <li>the Expand Capability stream, which provides grants to build the capacity and capability of the Australian space sector.</li> </ul>	Senate Economics Legislation Committee



# Appendix A

## Ongoing matters

The committee engages with relevant ministers and agencies to attempt to resolve its concerns about scrutiny issues raised by disallowable legislative instruments. This appendix documents the committee's ongoing scrutiny concerns.

### Ministerial engagement

4.1 The committee is engaging with the relevant minister about the scrutiny issues raised by the instruments listed below. Copies of the ministerial correspondence are available on the committee's website.<sup>1</sup>

Instrument	Issue	Status
<b>Aged Care Quality and Safety Commission Amendment (Integration of Functions) Rules 2019 [F2019L01684]</b>	Principle (c) scope of administrative powers	Seeking advice from the minister.
<b>ASIC Corporations (Conditional Costs Schemes) Instrument 2020/38 [F2020L00034]</b>	Principle (j) exemptions to primary legislation	Seeking advice from the assistant minister.
<b>ASIC Corporations (Hawking-Life Risk Insurance and Consumer Credit Insurance) Instrument 2019/839 [F2019L01570]</b>	Principle (j) matters more appropriate for parliamentary enactment	Seeking advice from the assistant minister.
<b>ASIC Credit (Litigation Funding—Exclusion) Instrument 2020/37 [F2020L00035]</b>	Principle (j) exemptions to primary legislation	Seeking advice from the assistant minister.
<b>Competition and Consumer (Industry Codes—Dairy) Regulations 2019 [F2019L01610]</b>	Principle (e) unclear drafting Principle (j) significant penalties Principle (k) parliamentary oversight	Seeking advice from the minister.
<b>Competition and Consumer Amendment (Australian-made Complementary Medicines) Regulations 2019 [F2019L01627]</b>	Principle (j) matters more appropriate for parliamentary enactment	Seeking advice from the minister.
<b>Corporations Amendment (Design and Distribution Obligations) Regulations 2019 [F2019L01626]</b>	Principle (j) matters more appropriate for parliamentary enactment	Seeking advice from the Treasurer.

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<sup>1</sup> See [www.aph.gov.au/senate\\_sdlc](http://www.aph.gov.au/senate_sdlc).

<b>Instrument</b>	<b>Issue</b>	<b>Status</b>
<b>Export Control (Sheepmeat and Goatmeat Export to the European Union Tariff Rate Quotas) Order 2019 [F2019L01564]</b>	Principle (k) automated decision-making	Seeking advice from the minister.
<b>Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019 [F2019L01642]</b>	Principle (g) adequacy of explanatory materials Principle (k) parliamentary oversight	Seeking advice from the minister.
<b>National Health (Supplies of out-patient medication) Determination 2019 (No. 2) (PB 110 of 2019) [F2019L01703]</b>	Principle (a) documents incorporated by reference	Seeking advice from the minister.
<b>National Health (Take Home Naloxone Pilot) Special Arrangement 2019 (PB 97 of 2019) [F2019L01542]</b>	Principle (a) compliance with authorising legislation Principle (c) scope of administrative powers	Seeking advice from the minister.
<b>Taxation Administration (Private Ancillary Fund) Guidelines 2019 [F2019L01227]</b>	Principle (a) consultation Principle (c) merits review	Seeking private briefing with senior departmental officials.  'Protective' notice of motion to disallow was placed on 05/12/2019.

## Agency engagement

4.2 The committee is engaging with the relevant agencies via its secretariat to seek further information about potential scrutiny concerns raised by the instruments listed below.

<b>Instrument</b>	<b>Issue</b>	<b>Status</b>
<b>Accounting Standard AASB 2019-8 Amendments to Australian Accounting Standards – Class of Right-of-Use Assets arising under Concessionary Leases [F2020L00062]</b>	Principle (h) retrospective application	Seeking advice from the agency.
<b>Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019 [F2019L01621]</b>	Principle (h) reversal of evidential burden of proof Principle (h) privacy	Seeking further advice from the agency.
<b>Higher Education Provider Amendment (Tuition Protection and Other Measures) Guidelines 2019 [F2019L01699]</b>	Principle (i) availability of independent review	Seeking further advice from the agency.
<b>Industry Research and Development (International Space Investment Initiative Program) Instrument 2020 [F2020L00089]</b>	Principle (d) adequacy of consultation	Seeking advice from the agency.

Instrument	Issue	Status
<b>National Health (Electronic National Residential Medication Chart Trial) Amendment (Approved Residential Care Services) Special Arrangement 2020 (PB 11 of 2020) [F2020L00052]</b>	Principle (d) adequacy of consultation	Seeking advice from the agency.
<b>National Health (Price and Special Patient Contribution) Amendment Determination 2020 (No. 1) (PB 10 of 2020) [F2020L00067]</b>	Principle (d) adequacy of consultation	Seeking advice from the agency.
<b>Regional Investment Corporation (Small Business Drought Loans) Rules 2020 [F2020L00028]</b>	Principle (e) clarity of drafting  Principle (i) availability of independent review  Principle (j) matters more appropriate for parliamentary enactment	Seeking advice from the agency.



## Appendix B

### Concluded matters

5.1 This appendix records the instruments in relation to which the committee has concluded its inquiries, following correspondence with the relevant minister or agency.

#### Ministerial engagement

5.2 The committee has concluded its examination of the instruments listed below following correspondence with the relevant minister. Copies of the ministerial correspondence are available on the committee's website.<sup>1</sup>

Instrument	Issue	Status
<b>Financial Sector (Collection of Data) (reporting standard) determination No. 30 of 2019 [F2019L01196]</b>	Principle (c) merits review	Concluded following response from the assistant minister on 19/02/2020.  'Protective' notice of motion to disallow was placed on 03/12/2019.
<b>Jervis Bay Territory Rural Fires Amendment (Miscellaneous Measures) Rules 2019 [F2019L01494]</b>	Principle (c) merits review	Concluded following response from the assistant minister on 18/02/2020.  'Protective' notice of motion to disallow was placed on 25/02/2020.
<b>Treasury Laws Amendment (Ending Grandfathered Conflicted Remuneration) Regulations 2019 [F2019L01526]</b>	Principle (j) matters more appropriate for parliamentary enactment	Concluded following response from the Treasurer on 20/02/2020.

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<sup>1</sup> See [www.aph.gov.au/senate\\_sdlc](http://www.aph.gov.au/senate_sdlc).

## Agency engagement

5.3 The committee has concluded its examination of the instruments listed below following informal correspondence with the relevant agencies via its secretariat.

Instrument	Issue	Status
<b>Aviation Transport Security Amendment (Security Controlled Airports) Regulations 2019 [F2019L01656]</b>	Principle (g) adequacy of explanatory materials Principle (h) privacy Principle (k) parliamentary oversight	Concluded following response from the agency on 17/02/2020.
<b>Export Control (Tariff Rate Quotas) Order 2019 [F2019L01652]</b>	Principle (i) availability of independent review	Concluded following response from the agency on 14/02/2020.
<b>Financial Framework (Supplementary Powers) Amendment (Environment and Energy Measures No. 3) [Regulations 2019 [F2019L01630]</b>	Principle (b) constitutional validity	Concluded following response from the agency on 14/02/2020.
<b>Marine Order 97 (Marine pollution prevention — air pollution) Amendment Order (No 2) 2019 [F2019L01678]</b>	Principle (g) effect of drafting error	Concluded following response from the agency on 12/02/2020.
<b>National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2019 (No. 12) [F2019L01688]</b>	Principle (g) adequacy of explanatory materials	Concluded following response from the agency on 14/02/2020.  The agency undertook to amend the explanatory statements to the instruments.
<b>National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2019 (No. 12) (PB 104 of 2019) [F2019L01690]</b>		
<b>National Health (IVF Program) Special Arrangement Amendment Instrument 2019 (No. 2) (PB 108 of 2019) [F2019L01692]</b>		
<b>Social Security Legislation Amendment (2019 Measures No. 1) Determination 2019 [F2019L01603]</b>	Principle (i) availability of independent review	Concluded following response from the agency on 13/02/2020.
<b>Superannuation (Unclaimed Money and Lost Members) Regulations 2019 [F2019L01617]</b>	Principle (g) adequacy of explanatory materials	Concluded following response from the agency on 14/02/2020.
<b>Taxation Administration (Tax Debt Information Disclosure) Declaration 2019 [F2019L01687]</b>	Principle (j) matters more appropriate for parliamentary enactment	Concluded following response from the agency on 14/02/2020.

Instrument	Issue	Status
<b>Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2019 [F2019L01641]</b>	Principle (d) unclear drafting Principle (g) adequacy of explanatory materials Principle (j) exemptions from primary legislation	Concluded following response from the agency on 14/02/2020.  The agency undertook to amend the instrument.
<b>VET Student Loans (Courses and Loan Caps) Amendment Determination (No. 1) 2020 [F2020L00050]</b>	Principle (d) adequacy of consultation	Concluded following response from the agency on 20/02/2020.



## Appendix C

### Undertakings

6.1 From time to time, a minister or agency may make an undertaking to address the committee's scrutiny concerns. These may include, for example, an undertaking to amend a legislative instrument or an explanatory statement, or to review an Act or a departmental practice. The committee expects that, when a minister or agency has made an undertaking, it will be implemented in a timely manner. Accordingly, this appendix records outstanding ministerial and agency undertakings, and the undertakings implemented since the committee's last *Delegated Legislation Monitor*.

#### Outstanding undertakings

6.2 The following table records undertakings that remain outstanding, from oldest to newest. The committee draws these undertakings to the attention of the Senate.

Instrument	Undertaking	Date of Undertaking
<b>Water Amendment (Murray Darling Basin Agreement—Basin Salinity Management) Regulations 2018 [F2018L01674]</b>	The Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management undertook to progress amendments to the <i>Water Act 2007</i> in response to the committee's scrutiny concerns.	11/09/2019
<b>Financial Framework (Supplementary Powers) Amendment (Education Measures No. 2) Regulations 2019 [F2019L01156]</b>	The Department of Finance undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	02/10/2019
<b>ASIC Corporations (Amendment) Instrument 2019/784 [F2019L01206]</b>	The Australian Securities and Investment Corporation undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	16/10/2019
<b>CASA EX101/19 — Helicopter Aerial Application Endorsements Exemption 2019 [F2019L01132]</b>	The Minister for Infrastructure, Transport and Regional Development undertook to amend the Civil Aviation Safety Regulations 1998 in 2020 in response to the committee's scrutiny concerns.	07/11/2019
<b>Taxation Administration (Private Ancillary Fund) Guidelines 2019 [F2019L01227]</b>	The Assistant Minister for Finance, Charities and Electoral Matters undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	03/12/2019

Instrument	Undertaking	Date of Undertaking
<b>Veterans' Affairs Pharmaceutical Benefits Schemes (Electronic Prescriptions and Active Ingredient Prescribing) Amendment Instrument 2019 [F2019L01387]</b>	The Department of Veterans' Affairs undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	19/12/2019
	The Department of Veterans' Affairs undertook to amend the Repatriation Pharmaceutical Benefits Scheme [F2013L02009] and the MRCA Pharmaceutical Benefits Scheme (No. MRCC 44/2013) [F2013L02012] to correct drafting errors.	28/01/2020
<b>Telecommunications (Emergency Call Service) Determination 2019 [F2019L01509]</b>	The Australian Communications and Media Authority undertook to amend the instrument and the explanatory statement to the instrument in response to the committee's scrutiny concerns.	23/12/2019 15/01/2020
<b>Health Insurance (Bonded Medical Program) Rule 2020 [F2019L01513]</b>	The Department of Health undertook to amend the instrument in response to the committee's scrutiny concerns.	15/01/2020
<b>Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2019 [F2019L01641]</b>	The Treasury undertook to amend the instrument in response to the committee's scrutiny concerns.	14/02/2020

## Implemented undertakings

6.3 The following table records undertakings that have been implemented since the committee's last *Delegated Legislation Monitor*.

Instrument	Undertaking	Date implemented
<b>Broadcasting Services (Transmitter Access) Regulations 2019 [F2019L01248]</b>	The Minister for Communications, Cyber Safety and the Arts amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	14/02/2020
<b>CASA EX70/19 — Implementation of Drug and Alcohol Management Plans (Non-DAMP Organisations) Instrument 2019 [F2019L01414]</b>	The Civil Aviation Safety Authority amended the instrument in response to the committee's scrutiny concerns.	10/02/2020
<b>National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2019 (No. 12) [F2019L01688]</b>  <b>National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2019 (No. 12) (PB 104 of 2019) [F2019L01690]</b>  <b>National Health (IVF Program) Special Arrangement Amendment Instrument 2019 (No. 2) (PB 108 of 2019) [F2019L01692]</b>	The Department of Health amended the explanatory statements to the instruments in response to the committee's scrutiny concerns.	18/02/2020
<b>National Museum of Australia Regulations 2019 [F2019L01273]</b>	The Department of Infrastructure, Transport, Regional Development and Communications amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	12/02/2020
<b>National Health (Supplies of out-patient medication) Determination 2019 (No. 2) (PB 110 of 2019) [F2019L01703]</b>	The Department of Health amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	18/02/2020
<b>Telecommunications (Carrier Licence Exemption - Trial Network Units) Determination 2019 [F2019L00317]</b>  <b>Telecommunications (Carrier Licence Exemption – Supply of Carriage Services to Visitors) Determination 2019 [F2019L00318]</b>	The Department of Infrastructure, Transport, Regional Development and Communications amended the explanatory statements to the instruments in response to the committee's scrutiny concerns.	12/02/2020
<b>Telecommunications (Protecting Australians from Terrorist or Violent Criminal Material) Direction (No. 1) 2019 [F2019L01159]</b>	The eSafety Commissioner amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	24/02/2020



## List of instruments in current monitor

Note: Instruments listed with an asterisk (\*) following the instrument name were raised or the first time in this Delegated legislation monitor.

Instrument	FRL No	Page
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**Senator the Hon Concetta Fierravanti-Wells**  
**Chair**  
**Senate Standing Committee for the Scrutiny of Delegated Legislation**