

The Senate

---

Standing  
Committee for the  
Scrutiny of Delegated  
Legislation

---

Delegated Legislation Monitor

Monitor 4 of 2020

2 April 2020

© Commonwealth of Australia 2020

ISSN: 2652-4139 (print)

ISSN: 2652-4147 (online)

This document was prepared by the Senate Standing Committee for the Scrutiny of Delegated Legislation and printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra.

# Membership of the committee

## Current members

Senator the Hon Concetta Fierravanti-Wells (Chair)	New South Wales, LP
Senator the Hon Kim Carr (Deputy Chair)	Victoria, ALP
Senator Raff Ciccone	Victoria, ALP
Senator Perin Davey	New South Wales, NATS
Senator Nita Green	Queensland, ALP
Senator Paul Scarr	Queensland, LP

## Secretariat

Mr Glenn Ryall, Secretary  
Ms Laura Sweeney, Principal Research Officer  
Ms Katie Helme, Senior Research Officer (A/g)  
Mr Alex Paton, Legislative Research Officer

## Committee legal adviser

Associate Professor Andrew Edgar

## Committee contact details

PO Box 6100  
Parliament House  
Canberra ACT 2600  
Ph: 02 6277 3066  
Email: [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au)  
Website: [http://www.aph.gov.au/senate\\_sdlc](http://www.aph.gov.au/senate_sdlc)



# Contents

<b>Membership of the committee .....</b>	<b>iii</b>
<b>Introduction.....</b>	<b>vii</b>
<b>Chapter 1 – Instruments raising significant scrutiny concerns .....</b>	<b>1</b>
<b>Chapter 2 – Matters of interest to the Senate .....</b>	<b>3</b>
<b>Chapter 3 – Scrutiny of Commonwealth expenditure.....</b>	<b>5</b>
<b>Appendix A - Ongoing matters .....</b>	<b>9</b>
Ministerial engagement .....	9
Agency engagement .....	10
<b>Appendix B - Concluded matters.....</b>	<b>11</b>
Ministerial engagement .....	11
Agency engagement .....	12
<b>Appendix C - Undertakings.....</b>	<b>15</b>
Outstanding undertakings .....	15
Implemented undertakings .....	17
<b>List of instruments in current monitor .....</b>	<b>19</b>



# 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

---

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;

---

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 45 disallowable legislative instruments, and one instrument subject to affirmative resolution by the Senate, registered on the Federal Register of Legislation between 6 February 2020 and 26 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.

---

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 or of which the committee has concluded its examination.

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>

---

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, where applicable, the relevant legislation committee under standing order 23(4), with the exception of instruments which specify significant executive expenditure, which are listed in Chapter 3.<sup>1</sup>

Instrument	Purpose	Portfolio committee
<b>Census and Statistics Amendment (Statistical Information) Regulations 2020 [F2020L00109]</b>	The instrument inserts two additional topics into the Census and Statistics Regulation 2016: service in the Australian Defence Force and health conditions diagnosed by a doctor or a nurse. These amendments require the Australian Statistician to collect statistical information about these topics in the 2021 census.	Senate Economics Legislation Committee
<b>Future Drought Fund (Drought Resilience Funding Plan 2020 to 2024) Determination 2020 [F2020L00117]</b>	The instrument sets out the vision, aims, objectives, funding principles and strategic priorities for the \$3.9 billion Future Drought Fund.	Senate Rural and Regional Affairs and Transport Legislation Committee
<b>Health Insurance (Extended Medicare Safety Net) Amendment Determination 2020 [F2020L00166]</b>	The instrument: <ul style="list-style-type: none"><li>provides that an Extended Medicare Safety Net benefit cap of 15 per cent of the schedule fee will apply to the insertion of micro-bypass glaucoma surgery devices in the eye; and</li><li>removes 22 Medical Benefits Schedule mirror items related to diagnostic imaging services performed on older/aged equipment.<sup>2</sup></li></ul>	N/A

---

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).

2 Under subsection 10B(2) of the *Health Insurance Act 1973* this instrument does not come into effect until it has been approved by resolution of each House of the Parliament. This is the first instrument subject to affirmative resolution by the Senate considered by the committee

Instrument	Purpose	Portfolio committee
<b>National Health Security (National Notifiable Disease List) Amendment Instrument 2020 [F2020L00111]</b>	The instrument temporarily adds 'human coronavirus with pandemic potential' to the National Notifiable Disease List which requires state and territory governments to notify the Commonwealth government of cases of the disease.	N/A

---

following changes to the committee's standing orders on 4 December 2019. Prior to this time the committee was only empowered to consider instruments subject to disallowance or disapproval by the Senate. The instrument was approved by the Senate on 23 March 2020.

## 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 The tables below outline the expenditure specified in legislative instruments registered between 6 February 2020 and 26 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.

---

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 (Agriculture, Water and the Environment Measures No. 1) Regulations 2020 [F2020L00102]</b>	Traceability Grants Program	\$7 million over four years from 2019-20	The program will provide grants for projects that aim to enhance the supply chain traceability systems and arrangements that support the export of agricultural commodities.	Senate Rural and Regional Affairs and Transport Legislation Committee
<b>Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 2) Regulations 2020 [F2020L00104]</b>	Support services for post-traumatic stress disorder and other mental illnesses— emergency services workers involved in the 2019–2020 bushfire season  Support and mental health literacy network for emergency services workers—pilot program	\$11.5 million over three years from 2019-20	Funding will be provided to: <ul style="list-style-type: none"> <li>• support services for post-traumatic stress disorder and other mental illnesses for emergency service workers who responded to the 2019-20 Australian bushfires, and their immediate family members; and</li> <li>• establish a support and mental health literacy network to provide support to emergency service workers (including volunteers and former emergency service workers) and their families.</li> </ul>	Senate Legal and Constitutional Affairs Legislation Committee
<b>Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development and Communications Measures No. 1) Regulations 2020 [F2020L00105]</b>	Electromagnetic Energy Program— public communications	\$1.8 million over four years from 2019-20	Funding will be provided to deliver a communications campaign to provide the public with information, based on scientific advice and research, about electromagnetic energy emitted from telecommunications facilities.	Senate Rural and Regional Affairs and Transport 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 (Treasury Measures No. 1) Regulations 2020 [F2020L00101]</b>	Small business bushfire financial support line	\$3.5 million over 3 years from 2019-20	Funding will be provided to establish a national telephone service that offers financial counselling to small businesses that have been affected by the 2019-2020 bushfire emergency.	Senate Economics Legislation Committee
<b>Industry Research and Development (Northern Endeavour Temporary Operations Program) Instrument 2020 [F2020L00125]</b>	Northern Endeavour Temporary Operations Program	\$10 million (initial funding)	The program provides funding to support safe operations at the Northern Endeavour floating production storage and offtake facility over the Laminaria-Corallina Oil and Gas Project in Commonwealth waters in the Timor Sea, following the liquidation of the title holder for this project.	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>ASIC Corporations (Conditional Costs Schemes) Instrument 2020/38 [F2020L00034]</b>	Principle (j) exemptions to primary legislation	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	Seeking further advice from the minister.
<b>Export Control (Sheepmeat and Goatmeat Export to the European Union Tariff Rate Quotas) Order 2019 [F2019L01564]</b>	Principle (k) automated decision-making	Seeking further advice from the minister.
<b>Higher Education Provider Amendment (Tuition Protection and Other Measures) Guidelines 2019 [F2019L01699]</b>	Principle (i) availability of independent review	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	Seeking further advice from the minister.

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

## 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>Australian Crime Commission Establishment Regulations 2020 [F2020L00162]</b>	Principle (i) availability of independent review	Seeking advice from the agency.
<b>Defence Amendment (2020 Measures No. 1) Regulations 2020 [F2020L00120]</b>	Principle (h) procedural fairness	Seeking advice from the agency.
<b>National Redress Scheme for Institutional Child Sexual Abuse Amendment (2020 Measures No. 1) Rules 2020 [F2020L00096]</b>	Principle (d) adequacy of consultation	Seeking advice from the agency.
<b>Privacy (Credit Reporting) Code 2014 (Version 2.1) [F2020L00126]</b>	Principle (g) adequacy of explanatory materials	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>ASIC Corporations (Life Risk Insurance and Consumer Credit Insurance) Instrument 2019/839 [F2019L01570]</b>	Principle (g) adequacy of explanatory materials  Principle (j) matters more appropriate for parliamentary enactment	Concluded following response from the assistant minister on 24/03/2020.
<b>Aged Care Quality and Safety Commission Amendment (Integration of Functions) Rules 2019 [F2019L01684]</b>	Principle (c) scope of administrative powers	Concluded following response from the minister on 28/02/2020.
<b>Competition and Consumer Amendment (Australian-made Complementary Medicines) Regulations 2019 [F2019L01627]</b>	Principle (j) matters more appropriate for parliamentary enactment	Concluded following response from the minister on 27/02/2020.
<b>Corporations Amendment (Design and Distribution Obligations) Regulations 2019 [F2019L01626]</b>	Principle (j) matters more appropriate for parliamentary enactment	Concluded following response from the Treasurer on 28/02/2020.
<b>Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019 [F2019L01642]</b>	Principle (g) adequacy of explanatory materials  Principle (k) parliamentary oversight	Concluded following response from the minister on 27/02/2020.  The minister undertook to amend the explanatory statement to the instrument.  The minister's undertaking was implemented on 03/03/2020.
<b>National Health (Supplies of out-patient medication) Determination 2019 (No. 2) (PB 110 of 2019) [F2019L01703]</b>	Principle (a) documents incorporated by reference	Concluded following response from the minister on 13/03/2020.  The minister undertook to amend the instrument.

---

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

<b>Instrument</b>	<b>Issue</b>	<b>Status</b>
<b>Taxation Administration (Private Ancillary Fund) Guidelines 2019 [F2019L01227]</b>	Principle (a) adequacy of consultation Principle (c) merits review	Concluded following private briefing with the agency on 05/03/2020 and correspondence from the assistant minister on 13/03/2020.  The assistant minister undertook to progress amendments to primary legislation.  'Protective' notice of motion to disallow was placed on 05/12/2019.

## 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.

<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	Concluded following response from the agency on 27/02/2020.
<b>Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019 [F2019L01621]</b>	Principle (i) availability of independent review Principle (h) reversal of the evidential burden of proof Principle (h) privacy	Concluded following response from the agency on 10/03/2020.
<b>Industry Research and Development (International Space Investment Initiative Program) Instrument 2020 [F2020L00089]</b>	Principle (d) adequacy of consultation	Concluded following response from the agency on 28/02/2020.
<b>National Health (Electronic National Residential Medication Chart Trial) Amendment (Approved Residential Care Services) Special Arrangement 2020 (PB 11 of 2020) [F2020L00052]</b>	Principle (a) adequacy of consultation	Concluded following response from the agency on 27/02/2020.

Instrument	Issue	Status
<b>National Health (Price and Special Patient Contribution) Amendment Determination 2020 (No. 1) (PB 10 of 2020)</b> <b>[F2020L00067]</b>	Principle (d) adequacy of consultation	Concluded following response from the agency on 27/02/2020.  The agency undertook to amend the explanatory statement to the instrument.
<b>Regional Investment Corporation (Small Business Drought Loans) Rules 2020</b> <b>[F2020L00028]</b>	Principle (e) clarity of drafting  Principle (i) availability of independent review  Principle (j) matters more appropriate for parliamentary enactment	Concluded following response from the agency on 28/02/2020.



## 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>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
	The Assistant Minister for Finance, Charities and Electoral Matters undertook to progress amendments to primary legislation in response to the committee's scrutiny concerns.	17/03/2020

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 Repatriation Pharmaceutical Benefits Scheme [F2013L02009] and the MRCA Pharmaceutical Benefits Scheme (No. MRCC 44/2013) [F2013L02012] to correct drafting errors.	28/01/2020
<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
<b>National Health (Supplies of out-patient medication) Determination 2019 (No. 2) (PB 110 of 2019) [F2019L01703]</b>	The Minister for Health undertook to amend the instrument in response to the committee's scrutiny concerns.	13/03/2020

## 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>Financial Framework (Supplementary Powers) Amendment (Education Measures No. 2) Regulations 2019 [F2019L01156]</b>	The Department of Finance amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	24/03/2020
<b>Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019 [F2019L01642]</b>	The Minister for Finance amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	03/03/2020
<b>National Health (Price and Special Patient Contribution) Amendment Determination 2020 (No. 1) (PB 10 of 2020) [F2020L00067]</b>	The Department of Health amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	28/02/2020
<b>Privacy (Disclosure of Homicide Data) Public Interest Determination 2019 [F2019L00322]</b>	The Australian Information Commissioner amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	12/02/2020
<b>Telecommunications (Emergency Call Service) Determination 2019 [F2019L01509]</b>	The Australian Communications and Media Authority amended the instrument in response to the committee's scrutiny concerns.	06/03/2020
<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.	27/02/2020



## List of instruments in current monitor

Note: Instruments listed with an asterisk (\*) following the instrument name were raised for the first time in this *Delegated Legislation Monitor*.

Instrument	FRL No	Page
Accounting Standard AASB 2019-8 Amendments to Australian Accounting Standards -- Class of Right-of-Use Assets arising under Concessionary Leases	[F2020L00062]	12
Aged Care Quality and Safety Commission Amendment (Integration of Functions) Rules 2019	[F2019L01684]	11
ASIC Corporations (Amendment) Instrument 2019/784	[F2019L01206]	15
ASIC Corporations (Conditional Costs Schemes) Instrument 2020/38	[F2020L00034]	9
ASIC Corporations (Life Risk Insurance and Consumer Credit Insurance) Instrument 2019/839	[F2019L01570]	11
ASIC Credit (Litigation Funding—Exclusion) Instrument 2020/37	[F2020L00035]	9
Australian Crime Commission Establishment Regulations 2020*	[F2020L00162]	10
CASA EX101/19 — Helicopter Aerial Application Endorsements Exemption 2019	[F2019L01132]	15
Census and Statistics Amendment (Statistical Information) Regulations 2020*	[F2020L00109]	3
Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019	[F2019L01621]	12
Competition and Consumer (Industry Codes—Dairy) Regulations 2019	[F2019L01610]	9
Competition and Consumer Amendment (Australian-made Complementary Medicines) Regulations 2019	[F2019L01627]	11
Corporations Amendment (Design and Distribution Obligations) Regulations 2019	[F2019L01626]	11
Defence Amendment (2020 Measures No. 1) Regulations 2020*	[F2020L00120]	10

<b>Instrument</b>	<b>FRL No</b>	<b>Page</b>
Export Control (Sheepmeat and Goatmeat Export to the European Union Tariff Rate Quotas) Order 2019	[F2019L01564]	9
Financial Framework (Supplementary Powers) Amendment (Agriculture, Water and the Environment Measures No. 1) Regulations 2020*	[F2020L00102]	6
Financial Framework (Supplementary Powers) Amendment (Education Measures No. 2) Regulations 2019	[F2019L01156]	17
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 3) Regulations 2019	[F2019L01642]	11, 17
Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 2) Regulations 2020*	[F2020L00104]	6
Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development and Communications Measures No. 1) Regulations 2020*	[F2020L00105]	6
Financial Framework (Supplementary Powers) Amendment (Treasury Measures No. 1) Regulations 2020*	[F2020L00101]	7
Future Drought Fund (Drought Resilience Funding Plan 2020 to 2024) Determination 2020*	[F2020L00117]	3
Health Insurance (Extended Medicare Safety Net) Amendment Determination 2020*	[F2020L00166]	3
Health Insurance (Bonded Medical Program) Rule 2020	[F2019L01513]	16
Higher Education Provider Amendment (Tuition Protection and Other Measures) Guidelines 2019	[F2019L01699]	9
Industry Research and Development (International Space Investment Initiative Program) Instrument 2020	[F2020L00089]	12
Industry Research and Development (Northern Endeavour Temporary Operations Program) Instrument 2020*	[F2020L00125]	7
National Health (Electronic National Residential Medication Chart Trial) Amendment (Approved Residential Care Services) Special Arrangement 2020 (PB 11 of 2020)	[F2020L00052]	12
National Health (Price and Special Patient Contribution) Amendment Determination 2020 (No. 1) (PB 10 of 2020)	[F2020L00067]	13, 17

<b>Instrument</b>	<b>FRL No</b>	<b>Page</b>
National Health Security (National Notifiable Disease List) Amendment Instrument 2020*	[F2020L00111]	4
National Health (Supplies of out-patient medication) Determination 2019 (No. 2) (PB 110 of 2019)	[F2019L01703]	11, 16
National Health (Take Home Naloxone Pilot) Special Arrangement 2019 (PB 97 of 2019)	[F2019L01542]	9
National Redress Scheme for Institutional Child Sexual Abuse Amendment (2020 Measures No. 1) Rules 2020*	[F2020L00096]	10
Privacy (Credit Reporting) Code 2014 (Version 2.1)*	[F2020L00126]	10
Privacy (Disclosure of Homicide Data) Public Interest Determination 2019	[F2019L00322]	17
Regional Investment Corporation (Small Business Drought Loans) Rules 2020	[F2020L00028]	13
Taxation Administration (Private Ancillary Fund) Guidelines 2019	[F2019L01227]	12, 15
Telecommunications (Emergency Call Service) Determination 2019	[F2019L01509]	17
Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2019	[F2019L01641]	16
Veterans' Affairs Pharmaceutical Benefits Schemes (Electronic Prescriptions and Active Ingredient Prescribing) Amendment Instrument 2019	[F2019L01387]	16, 17
Water Amendment (Murray Darling Basin Agreement—Basin Salinity Management) Regulations 2018	[F2018L01674]	15

**Senator the Hon Concetta Fierravanti-Wells**  
**Chair**

**Senate Standing Committee for the Scrutiny of Delegated Legislation**

