

The Senate

Standing
Committee for the
Scrutiny of Delegated
Legislation

Delegated Legislation Monitor

Monitor 6 of 2020

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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.¹ 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.

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*.²

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.³

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.⁴

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.

4 See 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.⁵

General information

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

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

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

Instruments considered in this monitor

The committee examined 114 disallowable legislative instruments registered on the Federal Register of Legislation between 27 March 2020 and 22 April 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.

6 See Australian Government, Federal Register of Legislation, 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.

8 *Disallowance Alert 2020*, 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.¹

1 See 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 relevant Senate committees under standing order 23(4), with the exception of instruments which specify significant executive expenditure, which are listed in Chapter 3.¹

Instrument	Purpose	Portfolio committee
Coronavirus Economic Response Package (Payments and Benefits) Rules 2020 [F2020L00419]	To establish the JobKeeper payment to assist employers affected by the Coronavirus to allow them to continue to retain their employees.	Senate Economics Legislation Committee Senate Select Committee on COVID-19
Fair Work Amendment (Variation of Enterprise Agreements) Regulations 2020 [F2020L00432]	To amend the Fair Work Regulations 2009 to temporarily modify one of the conditions of which the Fair Work Commission must be satisfied before approving a variation to an enterprise agreement. The instrument shortens the minimum period in which employees must be able to access the proposed variation before voting from seven calendar days to one calendar day.	Senate Education and Employment Legislation Committee Senate Select Committee on COVID-19
Foreign Acquisitions and Takeovers Amendment (Threshold Test) Regulations 2020 [F2020L00435]	To amend the Foreign Acquisitions and Takeovers Regulation 2015 to reduce the monetary value thresholds for particular significant actions and notifiable actions to nil. This requires a greater number of investments by foreign persons in Australia to be notified to the Treasurer for review to ensure they are not contrary to the national interest.	Senate Economics Legislation Committee Senate Select Committee on COVID-19

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.

Instrument	Purpose	Portfolio committee
Guarantee of Lending to Small and Medium Enterprises (Coronavirus Economic Response Package) Rules 2020 [F2020L00413]	To define the term ‘SME entity’ for the purposes of the <i>Guarantee of Lending to Small and Medium Enterprises (Coronavirus Economic Response Package) Act 2020</i> . The Act is intended to help ensure credit continues to flow to SME entities so that they can meet their immediate financing needs during the uncertain economic conditions caused by COVID-19.	Senate Economics Legislation Committee Senate Select Committee on COVID-19
National Consumer Credit Protection Amendment (Coronavirus Economic Response Package) Regulations 2020 [F2020L00386]	To temporarily exempt Australian credit licensees from responsible lending obligations. The exemption operates in limited situations where a consumer obtains credit under a credit contract or goods under a consumer lease for purposes that include a purpose of a small business operated by the consumer.	Senate Economics Legislation Committee Senate Select Committee on COVID-19
Social Security (Coronavirus Economic Response—2020 Measures No. 3) Determination 2020 [F2020L00338]	To temporarily modify the <i>Social Security Act 1991</i> in respect of the rates of payment paid to people who only qualify for a social security payment on 25 March 2020 because of the temporary modifications made to the Social Security Act relating to COVID-19. The first instalment of such a person’s payment will include an additional amount that represents two days’ worth of their daily rate of payment.	Senate Community Affairs Legislation Committee Senate Select Committee on COVID-19
Social Security (Coronavirus Economic Response—2020 Measures No. 8) Determination 2020 [F2020L00428]	To temporarily modify the <i>Social Security Act 1991</i> in relation to when a person is regarded as a ‘member of a couple’ for the purposes of jobseeker payment.	Senate Community Affairs Legislation Committee Senate Select Committee on COVID-19
Social Security (Coronavirus Economic Response—2020 Measures No. 9) Determination 2020 [F2020L00440]	To give people who attempt to contact or actually contact Services Australia between 23 March and 29 March 2020 until 8 May 2020 to complete their social security payment claim and have their payment backdated to 23 March 2020 (or the day they qualify for payment if this is a later day). The instrument also ensures that people who contact Services Australia between 30 March 2020 and 21 April 2020 will have until 8 May 2020 to complete their claim and have their payment backdated to the date they make contact (or the day they qualify for payment if this is a later day).	Senate Community Affairs Legislation Committee Senate Select Committee on COVID-19

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.¹

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.²

3.3 The tables below outline the expenditure specified in legislative instruments registered between 27 March and 22 April 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.

Instrument	Grant/Program	Amount	Description	Portfolio committee
Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development and Communications Measures No. 3) Regulations 2020 [F2020L00384]	Imparja Television	\$0.8 million in the 2019-20	Funding will be provided to Imparja Television Pty Ltd to support its continued provision of commercial television services in regional and remote Australia.	Senate Environment and Communications Legislation Committee
	Australian Music Industry Package	\$30.9 million over five years from 2019-20	Funding will be provided to: <ul style="list-style-type: none"> • establish and deliver a national mentoring program for women in the music industry; • assist businesses and music industry organisations to support performances of Australian music; • establish and deliver a national development program for Indigenous musicians and bands; and • promote Australian music overseas through funding the activities of Sounds Australia. 	Senate Environment and Communications Legislation Committee
Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 1) Regulations 2020 [F2020L00385]	Continuity of Support Fund for Clients of Programs Transitioning to the National Disability Insurance Scheme (NDIS)	\$9.7 million in 2020-21, with reduced funding in subsequent years	Funding will be provided for continued disability support, and early intervention services, for people with disability who are clients of programs transitioning to the NDIS, but who are ineligible for the NDIS.	Senate Community Affairs Legislation Committee
	National Auslan Interpreter Booking and Payment Services	\$1 million per year from 2020-21	Funding will be provided for the provision of Auslan translation services at private medical consultations for deaf people over the age of 65 who are ineligible for the NDIS.	Senate Community Affairs Legislation Committee

Instrument	Grant/Program	Amount	Description	Portfolio committee
Financial Framework (Supplementary Powers) Amendment (Agriculture, Water and the Environment Measures No. 2) Regulations 2020 [F2020L00390]	Initiatives to reduce regulatory and auditing burdens in the dairy export supply chain, and to support Dairy RegTech 2022	\$14.8 million over six years from 2019-20	Funding will be provided to support: <ul style="list-style-type: none"> • projects to minimise the burdens for businesses in the dairy export supply chain of compliance with regulatory and auditing requirements; • projects to assist dairy businesses with export readiness; • projects to improve the use of data in regulation of the dairy export supply chain; and • the Dairy RegTech 2022 initiative of Dairy Food Safety Victoria. 	Senate Rural and Regional Affairs and Transport Legislation Committee
Financial Framework (Supplementary Powers) Amendment (Education, Skills and Employment Measures No. 2) Regulations 2020 [F2020L00391]	Destination Australia Cheung Kong Exchange Pilot	One-off payment of \$0.25 million in 2019-20	Funding will be provided to subsidise the cost of providing scholarships for cultural and educational exchange with universities in 16 specified Asian countries.	Senate Education and Employment Legislation Committee
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 2) Regulations 2020 [F2020L00392]	Youth Action Support Project Grants Scheme	\$3.2 million over two years from 2019-20	Funding will be provided to: <ul style="list-style-type: none"> • establish national networks to ensure the voice of young people, particularly those marginalised, is heard in the policy making process; and • one-off or small scale innovative projects for mechanisms to assist youth experiencing disadvantage. 	Senate Community Affairs 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.¹

Instrument	Issue	Status
ASIC Corporations (Amendment) Instrument 2020/290 [F2020L00376]	Principle (j) exemptions to primary legislation	Seeking advice from the assistant minister.
ASIC Corporations (COVID-19—Advice-related Relief) Instrument 2020/355 [F2020L00425]	Principle (k) parliamentary oversight	
ASIC Corporations (Trading Suspensions Relief) Instrument 2020/289 [F2020L00377]		
ASIC Corporations (Foreign Financial Services Providers—Foreign AFS Licensees) Instrument 2020/198 [F2020L00237]	Principle (j) exemptions to primary legislation	Seeking advice from the assistant minister.
ASIC Corporations (Foreign Financial Services Providers—Funds Management Financial Services) Instrument 2020/199 [F2020L00238]	Principle (k) parliamentary oversight	
Australian Crime Commission Establishment Regulations 2020 [F2020L00162]	Principle (i) availability of independent review	Seeking advice from the minister.
Competition and Consumer (Industry Codes—Dairy) Regulations 2019 [F2019L01610]	Principle (e) unclear drafting Principle (j) significant penalties	Seeking private briefing with senior departmental officials. 'Protective' notice of motion to disallow was placed on 14/05/2020.
Defence Amendment (2020 Measures No. 1) Regulations 2020 [F2020L00120]	Principle (h) procedural fairness	Seeking advice from the minister.

¹ See www.aph.gov.au/senate_sd/c.

Instrument	Issue	Status
Fair Work Amendment (Variation of Enterprise Agreements) Regulations 2020 [F2020L00432]	<p>Principle (d) adequacy of consultation</p> <p>Principle (g) adequacy of explanatory materials</p> <p>Principle (j) matters more appropriate for parliamentary enactment</p>	Seeking advice from the Attorney-General.
Financial Sector (Collection of Data) (reporting standard) determination No. 3 of 2020 [F2020L00328]	<p>Principle (a) incorporation of documents</p> <p>Principle (f) free access and use</p>	Seeking advice from the assistant minister.
Foreign Acquisitions and Takeovers Amendment (Threshold Test) Regulations 2020 [F2020L00435]	<p>Principle (h) retrospective application</p> <p>Principle (k) parliamentary oversight</p>	Seeking advice from the treasurer.
Higher Education Provider Amendment (Tuition Protection and Other Measures) Guidelines 2019 [F2019L01699]	Principle (i) availability of independent review	<p>Seeking further advice from the minister.</p> <p>'Protective' notice of motion to disallow was placed on 14/05/2020.</p>
National Health (Take Home Naloxone Pilot) Special Arrangement 2019 (PB 97 of 2019) [F2019L01542]	Principle (a) compliance with authorising legislation	<p>Seeking further advice from the minister.</p> <p>'Protective' notice of motion to disallow was placed on 12/05/2020.</p>
National Rental Affordability Scheme Regulations 2020 [F2020L00282]	<p>Principle (i) availability of independent review</p> <p>Principle (h) privacy</p>	Seeking advice from the minister.

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.

Instrument	Issue	Status
Child Care Subsidy Amendment (Coronavirus Response Measures No. 2) Minister's Rules 2020 [F2020L00406]	Principle (e) clarity of drafting Principle (k) parliamentary oversight	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 instrument listed below following correspondence with the relevant minister. Copies of the ministerial correspondence are available on the committee's website.¹

Instrument	Issue	Status
Export Control (Sheepmeat and Goatmeat Export to the European Union Tariff Rate Quotas) Order 2019 [F2019L01564]	Principle (k) automated decision-making	Concluded following response from the minister on 14/05/2020. The minister undertook to amend the instrument. 'Protective' notice of motion to disallow was placed on 13/05/2020.

1 See 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
ASIC Corporations (Amendment) Instrument 2020/200 [F2020L00239]	Principle (j) exemptions to primary legislation	Concluded following response from the agency on 23/04/2020.
Auditing Standard ASA 2020-1 Amendments to Australian Auditing Standards [F2020L00252]	Principle (e) drafting	Concluded following response from the agency on 23/04/2020.
Accounting Standard AASB 2020-2 Amendments to Australian Accounting Standards – Removal of Special Purpose Financial Statements for Certain For-Profit Private Sector Entities [F2020L00271]	Principle (g) adequacy of explanatory materials	
Accounting Standard AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current [F2020L00283]		
Accounting Standard AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities [F2020L00288]		
CASA EX55/20 — Maintenance on Limited Category and Experimental Aircraft Exemption 2020 [F2020L00436]	Principle (k) continuing exemptions	Concluded following response from the agency on 08/05/2020. The agency undertook to amend the explanatory statement to the instrument.
Financial Framework (Supplementary Powers) Amendment (Education, Skills and Employment Measures No. 1) Regulations 2020 [F2020L00233]	Principle (d) adequacy of consultation	Concluded following responses from the agency on 23/04/2020 and 04/05/2020. The agency undertook to amend the explanatory statement to the instrument.
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 2) Regulations 2020 [F2020L00392]	Principle (i) availability of independent review	Concluded following response from the agency on 06/05/2020. The agency undertook to amend the explanatory statement to the instrument.
Medical Indemnity (Prudential Supervision and Product Standards) (Notice of Provision of Run-off Cover) Determination 2020 [F2020L00449]	Principle (h) privacy	Concluded following response from the agency on 12/05/2020.

Instrument	Issue	Status
Military Rehabilitation and Compensation Regulations 2020 [F2020L00297]	Principle (a) consultation Principle (d) adequacy of consultation	Concluded following responses from the agency on 23/04/2020 and 11/05/2020. The agency undertook to amend the explanatory statement to the instrument.
National Consumer Credit Protection Amendment (Coronavirus Economic Response Package) Regulations 2020 [F2020L00386]	Principle (d) adequacy of consultation	Concluded following response from the agency on 06/05/2020.
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2020 (No. 2) (PB 18 of 2020) [F2020L00187]	Principle (a) incorporation of documents Principle (f) free access and use	Concluded following responses from the agency on 21/04/2020 and 06/05/2020.
National Health (Electronic National Residential Medication Chart Trial) Amendment (Approved Residential Care Services) Special Arrangement 2 of 2020 [F2020L00446]	Principle (d) adequacy of consultation	Concluded following response from the agency on 13/05/2020.
Privacy (Credit Reporting) Code 2014 (Version 2.1) [F2020L00126]	Principle (g) adequacy of explanatory materials	Concluded following response from the agency on 21/04/2020.
Social Security (Administration) (Priority Needs — Toys) Specification 2020 [F2020L00331]	Principle (d) adequacy of consultation	Concluded following response from the agency on 04/05/2020.
Social Security (Administration) (Excluded Goods – section 123TI) Specification 2020 [F2020L00333]		

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
Water Amendment (Murray Darling Basin Agreement—Basin Salinity Management) Regulations 2018 [F2018L01674]	The Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management undertook to progress amendments to the Water Act 2007 in response to the committee's scrutiny concerns.	11/09/2019
ASIC Corporations (Amendment) Instrument 2019/784 [F2019L01206]	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
CASA EX101/19 — Helicopter Aerial Application Endorsements Exemption 2019 [F2019L01132]	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
Taxation Administration (Private Ancillary Fund) Guidelines 2019 [F2019L01227]	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
Veterans' Affairs Pharmaceutical Benefits Schemes (Electronic Prescriptions and Active Ingredient Prescribing) Amendment Instrument 2019 [F2019L01387]	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
Health Insurance (Bonded Medical Program) Rule 2020 [F2019L01513]	The Department of Health undertook to amend the instrument in response to the committee's scrutiny concerns.	15/01/2020
Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2019 [F2019L01641]	The Treasury undertook to amend the instrument in response to the committee's scrutiny concerns.	14/02/2020
Financial Framework (Supplementary Powers) Amendment (Education, Skills and Employment Measures No. 1) Regulations 2020 [F2020L00233]	The Department of Finance undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	04/05/2020
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 2) Regulations 2020 [F2020L00392]	The Department of Finance undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	06/05/2020
CASA EX55/20 — Maintenance on Limited Category and Experimental Aircraft Exemption 2020 [F2020L00436]	The Department of Infrastructure, Transport, Regional Development and Communications undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	08/05/2020
Military Rehabilitation and Compensation Regulations 2020 [F2020L00297]	The Department of Veterans' Affairs undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	11/05/2020
Export Control (Sheepmeat and Goatmeat Export to the European Union Tariff Rate Quotas) Order 2019 [F2019L01564]	The Minister for Agriculture, Drought and Emergency Management undertook to amend the instrument in response to the committee's scrutiny concerns.	14/05/2020

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
National Health (Supplies of out-patient medication) Determination 2019 (No. 2) (PB 110 of 2019) [F2019L01703]	The Minister for Health amended the instrument in response to the committee's scrutiny concerns.	30/04/2020
National Health (Electronic National Residential Medication Chart Trial) Amendment (Approved Residential Care Services) Special Arrangement 2 of 2020 [F2020L00446]	The Department of Health amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	13/05/2020

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 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities	[F2020L00288]	14
Accounting Standard AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current	[F2020L00283]	14
Accounting Standard AASB 2020-2 Amendments to Australian Accounting Standards – Removal of Special Purpose Financial Statements for Certain For-Profit Private Sector Entities	[F2020L00271]	14
ASIC Corporations (Amendment) Instrument 2019/784	[F2019L01206]	17
ASIC Corporations (Amendment) Instrument 2020/200	[F2020L00239]	14
ASIC Corporations (Amendment) Instrument 2020/290	[F2020L00376]	9
ASIC Corporations (COVID-19—Advice-related Relief) Instrument 2020/355	[F2020L00425]	9
ASIC Corporations (Foreign Financial Services Providers—Foreign AFS Licensees) Instrument 2020/198	[F2020L00237]	9
ASIC Corporations (Foreign Financial Services Providers—Funds Management Financial Services) Instrument 2020/199	[F2020L00238]	9
ASIC Corporations (Trading Suspensions Relief) Instrument 2020/289	[F2020L00377]	9
Auditing Standard ASA 2020-1 Amendments to Australian Auditing Standards	[F2020L00252]	14
Australian Crime Commission Establishment Regulations 2020	[F2020L00162]	9
CASA EX101/19 — Helicopter Aerial Application Endorsements Exemption 2019	[F2019L01132]	17
CASA EX55/20 — Maintenance on Limited Category and Experimental Aircraft Exemption 2020*	[F2020L00436]	14, 18
Child Care Subsidy Amendment (Coronavirus Response Measures No. 2) Minister’s Rules 2020	[F2020L00406]	11

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