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Instrument	Issue	Status
Vehicle Standard (Australian Design Rule 61/03 – Vehicle Marking) 2020 [F2020L01254]	Principle (f) access and use	Concluded following response from the agency on 15/01/2021.

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## 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 Water Act 2007 in response to the committee's scrutiny concerns.	11/09/2019
<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>Biosecurity Amendment (International Mail Fee) Regulations 2020 [F2020L00576]</b>	The Department of Agriculture, Water and the Environment undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	25/06/2020
<b>Superannuation Legislation Amendment (2020 Measures No. 1) Regulations 2020 [F2020L00645]</b>	The Treasury undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	06/07/2020

Instrument	Undertaking	Date of Undertaking
<b>Competition and Consumer (Industry Codes—Dairy) Regulations 2019 [F2019L01610]</b>	The Attorney-General undertook to commence an inquiry into good faith obligations in Commonwealth legislation in response to the committee's scrutiny concerns.	31/08/2020
<b>Industrial Chemicals Charges (Customs) Regulations 2020 [F2020L00795]</b>	The Department of Health undertook to amend the explanatory statements to the instruments in response to the committee's scrutiny concerns.	12/10/2020
<b>Industrial Chemicals Charges (General) Regulations 2020 [F2020L00797]</b>		
<b>Industrial Chemicals Charges (Excise) Regulations 2020 [F2020L00799]</b>		
<b>National Health (Pharmaceutical Benefits) Amendment (Active Ingredient Prescribing) Regulations 2020 [F2020L01055]</b>	The Department of Health undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	12/11/2020
<b>Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Cessation of Temporary Funding Increases) Determination 2020 [F2020L01076]</b>	The Department of Health undertook to amend the explanatory statements to the instruments in response to the committee's scrutiny concerns.	16/11/2020
<b>Aged Care (Subsidy, Fees and Payments) Amendment (Cessation of Temporary Funding Increases) Determination 2020 [F2020L01077]</b>		
<b>Continence Aids Payment Scheme 2020 [F2020L00758]</b>	The Minister for Aged Care and Senior Australians undertook to amend the instrument in response to the committee's scrutiny concerns.	24/11/2020
	The Minister for Aged Care and Senior Australians undertook to progress amendments to the <i>National Health Act 1953</i> in response to the committee's scrutiny concerns.	
<b>Taxation Administration (Remedial Power – Certificate for GST-free supplies of Cars for Disabled People) Determination 2020 [F2020L01079]</b>	The Assistant Treasurer undertook to amend the instrument in response to the committee's scrutiny concerns.	25/11/2020
<b>Electoral and Referendum Amendment (Prescribed Authorities) Regulations 2020 [F2020L01058]</b>	The Australian Electoral Commission undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	27/11/2020

Instrument	Undertaking	Date of Undertaking
<b>Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 4) Regulations 2020 [F2020L00994]</b>	<p>The Minister for Finance undertook to amend item 434 in Part 4 of Schedule 1AB to the <i>Financial Framework (Supplementary Powers) Regulations 1997</i> in response to the committee's scrutiny concerns.</p> <p>The Minister for Finance undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.</p>	01/12/2020
<b>Reserve Bank of Australia Head Office, 65 Martin Place, Sydney Heritage Management Plan 2020 [F2020L01031]</b>	The Minister for the Environment advised that the Reserve Bank of Australia undertook to amend the instrument in response to the committee's scrutiny concerns.	01/12/2020
<b>Australian Postal Corporation (Performance Standards) Amendment (2020 Measures No. 1) Regulations 2020 [F2020L00579]</b>	The Minister for Communications, Cyber Safety and the Arts undertook to advise the committee of the outcomes of the government's review of the effect of the temporary arrangements set out in the instrument.	03/12/2020
<b>Age Discrimination Regulations 2020 [F2020L01138]</b>	The Attorney-General's Department undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	04/12/2020
<b>Civil Aviation Order 95.10 (Exemption from provisions of the Civil Aviation Regulations 1988 and the Civil Aviation Safety Regulations 1998 — microlight aeroplanes) Instrument 2020 [F2020L01242]</b>	The Civil Aviation Safety Authority undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	15/12/2020
<b>Private Health Insurance (Complaints Levy) Rules 2020 [F2020L01195]</b>	The Department of Health undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	15/01/2021

## 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>Taxation Administration (Private Ancillary Fund) Guidelines 2019 [F2019L01227]</b>	The Assistant Minister for Finance, Charities and Electoral Matters amended primary legislation in response to the committee's scrutiny concerns.	10/12/2020
<b>Higher Education (Designated Courses of Study) Specification 2020 [F2020L00924]</b>	The Department of Education, Skills and Employment amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	11/12/2020
<b>Disability Care Load Assessment (Child) Determination 2020 [F2020L01025]</b>	The Department of Social Services amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	14/12/2020
<b>Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2019 [F2019L01641]</b>	The Treasury amended the instrument in response to the committee's scrutiny concerns.	14/12/2020
<b>Coronavirus Economic Response Package (Payments and Benefits) Higher Rate Determination 2020 [F2020L01172]</b>	The Australian Taxation Office amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	15/12/2020
<b>Manual of Standards Part 173 Amendment Instrument 2020 (No. 1) [F2020L01078]</b>	The Civil Aviation Safety Authority amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	13/01/2021
<b>Continence Aids Payment Scheme 2020 [F2020L00758]</b>	The Minister for Aged Care and Senior Australians amended the instrument in response to the committee's scrutiny concerns.	15/01/2021
<b>Health Insurance (Approvals for Eligible Collection Centres) Principles 2020 [F2020L01179]</b>	The Department of Health amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	15/01/2021
<b>Amendment to the list of threatened ecological communities under section 181 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EC145) [F2020L00889]</b>	The Department of Agriculture, Water and the Environment amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	19/01/2021

## 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
Age Discrimination Regulations 2020	F2020L01138	14, 19
Aged Care (Subsidy, Fees and Payments) Amendment (Cessation of Temporary Funding Increases) Determination 2020	F2020L01077	18
Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (Cessation of Temporary Funding Increases) Determination 2020	F2020L01076	18
Amendment to the list of threatened ecological communities under section 181 of the Environment Protection and Biodiversity Conservation Act 1999 (EC145)	F2020L00889	20
ASIC Corporations (Amendment) Instrument 2020/721	F2020L01064	9
ASIC Corporations (Hardship Withdrawals Relief) Instrument 2020/778	F2020L01069	9
ASIC Corporations (IPO Communications) Instrument 2020/722	F2020L01066	9
ASIC Corporations (Litigation Funding Schemes) Instrument 2020/787	F2020L01045	9
ASIC Corporations (Stub Equity in Control Transactions) Instrument 2020/734	F2020L01199	9
ASIC Corporations, Credit and Superannuation (Internal Dispute Resolution) Instrument 2020/98	F2020L00962	9
ASIC Credit (Electronic Precontractual Disclosure) Instrument 2020/835*	F2020L01261	10
ASIC Credit (Notice Requirements for Unlicensed Carried Over Instrument Lenders) Instrument 2020/834*	F2020L01259	10
Australian Postal Corporation (Performance Standards) Amendment (2020 Measures No. 1) Regulations 2020	F2020L00579	19
Australian Prudential Regulation Authority (confidentiality) determination No.1 of 2020	F2020L00945	13

<b>Instrument</b>	<b>FRL No</b>	<b>Page</b>
Biosecurity Amendment (International Mail Fee) Regulations 2020	F2020L00576	17
Cape Byron Lighthouse Heritage Management Plan 2020	F2020L01271	14
CASA EX132/20 — Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 3)	F2020L01202	14
Child Care Subsidy Amendment (Coronavirus Response Measures No. 7) Minister's Rules 2020*	F2020L01276	3
Civil Aviation Order 95.10 (Exemption from provisions of the Civil Aviation Regulations 1988 and the Civil Aviation Safety Regulations 1998 — microlight aeroplanes) Instrument 2020	F2020L01242	15, 19
Competition and Consumer (Industry Codes—Dairy) Regulations 2019	F2019L01610	18
Continence Aids Payment Scheme 2020	F2020L00758	18, 20
Coronavirus Economic Response Package (Payments and Benefits) Alternative Decline in Turnover Test Amendment Rules 2020*	F2020L01295	3
Coronavirus Economic Response Package (Payments and Benefits) Higher Rate Determination 2020	F2020L01172	15, 20
Corporations (Coronavirus Economic Response) Determination (No. 3) 2020	F2020L01194	15
Disability (Access to Premises – Buildings) Amendment Standards 2020	F2020L01245	10
Disability Care Load Assessment (Child) Determination 2020	F2020L01025	20
Electoral and Referendum Amendment (Prescribed Authorities) Regulations 2020	F2020L01058	18
Financial Framework (Supplementary Powers) Amendment (Education, Skills and Employment Measures No. 5) Regulations 2020*	F2020L01280	6
Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 4) Regulations 2020	F2020L00994	13, 19



<b>Instrument</b>	<b>FRL No</b>	<b>Page</b>
Financial Sector Reform (Hayne Royal Commission Response—Protecting Consumers) (Mortgage Brokers) Regulations 2020	F2020L01189	13
Health Insurance (Approvals for Eligible Collection Centres) Principles 2020	F2020L01179	15, 20
Higher Education (Designated Courses of Study) Specification 2020	F2020L00924	20
Industrial Chemicals Charges (Customs) Regulations 2020	F2020L00795	18
Industrial Chemicals Charges (Excise) Regulations 2020	F2020L00799	18
Industrial Chemicals Charges (General) Regulations 2020	F2020L00797	18
Industry Research and Development (Exploring for the Future Program) Instrument 2020*	F2020L01299	7
Legislation (Deferral of Sunsetting—Telecommunications Universal Service Obligation (Standard Telephone Service—Requirements and Circumstances) Determination) Certificate 2020*	F2020L01301	10
Manual of Standards Part 173 Amendment Instrument 2020 (No. 1)	F2020L01078	20
National Consumer Credit Protection Amendment (Responsible Lending Obligations) Regulations 2020*	F2020L01277	4
National Health (Commonwealth Price - Pharmaceutical benefits supplied by private hospitals) Determination 2020 (PB 99 of 2020)	F2020L01208	15
National Health (Pharmaceutical Benefits) Amendment (Active Ingredient Prescribing) Regulations 2020	F2020L01055	18
Private Health Insurance (Complaints Levy) Rules 2020	F2020L01195	15, 19
Public Governance, Performance and Accountability (Relevant Company) Amendment (2020 Measures No. 1) Rules 2020	F2020L01234	15
Radiocommunications (Police Forces – Disruption of Unmanned Aircraft) Exemption Determination 2020*	F2020L01296	10
Reserve Bank of Australia Head Office, 65 Martin Place, Sydney Heritage Management Plan 2020	F2020L01031	19

<b>Instrument</b>	<b>FRL No</b>	<b>Page</b>
Social Security (Administration) (Classes of Exempt Welfare Payment Recipients) Specification 2020	F2020L01223	14
Social Security (Administration) (Declared child protection State or Territory – Northern Territory) Determination 2020	F2020L01224	14
Social Security (Administration) (Declared voluntary income management area – Northern Territory) Determination 2020	F2020L01221	14
Social Security (Administration) (Deductible portion – section 123XPA) Specification 2020	F2020L01226	14
Social Security (Administration) (Exempt Welfare Payment Recipients – Principal Carers of a Child) (Indications of Financial Vulnerability) Principles 2020	F2020L01225	14
Superannuation Legislation Amendment (2020 Measures No. 1) Regulations 2020	F2020L00645	17
Taxation Administration (Private Ancillary Fund) Guidelines 2019	F2019L01227	20
Taxation Administration (Remedial Power – Certificate for GST-free supplies of Cars for Disabled People) Determination 2020	F2020L01079	18
Telecommunications (Interception and Access) (Communications Access Co-ordinator) Instrument 2019	F2020L01141	14
Telecommunications (Superfast Broadband Network Class Exemption) Determination 2020	F2020L01061	10
Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2019	F2019L01641	20
Vehicle Standard (Australian Design Rule 61/03 – Vehicle Marking) 2020	F2020L01254	16
Veterans' Affairs (Treatment Principles – Rehabilitation in the Home and Other Amendments) Determination 2020	F2020L01028	10
Veterans' Affairs Pharmaceutical Benefits Schemes (Electronic Prescriptions and Active Ingredient Prescribing) Amendment Instrument 2019	F2019L01387	17

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<b>Instrument</b>	<b>FRL No</b>	<b>Page</b>
Water Amendment (Murray Darling Basin Agreement—Basin Salinity Management) Regulations 2018	F2018L01674	17

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**Senator the Hon Concetta Fierravanti-Wells**  
**Chair**  
**Senate Standing Committee for the Scrutiny of Delegated Legislation**

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