

Appendix 2

Undertakings

Table 1: Undertakings implemented in the 42nd Parliament

Instrument	Date of undertaking	Undertaking	Implemented by
Department of Agriculture, Fisheries and Forestry			
Export Control (Meat and Meat Products) Amendment Orders 2006 (No. 1) [F2006L01737]	2 August 2006	Clauses 12.4: amend to clarify notification requirements for person convicted of 'serious offence' Clause 12.5: amend to clarify notification requirements for occupier of a registered establishment	Export Control (Meat and Meat Products) Amendment Orders 2008 (No. 1) [F2008L03834] [13 October 2008]
NPF GD Direction No. 03 - Gear Determination [F2006L02448]	7 September 2006	Clause 3: amend to clarify intent of the preamble	NPF GD Determination No. 05 - Gear Determination [F2010L02144] [19 July 2010]
Primary Industries Levies and Charges Collection Amendment Regulations 2001 (No.5) [Statutory Rules 2001 No.235] [F2001B00315]	2 November 2001	Amend to provide for merits review of decisions to refuse to grant or continue exemptions for lodging quarterly levy returns for farmed prawns	Primary Industries Levies and Charges Collection Amendment Regulations 2008 (No. 4) [Select Legislative Instrument 2008 No. 224] [F2008L04490] [28 November 2008]
Primary Industries Levies and Charges Collection Amendment Regulations 2003 (No.8) [Statutory Rules 2003 No.222] [F2003B00233]	13 October 2003	Amend to include a cross reference from the export wheat charge to regulation 12 that indicates the retention periods for records	Primary Industries Levies and Charges Collection Amendment Regulations 2008 (No. 4) [Select Legislative Instrument 2008 No. 224] [F2008L04490] [28 November 2008]

Instrument	Date of undertaking	Undertaking	Implemented by
Attorney-General's Department			
Customs Regulations (Amendment) [Statutory Rules 1998 No. 38] [F1998B00034]	7 July 1998	Amend to provide that public officials must make a decision within 21 days (r.72) and take into account objectively rather than subjectively relevant information (r.74A(5)(b))	Customs Amendment Regulations 2009 (No. 1) [Select Legislative Instrument 2009 No. 91] [F2009L02120] [4 June 2009] [The regulations were repealed following the termination of the Manufacturing in Bond Scheme]
Customs Act 1901 - Infringement Notice Guidelines (2006) [F2006L01860]	4 September 2006	Amend the <i>Customs Act 1901</i> to include in the list of matters that must be included in an infringement notice the statement that a person cannot be prosecuted if the fine is paid within 28 days of the service of the notice	<i>Customs Amendment (Enhanced Border Controls and Other Measures) Act 2009</i> [22 May 2009]
Department of Broadband, Communications and the Digital Economy			
Australian Postal Corporation Amendment Regulations 2008 (No. 1) [Select Legislative Instrument 2008 No. 25] [F2008L00792]	6 June 2008	Amend paragraph 3H(b) to clarify that the quarantine inspection will be carried out by the quarantine inspection officer	Australian Postal Corporation Amendment Regulations 2009 (No. 1) [Select Legislative Instrument 2009 No. 79] [F2009L01620] [14 May 2009]

Instrument	Date of undertaking	Undertaking	Implemented by
Broadcasting Services (Anti-Terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2006 [F2006L00871]; and Broadcasting Services (Anti-Terrorism Requirements for Open Narrowcasting Television Services) Standard 2006 [F2006L00870]	5 September 2006	Amend the standards to replace the expression 'terrorist organisation' with 'listed terrorist' to provide narrowcast broadcasters with greater certainty when determining whether a program will breach the standards	Broadcasting Services (Anti-Terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2008 [F2008L04444] [20 November 2008]; and Broadcasting Services (Anti-Terrorism Requirements for Open Narrowcasting Television Services) Standard 2008 [F2008L04443] [20 November 2008]
Department of Education, Employment and Workplace Relations			
Higher Education Support Act 2003 - Commonwealth Scholarships Guidelines (Education) 2010 (DEEWR) [F2010L00696]	24 June 2010	Amend subclause 2.10 to ensure that the terms 'Indigenous Enabling CECS' and 'scholarship period' are consistently defined	Higher Education Support Act 2003 - Commonwealth Scholarships Guidelines (Education) 2010 - Amendment No. 1 [F2010L01875] [16 June 2010]
Higher Education Support Act 2003 - Other Grants Guidelines (Research) 2008 (DIISR) [F2008L04398]	16 March 2009	Amend the guidelines to clarify the meaning of the indemnity provisions in sub-clause 6.3.	Higher Education Support Act 2003 - Other Grants Guidelines (Research) 2009 (DIISR) [F2009L03950] [24 September 2009]
Department of Families, Housing, Community Services and Indigenous Affairs			
Family Assistance (Public Interest Certificate Guidelines) (FaHCSIA) Determination 2008 [F2008L01977]	16 September 2008	Amend paragraph 11(c) of the guidelines to remove the reference to 'an incorrectly held opinion'	Family Assistance (Public Interest Certificate Guidelines) (FaHCSIA) Determination 2010 [F2010L01846] [25 June 2010]

Instrument	Date of undertaking	Undertaking	Implemented by
Social Security (Public Interest Certificate Guidelines) (FaHCSIA) Determination 2008 [F2008L01976]	16 September 2008	Amend paragraph 11(c) of the guidelines to remove the reference to 'an incorrectly held opinion'	Social Security (Public Interest Certificate Guidelines) (FaHCSIA) Determination 2010 F2010L01849 [25 June 2010]
National Rental Affordability Scheme Regulations 2008 [Select Legislative Instrument 2008 No. 232] [F2008L04484]	10 March 2009	Amend the regulations to provide for merits review of decisions made under regulations 22, 28 and 30(1)	National Rental Affordability Scheme Amendment Regulations 2009 (No. 1) [Select Legislative Instrument 2009 No. 133] [F2009L02494] [24 June 2009]
Department of Health and Ageing			
Australian Sports Anti-Doping Authority Regulations 2006 [Select Legislative Instrument 2006 No. 47] [F2006L00765]	26 April 2006	Amend the regulations to specify a more precise definition of 'athlete'; and require notification of other persons if ASADA asks an athlete who is a minor to provide a sample or to inform ASADA of their location	National Anti-Doping Scheme Amendment Instrument 2008 (No. 001/008) [F2008L03530] [23 September 2008]
Health Insurance (Gippsland and South Eastern New South Wales Mobile MRI Trial) Determination HS/05/2007 [F2007L03671]	29 April 2008	Amend the determination to remove specification 'as in force from time to time' from the definition of 'funding agreement'	Health Insurance (Gippsland and South Eastern New South Wales Mobile MRI Trial) Determination 2008 F2008L03033 [5 August 2008]
Department of Immigration and Citizenship			
Migration Legislation Amendment Regulations 2009 (No. 2) [Select Legislative Instrument 2009 No. 116] [F2009L02376]	16 September 2009	Amend regulation to ensure that it achieves the policy intent that non-citizens be able to benefit from regulation 2.20B whether or not they are immigration cleared	Migration Amendment Regulations 2009 (No. 13) [Select Legislative Instrument 2009 No. 289] [F2009L04027] [29 October 2009]

Instrument	Date of undertaking	Undertaking	Implemented by
Department of Infrastructure and Transport			
Air Navigation Amendment Regulations 1998 (No.1) [Statutory Rules 1998 No.321] [F1998B00339]	9 March 1999	Clarify the safeguards for identity cards (to be included in a note)	Undertaking made redundant by repeal of regulations by Air Navigation Amendment Regulations 2009 (No. 2) [Select Legislative Instrument 2009 No. 274] [F2009L03775] [10 October 2009]
Civil Aviation Order 82.6 Amendment Order (No. 1) 2007 [F2007L02608]	20 November 2007	Amend certain parts of the order to expressly require that CASA's approval be given in writing	Civil Aviation Order 82.6 Amendment Order (No. 1) 2008 [F2008L01742] [19 May 2008]
CASA 516/07 - Instructions - RNAV (RNP-AR) approaches and departures [F2007L04645]	14 May 2008	Amend the instrument to remove the term 'without fear or favour' in relation to the completion of incident forms	CASA 251/08 - Instructions - RNAV (RNP-AR) approaches and departures [F2008L01327] [22 May 2008]
Marine Orders - Part 28: Operations standards and procedures, Issue 3 (Order No. 4 of 2009) [F2009L03639]	12 January 2010	Amend Part 28 to require that watchkeeping duties records must be kept for a specified period	Marine Orders - Part 28: Operations standards and procedures, Issue 3 - Amendment (Order No. 2 of 2010) [F2010L00734] [24 March 2010]
Department of Innovation, Industry, Science and Research			
National Trade Measurement Regulations 2009 [Select Legislative Instrument 2009 No. 233] [F2009L03479]	27 November 2009	Amend the regulations to protect a licensee of a weighbridge from strict liability offences where circumstances are beyond their control	National Trade Measurement Amendment Regulations 2010 (No. 1) [Select Legislative Instrument 2010 No. 180] [F2010L01784] [29 June 2010]

Instrument	Date of undertaking	Undertaking	Implemented by
Department of Resources, Energy and Tourism			
Offshore Petroleum and Greenhouse Gas Storage (Management of Greenhouse Gas Well Operations) Regulations 2010 [Select Legislative Instrument 2010 No. 28] [F2010L00441]	26 March 2010	Amend regulations to provide for a time limit of 30 days for decisions concerning the acceptance, rejection or variation of well operations management plans or the acceptance or rejection of a titleholder's objection	Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011 [Select Legislative Instrument 2011 No. 54] [F2011L00647] [21 April 2011]
Offshore Petroleum (Safety) Regulations 2009 [Select Legislative Instrument 2009 No. 382] [F2009L04578]	2 March 2010	Amend the regulations to split subregulation 4.22(2) into two offences: one for lack of qualifications to which strict liability would be applied and one for lack of competency (not strict liability)	Offshore Petroleum (Safety) Amendment Regulations 2010 (No. 1) [Select Legislative Instrument 2010 No. 122] [F2010L01496] [3 June 2010]
Department of Sustainability, Environment, Water, Population and Communities			
Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2009 (No. 1) [Select Legislative Instrument 2009 No. 4] [F2009L00224]	18 August 2009	Amend regulation 111 to insert a specific and unambiguous phrase relating to the strict liability offence of 'handling a refrigerant'	Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations 2010 (No. 1) [Select Legislative Instrument 2010 No. 64] [F2010L00945] [14 April 2010]
Sydney Harbour Federation Trust Amendment Regulations 2009 (No. 1) [Select Legislative Instrument 2009 No. 191] [F2009L02985]	22 October 2009	Amend the regulations to specifically exclude guide and hearing dogs from specified offences	Sydney Harbour Federation Trust Amendment Regulations 2010 (No. 1) [Select Legislative Instrument 2010 No. 48] [F2010L00746] [24 March 2010]

Instrument	Date of undertaking	Undertaking	Implemented by
The Treasury			
Superannuation Industry (Supervision) Amendment Regulations 2007 (No 5) [Select Legislative Instrument 2007 No. 343] [F2007L03906]	28 April 2008	Amend regulations to remove retrospective commencement of certain items; and to ensure retrospective operation of other item does not disadvantage any person other than the Commonwealth	Superannuation Industry (Supervision) Amendment Regulations 2007 (No. 5) Amendment Regulations 2008 (No. 1) Select Legislative Instrument 2008 No. 133] [F2008L02174] [24 June 2008]; and Superannuation Industry (Supervision) Amendment Regulations 2008 (No. 2) [Select Legislative Instrument 2008 No. 134] [F2008L02173] [24 June 2008]
Department of Veterans' Affairs			
Treatment Principles (Australian Participants in British Nuclear Tests) 2006 - Removal of Prior Approval under the Rehabilitation Appliances Program) Instrument 2007 [F2007L03676]	28 April 2008	Amend part 11 of the principles to require prior approval to be given in writing	Treatment Principles (Australian Participants in British Nuclear Tests) 2006 (Incorporated Documents Update) Instrument 2008 (No. R17/2008) [F2008L03189] [15 August 2008]

Table 2: Undertakings outstanding at the end of the 42nd Parliament

Instrument	Date of undertaking	Undertaking
Department of Agriculture, Fisheries and Forestry		
Export Control (Animals) Amendment Order 2006 (No. 1) [F2006L02383]	13 September 2006	Amend subsection 3.07(4) to clarify that a notice may be subject to conditions Amend sections 3.13 and 2.51 to provide for merits review of a decision concerning the costs that an exporter is required to pay
Quarantine Service Fees Amendment Determination 2009 (No. 2) [F2009L02996]	25 October 2009	Amend section 7C to prescribe factors to guide DAFF secretary when exercising discretion under section 7C(5) relating to forfeiture of a deposit for services
Attorney-General's Department		
Australian Federal Police Amendment Regulations 2000 (No.2) [Statutory Rules 2000 No. 138]	28 September 2000	Amend the regulations to clarify from whom salary deductions are to be made for judgment debts
Auscheck Regulations 2007 [Select Legislative Instrument 2007 No. 137] [F2007L01570]	4 October 2007	Amend the note to regulation 11 to include a reference to the Cost Recovery Impact Statement that was prepared during the making of the regulations
Customs (Prohibited Exports) Amendment Regulations 2010 (No. 1) [Select Legislative Instrument 2010 No. 15] [F2010L00538]	3 June 2010	Amend the regulations to limit the authorisation to give permissions for the import and export of arms or related matériel to or from Eritrea to senior departmental employees

Instrument	Date of undertaking	Undertaking
Customs (Prohibited Imports) Amendment Regulations 2010 (No. 1) [Select Legislative Instrument 2010 No. 14] [F2010L00540]	3 June 2010	Amend the regulations to limit the authorisation to give permissions for the import and export of arms or related matériel to or from Eritrea to senior departmental employees
Department of Education, Employment and Workplace Relations		
Student Assistance (Public Interest Certificate Guidelines) Determination 2008 [F2008L01262]	16 September 2008	Amend paragraph 10(c) of the guidelines to remove the reference to 'an incorrectly held opinion'
Department of Families, Community Services and Indigenous Affairs		
Aboriginal Land Grant (Jervis Bay Territory) By-laws 2005 [F2005L04071]	23 March 2006	Amend to: Clarify the position with regard to the return of confiscated items Clarify scope of 'commercial activities' Require wardens to produce an identity card Clarify the provision concerning the keeping of dogs and cats within the community
Disability Services (Eligible Services) Approval (FaHCSIA) 2008 [F2008L01381]	15 August 2008	Amend section 5 to make the delegation powers consistent with those provided for in section 33 of the <i>Disability Services Act 1986</i>
Department of Health and Ageing		
Therapeutic Goods Amendment Regulations 2003 (No.5) [Statutory Rules 2003 No. 301] [F2003B00315]	11 March 2004	Amend the regulations to clarify the meaning of 'narrowcast transmission' in regulation 5BA; and the terms 'special interest groups' and 'programs of limited appeal'

Instrument	Date of undertaking	Undertaking
Therapeutic Goods Amendment Regulations 2009 (No. 6) [Select Legislative Instrument 2009 No. 374] [F2009L04018]	15 March 2010	Amend paragraph 41C(1)(d) to remove 'inefficiency as a ground for the termination of advisory board members
Department of Infrastructure and Transport		
Air Navigation Amendment Regulations 2009 (No. 1) [Select Legislative Instrument 2009 No. 23] [F2009L00564]	6 April 2009	Amend regulation 18 to require the Secretary of the Department of Infrastructure and Transport to provide a statement of reasons for a decision to refuse an application for an international airline licence
Airports (Environment Protection) Amendment Regulations 1998 (No.3) [Statutory Rules 1998 No. 349] [F1998B00366]	16 March 1999	Amend the regulations to provide for a reasonable period for reporting (r. 6.03(1))
Civil Aviation Amendment Regulations 2002 (No.2) [Statutory Rules 2002 No. 167] [F2002B00162]	26 September 2002	Amend the strict liability offence in regulation 65.060 of the Civil Aviation Safety Regulations 1998 to include an appropriate defence
Civil Aviation Amendment Regulations 2003 (No.4) [Statutory Rules 2003 No. 189] [F2003B00198]	18 September 2003	Amend r. 173.175 of the Civil Aviation Safety Regulations 1998 to include similar provisions to r. 173.340(4) concerning information that CASA intends to rely on when considering appointments of certified designers or the Chief Designer

Instrument	Date of undertaking	Undertaking
Civil Aviation Safety Amendment Regulations 2008 (No. 1) [Select Legislative Instrument 2008 No. 192] [F2008L03483]	11 November 2008	Amend regulations 99.115 and 99.120 to clarify the intent of the provisions regarding the need for consent in obtaining a sample for drug and alcohol testing On 2 December 2008, the minister advised that CASA would consider the matter further when substantive amendments to regulations were next made
Manual of Standards Part 139H - Standards Applicable to the Provision of Aerodrome Rescue and Fire Fighting Services [F2005B00290]	14 August 2003	Amend r. 139.875 of the Civil Aviation Safety Regulations 1998 to require records to be kept for a maximum of seven years to align with Airservices Australia National Operating Standard Document 001
Marine Orders - Part 6: Marine Radio Qualifications, Issue 5 (Order No. 5 of 2000) [F2006B0027]	27 October 2000	Amend to clarify the intent of paragraph 8.4.1 and to remove the reference to paragraph 8.4.2 being a penal provision
Department of Resources, Energy and Tourism		
Offshore Petroleum and Greenhouse Gas Storage (Management of Greenhouse Gas Well Operations) Regulations 2010 [Select Legislative Instrument 2010 No. 28] [F2010L00441]	26 March 2010	Amend subregulations 3.2(1) and 3.5(1) to provide for a time limit of 30 days for decisions concerning the acceptance, rejection or variation of well operations management plans or the acceptance or rejection of a titleholder's objection
The Treasury		
Excise Regulations (Amendment) [Statutory Rules 1995 No. 425] [F1996B03088]	16 May 1996	Amend the <i>Excise Act 1901</i> to provide for Administrative Appeals Tribunal review of decisions made under s. 61C of that Act