

The Senate

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Committee for the
Scrutiny of Delegated
Legislation

Delegated Legislation Monitor

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Introduction¹

The Senate Standing Committee for the Scrutiny of Delegated Legislation, formerly the Senate Standing Committee on Regulations and Ordinances, was established in 1932. The role of the committee is to examine the technical qualities of all legislative instruments, and to decide whether they comply with the committee's non-partisan scrutiny principles or otherwise give rise to matters of interest to the Senate.

The *Delegated Legislation Monitor* (the Monitor) details the committee's views in relation to its technical scrutiny of legislative instruments registered on the Federal Register of Legislation. Part I of the Monitor details the committee's scrutiny concerns arising under the technical scrutiny principles set out in Senate standing order 23(3), extracted below. Part II of the Monitor details matters which the committee has resolved to draw to the attention of the Senate under standing order 23(4).

This Monitor details matters relating to the committee's scrutiny of **196** legislative instruments registered on the Federal Register of Legislation between **1 June 2023** and **23 June 2023**. This includes **174** disallowable instruments and **22** instruments exempt from disallowance.² It also details the committee's ongoing consideration of instruments registered in previous periods.

Committee information

Terms of reference

The committee's technical 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;

1 This section can be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Introduction, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLM 84.

2 These figures include one disallowable legislative instrument that was registered in the previous period without an explanatory statement: the CASA EX56/23 – Implementation of Drug and Alcohol Management Plans (Micro-businesses and DAMP Organisations) Exemption 2023 [F2023L00628]. This instrument was scrutinised in this Monitor.

- (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;
- (k) in the case of an instrument exempt from sunseting, it is appropriate for the instrument to be exempt from sunseting;
- (l) in the case of an instrument that amends or modifies the operation of primary legislation, or exempts persons or entities from the operation of primary legislation, the instrument is in force only for as long as is strictly necessary; and
- (m) it complies with any other ground relating to the technical scrutiny of delegated legislation that the committee considers appropriate.

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

Senate standing order 23(4A) further provides that the committee may, for the purpose of reporting on its terms of reference, consider instruments made under the authority of Acts of the Parliament that are not subject to disallowance. The committee may also consider whether it is appropriate for such instruments to be exempt from disallowance.

Nature of the committee's scrutiny

Technical legislative scrutiny

The committee operates on a non-partisan basis to scrutinise delegated legislation made by the executive branch of government against its technical scrutiny principles.

Resolving minor technical scrutiny concerns

After scrutinising a legislative instrument, the committee may initially engage in informal correspondence with agencies via its secretariat to gather information or seek clarification to identify and resolve minor technical scrutiny concerns. This

engagement with agencies 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; however, the relevant instruments are listed on the committee's website and in Chapter 3 of the Monitor.

Resolving significant technical scrutiny concerns

Where the committee considers that an instrument raises significant technical scrutiny concerns, it details its concerns in Part I of the Monitor for the benefit of the Senate in its oversight of delegated law-making powers. The committee generally seeks a formal response from the relevant minister in relation to concerns set out in this Part; however, in some circumstances the committee may report its scrutiny concerns to the Senate without seeking further information from the minister.

Undertakings

As a result of raising its scrutiny concerns with the relevant minister or agency, the committee may seek an undertaking for specific action to address its scrutiny concerns. The committee summarises outstanding and implemented undertakings in Chapter 4 of the Monitor. The committee will record relevant undertakings on the [Index of Undertakings](#) on its website.

Matters of interest to the Senate

The committee does not scrutinise the policy merits of delegated legislation. If the committee determines that an instrument raises significant issues, or otherwise gives rise to issues likely to be of interest to the Senate under standing order 23(4), it may draw these instruments to the attention of the Senate in Part II of the Monitor.

Disallowance process³

The disallowance process is one of the key mechanisms by which Parliament exercises control over delegated legislation. The conditions for the disallowance process are set out in the *Legislation Act 2003* and are reflected in Senate standing order 78.

The committee will give a 'protective' notice of motion to disallow an instrument where it is unable to conclude its consideration of an instrument before the original disallowance period expires. In addition, the committee may give such a notice where the committee requires an undertaking to be implemented before it can conclude its consideration of the instrument. The committee will usually withdraw a 'protective' notice when it receives a satisfactory response to its scrutiny concerns or confirmation that any outstanding undertakings have been implemented.

3 For further information on the disallowance process see [Odgers' Australian Senate Practice](#) and [Guide to Senate Procedure No. 19 - Disallowance](#).

The committee may also give a notice of motion to disallow an instrument where it considers that the instrument raises significant and unresolved scrutiny concerns, and the committee has therefore resolved to recommend to the Senate that the instrument be disallowed. In these circumstances, the committee will detail its significant scrutiny concerns in Chapter 1 of the Monitor.

Publications

Delegated Legislation Monitor

The committee's usual practice is to table its [Delegated Legislation Monitor](#) each Senate sitting week. Legislative instruments detailed in the Monitor are also listed in the [Index of Instruments](#) on the committee's website.

Scrutiny News

[Scrutiny News](#) is a brief newsletter summarising significant matters arising in the Monitor, as well as in the reports of the Senate Standing Committee for the Scrutiny of Bills. Past editions, and information about subscribing to the mailing list, are available on the Scrutiny of Bills Committee's website.

Guidelines

[Guidelines](#) relating to the committee's scrutiny principles are published on the committee's website.

Other resources

Ministerial responses to the committee's concerns can be accessed on the committee's website through either the [Delegated Legislation Monitors](#) webpage or the [Index of Instruments](#).

The [Federal Register of Legislation](#) should be consulted for the text of instruments, explanatory statements, and associated information.

The [Senate Disallowable Instruments List](#) provides a listing of tabled instruments for which disallowance motions may be moved in the Senate.

The [Disallowance Alert](#) records all notices of motion for the disallowance of instruments, and their progress and eventual outcome.

Part I—Technical legislative scrutiny

Chapter 1

New and ongoing matters¹

1.1 This Chapter details the committee's significant new and ongoing scrutiny concerns in legislative instruments relating to the committee's technical legislative scrutiny principles in Senate standing order 23(3).

1.2 At this time, the committee has not resolved to raise significant technical scrutiny concerns in relation to any instruments registered within this period. The committee is continuing to engage with relevant agencies in relation to the instruments listed in Chapter 3.

1 This chapter can be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Chapter 1: New and ongoing matters, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLM 85.

Chapter 2

Concluded matters

2.1 This Chapter details the committee's concluding comments on significant technical scrutiny issues in legislative instruments relating to the committee's principles in Senate standing order 23(3).

Corporations Amendment (Design and Distribution Obligations—Income Management Regimes) Regulations 2023 Corporations Amendment (Litigation Funding) Regulations 2022 Treasury Laws Amendment (Rationalising ASIC Instruments) Regulations 2022¹

FRL No.	F2023L00193 ; F2022L01614 ; F2022L01629
Purpose	<p><i>F2023L00193</i>: Amends the Corporations Regulations 2001 to exempt the issuers of income management accounts from the obligation to make a target market determination under Part 7.8A of the <i>Corporations Act 2001</i>.</p> <p><i>F2022L01614</i>: Amends the Corporations Regulations 2001 to provide litigation funding schemes with an explicit exemption from the managed investment scheme regime, Australian Financial Services Licence requirements, product disclosure regime and anti-hawking provisions in the <i>Corporations Act 2001</i>.</p> <p><i>F2022L01629</i>: Amends the Corporations Regulations 2001 and the National Consumer Credit Protection Regulations 2010 to incorporate longstanding and accepted matters currently contained in ASIC legislative instruments into the regulations.</p>
Authorising legislation	<p><i>All instruments: Corporations Act 2001</i></p> <p><i>F2022L01629 only: National Consumer Credit Protection Act 2009</i></p>

1 This entry can be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Corporations Amendment (Design and Distribution Obligations—Income Management Regimes) Regulations 2023, Corporations Amendment (Litigation Funding) Regulations 2022 and Treasury Laws Amendment (Rationalising ASIC Instruments) Regulations 2022, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLML 86.

Portfolio	Treasury
Disallowance	<p>F2023L00193: 15 sitting days after tabling (tabled in the Senate on 7 March 2023). Notice of motion to disallow placed on 13 June 2023.</p> <p>F2022L01614 and F2022L01629: 15 sitting days after tabling (tabled in the Senate on 6 February 2023). Notice of motion to disallow placed on 29 March 2023.</p>

Overview

2.2 The Corporations Amendment (Design and Distribution Obligations—Income Management Regimes) Regulations 2023, the Corporations Amendment (Litigation Funding) Regulations 2022 and the Treasury Laws Amendment (Rationalising ASIC Instruments) Regulations 2022 introduce a number of exemptions to requirements provided in primary legislation, including the *Corporations Act 2001* (the Corporations Act) and the *National Consumer Credit Protection Act 2009* (the National Consumer Credit Protection Act). The instruments introduce measures via the Corporations Regulations 2001 (the Corporations Regulations), which are exempt from sunseting. This invokes the committee's systemic scrutiny concerns about delegated legislation that amends or modifies the operation of primary legislation on an ongoing basis.

2.3 The committee has raised concerns about these three instruments in *Delegated Legislation Monitor 1 of 2023* on 25 January 2023,² *Delegated Legislation Monitor 3 of 2023* on 8 March 2023,³ *Delegated Legislation Monitor 4 of 2023* on 29 March 2023,⁴ and *Delegated Legislation Monitor 6 of 2023* on 2 June 2023.⁵

2.4 The Assistant Treasurer most recently responded to the concerns raised with these instruments in correspondence to the committee on 31 July 2023.⁶

2 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Delegated Legislation Monitor 1 of 2023](#) (25 January 2023) pp. 5–8, 14–16.

3 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Delegated Legislation Monitor 3 of 2023](#) (8 March 2023) pp. 10–15, 26–31.

4 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Delegated Legislation Monitor 4 of 2023](#) (29 March 2023) pp. 5–18.

5 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Delegated Legislation Monitor 6 of 2023](#) (2 June 2023) pp. 4–12.

6 This correspondence was tabled with this Monitor and will be accessible via the [Index of Instruments](#) page on the committee's website.

Scrutiny concerns

Exemption from the operation of primary legislation;⁷ parliamentary oversight⁸

2.5 As noted above, these instruments insert ongoing exemptions to the requirements of the Corporations Act and the Consumer Credit Protection Act via the Corporations Regulations. Following extensive correspondence about this scrutiny issue, on 2 June 2023 the committee requested the Assistant Treasurer's further advice as to whether amendments could be progressed to ensure that the Corporations Regulations are subject to sunseting or, alternatively, whether the measures in these instruments could be subject to a 10-year sunseting period.

Assistant Treasurer's response⁹

2.6 In his response of 31 July 2023, the Assistant Treasurer advised that in this instance, he would seek amendments so that the matters in the three regulations cease after 10 years.

2.7 The Assistant Treasurer also advised that the Corporations Regulations are exempt from sunseting on the basis that they are part of an intergovernmental scheme; commercial certainty would be undermined by sunseting; and those regulations are subject to 'regular review' and amendment. The Assistant Treasurer further advised that, as these criteria continue to apply to the Corporations Regulations and necessitate an ongoing exemption from sunseting, more broadly, he did not intend to recommend to the Attorney-General that the exemption from sunseting be revoked.

2.8 Further, in relation to the three instruments which raised scrutiny concerns in this instance, the Assistant Treasurer also stated:

I trust that this information provides you with the assurance required for the removal of the disallowance motions to ensure that the amending regulations continue in force. They deliver important public policy objectives – including ensuring the continuity of essential assistance to marginalised, vulnerable or disadvantaged groups who cannot afford access to commercially provided financial advice.

Committee view

2.9 The committee thanks the Assistant Treasurer for his engagement and welcomes his undertaking to seek amendments so that the matters in the three

7 Senate standing order 23(3)(l).

8 Senate standing order 23(3)(m).

9 This correspondence was tabled with this Monitor and will be accessible via the [Index of Instruments](#) page on the committee's website.

instruments cease after 10 years. As this addresses the committee's immediate scrutiny concerns with these particular instruments, the committee has resolved to withdraw the notices of motion to disallow these instruments.

2.10 However, the committee retains its concerns about the Corporations Regulations being exempt from sunseting. The committee considers that at, a minimum, a 10-year sunseting period ensures that executive-made law remains fit for purpose and up-to-date, and facilitates a minimum degree of parliamentary scrutiny.

2.11 The committee considers that this approach is consistent with recommendations of the Australian Law Reform Commission (ALRC)'s *Financial Services Legislation: Interim Report B*,¹⁰ including regarding the importance of a 10-year sunseting framework.¹¹

2.12 Accordingly, in reiterating its longstanding views on the importance of parliamentary oversight, the committee will continue to scrutinise future instruments in relation to this issue.

2.13 In light of the Assistant Treasurer's undertaking to amend the matters in the three instruments so they cease after 10 years, the committee has resolved to conclude its examination of the instruments, and to withdraw the notices of motion to disallow these instruments.

2.14 However, the committee retains its concerns about the exemption of the Corporations Regulations 2001 from sunseting, and draws this matter to the attention of the Senate. Further, the committee notes it will continue to draw legislative instruments which insert ongoing exemptions to primary law in delegated legislation to the attention of the Senate in future Delegated Legislation Monitors, as necessary.

10 Australian Law Reform Commission, [Financial Services Legislation: Interim Report B](#) (September 2022).

11 Australian Law Reform Commission, [Financial Services Legislation: Interim Report B](#) (September 2022) pp. 53–54.

Public Service Regulations 2023¹²

FRL No.	F2023L00368
Purpose	Remakes the Public Service Regulations 1999.
Portfolio	Prime Minister and Cabinet
Authorising legislation	<i>Public Service Act 1999</i>
Disallowance	15 sitting days after tabling (tabled in the Senate on 9 May 2023).

Overview

2.15 The Public Service Regulations 2023 (the instrument) remake the Public Service Regulations 1999 (the 1999 regulations) following the sunset of the 1999 regulations. The explanatory statement provides that the instrument introduces 'streamlining, clarification, and technical amendments' to the 1999 regulations.

2.16 The committee first sought advice about potential scrutiny concerns in the instrument in *Delegated Legislation Monitor 5 of 2023* on 10 May 2023.¹³ The minister responded to the committee's request on 30 May 2023.¹⁴ The committee sought further advice from the minister in *Delegated Legislation Monitor 7 of 2023* on 21 June 2023.¹⁵ The minister provided a response on 4 July 2023.¹⁶

12 This entry may be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Public Service Regulations 2023, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLM 87.

13 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Delegated Legislation Monitor 5 of 2023](#) (25 January 2023) pp. 3–9.

14 This correspondence was tabled with this Monitor and will be accessible via the [Index of Instruments](#) page on the committee's website.

15 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Delegated Legislation Monitor 7 of 2023](#) (25 January 2023) pp. 3–11.

16 This correspondence was tabled with this Monitor and will be accessible via the [Index of Instruments](#) page on the committee's website.

Scrutiny concerns

Consultation with persons affected;¹⁷ compliance with Legislation Act 2003¹⁸

2.17 The explanatory statement to the instrument provides that consultation was undertaken by the Australian Public Service Commission (APSC) with the Merit Protection Commissioner and Department of Defence (in relation to section 105). However, there was no indication of whether the APSC had consulted with persons likely to be affected by the instrument such as Australian Public Service (APS) employees, the Community and Public Sector Union (CPSU) or other government agencies. As the instrument sets out a range of matters directly relevant to the employment and promotion of APS employees and the review of APS actions, the committee was concerned that limiting consultation to the Merit Protection Commissioner and Department of Defence did not amount to consultation with persons likely to be affected by the instrument and sought advice on whether broader consultation had occurred. In response to the committee's initial request, the minister confirmed that consultation had only occurred with the Merit Protection Commissioner and Department of Defence. However, she did undertake to ensure the APSC consults with the CPSU on behalf of APS employees where future changes are proposed to the legislative framework.

2.18 Consequently, the committee requested the minister's further advice as to:

- how it was decided what updates were necessary to the 1999 regulations; the impact of the updates, in the absence of consultation with persons likely to be affected by the instrument, including APS employees and the CPSU; and
- whether the CPSU could be notified of the instrument.

Minister's response¹⁹

2.19 In her response, the minister advised that:

In undertaking to remake the Regulations, a review of the provisions was undertaken including consideration of feedback received by APS agencies through the Commission's various enquiry lines.

2.20 The minister also advised that implementation of the previous undertaking, to ensure that the APSC undertake broader consultation with stakeholders such as the CPSU on proposed further amendments to the framework, had already begun.²⁰

17 Senate standing order 23(3)(c).

18 Senate standing order 23(3)(a).

19 This correspondence was tabled with this Monitor and will be will be accessible via the [Index of Instruments](#) page on the committee's website.

2.21 Further, the minister advised that the CPSU was notified about the instrument and provided with a draft prior to publication.

Committee view

2.22 The committee thanks the minister for her response and further information on the ongoing implementation of the previous undertaking regarding consultation with affected persons.

2.23 In light of the minister's advice, including in relation to implementation of the undertaking, the committee has concluded its examination of this issue.

Availability of independent merits review;²¹ exemption from the operation of primary legislation²²

2.24 Division 3, Subdivision A of the instrument sets out when an APS non-Senior Executive Staff (SES) employee is entitled to seek review of an action that relates to their employment, and identifies which actions are reviewable actions. Notably, section 37 provides for circumstances when actions are not, or cease to be, reviewable actions. The committee previously identified that some of these exclusions from review were drafted broadly and appeared to include classes of decisions that would have the capacity to substantially affect a person's rights and interests, rather than specific actions. Neither the instrument nor the explanatory statement appeared to provide an explanation of the kinds of decisions covered by the broad exclusions or address why it was necessary for them to be included in delegated legislation.

2.25 Consequently, the committee requested the minister's advice as to the nature and scope of subsection 37(2) of the instrument. In response, the minister provided further information about each of the exclusions, their characteristics and why it was appropriate to include them in delegated legislation.²³

2.26 Following this advice, the committee retained concerns about whether the exclusions remained fit-for-purpose, and the operation of further exclusions contained in subsection 37(4). As such, the committee requested further information on:

20 This correspondence was tabled with this Monitor and will be accessible via the [Index of Instruments](#) page on the committee's website.

21 Senate standing order 23(3)(i).

22 Senate standing order 23(3)(l).

23 This correspondence was tabled with this Monitor and will be accessible via the [Index of Instruments](#) page on the committee's website.

- how it was determined that the exemptions from the 1999 regulations in subsection 37(2) remain fit-for-purpose;
- the nature and scope of each of the exclusions from review contained in subsection 37(4);
- whether paragraph 37(4)(c) could prevent a person from making an application for review of an action if they have made a previous application for review in relation to a different action;
- whether paragraph 37(4)(f) is necessary, noting section 33(1) of the Act already limits review to 'any APS action that relates to his or her APS employment'; and
- what factors must be considered when in exercising the discretionary power in paragraph 37(4)(g), and if there are any safeguards in place.

*Minister's response*²⁴

2.27 In her response, the minister advised that the exemptions set out in subsection 37(2) remain fit for purpose because they contribute to the efficient and effective operation of the Review of Actions scheme and 'there has not been feedback from APS employees or agencies that the provisions are problematic'.

2.28 In relation to the nature and scope of the exclusions from review in subsection 37(4) of the instrument, the minister advised that these exceptions were designed to:

... ensure the effective allocation of government resources in matters involving decisions where there is no appropriate remedy, decisions involving extensive inquiry processes, and decisions that have such a limited impact that the costs of review cannot be justified.

2.29 Further, the minister advised that this is consistent with the Administrative Review Council's guidance document *What decisions should be subject to merit review?*²⁵

2.30 The minister provided information on the operation of each exclusion in subsection 37(4) and how they contribute to the instrument's broader objectives. Further, advice was provided on the definition of key terms such as 'misconceived', 'lacking in substance', and 'vexatious' (paragraphs 37(4)(a)-(b)) as well as when an affected employee would be precluded from seeking review due to a previous application to have the relevant action reviewed (paragraphs 37(4)(c)-(e)). Further,

24 This correspondence was tabled with this Monitor and will be accessible via the [Index of Instruments](#) page on the committee's website.

25 Administrative Review Council, [What decisions should be subject to merit review?](#) (1999).

the minister explained when an affected employee would be considered not to have a sufficient direct personal interest in review of the action (paragraph 37(4)(f)).

2.31 The minister advised that the exclusion in paragraph 37(4)(c) would not prevent an APS employee from making an application for review of an action if they have made a previous application relating to a different action.

2.32 The minister advised that the exception in paragraph 37(4)(f) was necessary to 'create a closer nexus between the employee applying for review and the action under review'. This is because:

The Review of Actions scheme is not intended to provide open standing to employees to appeal decisions made about other employees, which may not directly affect them but may be broadly interpreted to 'relate' to their employment within the meaning of subsection 33(1) of the [*Public Service Act 1999*].

2.33 In relation to the factors that must be considered in exercising the discretion set out in paragraph 37(4)(g), the minister directed the committee to the Merit Protection Commissioner's *Policy on the exercise of the discretion not to review a matter*.²⁶

2.34 On this matter, the minister also advised that the presumption in the legislation is that actions that meet the eligibility criteria should be reviewed unless there is a good reason not to do so, and provided examples of when the exercise of the discretion may and may not be appropriate. Further, secondary review of the action by the Merit Protection Commissioner and judicial review remain available to an affected employee after an agency decision-maker makes a decision in reliance on paragraph 37(4)(g) if required.

Committee view

2.35 The committee thanks the minister for her response and for providing detailed information on the nature and scope of section 37 of the instrument and the continued availability of secondary and judicial review.

2.36 In light of the minister's advice, the committee concludes its examination of the instrument in relation to this issue.

26 Merit Protection Commissioner, [Policy on the exercise of the discretion not to review a matter](#) (5 April 2023).

Adequacy of explanatory materials²⁷

2.37 Finally, the committee raised concerns about the explanatory statement to the instrument because there did not appear to be an explanation of the overarching purpose of this specific instrument and the framework it creates. Instead, the explanatory statement contained a description of the amendments the instrument made to the 1999 regulations, which have been wholly replaced. Each paragraph of the provision-by-provision explanation directed the reader back to equivalent provisions of the 1999 regulations rather than explain the operation of this specific instrument.

2.38 Accordingly, the committee requested the minister's advice as to whether the explanatory statement could be amended to explain the purpose and operation of the instrument.

Minister's response²⁸

2.39 In response to the committee's concerns, the minister undertook to amend the instrument's explanatory statement to include further detail about the instrument's purpose and operation.

Committee view

2.40 In light of the minister's undertaking to amend the explanatory statement, the committee concludes its examination of the instrument in relation to this issue.

27 Senate standing order 23(3)(g).

28 This correspondence was tabled with this Monitor and will be accessible via the [Index of Instruments](#) page on the committee's website.

Chapter 3

Agency engagement¹

3.1 As part of its technical scrutiny of legislative instruments, the committee may engage with relevant agencies via its secretariat to gather information or seek clarification to resolve minor technical scrutiny concerns. While this correspondence is confidential, the committee lists the relevant instruments on its website and provides a statistical overview of the relevant scrutiny issues raised in its *Annual Reports*. The committee reports on matters which cannot be satisfactorily resolved via engagement with the relevant agency in Chapter 1 of the Monitor.

3.2 Some instruments may be listed as both 'new' and 'concluded', where the committee via its secretariat has both raised and resolved concerns with the relevant agency in the period covered by the Monitor.

New matters

3.3 Of the instruments registered on the Federal Register of Legislation between 1 June 2023 and 23 June 2023, the committee commenced engaging with the relevant agency via its secretariat about the following **18** instruments.²

Instrument

CASA EX56/23 — Implementation of Drug and Alcohol Management Plans (Micro-businesses and DAMP Organisations) Exemption 2023 [F2023L00628]

Commonwealth Procurement Rules 13 June 2023 [F2023L00766]

Customs Legislation Amendment (Ozone Depleting Substances and Synthetic Greenhouse Gases) Regulations 2023 [F2023L00753]

Financial Framework (Supplementary Powers) Amendment (Defence Measures No. 3) Regulations 2023 [F2023L00801]

Health Insurance (prudential standard) determination No. 2 of 2023 [F2023L00719]

Health Insurance (prudential standard) determination No. 4 of 2023 [F2023L00733]

Health Insurance (prudential standard) determination No. 5 of 2023 [F2023L00734]

Health Insurance (prudential standard) determination No. 6 of 2023 [F2023L00738]

Health Insurance (prudential standard) determination No. 7 of 2023 [F2023L00689]

1 This chapter can be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Chapter 3: Agency engagement, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLM 88.

2 For further details, see the [Index of Instruments](#) page on the committee's website.

Instrument

Health Insurance (prudential standard) determination No. 8 of 2023 [F2023L00691]

Health Insurance (prudential standard) determination No. 9 of 2023 [F2023L00695]

Long Service Leave (Commonwealth Employees) Amendment (Recognising Transferring Employees) Regulations 2023 [F2023L00834]

National Anti-Corruption Commission Regulations 2023 [F2023L00759]

Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Regulations 2023 [F2023L00777]

Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Regulations 2023 [F2023L00775]

Ozone Protection and Synthetic Greenhouse Gas Management (Non-grandfathered Quota—2024-2025) Determination 2023 [F2023L00774]

Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2023 Measures No. 1) Regulations 2023 [F2023L00752]

Remuneration Tribunal (Departmental Secretaries—Classification Structure and Terms and Conditions) Determination (No. 1) 2023 [F2023L00761]

Ongoing matters

3.4 Since the last Monitor was tabled, the committee has concluded all outstanding matters involving agencies that were listed as new or ongoing in *Delegated Legislation Monitor 7 of 2023*. These instruments are listed below as concluded agency matters.

Concluded matters

3.5 The committee has concluded its consideration of the following 16 instruments after engagement with relevant agencies via its secretariat.³

Instrument

CASA EX27/23 — Remotely Piloted Aircraft Operations Beyond Visual Line of Sight Exemption 2023 [F2023L00422]

CASA EX56/23 — Implementation of Drug and Alcohol Management Plans (Micro-businesses and DAMP Organisations) Exemption 2023 [F2023L00628]

Customs Legislation Amendment (Ozone Depleting Substances and Synthetic Greenhouse Gases) Regulations 2023 [F2023L00753]

Federal Financial Relations (General Purpose Financial Assistance—2022-23 Payment No. 11) Determination 2023 [F2023L00559]

3 For further details, see the [Index of Instruments](#) page on the committee's website.

Instrument

Financial Framework (Supplementary Powers) Amendment (Defence Measures No. 3) Regulations 2023 [F2023L00801]

Health Insurance (prudential standard) determination No. 2 of 2023 [F2023L00719]

Health Insurance (prudential standard) determination No. 4 of 2023 [F2023L00733]

Health Insurance (prudential standard) determination No. 5 of 2023 [F2023L00734]

Health Insurance (prudential standard) determination No. 6 of 2023 [F2023L00738]

Health Insurance (prudential standard) determination No. 7 of 2023 [F2023L00689]

Health Insurance (prudential standard) determination No. 8 of 2023 [F2023L00691]

Health Insurance (prudential standard) determination No. 9 of 2023 [F2023L00695]

National Health (Price and Special Patient Contribution) Amendment Determination 2023 (No. 4) [F2023L00657]

Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2023 Measures No. 1) Regulations 2023 [F2023L00752]

Remuneration Tribunal (Departmental Secretaries—Classification Structure and Terms and Conditions) Determination (No. 1) 2023 [F2023L00761]

Safeguard Mechanism Legislation Amendment (2023 Measures No. 1) Regulations 2023 [F2023L00620]

Chapter 4

Undertakings¹

4.1 This Chapter contains a summary of undertakings that the committee is aware have been implemented or remain outstanding since the committee's last Monitor.

4.2 A full list of undertakings is published on the *Index of Undertakings* on the committee's website.² Further information about the scrutiny concerns leading to these undertakings can be found through the links published on the *Index of Instruments* available on the committee's website.³

Implemented undertakings

4.3 Since the last Monitor was tabled, amendments were made to 15 explanatory statements in response to the committee's scrutiny concerns. The following table records undertakings to amend an Act or legislative instrument or to conduct a review that the committee is aware have been implemented since the tabling of the committee's last Monitor.

Instrument	Undertaking	Date implemented
Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2021 (No. 2)	The Attorney-General undertook to amend the instrument in response to the committee's scrutiny concerns.	29/06/2023

Outstanding undertakings

4.4 During this period, 11 new undertakings were made to amend explanatory statements to instruments in response to the committee's scrutiny concerns. No new undertakings to amend an Act or legislative instrument or to conduct a review in the relevant period remain outstanding.

1 This chapter can be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Chapter 4: Undertakings, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLM 89.

2 See the [Index of Undertakings](#) page on the committee's website.

3 See the [Index of Instruments](#) page on the committee's website.

Part II—Matters of interest to the Senate

Chapter 5

Instruments raising significant issues¹

5.1 This Chapter identifies the instruments which the committee has resolved to draw to the attention of the Senate and the relevant legislation committee under standing order 23(4), on the basis that they raise significant issues.² This may include instruments which:

- set out significant elements of a regulatory scheme;
- significantly trespass on personal rights and liberties;
- amend primary legislation; or
- contain significant policy matters.

5.2 In this Monitor, there are no instruments which the committee has resolved to draw to the attention of the Senate and the relevant legislation committee under standing order 23(4) on the basis that they raise significant issues.

1 This chapter can be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Chapter 5: Instruments raising significant issues, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLM 90.

2 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](#).

Chapter 6

Expenditure and taxation in delegated legislation¹

6.1 This Chapter identifies the instruments which the committee has resolved to draw to the attention of the Senate under standing order 23(4) in the interests of promoting appropriate parliamentary scrutiny and control of Commonwealth expenditure in delegated legislation.² This Chapter is divided into two sections, covering expenditure-related matters and the levying of taxation in delegated legislation.

Commonwealth expenditure

6.2 This section contains two broad categories of expenditure-related instruments:

- instruments specifying Commonwealth expenditure under the *Financial Framework (Supplementary Powers) Act 1997* and the *Industry Research and Development Act 1986*; and
- instruments providing grants to the states and territories under the *Federal Financial Relations Act 2009*.

Instruments specifying expenditure under the Financial Framework (Supplementary Powers) Act 1997 and Industry Research and Development Act 1986

6.3 The *Financial Framework (Supplementary Powers) Act 1997* (the FF(SP) Act) and the *Industry Research and Development Act 1986* (the 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 monies on the relevant grant or program. The scrutiny of these instruments is a key aspect of parliamentary scrutiny and control of Commonwealth expenditure.³ Accordingly, the committee has resolved to draw the Senate's

1 This chapter can be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Chapter 6: Expenditure and taxation in delegated legislation, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLM 91.

2 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](#).

3 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](#).

attention to Commonwealth expenditure authorised by delegated legislation made under the FF(SP) Act and IRD Act under Senate standing order 23(4).⁴

6.4 The table below lists the expenditure specified in legislative instruments made under the FF(SP) Act and IRD Act registered in the relevant period.

Instrument	Amount	Grant/Program
Financial Framework (Supplementary Powers) Amendment (Defence Measures No. 3) Regulations 2023 [F2023L00801]	\$32.2 million over three years from 2022-23	Grant to NQ Spark Pty Ltd
Financial Framework (Supplementary Powers) Amendment (Foreign Affairs and Trade Measures No. 2) Regulations 2023 [F2023L00812]	\$370.8 million over four years from 2023-24	Pacific Australia Labour Mobility Scheme
Financial Framework (Supplementary Powers) Amendment (Health and Aged Care Measures No. 2) Regulations 2023 [F2023L00815]	\$3.0 million over two years from 2023-24	Workforce Advisory Services Program
	\$11.8 million over four years from 2023-24 and \$24.2 million ongoing	Electronic prescribing system
Financial Framework (Supplementary Powers) Amendment (Home Affairs Measures No. 4) Regulations 2023 [F2023L00813]	Drawn from overall administered funding of \$592.1 million in 2022-23	Third country settlement support
Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development, Communications and the Arts Measures No. 2) Regulations 2023 [F2023L00808]	\$1.8 million per year, subject to indexation	Grant to The National Institute of Dramatic Art
	\$750 million over two years from 2023-24	Local Roads and Community Infrastructure Program
Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 3) Regulations 2023 [F2023L00816]	\$0.6 million in 2023-24	Jindelara Cottage—Permanent Accommodation
	\$106.2 million in 2023-24	Sustain myGov
	\$14.1 million over two years from 2022-23	Disability Worker COVID-19 Leave Payments
Industry Research and Development (Enhancing Australia's Science and Research Leadership in the Asia-Pacific Program) Instrument 2023 [F2023L00747]	\$10 million over six years from 2022-23	Enhancing Australia's Science and Research Leadership in the Asia-Pacific Program

4 Details of all instruments which authorise Commonwealth expenditure are published on the [committee's website](#).

Instrument	Amount	Grant/Program
Industry Research and Development (National Rail Manufacturing Advocate Program) Instrument 2023 [F2023L00792]	\$1.5 million over three years from 2023-24	National Rail Manufacturing Advocate Program
Industry Research and Development (Support Plantation Establishment Program) Instrument 2023 [F2023L00714]	Up to \$86.2 million over five years from 2022-23	Support Plantation Establishment Program

Instruments providing for Commonwealth grants to states and territories under the Federal Financial Relations Act 2009

6.5 The *Federal Financial Relations Act 2009* (the Federal Financial Relations Act) is a key source of legislative authority for funding provided by the Commonwealth to the states and territories. It empowers the relevant minister to make determinations providing for payments of general revenue assistance to the states and territories (under section 9) and specific purposes agreed with a state or territory (under section 16). Such instruments are not subject to disallowance by Parliament.⁵

6.6 The Annual Appropriation Acts set a debit limit on the total amounts that can be provided in general revenue assistance and specific purpose payments under sections 9 and 16 of the Federal Financial Relations Act. The *Appropriation Act (No. 2) 2021-2022* sets these limits at \$5 billion and \$25 billion, respectively. Noting the significant amount of expenditure which the relevant minister may determine subject to these limits, together with the non-disallowable status of the determinations, the committee has resolved to draw these instruments to the attention of the Senate under standing order 23(4).

6.7 The following tables list instruments providing for Commonwealth grants pursuant to the Federal Financial Relations Act framework registered in the relevant period.

5 *Federal Financial Relations Act 2009*, sections 9(5) and 16(5).

General revenue assistance – section 9, Federal Financial Relations Act

Instrument	Amount	Description
Federal Financial Relations (General Purpose Financial Assistance—2022-23 Payment No. 12) Determination 2023 [F2023L00791]	\$81 163 016.15	Determines amounts of general purpose financial assistance to be paid to Western Australia and the Australian Capital Territory.

Specific purpose payments – section 16, Federal Financial Relations Act

Instrument	Amount	Description
Federal Financial Relations (National Partnership Payments—2022-23 Payment No. 12) Determination 2023 [F2023L00667]	\$1 779 704 834.90	Determines the amount of financial assistance to be paid to the States, the Australian Capital Territory or the Northern Territory to support the delivery of agreed outputs or projects, facilitate State and Territory reforms, and reward States and Territories for nationally significant reforms.

Levying of taxation in delegated legislation

6.8 The committee considers that one of the most fundamental functions of the Parliament is to levy taxation. In this regard, the committee's longstanding view is that it is for the Parliament, rather than makers of delegated legislation, to set a rate of tax. The committee's concerns are heightened where the tax is not limited by a cap in the relevant enabling Act.

6.9 Senate standing order 23(3)(j) requires the committee to consider whether an instrument contains matters more appropriate for parliamentary enactment (that is, matters that should be enacted via primary legislation rather than delegated legislation). This includes where an instrument imposes, or sets the rate of, a tax or levy. As the levying of taxation in delegated legislation is a systemic technical scrutiny matter, the committee has resolved to draw the following instruments to the attention of the Senate under standing order 23(4).

Instrument	Limit on the taxation amount in primary legislation?
Biosecurity Charges Imposition (Customs) Amendment (2023 Measures No. 1) Regulations 2023 [F2023L00842]	No

Instrument	Limit on the taxation amount in primary legislation?
Biosecurity Charges Imposition (General) Amendment (2023 Measures No. 1) Regulations 2023 [F2023L00844]	No
Imported Food Charges (Imposition—Customs) Amendment (2023 Measures No. 1) Regulations 2023 [F2023L00841]	No
Imported Food Charges (Imposition—General) Amendment (2023 Measures No. 1) Regulations 2023 [F2023L00832]	No
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Regulations 2023 [F2023L00777]	No
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Regulations 2023 [F2023L00775]	No
Primary Industries (Customs) Charges Amendment (Stone Fruit) Regulations 2023 [F2023L00839]	Yes
Primary Industries (Excise) Levies Amendment (Stone Fruit) Regulations 2023 [F2023L00838]	Yes
Radiocommunications (Transmitter Licence Tax) Amendment Determination 2023 (No.1) [F2023L00803]	No

Chapter 7

Exemptions from disallowance and sunseting¹

7.1 This Chapter lists the instruments which the committee has resolved to draw to the attention of the Senate under standing order 23(4) because they are exempt from disallowance and sunseting and do not satisfy the committee's expectations in relation to the source and appropriateness of the exemptions following the committee's scrutiny under standing orders 23(4A) and 23(3)(k).

Exemptions from disallowance

7.2 On 16 June 2021, the Senate resolved that delegated legislation should be subject to disallowance to permit appropriate parliamentary scrutiny and oversight unless there are exceptional circumstances and any claim that circumstances justify exemption from disallowance will be subjected to rigorous scrutiny with the expectation that the claim will only be justified in rare cases.²

7.3 Senate standing order 23(4A) provides that the committee may consider instruments that are not subject to disallowance, including whether it is appropriate for these instruments to be exempt from disallowance. Noting the Senate's concern about the exemption of delegated legislation from disallowance, this section identifies the instruments which do not satisfy the committee's expectations regarding the circumstances of their exemption from disallowance.

7.4 Subject to exceptional circumstances, the committee's expectations will not be met where the instrument:

- is exempt from disallowance under one of the broad classes of exemptions in section 9 of the Legislation (Exemptions and Other Matters) Regulation 2015;³

1 This chapter can be cited as: Senate Standing Committee for the Scrutiny of Delegated Legislation, Chapter 7: Exemptions from disallowance and sunseting, *Delegated Legislation Monitor 8 of 2023*; [2023] AUSStaCSDLML 92.

2 For further information on the resolutions adopted by the Senate on 16 June 2021, see the committee's website, [Resolutions relating to oversight of delegated legislation](#).

3 Items 1 to 4 of section 9 of the Legislation (Exemptions and Other Matters) Regulation 2015 exempt the following classes of instruments from disallowance: instruments requiring the approval of either or both Houses of Parliament; instruments that are directions by a minister to any person or body; instruments (other than a regulation) relating to superannuation; and instruments made under annual Appropriation Acts.

- is exempt from disallowance under the blanket exemption for instruments facilitating the establishment or operation of an intergovernmental body or scheme in section 44(1) of the *Legislation Act 2003*;⁴
- overrides or modifies primary legislation;
- triggers, or is a precondition to, the imposition of custodial penalties or significant pecuniary penalties;
- restricts personal rights and liberties;
- facilitates the expenditure of public money, including Advance to the Finance Minister determinations; or
- otherwise contains a matter requiring parliamentary oversight.

7.5 To assess whether an instrument is appropriately exempt from disallowance, the committee expects that at a minimum, the explanatory statement will contain a statement that provides the source and the exceptional circumstances that justify the exemption from disallowance.

7.6 Further information about the committee's expectations regarding the exemption of delegated legislation from disallowance are contained in the committee's guidelines and the reports of its inquiry into the exemption of delegated legislation from parliamentary oversight.⁵

Instruments which do not meet the committee's expectations

7.7 The following instruments do not meet the committee's expectations under standing order 23(4A):

Instrument

Competition and Consumer (Prices Surveillance—Aeronautical Services to NSW Regional Airlines) Direction 2023 [F2023L00819]

Federal Financial Relations (General Purpose Financial Assistance—2022-23 Payment No. 12) Determination 2023 [F2023L00791]

4 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Inquiry into the exemption of delegated legislation from parliamentary oversight: Final report](#) (March 2021) pp. 50–53 and 106–107.

5 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Guidelines](#), 2nd edition (February 2022) pp. 47–49; Senate Standing Committee for the Scrutiny of Delegated Legislation, [Inquiry into the exemption of delegated legislation from parliamentary oversight: Interim report](#) (December 2020) pp. 61–72; Senate Standing Committee for the Scrutiny of Delegated Legislation, [Inquiry into the exemption of delegated legislation from parliamentary oversight: Final report](#) (March 2021) pp. 99–123.

Instrument

Federal Financial Relations (GST Revenue Sharing Relativities for 2023-24) Determination 2023 [F2023L00698]

Federal Financial Relations (National Partnership Payments—2022-23 Payment No. 12) Determination 2023 [F2023L00667]

Public Service (Terms and Conditions of Employment) (Australian Submarine Agency) Determination 2023 [F2023L00811]

Safety, Rehabilitation and Compensation Directions Amendment Instrument 2023 [F2023L00757]

Superannuation (PSS) Maximum Benefits (2023-2024) Determination 2023 [F2023L00807]

Superannuation (PSS) Productivity Contribution (2023-2024) Determination 2023 [F2023L00793]

Exemptions from sunseting

7.8 Senate standing order 23(3)(k) requires the committee to scrutinise instruments which are exempt from the sunseting provisions of the *Legislation Act 2003* (the Legislation Act), including whether it is appropriate for these instruments to be exempt from sunseting.

7.9 The sunseting framework established under section 50 of the Legislation Act provides that all legislative instruments registered on the Federal Register of Legislation after 1 January 2005 are automatically repealed ten years after registration. Sunseting provides the opportunity for Parliament (as well as ministers and agencies) to ensure that the content of delegated legislation remains appropriate, and for Parliament to maintain effective, regular oversight of delegated powers.

7.10 On 16 June 2021, the Senate resolved that delegated legislation should be subject to sunseting to permit appropriate parliamentary scrutiny and oversight unless there are exceptional circumstances and any claim that circumstances justify exemption from sunseting will be subjected to rigorous scrutiny with the expectation that the claim will only be justified in rare cases.⁶

7.11 Where an instrument is exempt from sunseting, Senate standing order 23(3)(k) requires the committee to scrutinise each instrument as to whether the exemption is appropriate. Noting the Senate's concern about the exemption of delegated legislation from sunseting, this section identifies instruments which do not satisfy the committee's expectations regarding the appropriateness of their exemption from sunseting.

6 For further information on the resolutions adopted by the Senate on 16 June 2021, see the committee's website, [Resolutions relating to oversight of delegated legislation](#).

7.12 Subject to exceptional circumstances, the committee's expectations will not be met where the instrument:

- is exempt from sunseting under one of the broad classes of exemptions in section 11 of the Legislation (Exemptions and Other Matters) Regulation 2015;⁷
- is exempt from sunseting under the blanket exemption of instruments facilitating the establishment or operation of an intergovernmental body or scheme in section 54(1) of the *Legislation Act 2003*;⁸
- overrides or modifies primary legislation;
- triggers, or is a precondition to, the imposition of custodial penalties or significant pecuniary penalties;
- restricts personal rights and liberties;
- facilitates the expenditure of public money on an ongoing basis; or
- otherwise contains a matter requiring parliamentary oversight.

7.13 To assess whether an instrument is appropriately exempt from sunseting, the committee expects that at a minimum, the explanatory statement will contain a statement that provides the source and the exceptional circumstances that justify the exemption from sunseting.

7.14 Further information about the committee's expectations about the exemption of delegated legislation from sunseting are contained in the committee's guidelines and the reports of its inquiry into the exemption of delegated legislation from parliamentary oversight.⁹

7 Items 1 to 7 of section 11 of the Legislation (Exemptions and Other Matters) Regulation 2015 exempt the following classes of instruments from sunseting: instruments giving effect to international obligations of Australia; instruments that establish a body having power to enter into contracts; instruments that are directions by a minister to any person or body; instruments which confer power on a self-governing Territory; ordinances made under a power delegated in an Act providing for the government of a non-self-governing Territory; instruments (other than a regulation) relating to superannuation; and instruments made under annual Appropriation Acts.

8 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Inquiry into the exemption of delegated legislation from parliamentary oversight: Final report](#) (March 2021) pp. 50–53 and 106–107.

9 Senate Standing Committee for the Scrutiny of Delegated Legislation, [Guidelines](#), 2nd edition (February 2022) pp. 34–35; Senate Standing Committee for the Scrutiny of Delegated Legislation, [Inquiry into the exemption of delegated legislation from parliamentary oversight: Interim report](#) (December 2020) pp. 89–90; Senate Standing Committee for the Scrutiny of Delegated Legislation, [Inquiry into the exemption of delegated legislation from parliamentary oversight: Final report](#) (March 2021) pp. 87–88 and 99–123.

Instruments which do not meet the committee's expectations

7.15 Instruments listed below do not meet the committee's expectations under standing order 23(3)(k).

Instrument

Competition and Consumer (Prices Surveillance—Aeronautical Services to NSW Regional Airlines) Direction 2023 [F2023L00819]

National Housing Finance and Investment Corporation Investment Mandate Amendment (Liability Cap Update) Direction 2023 [F2023L00740]

National Housing Finance and Investment Corporation Investment Mandate Amendment (Removal of Limit on Major Bank Guarantees) Direction 2023 [F2023L00790]

Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Regulations 2023 [F2023L00777]

Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Regulations 2023 [F2023L00775]

Ozone Protection and Synthetic Greenhouse Gas Management (Non-grandfathered Quota—2024-2025) Determination 2023 [F2023L00774]

Ozone Protection and Synthetic Greenhouse Gas Management Amendment (2023 Measures No. 1) Regulations 2023 [F2023L00752]

Public Service (Terms and Conditions of Employment) (Australian Submarine Agency) Determination 2023 [F2023L00811]

Safety, Rehabilitation and Compensation Directions Amendment Instrument 2023 [F2023L00757]

Superannuation (PSS) Maximum Benefits (2023-2024) Determination 2023 [F2023L00807]

Superannuation (PSS) Productivity Contribution (2023-2024) Determination 2023 [F2023L00793]

**Senator Linda White
Chair**