

The Senate

Standing
Committee on
Regulations and
Ordinances

Delegated Legislation Monitor

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Introduction

Terms of reference

The Senate Standing Committee on Regulations and Ordinances (the committee) was established in 1932. The role of the committee is to examine the technical qualities of all disallowable instruments of delegated legislation and decide whether they comply with the committee's non-partisan scrutiny principles, which focus on statutory requirements, the protection of individual rights and liberties, and ensuring appropriate parliamentary oversight.

Senate Standing Order 23(3) requires the committee to scrutinise each instrument referred to it to ensure:

- (a) that it is in accordance with the statute;
- (b) that it does not trespass unduly on personal rights and liberties;
- (c) that it does not unduly make the rights and liberties of citizens dependent upon administrative decisions which are not subject to review of their merits by a judicial or other independent tribunal; and
- (d) that it does not contain matter more appropriate for parliamentary enactment.

Nature of the committee's scrutiny

The committee's scrutiny principles capture a wide variety of issues but relate primarily to technical legislative scrutiny. The committee therefore does not generally examine or consider the policy merits of delegated legislation. In cases where an instrument is considered not to comply with the committee's scrutiny principles, the committee's usual approach is to correspond with the responsible minister seeking further explanation or clarification of the matter at issue, or seeking an undertaking for specific action to address the committee's concern.

The committee's work is supported by processes for the registration, tabling and disallowance of legislative instruments under the *Legislation Act 2003*.¹

Publications

The committee's usual practice is to table a report, the *Delegated Legislation Monitor* (the monitor), each sitting week of the Senate. The monitor provides an overview of the committee's scrutiny of disallowable instruments of delegated legislation for the preceding period. Disallowable instruments of delegated

1 For further information on the disallowance process and the work of the committee see *Odgers' Australian Senate Practice*, 14th Edition (2016), Chapter 15.

legislation detailed in the monitor are also listed in the 'Index of instruments' on the committee's website.²

Ministerial correspondence

Correspondence relating to matters raised by the committee is published on the committee's website.³

Agency correspondence

The committee undertakes informal correspondence with relevant agencies via the committee secretariat to attempt to resolve minor, technical scrutiny issues. This correspondence is not published; however, a record of the instrument, scrutiny issue and status of the correspondence is included in Appendix A (ongoing matters) and Appendix B (concluded matters) in the monitor.

Guidelines

Guidelines referred to by the committee are published on the committee's website.⁴

General information

The Federal Register of Legislation should be consulted for the text of instruments, explanatory statements, and associated information.⁵

The Senate Disallowable Instruments List provides an informal listing of tabled instruments for which disallowance motions may be moved in the Senate.⁶

The Disallowance Alert records all notices of motion for the disallowance of instruments, and their progress and eventual outcome.⁷

Instruments considered in this monitor

The committee examined 409 disallowable legislative instruments registered on the Federal Register of Legislation between 1 March 2019 and 21 May 2019. This monitor identifies the instruments registered in this period in relation to which the committee has or had scrutiny concerns. It also contains instruments registered before this period in relation to which the committee has concluded its examination.

2 Regulations and Ordinances Committee, *Index of instruments*, http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regulations_and_Ordinances/Index.

3 See www.aph.gov.au/regords_monitor.

4 See http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regulations_and_Ordinances/Guidelines.

5 See Australian Government, Federal Register of Legislation, www.legislation.gov.au.

6 Parliament of Australia, *Senate Disallowable Instruments List*, http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/leginstruments/Senate_Disallowable_Instruments_List.

7 Regulations and Ordinances Committee, *Disallowance Alert 2019*, http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Regulations_and_Ordinances/Alerts.

Chapter 1

Committee comments

1.1 This chapter details the committee's most significant, unresolved scrutiny concerns.

1.2 The committee is currently seeking to resolve all outstanding scrutiny concerns by correspondence with the relevant minister or agency, and has no unresolved matters to draw to the attention of the Senate at this time.

1.3 Appendix A lists all instruments in relation to which the committee is engaged in ongoing correspondence. A copy of the relevant correspondence is available on the committee's website.

Appendix A

Ongoing matters

2.1 The committee engages in correspondence with relevant ministers and/or agencies in order to address its concerns regarding scrutiny issues raised by disallowable legislative instruments. The following table documents the committee's ongoing correspondence.

Ministerial engagement

2.2 The committee is engaging in formal correspondence with the relevant minister to resolve scrutiny concerns about the instruments listed below.

Instrument	Issue	Status
Agriculture and Veterinary Chemicals Legislation Amendment (Timeshift Applications and Other Measures) Regulations 2019 [F2019L00357]	Principle (a) Unclear basis for determining fees Principle (a) Incorporation Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Agriculture.
Air Navigation (International Airline Licence Exemption) Determination 2019 [F2019L00375] Air Navigation (Exemption for Commercial Non-Scheduled Flights) Determination 2019 [F2019L00378]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Infrastructure, Transport and Regional Development.
Air Services Regulations 2019 [F2019L00371]	Principle (d) Significant matters in delegated legislation Principle (b) Privacy Principle (b) Reversal evidential burden of proof Principle (b) Immunity from liability	Seeking advice from the Minister for Infrastructure, Transport and Regional Development.
Archives (Records of the Parliament) Regulations 2019 [F2019L00282]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Attorney-General.
ASIC Corporations (Warrants: Out-of-use notices) Instrument 2019/148 [F2019L00198]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Assistant Treasurer.

Instrument	Issue	Status
Charter of the United Nations (Sanctions—South Sudan) Amendment (2019 Measures No. 1) Regulations 2019 [F2019L00112]	Principle (b) Strict liability Principle (d) Significant penalties Principle (b) Reversal of evidential burden of proof	Seeking advice from the Minister for Foreign Affairs.
Child Care Subsidy Minister’s Amendment Rules (No 1) 2019 [F2019L00107]	Principle (a) Consultation Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Education.
Corporations Amendment (Name Exemption) Regulations 2019 [F2019L00271]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Assistant Treasurer.
Corporations Amendment (Proprietary Company Thresholds) Regulations 2019 [F2019L00538]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Treasurer.
Farm Household Support (Forced Disposal of Livestock) Minister’s Rules 2019 [F2019L00523]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Agriculture.
Financial Framework (Supplementary Powers) Amendment (Foreign Affairs and Trade Measures No. 2) Regulations 2018 [F2018L01723]	Principle (c) Merits review	Seeking advice from the Minister for Finance.
Foreign Influence Transparency Scheme Amendment (2019 Measures No. 1) Rules 2019 [F2019L00615]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Attorney-General.
Immigration (Guardianship of Children) Regulations 2018 [F2018L01708]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Immigration, Citizenship, Community Safety and Multicultural Affairs.
Migration Amendment (New Skilled Regional Visas) Regulations 2019 [F2019L00578]	Principle (a) Basis for determining fees Principle (c) Merits review Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Immigration, Citizenship, Community Safety and Multicultural Affairs.

Instrument	Issue	Status
Migration Amendment (Temporary Sponsored Parent Visa and Other Measures) Regulations 2019 [F2019L00551]	Principle (c) Merits review Principle (a) Unclear basis for determining fees Principle (b) Privacy Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Immigration, Citizenship, Community Safety and Multicultural Affairs.
Migration (Fast Track Applicant Class – Temporary Protection and Safe Haven Enterprise Visas) Instrument 2019 [F2019L00506]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Immigration, Citizenship, Community Safety and Multicultural Affairs.
National Rental Affordability Scheme Amendment (Investor Protection) Regulations 2019 [F2019L00273]	Principle (b) Privacy Principle (b) Retrospective effect	Seeking advice from the Minister for Families and Social Services.
Privacy (Disclosure of Homicide Data) Public Interest Determination 2019 [F2019L00322]	Principle (d) Significant matters in delegated legislation (b) Privacy	Seeking advice from the Attorney-General.
Public Order (Protection of Persons and Property) Regulations 2019 [F2019L00272]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Home Affairs.
Public Works Committee Legislation Amendment (2019 Measures No. 1) Regulations 2019 [F2019L00340]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Finance.
Quality of Care Amendment (Minimising Use of Restraints) Principles 2019 [F2019L00511]	Principle (b) Personal rights and liberties Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Aged Care and Senior Australians.
Regional Investment Corporation (Agribusiness Natural Disaster Loans—2019 North Queensland Flood) Rule 2019 [F2019L00532] Regional Investment Corporation (Agristarter Loans) Rule 2019 [F2019L00604]	Principle (c) Merits review Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Agriculture.
Regional Investment Corporation Operating Mandate (Amendment) Direction 2019 [F2019L00434]	Principle (d) Significant matters in delegated legislation	Seeking advice from the Minister for Agriculture and the Minister for Finance.

Instrument	Issue	Status
Road Vehicle Standards Rules 2018 [F2019L00198]	Principle (a) Incorporation	Seeking advice from the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development.
Underwater Cultural Heritage Rules 2018 [F2019L00096]	Principle (a) Incorporation	Seeking advice from the Minister for the Environment.
Water Amendment (Murray Darling Basin Agreement—Basin Salinity Management) Regulations 2018 [F2018L01723]	Principle (a) Incorporation	Seeking advice from the Minister for Agriculture.

Agency engagement

2.3 The committee is engaging in informal correspondence with the relevant agencies via its secretariat to resolve scrutiny concerns about the instruments listed below.

Instrument	Issue	Status
Customs (Prohibited Imports) Amendment (Collecting Tobacco Duties) Regulations 2019 [F2019L00352]	Principle (a) Consultation Principle (c) Merits review Principle (a) Broad delegation of power	Seeking advice from the Department of Home Affairs.
Fisheries Management Regulations 2019 [F2019L00386]	Principle (a) Incorporation Principle (c) Merits review Principle (b) Reversal of the evidential burden Principle (b) Disposal of property Principle (b) Privacy Principle (a) Broad delegation of powers	Seeking advice from the Department of Agriculture.
Fuel Quality Standards (Petrol) Determination 2019 [F2019L00455] Fuel Quality Standards (Automotive Diesel) Determination 2019 [F2019L00456]	Principle (a) Incorporation	Seeking advice from the Department of the Environment and Energy.
Health Insurance (Diagnostic Imaging Services Table) Regulations 2019 [F2019L00563]	Principle (c) Merits review Principle (a) Incorporation	Seeking advice from the Department of Health.
Insurance (Prudential Standard) Determination No. 3 of 2019 [F2019L00621] Insurance (Prudential Standard) Determination No. 1 of 2019 [F2019L00624] Insurance (Prudential Standard) Determination No. 2 of 2019 [F2019L00625] Insurance (prudential standard) determination No. 4 of 2019 [F2019L00631] Insurance (prudential standard) determination No. 5 of 2019 [F2019L00632] Insurance (prudential standard) determination No. 9 of 2019 [F2019L00643] Life insurance (prudential standard) determination No. 1 of 2019 [F2019L00646] Insurance (prudential standard) determination No. 8 of 2019 [F2019L00648]	Principle (c) Merits review Principle (a) In accordance with statute	Seeking advice from the Australian Prudential Regulation Authority.

Instrument	Issue	Status
<p>Health Insurance (prudential standard) determination No. 1 of 2019 [F2019L00649]</p> <p>Insurance (prudential standard) determination No. 6 of 2019 [F2019L00656]</p> <p>Insurance (prudential standard) determination No. 7 of 2019 [F2019L00659]</p> <p>Banking, Insurance, Life Insurance and Health Insurance (prudential standard) determination No. 2 of 2019 [F2019L00662]</p>		
<p>National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2019 (No. 4) (PB 31 of 2019) [F2019L00661]</p> <p>National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2019 (No. 4) (PB 28 of 2019) [F2019L00663]</p>	<p>Principle (a) Incorporation</p>	<p>Seeking advice from the Department of Health.</p>
<p>Norfolk Island Legislation Amendment (Criminal Justice Measures) Ordinance 2019 [F2019L00546]</p>	<p>Principle (d) Significant matters in delegated legislation</p> <p>Principle (b) Reversal of legal burden of proof</p>	<p>Seeking advice from the Department of Infrastructure.</p>
<p>Southern and Eastern Scalefish and Shark Fishery Total Allowable Catch (Non-Quota Species) Determination 2019 [F2019L00414]</p> <p>Southern and Eastern Scalefish and Shark Fishery (Overcatch and Undercatch) Determination 2019 [F2019L00415]</p> <p>Southern and Eastern Scalefish and Shark Fishery Total Allowable Catch (Quota Species) Determination 2019 [F2019L00416]</p>	<p>Principle (a) Compliance with authorising legislation</p>	<p>Seeking advice from the Department of Agriculture.</p>
<p>Southern and Eastern Scalefish and Shark Fishery (Closures Variation) Direction 2019 [F2019L00650]</p>	<p>Principle (a) Consultation</p> <p>Principle (a) Sub-delegation</p> <p>Principle (d) Significant matters in delegated legislation</p>	<p>Seeking advice from the Department of Agriculture.</p>
<p>Telecommunications (Carrier Licence Conditions - Telstra Corporation Limited) Declaration 2019 [F2019L00443]</p>	<p>Principle (a) Incorporation</p> <p>Principle (c) Merits review</p>	<p>Seeking advice from the Department of Communications and the Arts.</p>

Instrument	Issue	Status
Veterans' Affairs (Treatment Principles – Electric Mobility Aids and Other Measures) Amendment Instrument 2019 [F2019L00678]	Principle (c) Merits review	Seeking advice from the Department of Veterans' Affairs.
Water Charge Amendment Rules 2019 [F2019L00521]	Principle (c) Merits review	Seeking advice from the Department of Agriculture.

Appendix B

Concluded matters

3.1 The following table records the instruments in relation to which the committee has satisfactorily concluded its inquiries, following correspondence with the relevant minister and/or agency. A copy of the correspondence is available on the committee's website.

Ministerial engagement

3.2 The committee engaged in formal correspondence with the relevant ministers in relation to the instruments listed below.

Instrument	Issue	Status
AD/DHC-2/26 Amdt 1 Passenger Seats and Passenger Seat Attachment Fittings [F2019L00019]	Principle (a) Incorporation	Concluded following satisfactory response from the Minister for Infrastructure, Transport and Regional Development.
Aged Care Quality and Safety Commission Rules 2018 [F2018L01837]	Principle (a) Consultation Principle (b) Retrospective effect Principle (b) Privacy Principle (d) Significant matters in delegated legislation Principle (c) Merits review	Concluded following satisfactory response from the Minister for Aged Care and Senior Australians. The Minister undertook to amend the explanatory statement on 17/07/2019.
Amendment of List of Exempt Native Specimens – Commonwealth Northern Prawn Fishery, December 2018 [F2019L00015]	Principle (a) Compliance with authorising legislation	Concluded following satisfactory response from the Minister for the Environment. The Minister undertook to amend the explanatory statement on 15/07/2019.
Amendment to List of Exempt Native Specimens - Commonwealth Southern and Eastern Scalefish and Shark Fishery, February 2019 [F2019L00151]	Principle (a) Compliance with authorising legislation	Concluded following satisfactory response from the Minister for the Environment. The Minister undertook to amend the explanatory statement on 15/07/2019.

Instrument	Issue	Status
ASIC Corporations (Amendment) Instrument 2019/216 [F2019L00325]	Principle (d) Significant matters in delegated legislation	Concluded. The committee will continue to monitor this issue.
Australian Capital Territory National Land Amendment (Lakes) Ordinance 2018 [F2018L01611]	Principle (c) No invalidity clause	Concluded following satisfactory response from the Assistant Minister for Regional Development and Territories.
CASA EX41/19 — Flight Training and Test (Low-Fidelity Simulators) Exemption 2019 [F2019L00687]	Principle (a) Incorporation	Concluded. The committee will continue to monitor this issue.
Defence (Payments to ADF Cadets) Determination 2019 [F2019L00059]	Principle (c) Merits review Principle (b) Retrospective effect	Concluded following satisfactory response from the Minister for Defence.
Defence (State of Emergency – Townsville floods) Determination 2019 (No. 1) [F2019L00108]	Principle (c) Merits review	Concluded following satisfactory response from the Minister for Defence.
Financial Sector (Collection of Data) (reporting standard) determinations – various instruments [F2019L00086] [F2019L00088] [F2019L00089] [F2019L00090] [F2019L00091] [F2019L00092] [F2019L00093] [F2019L00094]	Principle (c) Merits review	Concluded following satisfactory response from the Assistant Minister for Superannuation, Financial Services and Financial Technology.
Great Barrier Reef Marine Park Regulations 2019 [F2019L00166]	Principle (b) Reversal of evidential burden of proof Principle (d) Significant matters in delegated legislation	Concluded following satisfactory response from the Minister for the Environment.
Marriage (Celebrant Professional Development Statement 2019 [F2019L00138]	Principle (a) Consultation	Concluded following satisfactory response from the Attorney-General.

Instrument	Issue	Status
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2019 (No. 1) (PB 3 of 2019) [F2019L00081]	Principle (a) Incorporation	Concluded following satisfactory response from the Minister for Health. The Minister undertook to amend the explanatory statement on 19/06/2019.
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2018 (No. 10) [F2018L01646]	Principle (a) Incorporation	Concluded following satisfactory response from the Minister for Health. The Minister undertook to amend the explanatory statement on 10/04/2019.
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Methyl Bromide, Fire Protection and Other Measures) Regulations 2018 [F2018L01730]	Principle (b) Reversal of evidential burden of proof	Concluded following satisfactory response from the Minister for the Environment. The Minister undertook to amend the explanatory statement on 15/07/2019.
Renewable Energy (Electricity) Amendment (Small-scale Solar Eligibility and Other Measures) Regulations 2019 [F2019L00197]	Principle (c) Merits review Principle (b) Retrospective effect	Concluded following satisfactory response from the Minister for Energy and Emissions Reductions.
Section 11 exemptions for voyages between the Cocos (Keeling) Islands and Australian states and territories [F2019L00142]	Principle (d) Significant matters in delegated legislation	Concluded following satisfactory response from Minister for Infrastructure, Transport and Regional Development.
Shipping Registration Regulations 2019 [F2019L00206]	Principle (b) Strict liability Principle (b) Reversal of evidential burden of proof Principle (c) Merits review	Concluded following satisfactory response from Minister for Infrastructure, Transport and Regional Development.
Vehicles Standard (Australian Design Rule 4/06 – Seatbelts) 2018 [F2019L00026]	Principle (a) Incorporation	Concluded following satisfactory response from Minister for Infrastructure, Transport and Regional Development.

Agency engagement

3.3 The committee engaged in informal correspondence with the relevant agencies via its secretariat in relation to the instruments listed below.

Instrument	Issue	Status
Aged Care Legislation Amendment (Single Quality Framework Consequential Amendments and Transitional Provisions) Instrument 2019 [F2019L00515]	Principle (b) Retrospective effect	Concluded following satisfactory response from the Department of Health.
Aged Care (Subsidy, Fees and Payments) Amendment (March Indexation and Other Measures) Determination 2019 [F2019L00302] Aged Care (Transitional Provisions) (Subsidy and Other Measures) Amendment (March Indexation and Other Measures) Determination [F2019L00308]	Principle (a) Consultation	Concluded following satisfactory response from the Department of Health.
ASIC Corporations (Amendment) Instrument 2019/169 [F2019L00284]	Principle (a) Incorporation	Concluded following satisfactory response from Department of the Treasury. The Department registered a revised explanatory statement on 4 July 2019 at the committee request.
Building and Construction Industry (Improving Productivity) (Accreditation Scheme) Rules 2019 [F2019L00320]	Principle (c) Merits review Principle (b) Retrospective effect	Concluded following satisfactory response from the Department of Employment, Skills, Small and Family Business.
Carbon Credits (Carbon Farming Initiative) Amendment Rule (No. 1) 2019 [F2019L00504]	Principle (a) Incorporation	Concluded following satisfactory response from the Department of the Environment and Energy.
Customs Amendment (Collecting Tobacco Duties) Regulations 2019 (No. 1) [F2019L00350]	Principle (a) Consultation	Concluded following satisfactory response from the Department of Home Affairs. The Department undertook to amend the explanatory statement on 11 July 2019 at the committee's request.

Instrument	Issue	Status
Defence Determination, Conditions of Service Amendment (Reserve capability payment and Reserve capability completion bonus) Determination 2019 (No. 9) [F2019L00439]	Principle (c) Merits review	Concluded following satisfactory response from the Department of Defence. The Department registered a revised explanatory statement on 27 June 2019 at the committee's request.
Director-General Notice – Prohibition of Entry 2019 [F2019L00255]	Principle (a) Consultation	Concluded following satisfactory response from the National Library of Australia. The agency registered a revised explanatory statement on 27 June 2019 at the committee's request.
Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 2) Regulations 2019 [F2019L00347]	Principle (c) Merits review	Concluded following satisfactory response from the Department of Finance.
Financial Framework (Supplementary Powers) Amendment (Treasury Portfolio Measures No. 1) Regulations 2019 [F2019L00566]	Principle (c) Merits review	Concluded following satisfactory response from the Department of Finance.
Fuel Quality Standards Regulations 2019 [F2019L00560]	Principle (a) Incorporation Principle (b) Evidentiary certificates	Concluded following satisfactory response from the Department of the Environment and Energy
Greenhouse and Energy Minimum Standards (Air Conditioners up to 65kW) Determination 2019 [F2019L00490]	Principle (a) Incorporation	Concluded following satisfactory response from the Department of the Environment and Energy. The Department undertook to amend the explanatory statement on 16/07/2019.
Health Insurance (Section 3C General Medical Services – Heart Health Assessment) Determination 2019 [F2019L00313]	Principle (a) Consultation	Concluded following satisfactory response from the Department of Health.

Instrument	Issue	Status
Intellectual Property Laws Amendment (PCT Translations and Other Measures) Regulations 2019 [F2019L00376]	Principle (a) Broad delegation of powers	Concluded following satisfactory response from the Department of Industry, Innovation and Science. The Department undertook to amend the explanatory statement on 28 June 2019.
Migration (LIN 19/048: Specification of Occupations—Subclass 482 Visa) Amendment Instrument 2019 [F2019L00316]	Principle (a) Consultation	Concluded following satisfactory response from the Department of Home Affairs. The Department undertook to amend the explanatory statement on 5 July 2019.
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2019 (No. 3) (PB 17 of 2019) [F2019L00472]	Principle (a) Incorporation	Concluded following satisfactory response from the Department of Health. The Department undertook to amend the explanatory statement on 15 July 2019.
Safety, Rehabilitation and Compensation Regulations 2019 [F2019L00423]	Principle (a) Unclear basis for determining fees	Concluded following satisfactory response from the Attorney-General's Department.
Taxation Administration – Single Touch Payroll – Exemption for Employers Having a Seasonal Workforce (Repeal) [F2019L00458]	Principle (a) Consultation	Concluded following satisfactory response from the Australian Taxation Office.
Telecommunications (Carrier Licence Exemption - Trial Network Units) Determination 2019 [F2019L00317] Telecommunications (Carrier Licence Exemption – Supply of Carriage Services to Visitors) Determination 2019 [F2019L00318]	Principle (d) Significant matters in delegated legislation	Concluded following satisfactory response from the Department of Communications and the Arts.
Therapeutic Goods (Conformity Assessment Standard for Quality Management Systems) Order 2019 [F2019L00426] Therapeutic Goods (Standard for Tampons) (TGO 103) Order 2019 [F2019L00428]	Principle (a) Incorporation	Concluded following satisfactory response from the Department of Health. The Department undertook to amend the explanatory statement on 12 July 2019.

Instrument	Issue	Status
Therapeutic Goods (Permissible Ingredients) Determination (No 1) 2019 [F2019L00620]	Principle (a) Incorporation	Concluded following satisfactory response from the Department of Health The Department undertook to amend the explanatory statement on 17/07/2019.
Therapeutic Goods (Standard for Disinfectants and Sanitary Products) (TGO 104) Order 2019 [F2019L00482]	Principle (a) Incorporation	Concluded following satisfactory response from the Department of Health. The Department undertook to amend the explanatory statement on 12 July 2019.
Therapeutic Goods (Standard for Tablets, Capsules and Pills) (TGO 101) Order 2019 [F2019L00369]	Principle (a) Incorporation	Concluded following satisfactory response from the Department of Health. The Department undertook to amend the explanatory statement on 12 July 2019.
Woomera Prohibited Area Rule 2014 Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2019 – 2020 [F2019L00323]	Principle (a) Consultation	Concluded following satisfactory response from the Department of Defence. The Department registered a revised explanatory statement on 10 July 2019 at the committee's request.

Appendix C

Outstanding undertakings

4.1 From time to time, the relevant minister or agency may commit to an undertaking to address the committee's concerns. The committee expects that, when a minister has undertaken to amend a legislative instrument or explanatory statement, or to review an Act or departmental practice, this is done in a timely manner.

4.2 The following table records undertakings that remain outstanding, and draws them to the Senate's attention.

Instrument	Undertaking
Aged Care Single Legislation Amendment (Single Quality Framework Consequential Amendments and Transitional Provisions) Instrument 2019 [F2019L00515]	On 16 July 2019, the Department of Health undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Aged Care Quality and Safety Commission Rules 2018 [F2018L01837]	On 17 July 2019, the Minister for Aged Care and Senior Australians undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Amendment to List of Exempt Native Specimens - Commonwealth Southern and Eastern Scalefish and Shark Fishery, February 2019 [F2019L00151]	On 15 July 2019, the Minister for the Environment undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Amendment of List of Exempt Native Specimens – Commonwealth Northern Prawn Fishery, December 2018 [F2019L00015]	On 15 July 2019, the Minister for the Environment undertook to amend the explanatory statement to the instrument at the committee's request
Australian Capital Territory National Land Amendment (Lakes) Ordinance 2018 [F2018L01611]	On 4 July 2019, the Assistant Minister for Regional Development and Territories undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Customs Amendment (Collecting Tobacco Duties) Regulations 2019 (No. 1) [F2019L00350]	On 11 July 2019, the Department of Home Affairs undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 2) Regulations 2019 [F2019L00347]	On 28 June 2019, the Department of Finance undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Financial Framework (Supplementary Powers) Amendment (Treasury Portfolio Measures No. 1) Regulations 2019 [F2019L00566]	On 17 July 2019, the Department of Finance undertook to amend the explanatory statement to the instrument in response to the committee's concerns.

Instrument	Undertaking
Fuel Quality Standards Regulations 2019 [F2019L00560]	On 17 July 2019, the Department of the Environment and Energy undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Greenhouse and Energy Minimum Standards (Air Conditioners up to 65kW) Determination 2019 [F2019L00490]	On 16 July 2019, the Department of the Environment and Energy undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Migration (LIN 19/048: Specification of Occupations—Subclass 482 Visa) Amendment Instrument 2019 [F2019L00316]	On 5 July 2019, the Department of Home Affairs undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2019 (No. 1) (PB 3 of 2019) [F2019L00081]	On 19 June 2019, the Minister for Health undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2018 (No. 10) [F2018L01646]	On 10 April 2019, the Minister for Health undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Ozone Protection and Synthetic Greenhouse Gas Management Amendment (Methyl Bromide, Fire Protection and Other Measures) Regulations 2018 [F2018L01730]	On 15 July 2019, the Minister for the Environment undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Taxation Administration – Single Touch Payroll – Exemption for Employers Having a Seasonal Workforce (Repeal) [F2019L00458]	On 18 July 2019, the Australian Taxation Office undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Therapeutic Goods (Conformity Assessment Standard for Quality Management Systems) Order 2019 [F2019L00426]	On 12 July 2019, the Department of Health undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Therapeutic Goods (Standard for Tampons) (TGO 103) Order 2019 [F2019L00428]	On 12 July 2019, the Department of Health undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Therapeutic Goods (Standard for Disinfectants and Sanitary Products) (TGO 104) Order 2019 [F2019L00482]	On 12 July 2019, the Department of Health undertook to amend the explanatory statement to the instrument in response to the committee's concerns.
Therapeutic Goods (Standard for Tablets, Capsules and Pills) (TGO 101) Order 2019 [F2019L00369]	On 12 July 2019, the Department of Health undertook to amend the explanatory statement to the instrument in response to the committee's concerns.

Appendix D

Instruments specifying Commonwealth expenditure

5.1 The *Financial Framework (Supplementary Powers) Act 1997* (FF(SP) Act) and the *Industry Research and Development Act 1986* (Industry Act) authorise the Commonwealth to spend public money on policies, programs and schemes specified in instruments made under those Acts. The scrutiny of such instruments is a key aspect of parliamentary scrutiny and control of Commonwealth expenditure.¹

5.2 To facilitate such scrutiny, this Appendix draws the Senate's attention to the nature and extent of Commonwealth expenditure that is specified by delegated legislation.

5.3 The table below lists the expenditure specified by legislative instruments registered between 1 March and 23 May 2019. Information regarding expenditure has been drawn exclusively from explanatory materials to the relevant instruments.

Instrument	Program	Amount
Financial Framework (Supplementary Powers) Amendment (Agriculture and Water Resources Measures No. 2) Regulations 2019 [F2019L00345]	Grant to Queensland Fruit &Vegetable Growers Ltd Smart Fruit Fly Management	\$1.5 million over four years from 2018-19 \$6.7 million over four years from 2018-19
Financial Framework (Supplementary Powers) Amendment (Attorney-General's Portfolio Measures No. 1) Regulations 2019 [F2019L00346]	Innovative Wrap-around Support in Domestic Violence Hotspots	\$31.8 million over three years from 2019-20
Financial Framework (Supplementary Powers) Amendment (Communications and the Arts Measures No. 2) Regulations 2019 [F2019L00562]	Grant to Free TV Australian Ltd Regional Connectivity Program	\$17.1 million over three years from 2019-20 \$57.6 million over two years from 2019-20

1 For further information about instruments specifying Commonwealth expenditure see Chapter 7 of the report of the committee's inquiry, [Parliamentary scrutiny of delegated legislation](#).

Instrument	Program	Amount
Financial Framework (Supplementary Powers) Amendment (Education and Training Measures No. 2) Regulations 2019 [F2019L00347]	Grant to Educational Music Tour Bus Foundations Australia Ltd	\$2.4 million for one year for 2018-19
	Development of vocational education and training (VET) packages (repeal and replace)	Continuation of program within existing funding of \$188.2 million over five years from 2019-19
	Delivery of an integrated information service for Australian Apprenticeships	\$5.4 million over three years from 2019-20, with \$1.9 million per annum as ongoing funding after that period
Financial Framework (Supplementary Powers) Amendment (Foreign Affairs and Trade Measures No. 1) Regulations 2019 [F2019L00351]	Australian Infrastructure Financing Facility for the Pacific	\$500 million (grants component)
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 1) Regulations 2019 [F2019L00564]	Grants to Orygen, the National Centre of Excellence in Youth Mental Health	\$13.5 million over three years from 1 July 2018; \$9 million for two years from 1 July 2021
Financial Framework (Supplementary Powers) Amendment (Prime Minister and Cabinet Measures No. 1) Regulations 2019 [F2019L00444]	Urgent assistance for eligible primary producers affected by floods in Northern Queensland	\$1.75 billion (made available as part of a loans scheme)
Financial Framework (Supplementary Powers) Amendment (Social Services Measures No. 2) Regulations 2019 [F2019L00565]	Overseas Adoption Services	\$4.2 million over four years from 2018-19
	Continuity of Support—Community Mental Health Services	\$91.6 million over four years from 2018-19
	Social Impact Investing—Payment by Outcomes Trials: <ul style="list-style-type: none"> • Trial 1: supporting employment opportunities for unemployed or underemployed persons); and • Trials 2 and 3: supporting the development and wellbeing of children). 	\$15.7 million (total amount appropriated for Payment by Outcomes (PBO) Trials)
	Initiatives to reduce violence against women and children under the Fourth Action Plan of the National Plan to Reduce Violence against Women and their children 2010-2022:	\$186.3 million over four years

Instrument	Program	Amount
	<ul style="list-style-type: none"> • Safe places for women and children affected by domestic and family violence; • Specialised family violence services; • Conducting and disseminating research into domestic, family and sexual violence; • Support for Trafficked People Program; and • Implementation of the Fourth Action Plan to Reduce Violence against Women and Children. 	
Financial Framework (Supplementary Powers) Amendment (Treasury Portfolio Measures No. 1) Regulations 2019 [F2019L00566]	Paying legacy unpaid external dispute resolution determinations	None specified. Treasury to administer a demand-driven annual appropriation
Industry Research and Development (Australia-India Strategic Research Fund Program) Instrument 2019 [F2019L00684]	Australia-India Strategic Research Fund Program	\$10 million over four years from 2018-19
Industry Research and Development (Business Energy Advice Program) Instrument 2019 [F2019L00497]	Business Energy Advice Program	\$11.7 million
Industry Research and Development (Cooperative Research Centres Program) Instrument 2019 [F2019L00419]	Cooperative Research Centres Program	\$731 million over four years
Industry Research and Development (CopperString (Power Transmission) Program) Instrument 2019 [F2019L00516]	CopperString (Power Transmission) Program	\$4.7 million
Industry Research and Development (Global Innovation Strategy—Strategic Funding Program) Instrument 2019 [F2019L00628]	Global Innovation Strategy—Strategic Funding Program	\$5.1 million

Instrument	Program	Amount
Industry Research and Development (Mossman Mill Transition Program) Instrument 2019 [F2019L00483]	Mossman Mill Transition Program	\$20 million over three years from 2019-20.

Senator the Hon Concetta Fierravanti-Wells
Chair
Senate Standing Committee on Regulations and Ordinances