



Australian Government

The Treasury

Senate Standing Committee for the Scrutiny of Delegated Legislation

**Inquiry into exemption of delegated legislation from
parliamentary oversight**

3 July 2020

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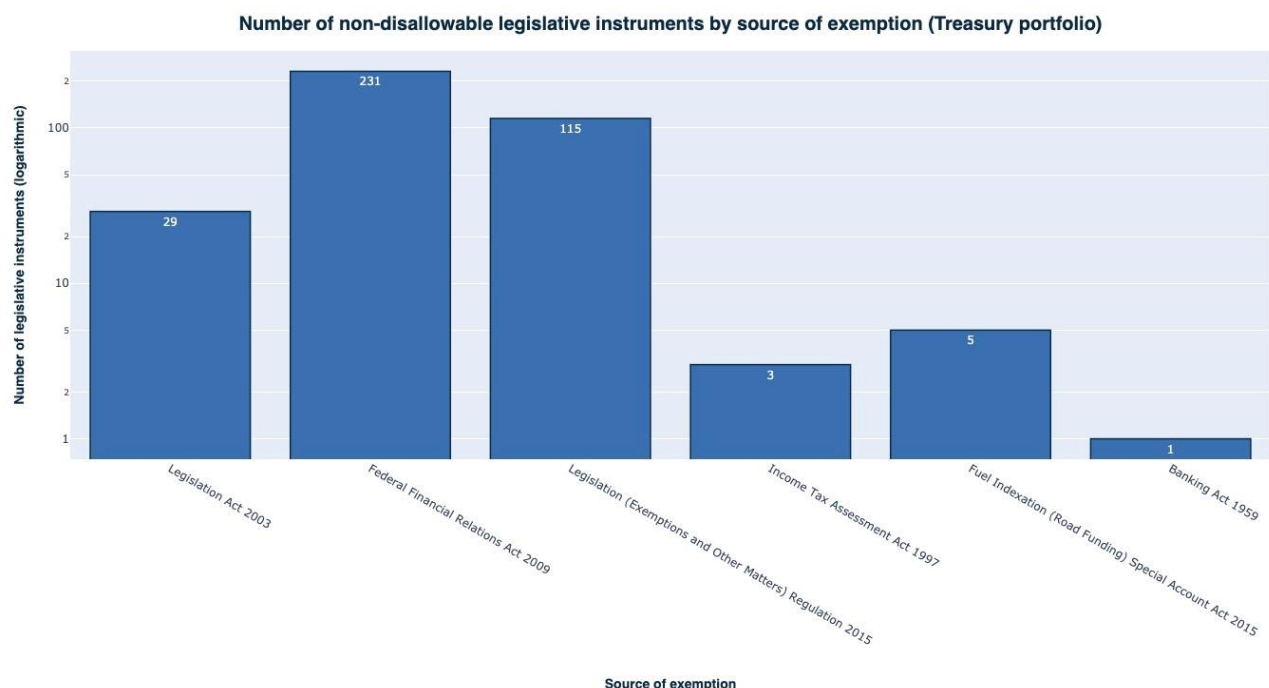
General Comments

The Treasury supports the continued evaluation and improvement of parliamentary scrutiny processes for legislation, recognising the importance of parliamentary oversight of legislative processes. We welcome this opportunity to provide to the Committee the rationale for exemptions to disallowance for legislative instruments in the Treasury portfolio.

The Treasury is responsible for economy-wide regulatory and administrative regimes, covering tax, superannuation, corporate and financial services laws, competition and consumer law and foreign investment. Instruments are also commonly made by statutory bodies in the Treasury portfolio as part of their regulatory functions.

During the 45th Parliament, the Treasury portfolio was responsible for 12.6 per cent of all registered subordinate instruments. The number of subordinate instruments registered by Treasury was only surpassed by the Department of Health portfolio which accounted for 47.1 per cent of all subordinate instruments registered during that time.¹

There are about 2,000 Treasury and Treasury portfolio legislative instruments currently registered on the Federal Register of Legislation.² As at 16 May 2020, 385 of these instruments were not subject to disallowance. This accounts for a relatively small proportion of all legislative instruments not subject to disallowance.



¹ As at April 2019.

² This number reflects the number of 'in force' legislative instruments listed under 'Treasury portfolio' following a search on the Federal Register of Legislation website on the 30 June 2020.

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The most commonly cited legislation for providing an exemption from disallowance for legislative instruments within the Treasury portfolio is the *Federal Financial Relations Act 2009* (231 instruments). This is followed by the *Legislation (Exemptions and Other Matters) Regulation 2015* (115 instruments), which contains a variety of exemptions.

Attachment A to the submission provides further detail on the legislative instruments in the Treasury portfolio that are exempt from disallowance, the source of the exemption and the rationale for the exemption.

Information in this submission relating to the number of legislative instruments that are exempt from disallowance and the instruments identified in Attachment A is drawn from information provided by the Office of Parliamentary Counsel, which administers the Federal Register of Legislation. This information is current as at 16 May 2020. In some instances, there may be debate about whether or not a specific instrument falls within the terms of an exemption. For the sake of completeness, we understand that this data reflects the exemption (if any) identified by the relevant agency when submitting a legislative instrument for registration.³

Notifiable Instruments and Disallowance

In 2015, amendments to the *Legislation Act 2003* introduced the concept of a notifiable instrument. Unlike legislative instruments, notifiable instruments are not subject to tabling, disallowance or sunset. Notifiable instruments were intended to include instruments which are not appropriate to register as legislative instruments, but for which the level of public accessibility that comes with registration would be desirable. For the Treasury portfolio, there are currently 84 registered notifiable instruments on the Federal Register of Legislation.⁴

The introduction of notifiable instruments also removed the need for the Gazettal system. Under subsection 11(4) of the *Legislation Act 2003*, registering an instrument on the Federal Register of Legislation as a notifiable instrument on or after 5 March 2016 is taken to meet any publication or gazettal requirements that the instrument was otherwise subject to (whether or not the enabling legislation refers to the instrument as a notifiable instrument).

It may be of assistance to the Committee to have regard to a recent example of this. The Senate Standing Committee for the Scrutiny of Bills has raised concerns regarding the use of notifiable instruments instead of legislative instruments. This was raised most recently in relation to the *Structured Finance Support (Coronavirus Economic Response Package) Act 2020* where the Scrutiny of Bills Committee requested further information about why the instrument was not subject to disallowance. The following answer was provided by the Treasurer in response:

‘...A determination under subsection 13(2) of the Act is not a disallowable legislative instrument because that would frustrate the purpose of the provision. Subsection 13(2) is intended to allow me to credit additional amounts to the Account beyond the initial \$15 billion that may be used to make investments of the Fund.

³ By way of example, the Australian Securities and Investments Commission (ASIC) has advised that there are ASIC instruments that touch on superannuation that have not been consistently flagged as being exempt from disallowance.

⁴ This number reflects the number of ‘in force’ notifiable instruments listed under Treasury portfolio following a search on the Federal Register of Legislation website on the 30 June 2020.

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Due to the nature of the COVID-19 pandemic, investments made by the Fund are likely to be made on an urgent basis. If a determination under subsection 13(2) were made disallowable, waiting for the expiry of the disallowance period would mean the opportunity to make the investment had long passed, preventing the investment from being made and frustrating the achievement of the objects of the Act set out in section 3 of the Act. Alternatively, making an investment during the disallowance period would carry risk, and could undermine commercial certainty in the investment.

We also note that the approach taken to the drafting of this provision is similar to other special account crediting provisions in Commonwealth legislation, such as exist in the Australian Business Securitisation Fund Act 2019 and the Medicare Guarantee Act 2017.'

The nature of the instrument meant that it was more appropriate to be registered as a notifiable instrument because delaying urgent expenditure to await the expiry of the disallowance process would frustrate the purpose of the instrument. The purpose is to provide additional funding to the Structured Finance Support Fund following agreement with the Finance Minister, to support access to finance for smaller lenders.

Additionally, prior to the 2015 reforms, if an instrument was not of legislative character, but still of public significance, one option for the empowering legislation was to include gazettal requirements. We note that another option was for the empowering legislation to provide that instruments that fell into this category were legislative instruments, and therefore subject to registration, but exempt from disallowance.

Effectiveness of the current regime

As noted above, the Treasury portfolio accounts for 385 legislative instruments that are not subject to disallowance which accounts for a relatively small proportion of the roughly 2,000 Treasury portfolio legislative instruments.

It is the Department's view that the current regime operates effectively to ensure that the legislative instruments are subject to appropriate parliamentary oversight.

The regime provides clear and limited exemptions that have been considered by Parliament, or have themselves been subject to parliamentary oversight. In circumstances where an exemption is appropriate, the requirement for the instrument to be registered allows for transparency and public accountability and for the instrument to remain easily accessible.

The Treasury does not propose any amendments to the current regime.

Attachment A – Treasury Portfolio Legislative Instruments Exempt from Disallowance

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
1. <i>ASIC Corporations (Urgent Superannuation Advice) Instrument 2017/530</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	<p>This is made under paragraph 951B(1)(b) of the <i>Corporations Act 2001</i>.</p> <p>This gives a power to ASIC to exempt a financial product or class of financial products from all or specified provisions of financial services disclosure obligations.</p> <p>This instrument is exempt from disallowance on the basis that it relates to superannuation, and is not a regulation.</p> <p>Please note that ASIC has advised that this instrument is a spent instrument and will be repealed imminently.</p>
2. <i>ASIC Superannuation (RSE Websites) Instrument 2017/570</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	<p>This instrument is made under subsection 328(1) of the <i>Superannuation Industry (Supervision) Act 1993</i>.</p> <p>This power allows the Regulator to exempt a particular group of individual trustees or a class of groups of individual trustees from compliance with any or all of the 'modifiable provisions' as defined in the <i>Superannuation Industry (Supervision) Act 1993</i>.</p> <p>This instrument is exempt from disallowance on the basis that it relates to superannuation, and is not a regulation.</p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
3. <i>Australian Business Securitisation Fund Investment Mandate Directions 2019</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 2</i>	<p>This is a Ministerial direction made under subsection 13(1) of the <i>Australian Business Securitisation Fund Act 2019</i>.</p> <p>Ministerial directions are exempt from disallowance as executive control of the instrument is intended (see the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p>
4. <i>Australian Consumer Law Imposition of interim ban on Certain Decorative Alcohol Fuelled Devices</i> 5. <i>Australian Consumer Law Imposition of Interim Ban on Hoverboards that do not meet Specific Safety Requirements</i>	<i>Legislation Act 2003, subsection 44(1)</i>	<p>These instruments are made under paragraph 109(1)(a) of Schedule 2 of the <i>Competition and Consumer Act 2010</i>.</p> <p>The ACCC considers the Australian Consumer Law (ACL) (contained in Schedule 2 to the <i>Competition and Consumer Act 2010</i>) to be a product of an Intergovernmental Agreement and consequently legislative instruments made under the ACL including safety standards, information standards, compulsory recalls and permanent bans are exempt from disallowance.</p>
6. <i>Australian Securities and Investments Commission (Investigation into Grandfathered Conflicted Remuneration for Financial Advice) Direction 2019</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	<p>This direction is made under section 14 of the <i>Australian Securities and Investments Commission Act 2001</i>.</p> <p>Ministerial directions are exempt from disallowance as executive control of the instrument is intended (see the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
7. <i>Banking Act 1959 - Declaration of Covered Financial Products (27/10/2008)</i>	<i>Banking Act 1959, subsection 5(9)</i>	<p>This declaration is made under subsection 5(8) of the <i>Banking Act 1959</i> (Banking Act) which provides that the Minister may declare that a specified financial product is a 'covered financial product' for the purposes of the Banking Act.</p> <p>This instrument-making power related to the Financial Claims Scheme. To allow for disallowance would have created substantial uncertainty.</p>
8. <i>Census and Statistics (Statistical Information) Direction 2017</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 2</i>	<p>This is a Ministerial direction made under paragraph 9(1)(b) of the <i>Census and Statistics Act 1905</i>.</p> <p>Ministerial directions are exempt for disallowance as executive control of the instrument is intended (see the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p>
9. <i>Commonwealth Inscribed Stock (Maximum Total Face Value of Stock and Securities) Direction 2020</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 2</i>	<p>This is a Ministerial direction made under subsection 51JA(2) of the <i>Commonwealth Inscribed Stock Act 1911</i>.</p> <p>Ministerial directions are exempt for disallowance as executive control of the instrument is intended (see the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p>

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<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>10. <i>Competition and Consumer (Price Inquiry—Digital Advertising Services) Direction 2020</i></p> <p>11. <i>Competition and Consumer (Price Inquiry—Digital Platforms) Direction 2020</i></p> <p>12. <i>Competition and Consumer (Price Inquiry—Home Loans) Direction 2019</i></p> <p>13. <i>Competition and Consumer (Price Inquiry—Water Markets in the Murray-Darling Basin) Direction 2019</i></p> <p>14. <i>Competition and Consumer (Prices Surveillance—Aeronautical Services to NSW Regional Airlines) Direction 2019</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 2</i></p>	<p>This is a Ministerial direction made under Part VIIA of the <i>Competition and Consumer Act 2010</i>.</p> <p>Ministerial directions are exempt from disallowance as executive control of the instrument is intended (see the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p>
<p>15. <i>Competition and Consumer (Price Monitoring—Petroleum Fuels) Direction 2019</i></p> <p>16. <i>Trade Practices Act 1974 - Direction No. 32 - Monitoring of the prices of unleaded petroleum products.</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 2</i></p>	<p>This is a Ministerial direction made under Part VIIA of the <i>Competition and Consumer Act 2010</i>.</p> <p>Ministerial directions are exempt from disallowance as executive control of the instrument is intended (see the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p>

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17. <i>Competition and Consumer Act 2010 - Consumer Protection Notice No. 1 of 2013 - Safety Standard: Baby Walkers</i>	Legislation Act 2003, subsection 44(1)	These instruments are made under sections 104 and 105 of Schedule 2 to the <i>Competition and Consumer Act 2010</i> . The ACCC considers the Australian Consumer Law (ACL) (contained in Schedule 2 to the <i>Competition and Consumer Act 2010</i>) to be a product of an Intergovernmental Agreement and consequently legislative instruments made under the ACL including safety standards, information standards, compulsory recalls and permanent bans are exempt from disallowance.
18. <i>Competition and Consumer Act 2010 - Consumer Protection Notice No. 3 of 2014 - Safety Standard: Child Restraint Systems for use in Motor Vehicles</i>		
19. <i>Consumer Goods (Babies' Dummies and Dummy Chains) Safety Standard 2017</i>		
20. <i>Consumer Goods (Baby Bath Aids) Safety Standard 2017</i>		
21. <i>Consumer Goods (Basketball Rings and Backboards) Safety Standard 2017</i>		
22. <i>Consumer Goods (Bean Bags) Safety Standard 2014</i>		
23. <i>Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns for Children's Nightwear) Safety Standard 2017</i>		
24. <i>Competition and Consumer (Corded Internal Window Coverings) Safety Standard 2014</i>		
25. <i>Consumer Goods (Decorative Alcohol Fuelled Devices) Safety Standard 2017</i>		
26. <i>Consumer Goods (Disposable Cigarette Lighters) Safety Standard 2019</i>		
27. <i>Consumer Goods (Elastic luggage straps) Safety Standard 2017</i>		
28. <i>Consumer Goods (Miniature Motorbikes) Safety Standard 2019</i>		
29. <i>Consumer Goods (Motor Vehicle Recovery Straps) Safety Standard 2017</i>		
30. <i>Consumer Goods (Portable Ramps for Vehicles) Safety Standard 2017</i>		
31. <i>Consumer Goods (Portable Swimming Pools) Safety Standard 2013</i>		

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<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>32. <i>Consumer Goods (Quad Bikes) Safety Standard 2019</i></p> <p>33. <i>Consumer Goods (Self-balancing Scooters) Safety Standard 2018</i></p> <p>34. <i>Consumer Goods (Sunglasses and Fashion Spectacles) Safety Standard 2017</i></p> <p>35. <i>Consumer Goods (Swimming and Flotation Aids) Safety Standard 2017</i></p> <p>36. <i>Consumer Goods (Trolley Jacks) Safety Standard 2017</i></p> <p>37. <i>Consumer Goods (Vehicle Support Stands) Safety Standard 2017</i></p>		
<p>38. <i>Consumer Goods (Motor Vehicles With Affected Takata Airbag Inflators and Specified Spare Parts) Recall Notice 2018</i></p>	<p><i>Legislation Act 2003, section 44</i></p>	<p>This instrument is made under section 122 of Schedule 2 to the <i>Competition and Consumer Act 2010</i>.</p> <p>The ACCC considers the Australian Consumer Law (ACL) (contained in Schedule 2 to the <i>Competition and Consumer Act 2010</i>) to be a product of an Intergovernmental Agreement and consequently legislative instruments made under the ACL including safety standards, information standards, compulsory recalls and permanent bans are exempt from disallowance.</p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>39. <i>Competition and Consumer Act 2010 - Consumer Protection Notice No. 5 of 2012 - Imposition of Permanent Ban on Small, High Powered Magnets</i></p>	<p><i>Legislation Act 2003, section 44</i></p>	<p>This instrument is made under section 114 of Schedule 2 to the <i>Competition and Consumer Act 2010</i>.</p> <p>The ACCC considers the Australian Consumer Law (ACL) (contained in Schedule 2 to the <i>Competition and Consumer Act 2010</i>) to be a product of an Intergovernmental Agreement and consequently legislative instruments made under the ACL including safety standards, information standards, compulsory recalls and permanent bans are exempt from disallowance.</p>
<p>40. <i>Competition and Consumer Act 2010 - Consumer Protection Notice No. 5 of 2016 - Extension of the Ban Period for the Interim Ban on Hoverboards that do not meet Specific Safety Requirements</i></p> <p>41. <i>Competition and Consumer Act 2010 - Consumer Protection Notice No. 6 of 2016 - Extension of the Extended Ban Period for the Interim Ban on Hoverboards that do not meet Specific Safety Requirements</i></p> <p>42. <i>Extension of the Ban Period for the Interim Ban on Certain Decorative Alcohol Fuelled Devices</i></p> <p>43. <i>Further extension of the ban period for the interim ban on certain decorative alcohol fuelled devices</i></p>	<p><i>Legislation Act 2003, section 44</i></p>	<p>These instruments are made under section 111 of Schedule 2 to the <i>Competition and Consumer Act 2010</i>.</p> <p>The ACCC considers the Australian Consumer Law (ACL) (contained in Schedule 2 to the <i>Competition and Consumer Act 2010</i>) to be a product of an Intergovernmental Agreement and consequently legislative instruments made under the ACL including safety standards, information standards, compulsory recalls and permanent bans are exempt from disallowance.</p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>44. <i>Competition and Consumer Act 2010 - Monitoring of the Prices, Costs and Profits Relating to the Supply of Aeronautical Services and Facilities at Specified Airports in Australia</i></p> <p>45. <i>Competition and Consumer Act 2010 - Monitoring of the Prices, Costs and Profits Relating to the Supply of Car Parking Services at Specified Airports in Australia</i></p> <p>46. <i>Competition and Consumer Act 2010 - Monitoring of the Prices, Costs and Profits Relating to the Supply of Unleaded Petroleum Products in the Petroleum Industry in Australia (09/12/2014)</i></p> <p>47. <i>Competition and Consumer Act 2010 - Monitoring of the Prices, Costs and Profits Relating to the Supply of Unleaded Petroleum Products in the Petroleum Industry in Australia (15/07/2013)</i></p> <p>48. <i>Monitoring of Prices, Costs and Profits Relating to the Supply of Petroleum Products in the Petroleum Industry in Australia</i></p> <p>49. <i>Monitoring of the prices, costs and profits relating to the supply of certain feminine hygiene products</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 2</i></p>	<p>These are Ministerial directions made under Part VIIA of the <i>Competition and Consumer Act 2010</i>.</p> <p>Ministerial directions are exempt from disallowance as executive control of the instrument is intended (see the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
50. <i>Declaration of Terrorist Incident (15/01/2015)</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 10, item 31</i>	<p>The <i>Terrorism Insurance Act 2003</i> establishes an insurance scheme to replace the insurance cover withdrawn by commercial insurers after the terrorist attacks in the United States on 11 September 2001.</p> <p>Section 6 of the <i>Terrorism Insurance Act 2003</i> provides that if a terrorist attack occurs, the Treasurer can invoke the operation of the insurance scheme by declaring a terrorist incident and setting a reduction percentage on the payment of insurance claims.</p> <p>Such instruments are exempt from disallowance on the basis that significant business uncertainty would occur if section 6 declarations were subject to disallowance.</p>
51. <i>Determination of Requirements for an Approved Guarantee (25/02/2005)</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	<p>This is an instrument made under subsection 11E(1) of the <i>Superannuation Industry (Supervision) Act 1993</i>.</p> <p>This instrument is exempt from disallowance on the basis that it relates to superannuation, and is not a regulation.</p>
52. <i>Directions Relating to Commonwealth Borrowing, Securities Lending and the Investment of Public Money 2008</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 2</i>	<p>This is a Ministerial direction is made under section 51JA of the <i>Commonwealth Inscribed Stock Act 1911</i>.</p> <p>Ministerial directions are exempt from disallowance as executive control of the instrument is intended (see the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>53. <i>Determination of the GST Revenue Sharing Relativities for 2016-17 in Accordance with the Federal Financial Relations Act 2009</i></p> <p>54. <i>Determination of the GST Revenue Sharing Relativities for 2017-18 in Accordance with the Federal Financial Relations Act 2009</i></p> <p>55. <i>Determination of the GST Revenue Sharing Relativities for 2018-19 in Accordance with the Federal Financial Relations Act 2009</i></p> <p>56. <i>Federal Financial Relations (GST Revenue Sharing Relativities for 2019-20) Determination 2019</i></p> <p>57. <i>Federal Financial Relations (GST Revenue Sharing Relativities for 2020-21) Determination 2020</i></p> <p>58. <i>Federal Financial Relations Act 2009 - Determination of the GST Revenue Sharing Relativities for 2013-14</i></p> <p>59. <i>Federal Financial Relations Act 2009 - Determination of the GST Revenue Sharing Relativities for 2014-15</i></p> <p>60. <i>Federal Financial Relations Act 2009 - Determination of the GST Revenue Sharing Relativities for 2015-16</i></p> <p>61. <i>Federal Financial Relations Act 2009 - Determination Of the GST Revenue Sharing Relativity for 2012-13</i></p>	<p><i>Federal Financial Relations Act 2009, subsection 8(3)</i></p>	<p>This is a Ministerial determination made under section 8 of the <i>Federal Financial Relations Act 2009</i>.</p> <p>Instruments made under section 8 of the <i>Federal Financial Relations Act 2009</i> are exempt from disallowance because the Minister only makes a determination after consulting with the States and on the basis of the recommendation of the Commonwealth Grants Commission. Furthermore, the GST revenue sharing relativities do not affect the amount appropriated, only the distribution of GST payments between States.</p> <p>Additionally, despite these explicit exemptions, the instruments would ordinarily be exempt from disallowance on the basis they are a product of an Intergovernmental Agreement (subsection 44(1) of the <i>Legislation Act 2003</i>).</p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>62. <i>Excise By-Law - Prescribed Condensate Production Area</i></p> <p>63. <i>Excise By-Law – Condensate</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015, section 10, item 16</i></p>	<p>These by-laws are made under section 165 of the <i>Excise Act 1901</i>.</p> <p>Section 165 allows the Commissioner of Taxation to make excise by-laws concerning excisable goods, if a rate of excise duty is expressed to apply to a class of goods prescribed by a by-law or to prescribe other matters concerning the goods.</p> <p>By-laws made under section 165 are not appropriate for the disallowance process as excise treatment requires certainty. Tariff changes can be made at short notice and therefore excise payers require assurance that excise by-laws which set out the classes of goods subject to duty are not subject to change as a result of disallowance.</p>

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64. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 40 (July 2012)</i>	<i>Federal Financial Relations Act 2009, subsection 9(5)</i>	These determinations are made under subsection 9(1) of the <i>Federal Financial Relations Act 2009</i> .
65. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 41 (August 2012)</i>		These instruments credit amounts to the Council of Australian Governments (COAG) Reform Fund for the purpose of making a grant of general purpose financial assistance to the States. The Minister has an obligation under the Intergovernmental Agreement to make payments of general purpose financial assistance in a prescribed manner.
66. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 42 (September 2012)</i>		
67. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 43 (October 2012)</i>		
68. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 44 (November 2012)</i>		Exemption from the disallowance provisions allow the Minister to meet this obligation.
69. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 45 (December 2012)</i>		Additionally, the instruments would be exempt on the basis that they are the product of an intergovernmental scheme for the purposes of subsection 44(1) of the <i>Legislation Act 2003</i> .
70. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 46 (January 2013)</i>		
71. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 47 (February 2013)</i>		
72. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 48 (March 2013)</i>		
73. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 49 (April 2013)</i>		
74. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 50 (May 2013)</i>		

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75.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 51 (June 2013)</i>		
76.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 52 (July 2013)</i>		
77.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 53 (August 2013)</i>		
78.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 54 (September 2013)</i>		
79.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 55 (October 2013)</i>		
80.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 56 (November 2013)</i>		
81.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 57 (December 2013)</i>		
82.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 58 (January 2014)</i>		
83.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 59 (February 2014)</i>		
84.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 60 (March 2014)</i>		
85.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 61 (April 2014)</i>		

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86.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 62 (May 2014)</i>		
87.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 63 (June 2014)</i>		
88.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 64 (July 2014)</i>		
89.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 65 (August 2014)</i>		
90.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 66 (September 2014)</i>		
91.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 67 (October 2014)</i>		
92.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 68 (November 2014)</i>		
93.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 69 (December 2014)</i>		
94.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 70 (January 2015)</i>		
95.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 71 (February 2015)</i>		
96.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 72 (March 2015)</i>		

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97.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 73 (April 2015)</i>		
98.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 74 (May 2015)</i>		
99.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 75 (June 2015)</i>		
100.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 76 (July 2015)</i>		
101.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 77 (August 2015)</i>		
102.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 78 (September 2015)</i>		
103.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 79 (October 2015)</i>		
104.	<i>Federal Financial Relations (General purpose financial assistance) Determination No.80 (November 2015)</i>		
105.	<i>Federal Financial Relations (General purpose financial assistance) Determination No.81 (December 2015)</i>		
106.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 82 (January 2016)</i>		
107.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 83 (February 2016)</i>		

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108.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 84 (March 2016)</i>		
109.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 85 (April 2016)</i>		
110.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 86 (May 2016)</i>		
111.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 87 (June 2016)</i>		
112.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 88 (July 2016)</i>		
113.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 89 (August 2016)</i>		
114.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 90 (September 2016)</i>		
115.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 91 (October 2016)</i>		
116.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 92 (November 2016)</i>		
117.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 93 (December 2016)</i>		
118.	<i>Federal Financial Relations (General purpose financial assistance) Determination No. 94 (January 2017)</i>		

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119. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 95 (February 2017)</i>		
120. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 96 (March 2017)</i>		
121. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 97 (April 2017)</i>		
122. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 98 (May 2017)</i>		
123. <i>Federal Financial Relations (General purpose financial assistance) Determination No. 99 (June 2017)</i>		
124. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 100 (July 2017)</i>		
125. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 101 (August 2017)</i>		
126. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 102 (September 2017)</i>		
127. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 103 (October 2017)</i>		
128. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 104 (November 2017)</i>		
129. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 105 (December 2017)</i>		

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130. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No.106 (January 2018)</i>		
131. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No.107 (February 2018)</i>		
132. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 109 (April 2018)</i>		
133. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 113 (July 2018)</i>		
134. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 114 (August 2018)</i>		
135. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 115 (September 2018)</i>		
136. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 116 (October 2018)</i>		
137. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 117 (November 2018)</i>		
138. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 118 (December 2018)</i>		
139. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 119 (January 2019)</i>		
140. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 120 (February 2019)</i>		

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141.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 121 (March 2019)</i>		
142.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 122 (April 2019)</i>		
143.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 123 (May 2019)</i>		
144.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 124 (June 2019)</i>		
145.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 125 (July 2019)</i>		
146.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 126 (August 2019)</i>		
147.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 127 (September 2019)</i>		
148.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 128 (October 2019)</i>		
149.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 129 (November 2019)</i>		
150.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 130 (December 2019)</i>		
151.	<i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 131 (January 2020)</i>		

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<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>152. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 132 (February 2020)</i></p> <p>153. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 133 (March 2020)</i></p> <p>154. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 134 (April 2020)</i></p> <p>155. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No. 135 (May 2020)</i></p> <p>156. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No.108 (March 2018)</i></p> <p>157. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No.110 (May 2018)</i></p> <p>158. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No.111 (June 2018)</i></p> <p>159. <i>Federal Financial Relations (General Purpose Financial Assistance) Determination No.112 (29 June 2018)</i></p>		

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<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
160. <i>Federal Financial Relations (Housing, Homelessness and Housing Affordability Payments for 2018 19) Determination 2019</i>	<i>Federal Financial Relations Act 2009, section 15C</i>	<p>These determinations are made under section 15C of the <i>Federal Financial Relations Act 2009</i>.</p> <p>Additionally, despite these explicit exemptions, the instruments would ordinarily be exempt from disallowance on the basis they are a product of an Intergovernmental Agreement (subsection 44(1) of the <i>Legislation Act 2003</i>).</p>
161. <i>Federal Financial Relations (National Health Reform Payments) Determination 2012-13</i> 162. <i>Federal Financial Relations (National Health Reform Payments) Determination 2013-14</i> 163. <i>Federal Financial Relations (National Health Reform Payments) Determination 2014-15</i> 164. <i>Federal Financial Relations (National Health Reform Payments) Determination 2015-16</i> 165. <i>Federal Financial Relations (National Health Reform Payments) Determination 2016-17</i> 166. <i>Federal Financial Relations (National Health Reform Payments for 2017-18) Determination 2019</i> 167. <i>Federal Financial Relations (National Health Reform Payments for 2018-19) Determination 2020</i>	<i>Federal Financial Relations Act 2009, subsection 15A(2)</i>	<p>These determinations are made under section 15A of the <i>Federal Financial Relations Act 2009</i>.</p> <p>These payments are National Health Reform payments which facilitate the operation of the National Health Reform Agreement. This is an intergovernmental body or scheme involving the Commonwealth and a State and these determinations are made in line with obligations under that Agreement.</p> <p>An exemption from the disallowance provisions allows the Minister to meet their obligations under the agreement.</p> <p>Additionally, despite these explicit exemptions, the instruments would ordinarily be exempt from disallowance on the basis they are a product of an Intergovernmental Agreement (subsection 44(1) of the <i>Legislation Act 2003</i>).</p>

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168. <i>Federal Financial Relations (National Partnership payments) Determination No. 52 (July 2012)</i>	<i>Federal Financial Relations Act 2009, subsection 16(5)</i>	<p>These determinations are made under subsection 16(1) of the <i>Federal Financial Relations Act 2009</i>. These instruments credit amounts to the COAG Reform Fund for the purpose of providing financial assistance to the States in the form of the National Partnership payments.</p> <p>The Minister has an obligation under the Intergovernmental Agreement to make National Partnership payments in a prescribed manner.</p> <p>An exemption from the disallowance provisions allows the Minister to meet this obligation.</p> <p>Additionally, despite these explicit exemptions, the instruments would ordinarily be exempt from disallowance on the basis they are a product of an Intergovernmental Agreement (subsection 44(1) of the <i>Legislation Act 2003</i>).</p>
169. <i>Federal Financial Relations (National Partnership payments) Determination No. 53 (August 2012)</i>		
170. <i>Federal Financial Relations (National Partnership payments) Determination No. 54 (September 2012)</i>		
171. <i>Federal Financial Relations (National Partnership payments) Determination No. 55 (October 2012)</i>		
172. <i>Federal Financial Relations (National Partnership payments) Determination No. 56 (November 2012)</i>		
173. <i>Federal Financial Relations (National Partnership payments) Determination No. 57 (December 2012)</i>		
174. <i>Federal Financial Relations (National Partnership payments) Determination No. 58 (January 2013)</i>		
175. <i>Federal Financial Relations (National Partnership payments) Determination No. 59 (February 2013)</i>		
176. <i>Federal Financial Relations (National Partnership payments) Determination No. 60 (March 2013)</i>		
177. <i>Federal Financial Relations (National Partnership payments) Determination No. 61 (April 2013)</i>		
178. <i>Federal Financial Relations (National Partnership payments) Determination No. 62 (May 2013)</i>		

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179.	<i>Federal Financial Relations (National Partnership payments) Determination No. 63 (June 2013)</i>		
180.	<i>Federal Financial Relations (National Partnership payments) Determination No. 64 (June 2013)</i>		
181.	<i>Federal Financial Relations (National Partnership payments) Determination No. 65 (June 2013)</i>		
182.	<i>Federal Financial Relations (National Partnership payments) Determination No. 66 (July 2013)</i>		
183.	<i>Federal Financial Relations (National Partnership payments) Determination No. 67 (August 2013)</i>		
184.	<i>Federal Financial Relations (National Partnership payments) Determination No. 68 (September 2013)</i>		
185.	<i>Federal Financial Relations (National Partnership payments) Determination No. 69 (October 2013)</i>		
186.	<i>Federal Financial Relations (National Partnership payments) Determination No. 70 (November 2013)</i>		
187.	<i>Federal Financial Relations (National Partnership payments) Determination No. 71 (December 2013)</i>		
188.	<i>Federal Financial Relations (National Partnership payments) Determination No. 72 (December 2013)</i>		
189.	<i>Federal Financial Relations (National Partnership payments) Determination No. 73 (January 2014)</i>		

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190. <i>Federal Financial Relations (National Partnership payments) Determination No. 74 (February 2014)</i>		
191. <i>Federal Financial Relations (National Partnership payments) Determination No. 75 (February 2014)</i>		
192. <i>Federal Financial Relations (National Partnership payments) Determination No. 76 (March 2014)</i>		
193. <i>Federal Financial Relations (National Partnership payments) Determination No. 77 (April 2014)</i>		
194. <i>Federal Financial Relations (National Partnership payments) Determination No. 78 (May 2014)</i>		
195. <i>Federal Financial Relations (National Partnership payments) Determination No. 79 (June 2014)</i>		
196. <i>Federal Financial Relations (National Partnership payments) Determination No. 80 (June 2014)</i>		
197. <i>Federal Financial Relations (National Partnership payments) Determination No. 81 (June 2014)</i>		
198. <i>Federal Financial Relations (National Partnership payments) Determination No. 82 (July 2014)</i>		
199. <i>Federal Financial Relations (National Partnership payments) Determination No. 83 (August 2014)</i>		
200. <i>Federal Financial Relations (National Partnership payments) Determination No. 84 (September 2014)</i>		

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201. <i>Federal Financial Relations (National Partnership payments) Determination No. 85 (October 2014)</i>		
202. <i>Federal Financial Relations (National Partnership payments) Determination No. 86 (November 2014)</i>		
203. <i>Federal Financial Relations (National Partnership payments) Determination No. 87 (December 2014)</i>		
204. <i>Federal Financial Relations (National Partnership payments) Determination No. 88 (January 2015)</i>		
205. <i>Federal Financial Relations (National Partnership payments) Determination No. 89 (February 2015)</i>		
206. <i>Federal Financial Relations (National Partnership payments) Determination No. 90 (March 2015)</i>		
207. <i>Federal Financial Relations (National Partnership payments) Determination No. 91 (April 2015)</i>		
208. <i>Federal Financial Relations (National Partnership payments) Determination No. 92 (May 2015)</i>		
209. <i>Federal Financial Relations (National Partnership payments) Determination No. 93 (June 2015)</i>		
210. <i>Federal Financial Relations (National Partnership payments) Determination No. 94 (June 2015)</i>		
211. <i>Federal Financial Relations (National Partnership payments) Determination No. 95 (June 2015)</i>		

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212.	<i>Federal Financial Relations (National Partnership payments) Determination No. 96 (July 2015)</i>		
213.	<i>Federal Financial Relations (National Partnership payments) Determination No. 97 (August 2015)</i>		
214.	<i>Federal Financial Relations (National Partnership payments) Determination No. 98 (September 2015)</i>		
215.	<i>Federal Financial Relations (National Partnership Payments) Determination No. 99 (October 2015)</i>		
216.	<i>Federal Financial Relations (National Partnership payments) Determination No. 100 (November 2015)</i>		
217.	<i>Federal Financial Relations (National Partnership Payments) Determination No. 101 (December 2015)</i>		
218.	<i>Federal Financial Relations (National Partnership Payments) Determination No. 102 (January 2016)</i>		
219.	<i>Federal Financial Relations (National Partnership payments) Determination No. 103 (February 2016)</i>		
220.	<i>Federal Financial Relations (National Partnership payments) Determination No. 104 (March 2016)</i>		
221.	<i>Federal Financial Relations (National Partnership payments) Determination No. 105 (April 2016)</i>		
222.	<i>Federal Financial Relations (National Partnership payments) Determination No. 106 (May 2016)</i>		

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223. <i>Federal Financial Relations (National Partnership payments) Determination No. 107 (June 2016)</i>		
224. <i>Federal Financial Relations (National Partnership payments) Determination No. 108 (July 2016)</i>		
225. <i>Federal Financial Relations (National Partnership payments) Determination No. 108 (June 2016)</i>		
226. <i>Federal Financial Relations (National Partnership payments) Determination No. 110 (August 2016)</i>		
227. <i>Federal Financial Relations (National Partnership payments) Determination No. 111 (September 2016)</i>		
228. <i>Federal Financial Relations (National Partnership payments) Determination No. 112 (October 2016)</i>		
229. <i>Federal Financial Relations (National Partnership payments) Determination No. 113 (November 2016)</i>		
230. <i>Federal Financial Relations (National Partnership payments) Determination No. 114 (December 2016)</i>		
231. <i>Federal Financial Relations (National Partnership payments) Determination No. 115 (January 2017)</i>		
232. <i>Federal Financial Relations (National Partnership payments) Determination No. 116 (February 2017)</i>		
233. <i>Federal Financial Relations (National Partnership payments) Determination No. 117 (March 2017)</i>		

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234. <i>Federal Financial Relations (National Partnership payments) Determination No. 118 (April 2017)</i>		
235. <i>Federal Financial Relations (National Partnership payments) Determination No. 119 (May 2017)</i>		
236. <i>Federal Financial Relations (National Partnership payments) Determination No. 120 (June 2017)</i>		
237. <i>Federal Financial Relations (National Partnership payments) Determination No. 121 (29 June 2017)</i>		
238. <i>Federal Financial Relations (National Partnership Payments) Determination No. 122 (July 2017)</i>		
239. <i>Federal Financial Relations (National Partnership Payments) Determination No. 123 (August 2017)</i>		
240. <i>Federal Financial Relations (National Partnership Payments) Determination No. 124 (September 2017)</i>		
241. <i>Federal Financial Relations (National Partnership Payments) Determination No. 126 (October 2017)</i>		
242. <i>Federal Financial Relations (National Partnership Payments) Determination No. 127 (November 2017)</i>		
243. <i>Federal Financial Relations (National Partnership Payments) Determination No. 128 (December 2017)</i>		
244. <i>Federal Financial Relations (National Partnership Payments) Determination No. 129 (January 2018)</i>		

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245. <i>Federal Financial Relations (National Partnership Payments) Determination No. 130 (February 2018)</i>		
246. <i>Federal Financial Relations (National Partnership Payments) Determination No. 131 (March 2018)</i>		
247. <i>Federal Financial Relations (National Partnership Payments) Determination No. 132 (April 2018)</i>		
248. <i>Federal Financial Relations (National Partnership Payments) Determination No. 133 (May 2018)</i>		
249. <i>Federal Financial Relations (National Partnership Payments) Determination No. 134 (June 2018)</i>		
250. <i>Federal Financial Relations (National Partnership Payments) Determination No. 135 (29 June 2018)</i>		
251. <i>Federal Financial Relations (National Partnership Payments) Determination No. 136 (July 2018)</i>		
252. <i>Federal Financial Relations (National Partnership Payments) Determination No. 137 (August 2018)</i>		
253. <i>Federal Financial Relations (National Partnership Payments) Determination No. 138 (September 2018)</i>		
254. <i>Federal Financial Relations (National Partnership Payments) Determination No. 139 (October 2018)</i>		
255. <i>Federal Financial Relations (National Partnership Payments) Determination No. 140 (November 2018)</i>		

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256. <i>Federal Financial Relations (National Partnership Payments) Determination No. 141 (December 2018)</i>		
257. <i>Federal Financial Relations (National Partnership Payments) Determination No. 142 (January 2019)</i>		
258. <i>Federal Financial Relations (National Partnership Payments) Determination No. 143 (February 2019)</i>		
259. <i>Federal Financial Relations (National Partnership Payments) Determination No. 144 (13 February 2019)</i>		
260. <i>Federal Financial Relations (National Partnership Payments) Determination No. 145 (21 February 2019)</i>		
261. <i>Federal Financial Relations (National Partnership Payments) Determination No. 146 (March 2019)</i>		
262. <i>Federal Financial Relations (National Partnership Payments) Determination No. 147 (April 2019)</i>		
263. <i>Federal Financial Relations (National Partnership Payments) Determination No. 148 (May 2019)</i>		
264. <i>Federal Financial Relations (National Partnership Payments) Determination No. 149 (June 2019)</i>		
265. <i>Federal Financial Relations (National Partnership Payments) Determination No. 150 (28 June 2019)</i>		
266. <i>Federal Financial Relations (National Partnership Payments) Determination No. 151 (July 2019)</i>		

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267. <i>Federal Financial Relations (National Partnership Payments) Determination No. 152 (August 2019)</i>		
268. <i>Federal Financial Relations (National Partnership Payments) Determination No. 153 (September 2019)</i>		
269. <i>Federal Financial Relations (National Partnership Payments) Determination No. 154 (October 2019)</i>		
270. <i>Federal Financial Relations (National Partnership Payments) Determination No. 155 (November 2019)</i>		
271. <i>Federal Financial Relations (National Partnership Payments) Determination No.164 (March 2020)</i>		
272. <i>Federal Financial Relations (National Partnership Payments) Determination No.165 (March 2020)</i>		
273. <i>Federal Financial Relations (National Partnership Payments) Determination No.166 (April 2020)</i>		
274. <i>Federal Financial Relations (National Partnership Payments) Determination No.167 (April 2020)</i>		
275. <i>Federal Financial Relations (National Partnership Payments) Determination No.168 (May 2020)</i>		
276. <i>Federal Financial Relations (National Partnership Payments) Determination No.169 (May 2020)</i>		
277. <i>Federal Financial Relations (National Partnership) Determination No. 162 (February 2020)</i>		

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<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>278. <i>Federal Financial Relations (National Partnership) Determination No. 163 (February 2020)</i></p> <p>279. <i>Federal Financial Relations (National Partnership) Determination No.156 (December 2019)</i></p> <p>280. <i>Federal Financial Relations (National Partnership) Determination No.157 (January 2020)</i></p> <p>281. <i>Federal Financial Relations (National Partnership) Determination No.159 (January 2020)</i></p> <p>282. <i>Federal Financial Relations (National Partnership) Determination No.160 (January 2020)</i></p> <p>283. <i>Federal Financial Relations (National Partnership) Determination No.161 (February 2020)</i></p>		
<p>284. <i>Federal Financial Relations (National Specific Purpose Payments for 2018-19) Determination 2019</i></p> <p>285. <i>Federal Financial Relations (National Specific Purpose Payments) Determination 2016-17</i></p>	<p><i>Federal Financial Relations Act 2003, subsections 12(3), 13(3) and 14(3)</i></p>	<p>These determinations are made under sections 12, 13 and 14 of the <i>Federal Financial Relations Act 2009</i>. These instruments fulfil obligations under the Intergovernmental Agreement on Federal Financial Relations.</p> <p>The exemption from the disallowance provisions allow the Minister to meet this obligation.</p> <p>Additionally, despite these explicit exemptions, the instruments would ordinarily be exempt from disallowance on the basis they are a product of an Intergovernmental Agreement (subsection 44(1) of the <i>Legislation Act 2003</i>).</p>

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286. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 1 of 2015 - SRS 001.0 - Profile and Structures (Baseline)</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	These determinations are made under paragraphs 13(1)(a) and 16(1B)(b) of the <i>Financial Sector (Collection of Data) Act 2001</i> .
287. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 1 of 2017</i>		These instruments are exempt from disallowance on the basis that they relate to superannuation and are not regulations.
288. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 10 of 2015 - SRS 410.0 - Accrued Default Amounts</i>		
289. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 10 of 2017</i>		
290. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 11 of 2015 - SRS 530.0 - Investments</i>		
291. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 11 of 2017</i>		
292. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 12 of 2015 - SRS 531.0 - Investment Flows</i>		
293. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 12 of 2017</i>		
294. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 13 of 2015 - SRS 533.0 - Asset Allocation</i>		
295. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 14 of 2015 - SRS 540.0 - Fees</i>		
296. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 15 of 2015 - SRS 600.0 - Profile and Structure (RSE Licensee)</i>		
297. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 16 of 2015 - SRS 601.0 - Profile and Structure (RSE)</i>		

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298.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 17 of 2015 - SRS 602.0 - Wind-up</i>		
299.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 2 of 2015 - SRS 114.0 - Operational Risk Financial Requirement</i>		
300.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 20 of 2015 - SRS 610.2 - Membership Profile</i>		
301.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 21 of 2015 - SRS 700.0 - Product Dashboard</i>		
302.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 22 of 2014 - SRS 530.1 Investments and Investment Flows</i>		
303.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 22 of 2015 - SRS 710.0 - Conditions of Release</i>		
304.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 23 of 2015 - SRS 711.0 - SuperStream Benchmarking Measures</i>		
305.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 25 of 2015 - SRS 801.0 - Investments and Investment Flows</i>		
306.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 26 of 2015 - SRS 802.0 - Fund Profile</i>		
307.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 27 of 2015 - SRS 320.0 - Statement of Financial Position</i>		
308.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 3 of 2015 - SRS 160.0 - Defined Benefit Matters</i>		

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309.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 37 of 2015</i>		
310.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 38 of 2015</i>		
311.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 4 of 2015 - SRS 160.1 - Defined Benefit Member Flows</i>		
312.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 40 of 2015</i>		
313.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 41 of 2015 - SRS 703.0 - Fees Disclosed</i>		
314.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 43 of 2015 - SRS 721.0 - ABS Securities Subject to Repurchase and Resale and Stock Lending and Borrowing</i>		
315.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 44 of 2015 - SRS 722.0 - ABS Derivatives Schedule</i>		
316.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 5 of 2015 - SRS 161.0 - Self-Insurance</i>		
317.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 6 of 2015 - SRS 250.0 - Acquired Insurance</i>		
318.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 6 of 2017</i>		
319.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 65 of 2013 - SRS 114.1 - Operational Risk Financial Requirement</i>		
320.	<i>Financial Sector (Collection of Data) (reporting standard) determination No. 7 of 2014 - SRS 520.0 - Responsible Persons Information</i>		

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<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>321. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 7 of 2015 - SRS 320.1 - Statement of Financial Position</i></p> <p>322. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 7 of 2017</i></p> <p>323. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 8 of 2017</i></p> <p>324. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 84 of 2013 - SRS 535.0 - Securities Lending</i></p> <p>325. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 9 of 2015 - SRS 331.0 - Services</i></p> <p>326. <i>Financial Sector (Collection of Data) (reporting standard) determination No. 9 of 2017</i></p> <p>327. <i>Financial Sector (Collection of Data) exemption No. 2 of 2016</i></p>		

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>328. <i>Fuel Indexation (Road Funding) Special Account Determination 2016 (No. 1)</i></p> <p>329. <i>Fuel Indexation (Road Funding) Special Account Determination 2017 (No. 1)</i></p> <p>330. <i>Fuel Indexation (Road Funding) Special Account Determination 2018 (No. 1)</i></p> <p>331. <i>Fuel Indexation (Road Funding) Special Account Determination 2019 (No. 1)</i></p> <p>332. <i>Fuel Indexation (Road Funding) Special Account Determination 2020 (No. 1)</i></p>	<p><i>Fuel Indexation (Road Funding) Special Account Act 2015, subsection 8(3)</i></p>	<p>These determinations are made under section 8 of the <i>Fuel Indexation (Road Funding) Special Account Act 2015</i>.</p> <p>At paragraph 1.56 of the Explanatory Memorandum to the Fuel Indexation (Road Funding) Special Account Bill 2015, it provides that:</p> <p><i>“The determination is administrative in character and would not ordinarily be considered to be a legislative instrument. However, for the purposes of transparency, it has been decided that the determination should be treated as a legislative instrument under the Legislative Instruments Act 2003 despite its administrative character. This ensures that the determination is published on the Federal Register of Legislative Instruments.”</i></p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>333. <i>Income Tax Assessment Act 1997 – Exploration Development Incentive Modulation Factor – Declaration Instrument (No. 1) 2015</i></p> <p>334. <i>Income Tax Assessment Act 1997 – Exploration Development Incentive Modulation Factor – Declaration Instrument (No. 2) 2016</i></p> <p>335. <i>Income Tax – Exploration Development Incentive Modulation Factor – Declaration Instrument 2017</i></p>	<p><i>Income Tax Assessment Act 1997</i>, subsection 418-90(6)</p>	<p>These declarations are made under section 418-90(1) of the <i>Income Tax Assessment Act 1997</i>.</p> <p>The Australian Taxation Office has advised that the instrument provides the modulation factor for the exploration development incentive for the 2016-17 income year. The modulation factor has immediate consequences for commercial and corporate arrangements. Revising or withdrawing the modulation factor after entities have begun the process of creating or issuing credits would undermine these arrangements and potentially expose taxpayers to significant compliance costs and penalties in respect of something that is wholly beyond their control. Therefore, it is not appropriate for the legislative instrument to be subject to Parliamentary disallowance.</p>
<p>336. <i>Minister to Australian Reinsurance Pool Corporation (Payments to the Commonwealth) Direction 2012</i></p> <p>337. <i>Terrorism Insurance (Premiums) Direction 2019</i></p> <p>338. <i>Terrorism Insurance Act 2003 – Risk Retention Direction 2017</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015</i>, section 9, item 2</p>	<p>These directions are made under section 38 of the <i>Terrorism Insurance Act 2003</i>. Ministerial directions are exempt from disallowance as executive control of the instrument is intended.</p>
<p>339. <i>National Housing Finance and Investment Corporation Investment Mandate Direction 2018</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015</i>, section 9, item 2</p>	<p>This is a Ministerial direction is made under subsection 12(1) of the <i>National Housing Financial and Investment Corporation Act 2018</i>. Ministerial directions are exempt from disallowance as executive control of the instrument is intended.</p>

Treasury submission into the inquiry into exemptions of delegated legislation from parliamentary oversight

Attachment A

<p>340. <i>Payment Systems (Regulation) Act 1998 - Access Regime for the ATM System</i></p> <p>341. <i>Payment Systems (Regulation) Act 1998 - Access Regime for the MasterCard Credit Card System</i></p> <p>342. <i>Payment Systems (Regulation) Act 1998 - Access Regime for the VISA Credit Card System</i></p> <p>343. <i>Payment Systems (Regulation) Act 1998 - Exemption Notice for Certain Guaranteed Holders of Stored Value Under Section 25</i></p>	<p><i>Legislation (Exemption and Other Matters) Regulation 2015, section 10, item 26</i></p>	<p>These instruments are made by the Reserve Bank of Australia (RBA) under:</p> <ul style="list-style-type: none"> Subdivision A of Division 3 of Part 3 of the <i>Payment Systems (Regulation) Act 1998</i>, which enables the RBA to impose an access regime on participants in a designated payment system; Section 18 of the <i>Payment Systems (Regulation) Act 1998</i>, which enables the RBA to determine standards that apply to participants in a designated payment system Section 25 of the <i>Payment Systems (Regulation) Act 1998</i>, which enables the RBA to grant an exemption allowing corporations in a specified class to be the holder of the stored value in respect of purchased payment facilities (PPFs) in a particular class. <p>These instruments are exempt on the basis that exposure to potential disallowance would cause commercial uncertainty (refer to the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p> <p>Given the wide range of stakeholders and commercial decisions potentially affected by any standards determined, or access regimes imposed, under the <i>Payment Systems (Regulation) Act 1998</i>, commercial certainty would be adversely affected in a material manner if those instruments were subject to disallowance. Commercial certainty is particularly desirable in the context of payment systems regulation under the <i>Payment Systems (Regulation) Act 1998</i> given the importance of a safe, competitive and efficient payments system in supporting the day-to-day business of the Australian economy.</p>
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Treasury submission into the inquiry into exemptions of delegated legislation from parliamentary oversight

Attachment A

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
		In relation to exemptions granted under section 25 of the <i>Payment Systems (Regulation) Act 1998</i> , in principle, these instruments are intended to operate from the time they are made and commercial certainty for purchased payment facility providers may be undermined if an exemption could be disallowed at a later date.
344. <i>Retirement Savings Account modification declaration No. 1 of 2007</i> 345. <i>Retirement Savings Account modification declaration No. 2 of 2007</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015</i> , section 9, item 3	These declarations are made under section 177 of the <i>Retirement Savings Accounts Act 1997</i> . These are superannuation instruments that are not regulations, therefore, they are not subject to disallowance.
346. <i>Retirement Savings Accounts Tax File Number approval No. 1 of 2017</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015</i> , section 9, item 3	This instrument is made under sections 135, 136, 138, 139 and 142 of the <i>Retirement Savings Accounts Act 1997</i> . This is a superannuation instrument that is not a regulation, therefore, it is not subject to disallowance.
347. <i>RSA Data and Payment Standards (Contribution Transitional Arrangements) Amendment 2014</i> 348. <i>RSA Data and Payment Standards (Payments and Information from the Commissioner of Taxation) Amendment 2016</i> 349. <i>RSA Data and Payment Standards 2013</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015</i> , section 9, item 3	These instruments are made under subsection 45B(3) of the <i>Retirement Savings Accounts Act 1997</i> . These are superannuation instruments that are not regulations, therefore, they are not subject to disallowance.
350. <i>Self Managed Superannuation Funds (Limited Recourse Borrowing Arrangements – In-House Asset Exclusion) Determination 2014</i> 351. <i>Superannuation Industry (Supervision) In-house Asset Determination — Intermediary Limited Recourse Borrowing Arrangement Determination 2020</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015</i> , section 9, item 3	These determinations are made under paragraph 71(1)(f) of the <i>Superannuation Industry (Supervision) Act 1993</i> . These are superannuation instruments that are not regulations, therefore, they are not subject to disallowance.

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>352. <i>Payment Systems (Regulation) Act 1998 - Standard No. 3 of 2016 - Scheme Rules Relating to Merchant Pricing for Credit, Debit and Prepaid Card Transactions</i></p> <p>353. <i>Standard No. 1 of 2016 The Setting of Interchange Fees in the Designated Credit Card Schemes and Net Payments to Issuers</i></p> <p>354. <i>Standard No. 2 of 2016 The Setting of Interchange Fees in the Designated Debit and Prepaid Card Schemes and Net Payments to Issuers</i></p>	<p><i>Legislation (Exemption and Other Matters) Regulation 2015, section 10, item 26</i></p>	<p>These instruments are made under section 18 of the <i>Payment Systems (Regulation) Act 1998</i> which enables the RBA to determine standards that apply to participants in a designated payment system.</p> <p>These instruments are exempt on the basis that exposure to potential disallowance would cause commercial uncertainty (refer to the Explanatory Memorandum to the Legislative Instruments Bill 2003).</p> <p>Given the wide range of stakeholders and commercial decisions potentially affected by any standards determined under the <i>Payment Systems (Regulation) Act 1998</i>, commercial certainty would be adversely affected in a material manner if those instruments were subject to disallowance. Commercial certainty is particularly desirable in the context of payment systems regulation under the <i>Payment Systems (Regulation) Act 1998</i> given the importance of a safe, competitive and efficient payments system in supporting the day-to-day business of the Australian economy.</p>

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Attachment A

355. <i>Superannuation (prudential standard) determination No. 1 of 2012 - Prudential Standard SPS 114 - Operational Risk Financial Requirement</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	These determinations are made under section 34C of the <i>Superannuation Industry (Supervision) Act 1993</i> . These are superannuation instruments that are not regulations, therefore, they are not subject to disallowance.
356. <i>Superannuation (prudential standard) determination No. 1 of 2013 - Prudential Standard SPS 450 - Eligible Rollover Fund (ERF) Transition</i>		
357. <i>Superannuation (prudential standard) determination No. 1 of 2016 - Prudential Standard SPS 510 - Governance</i>		
358. <i>Superannuation (prudential standard) determination No. 1 of 2018</i>		
359. <i>Superannuation (prudential standard) determination No. 2 of 2013 - Prudential Standard SPS 160 - Defined Benefit Matters</i>		
360. <i>Superannuation (prudential standard) determination No. 2 of 2019</i>		
361. <i>Superannuation (prudential standard) determination No. 3 of 2012 - Prudential Standard SPS 231 - Outsourcing</i>		
362. <i>Superannuation (prudential standard) determination No. 3 of 2019</i>		
363. <i>Superannuation (prudential standard) determination No. 4 of 2012 - Prudential Standard SPS 232 - Business Continuity Management</i>		
364. <i>Superannuation (prudential standard) determination No. 4 of 2013 - Prudential Standard SPS 520 - Fit and Proper</i>		
365. <i>Superannuation (prudential standard) determination No. 5 of 2012 - Prudential Standard SPS 250 - Insurance in Superannuation</i>		
366. <i>Superannuation (prudential standard) determination No. 7 of 2012 - Prudential Standard SPS 521 - Conflicts of Interest</i>		

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
367. <i>Superannuation (prudential standard) determination No. 8 of 2012 - Prudential Standard SPS 530 - Investment Governance</i>		
368. <i>Superannuation Data and Payment Standards (Payments and Information from the Commissioner of Taxation) Amendment 2016</i> 369. <i>Superannuation Data and Payment Standards 2012</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	These determinations are made under section 34K of the <i>Superannuation Industry (Supervision) Act 1993</i> . These are superannuation instruments that are not regulations, therefore these determinations are not subject to disallowance.
370. <i>Superannuation Guarantee (Administration) Act 1992 - Written Guidelines for the Reduction of an Increase in an Employer's Individual Superannuation Guarantee Shortfall (09/06/2006)</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	This determination is made under sections 21 and 19 of the <i>Superannuation Guarantee (Administration) Act 1992</i> . This is a superannuation instrument that is not a regulation, therefore it is not subject to disallowance.
371. <i>Superannuation Industry (Supervision) (approved guarantee) determination No. 1 of 2006</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	This determination is made under subparagraph 11E(1)(a) of the <i>Superannuation Industry (Supervision) Act 1993</i> . This is a superannuation instrument that is not a regulation, therefore it is not subject to disallowance.
372. <i>Superannuation Industry (Supervision) (related party assets) determination No. 1 of 2010</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	This determination is made under subparagraph 66(2)(d) of the <i>Superannuation Industry (Supervision) Act 1993</i> . This is a superannuation instrument that is not a regulation, therefore, it is not subject to disallowance.
373. <i>Superannuation Industry (Supervision) Act approval of provision of benefits (No. 1) 2007</i> 374. <i>Superannuation Industry (Supervision) approval of provision of benefits No. 1 of 2007</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	These determinations are made under subparagraph 62(1)(b)(v) of the <i>Superannuation Industry (Supervision) Act 1993</i> . These are superannuation instruments that are not regulations, therefore, they are not subject to disallowance.

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
<p>375. <i>Superannuation Industry (Supervision) modification declaration No. 1 of 2006</i></p> <p>376. <i>Superannuation Industry (Supervision) modification declaration No. 1 of 2007</i></p> <p>377. <i>Superannuation Industry (Supervision) modification declaration No. 1 of 2008</i></p> <p>378. <i>Superannuation Industry (Supervision) modification declaration No. 2 of 2007</i></p> <p>379. <i>Superannuation Industry (Supervision) modification declaration No. 2 of 2009</i></p> <p>380. <i>Superannuation Industry (Supervision) modification declaration No. 3 of 2006</i></p> <p>381. <i>Superannuation Industry (Supervision) modification declaration No. 3 of 2007</i></p> <p>382. <i>Superannuation Industry (Supervision) modification declaration No. 4 of 2007</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i></p>	<p>These determination are made under section 332 of the <i>Superannuation Industry (Supervision) Act 1993</i>. These are superannuation instruments that are not regulations, therefore, they are not subject to disallowance.</p>
<p>383. <i>Superannuation Industry (Supervision) Tax File Number approval No. 1 of 2017</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i></p>	<p>This determination is made under subsections 299E(1), 299F(1), 299G(1), 299M(2), 299N(2), and paragraphs 299P(a) and 299S(1)(b) of the <i>Superannuation Industry (Supervision) Act 1993</i>. This is a superannuation instrument that is not a regulation, therefore it is not subject to disallowance.</p>
<p>384. <i>Temporary Residents' Superannuation Measure - Scheduled Statement Days 2009 year and onwards</i></p>	<p><i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i></p>	<p>This determination is made under section 20B of <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i>. This is a superannuation instrument that is not a regulation, therefore, it is not subject to disallowance.</p>

<u>Name of instrument</u>	<u>Identified exemption from disallowance provision provided on registration</u>	<u>Rationale for exemption</u>
385. <i>Unclaimed Money Days and Scheduled Statement Days</i>	<i>Legislation (Exemptions and Other Matters) Regulation 2015, section 9, item 3</i>	This determination is made under section 15A of <i>Superannuation (Unclaimed Money and Lost Members) Act 1999</i> . This is a superannuation instrument that is not a regulation, therefore, it is not subject to disallowance.