

Appendix 1¹

COVID-19 related legislation

April 2020

22 – 30 April

Instrument	Date registered	Description	Comment
CASA EX69/20 – EPC Requirements for ATOs Transitioning to the FER (Extensions of Time Due to COVID-19) – Exemption Amendment Instrument 2020 (No. 1) [F2020L00456]	22/04/2020	This instrument provides a three months extension for approximately 50 former approved testing officers who had transitioned to the new (equivalent) status of flight examiner rating (FER) holder, to compete a required examiner proficiency check (EPC), due to the social distancing rules required to be observed during the COVID-19 pandemic.	No comment
CASA EX70/20 – Licensing, and Operator Training and Checking (Extensions of Time Due to COVID-19) Exemptions Amendment Instrument 2020 (No. 2) [F2020L00457]	22/04/2020	This instrument amends CASA EX57/20 in response to the COVID-19 pandemic social distancing rules which require relevant licence holders to avoid, as far as possible, working in close proximity to others during assessment activities. In addition, Airservices Australia has implemented a rostering scheme which aims to mitigate operational and personnel risks associated with COVID-19 and, therefore, the availability of relevant licence holders to conduct assessments and supervision is reduced, and the ability to meet recency requirements is diminished.	No comment
Coronavirus Economic Response Package (Payments and Benefits) Alternative Decline in Turnover Test Rules 2020 [F2020L00461]	23/04/2020	This instrument provides alternative bases for an entity in a class of entities to satisfy the decline in turnover test for the purposes of receiving JobKeeper payments, when the Commissioner is satisfied that there is not a relevant comparison period for the purposes of an entity in a class of entities satisfying the decline in turnover test under the Coronavirus Economic Response Package (Payments and Benefits) Rules 2020.	No comment
Therapeutic Goods (Medical Devices—Specified Articles) Instrument 2020 [F2020L00463]	23/04/2020	This instrument specifies a particular class of non-sterile personal protective equipment and safety apparel to be medical devices.	No comment
Therapeutic Goods Amendment (Excluded Goods) Determination	23/04/2020	This instrument excludes from the operation of the <i>Therapeutic Goods Act 1989</i> all non-sterile personal protective equipment and	No comment

¹ This appendix can be cited as: Parliamentary Joint Committee on Human Rights, COVID-19 related legislation, Report 5 of 2020; [2020] AUPJCHR 86.

(No.1) 2020 [F2020L00464]		safety apparel other than articles specified in item 1 of Schedule 1 to the Therapeutic Goods (Medical Devices—Specified Articles) Instrument 2020.	
Therapeutic Goods Amendment (Declared Goods) Order (No. 1) 2020 [F2020L00465]	23/04/2020	This instrument makes consequential amendments related to the specification of a class of non-sterile personal protective equipment and safety apparel to be medical devices under section 41BD(2B) of the <i>Therapeutic Goods Act 1989</i> .	No comment
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Remote Communities) Amendment (No. 2) Determination 2020 [F2020L00466]	23/04/2020	This instrument amends the existing biosecurity emergency measures in remote communities by amending some designated locations, and to require that a person entering a designated area has not been in a 'foreign country' (rather than 'outside Australian territory') in the 14 days immediately prior to entry.	See Chapter 1
ASIC Corporations (Extended Reporting and Lodgment Deadlines—Unlisted Entities) Instrument 2020/395 [F2020L00469]	24/04/2020	This instrument implements temporary measures aimed at facilitating financial reporting by unlisted entities whose reporting processes take additional time due to current remote work arrangements, travel restrictions and other impacts of COVID-19. The temporary measures are intended to allow unlisted entities up to one additional month to complete financial reports and have those reports audited, in compliance with the financial reporting and audit requirements of the Corporations Act 2001.	No comment
ASIC Corporations (Amendment Instrument 2020/396 [F2020L00470]	24/04/2020	This instrument preserves the grandfathered status of certain proprietary companies. Grandfathered proprietary companies must meet certain conditions, including reporting to members within the statutory deadline each year, to be exempt from lodging financial reports with ASIC. The purpose of this is to assist unlisted entities affected by the impacts of COVID-19 by enabling them more time to report and have audits.	No comment
Fair Work Commission Amendment (Miscellaneous Measures) Rules 2020 [F2020L00471]	24/04/2020	This instrument provides for the practice and procedure that is to be followed by the Fair Work Commission and the conduct of business in relation to matters allowed or required to be dealt with by the Fair Work Commission. This include amendments which replace various requirements under the Rules to lodge statutory declarations, with requirements to lodge signed declarations, ensuring that people are not exposed to health risks during the COVID-19 pandemic in order to have statutory declarations witnessed.	No comment

Social Security (Coronavirus Economic Response—2020 Measures No. 4) Determination 2020 [F2020L00474]	24/04/2020	This instrument modifies the Social Security Act in relation to the partner income reduction rate for jobseeker payment by reducing it from 60 per cent to 25 per cent of the person's partner income excess.	No comment
Social Security (Coronavirus Economic Response—2020 Measures No. 6) Determination 2020 [F2020L00475]	24/04/2020	This determination provides for recipients of widow allowance, partner allowance and special benefit under the social security law to receive the COVID-19 supplement from 27 April 2020.	No comment
Veterans' Children Education Schemes (COVID-19 Supplement) Amendment Determination 2020 [F2020L00477]	24/04/2020	This instrument temporarily increases payments to certain recipients receiving benefits under the Veterans' Children Education Scheme and the MRCA Education and Training Scheme by providing for receipt of the new and temporary COVID-19 supplement.	No comment
ASIC Corporations (COVID-19 – Distribution of Debit Cards) Instrument 2020/401 [F2020L00478]	24/04/2020	This instrument provides exemptions and modifications in relation to the hawking and product disclosure requirements in the <i>Corporations Act 2001</i> in relation to issuing basic deposit products, linked non-cash payment facilities and debit cards due to adverse implications on consumers without debit cards due to COVID-19.	No comment
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 1) 2020 [F2020L00479]	24/04/2020	This instrument requires the Commissioner of Taxation to verify JobKeeper payment information with authorised deposit-taking institutions.	No comment
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements—Public Health Contact Information) Determination 2020 [F2020L00480]	25/04/2020	This instrument provides privacy protections for data collected through a contact tracing app, providing that a person must not collect, use, disclose or otherwise deal with the data unless one of the exemptions listed in the instrument apply.	See Chapter 1
Child Care Subsidy Amendment (Coronavirus Response Measures No. 3) Minister's Rules 2020 [F2020L00490]	28/04/2020	This instrument provides that Child Care Subsidy and Additional Child Care Subsidy are not payable while child care providers are also in receipt of business continuity payments (BCPs) under the Early Childhood Education and Care Relief Package (the package). It also places a condition on the approval of child care providers to not charge fees while in receipt of BCPs under the package; prescribes the Community Child Care Fund – Special Circumstances program,	No comment

		in order to enable payments under that program to draw on the special appropriation in the family assistance law; and provides that applications for approval not be made for the duration of the BCPs under the package, with the exception of applications resulting from the sale of a service.	
Social Security (Coronavirus Economic Response—2020 Measures No. 5) Determination 2020 [F2020L00509]	28/04/2020	This instrument facilitates the provision of information (including tax file number information) by the Commissioner of Taxation to the Secretary of the Department of Social Services in matters related to the administration of the JobKeeper payment.	No comment
Biosecurity Repeal (Human Health Response Zone) (Swissotel Sydney) Determination 2020 [F2020L00510]	29/04/2020	This instrument repeals the Biosecurity (Human Health Response Zone) (Swissotel Sydney) Determination 2020 as the Swissotel is no longer a Human Health Response Zone.	No comment
Health Insurance (Pathologist-determinable Services) Amendment Determination (No. 2) 2020 [F2020L00519]	29/04/2020	This instrument includes a reference to three pathology items for the detection of Chlamydia trachomatis, two pathology items for viral respiratory pathology tests where the service is referred to a laboratory that did not receive the original request (including COVID-19 related tests), twenty new items for genetic testing of somatic markers for the diagnosis and classification of tumours, and one pathology item for archival tissue retrieval and review.	No comment
National Health (Continued Dispensing – Emergency Measures) Amendment Determination 2020 (No.3) (PB 36 of 2020) [F2020L00522]	30/04/2020	This instrument adds and deletes drugs and forms to the list of pharmaceutical benefits that can be supplied as a Continued Dispensing supply. This will provide a continued option for consumers to obtain Pharmaceutical Benefits Scheme (PBS) subsidised access to their medicines to assist in managing the demand on the health system during the COVID-19 outbreak. No end date is specified in the instrument, however it is intended to be temporary.	No comment

May 2020

1 - 8 May 2020

Instrument	Date registered	Description	Comment
Customs By-law No. 2019608 [F2020L00540]	1/05/2020	This by-law prescribes certain medical products and hygiene products imported as part of the response to the COVID-19 pandemic.	No comment
Parliamentary Contributory Superannuation (Early Release Payments)	1/05/2020	The instrument allows early access to superannuation by deferred members in the Parliamentary Contributory Superannuation Scheme (PCSS) due to severe financial	No comment

Regulations 2020 [F2020L00542]		hardship and compassionate grounds due to COVID-19.	
Therapeutic Goods Amendment (Radiopharmaceuticals and Radiopharmaceutical Active Ingredients) Regulations 2020 [F2020L00544]	1/05/2020	This instrument introduces an exemption from the operation of Part 3-3 of the <i>Therapeutic Goods Act 1989</i> for certain radiopharmaceuticals and radiopharmaceutical active ingredients. This exemption is necessary to facilitate the continued supply of radiopharmaceuticals to patients around Australia which has been negatively impacted by the unforeseen reduction in commercial flights between Australian capital cities caused by the current outbreak of COVID-19.	No comment
Social Security (Coronavirus Economic Response—2020 Measures No. 7) Determination 2020 [F2020L00545]	1/05/2020	This instrument varies the <i>Social Security Act 1991</i> to remove the liquid assets test waiting period and seasonal work preclusion period for social security claimants who had already served a part of such period prior to 25 March 2020, and for people who claim during certain periods, to expand and expedite access to payments for those financially impacted by COVID-19.	No comment
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 2) 2020 [F2020L00546]	1/05/2020	This instrument amends the rules relating to the JobKeeper scheme to adjust some elements of the scheme, and expand access to the scheme in some areas.	No comment
National Vocational Education and Training Regulator (Charges) Amendment (COVID-19) Determination 2020 [F2020L00547]	4/05/2020	This instrument provides for the refunding and waiver of charges imposed on registered training organisations and registered providers by the Australian Skills Quality Authority, to assist the vocational education and training sector during the COVID-19 pandemic.	No comment
Australian Skills Quality Authority Instrument Fixing Fees Amendment (Refund of Fees) Determination 2020 [F2020L00548]	4/05/2020	This instrument further provides for the refunding and waiver of fees charged to registered training organisations and registered providers by the Australian Skills Quality Authority to assist the vocational education and training sector during the COVID-19 pandemic.	No comment
Tertiary Education Quality and Standards Agency Determination of Fees No. 1 of 2020 [F2020L00549]	4/05/2020	This instrument provides the Tertiary Education Quality and Standards Agency (TEQSA) with the capacity to refund certain fees due to special or unusual circumstances that cause the fee to be unreasonable or inequitable, including in circumstances related to the COVID-19 pandemic event.	No comment
Therapeutic Goods Amendment (Excluded Goods—Hand Sanitisers) Determination (No. 2) 2020 [F2020L00551]	5/05/2020	This instrument clarifies certain matters relating to the specification of hand sanitisers that are excluded goods for the purposes of the <i>Therapeutic Goods Act 1989</i> , and to introduce minor safety measures.	No comment

Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2020 (No. 2) [F2020L00559]	7/05/2020	This instrument clarifies the rules where reporting entities are seeking to rely on alternative identity proofing processes to establish the identity of their customer in circumstances where that customer possesses, but cannot produce or provide, relevant identity documents due to measures designed to prevent the spread of COVID-19.	No comment
ASIC Corporations (AFCA Regulatory Requirement) Instrument 2020/0433 [F2020L00560]	7/05/2020	This instrument makes some amendments to the manner in which the Australian Financial Complaints Authority operator must comply with conditions of the AFCA Scheme Authorisation 2018, as part of the COVID-19 pandemic response.	No comment
Financial Sector (Collection of Data) (reporting standard) determination No. 5 of 2020 [F2020L00561]	7/05/2020	This instrument reinstates reporting standards to APRA for Registered Financial Corporations and authorised deposit-taking institutions, which had been revoked in January. These have been reinstated in light of the volatile market movements and unprecedented economic conditions caused by the COVID-19 virus, given the need for a consistent series of reporting to develop the National Accounts to accurately represent the impacts of the COVID-19 virus on Australia's economic activity.	No comment
Financial Sector (Collection of Data) (reporting standard) determination No. 6 of 2020 [F2020L00562]	7/05/2020	This instrument reinstates reporting standards to APRA for Registered Financial Corporations and authorised deposit-taking institutions, which had been revoked in January. These have been reinstated in light of the volatile market movements and unprecedented economic conditions caused by the COVID-19 virus, given the need for a consistent series of reporting to develop the National Accounts to accurately represent the impacts of the COVID-19 virus on Australia's economic activity.	No comment

9 - 14 May 2020 (Bills to 14 May, legislative instruments to 12 May 2020)

Bill/instrument	Date introduced/registered	Description	Comment
National Greenhouse and Energy Reporting (Safeguard Mechanism) Amendment (Extended Transition) Rule 2020 [F2020L00566]	11/05/2020	This instrument amends the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 to delay the requirement to apply for new baselines due to the COVID-19 pandemic.	No comment
VET Student Loans Amendment Rules (No. 1) 2020 [F2020L00569]	12/05/2020	This instrument temporarily exempts students from the requirement to pay loan fees associated with Vocational Education	No comment

		and Training (VET) student loans for six months, to assist students as they deal with the financial consequences of the global outbreak of COVID-19.	
Fair Work Amendment (COVID-19) Bill 2020 [Private Senator's bill]	12/05/2020		No comment
Aged Care Legislation Amendment (Emergency Leave) Bill 2020	13/05/2020	This bill introduces an emergency leave type that will enable approved providers to remain eligible for residential care subsidy in declared emergency situations (such as the current COVID-19 pandemic) and ensure approved providers cannot decide to charge aged care residents a fee during a declared emergency to reserve their place in an aged care service. These emergency situations may include natural disasters, pandemics or other large-scale emergencies that may impact the safe provision of residential aged care and the safety of the resident.	No comment
Privacy Amendment (Public Health Contact Information) Bill 2020	13/05/2020	This bill seeks to provide stronger privacy protections for users of the Commonwealth's COVIDSafe app and data collected through the COVIDSafe app than that which would otherwise apply in the <i>Privacy Act 1988</i> .	See Chapter 1
Air Navigation (Exemption for Commercial Non-Scheduled Flights) Amendment Determination 2020 [F2020L00571]	13/05/2020	This determination removes exemptions for single charter flights carrying passengers where the seating capacity of the aircraft exceeds 80 persons, while the Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020 remains in force. This would have the effect that operators of such flights must seek permission from the Secretary of the Department of Infrastructure, Transport, Regional Development and Communication for such operations.	No comment
Great Barrier Reef Marine Park Amendment (Coronavirus Economic Response Package) Bill 2020	14/05/2020	This bill effectively waives the requirement for Great Barrier Reef Marine Park permission holders to pay the environmental management charge to the Great Barrier Reef Marine Park Authority for the period 1 January 2020 to 31 March 2020. This is intended to provide financial relief to the Great Barrier Reef tourism industry and other relevant permission holders impacted by the COVID-19 pandemic.	No comment