

The Senate

Standing
Committee for the
Scrutiny of Delegated
Legislation

Delegated Legislation Monitor

Monitor 9 of 2021

23 June 2021

© Commonwealth of Australia 2021

ISSN: 2652-4139 (print)

ISSN: 2652-4147 (online)

This document was prepared by the Senate Standing Committee for the Scrutiny of Delegated Legislation and printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra.

Membership of the committee

Current members

Senator the Hon Concetta Fierravanti-Wells (Chair)	New South Wales, LP
Senator the Hon Kim Carr (Deputy Chair)	Victoria, ALP
Senator Raff Ciccone	Victoria, ALP
Senator Perin Davey	New South Wales, NATS
Senator Nita Green	Queensland, ALP
Senator Paul Scarr	Queensland, LP

Secretariat

Mr Glenn Ryall, Secretary
Ms Hannah Wilkins, Principal Research Officer (A/g)
Ms Anika Khwaja, Principal Research Officer
Ms Sarah Batts, Senior Research Officer
Ms Jayde Kominiarski, Senior Research Officer
Ms Anita Zovak, Legislative Research Officer

Committee legal adviser

Associate Professor Andrew Edgar

Committee contact details

PO Box 6100
Parliament House
Canberra ACT 2600
Ph: 02 6277 3066
Email: sdlc.sen@aph.gov.au
Website: http://www.aph.gov.au/senate_sdlc

Contents

Membership of the committee	iii
Introduction.....	vii
Chapter 1 – Instruments raising significant scrutiny concerns	1
Chapter 2 – Matters of interest to the Senate	3
Chapter 3 – Scrutiny of Commonwealth expenditure.....	5
Appendix A - New matters	7
Ministerial engagement	7
Agency engagement	8
Appendix B - Ongoing matters	9
Ministerial engagement	9
Agency engagement	10
Appendix C - Concluded matters	13
Ministerial engagement	13
Agency engagement	13
Appendix D - Undertakings	15
Outstanding undertakings	15
Implemented undertakings	18

Introduction

The Senate Standing Committee on Regulations and Ordinances (the committee) was established in 1932. The committee's name was changed on 4 December 2019 to the Senate Standing Committee for the Scrutiny of Delegated Legislation.¹ The role of the committee is to examine the technical qualities of all disallowable legislative instruments, and to decide whether they comply with the committee's non-partisan scrutiny principles.

Terms of reference

The committee's scrutiny principles are set out in Senate standing order 23(3) which requires the committee to scrutinise each instrument as to whether:

- (a) it is in accordance with its enabling Act and otherwise complies with all legislative requirements;
- (b) it appears to be supported by a constitutional head of legislative power and is otherwise constitutionally valid;
- (c) it makes rights, liberties, obligations or interests unduly dependent on insufficiently defined administrative powers;
- (d) those likely to be affected by the instrument were adequately consulted in relation to it;
- (e) its drafting is defective or unclear;
- (f) it, and any document it incorporates, may be freely accessed and used;
- (g) the accompanying explanatory material provides sufficient information to gain a clear understanding of the instrument;
- (h) it trespasses unduly on personal rights and liberties;
- (i) it unduly excludes, limits or fails to provide for independent review of decisions affecting rights, liberties, obligations or interests;
- (j) it contains matters more appropriate for parliamentary enactment; and
- (k) it complies with any other ground relating to the technical scrutiny of delegated legislation that the committee considers appropriate.

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

1 On 27 November 2019, the Senate agreed to amend standing orders 23 and 25(2)(a), with effect from 4 December 2019. For further information, see https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Changes_to_committee_standing_orders.

the instrument on the ground that it raises significant issues, or otherwise gives rise to issues that are likely to be of interest to the Senate.

Nature of the committee's scrutiny

The committee's work may be broadly described as technical legislative scrutiny. In this regard, the committee does not examine the policy merits of delegated legislation. However, if the committee determines that an instrument raises significant issues, it may write to the relevant legislation committee to alert that committee to the instrument, or otherwise draw the instrument to the attention of the Senate.

Where an instrument does not appear to comply with the committee's technical scrutiny principles, the committee's usual approach is to correspond with the responsible minister or relevant agency to seek further explanation or clarification of the matter at issue. The committee may also seek an undertaking for specific action to address its scrutiny concerns.

The committee's work is supported by the processes for the registration, tabling and disallowance of legislative instruments under the *Legislation Act 2003*.²

Publications

The committee's usual practice is to table a report, the *Delegated Legislation Monitor*, each Senate sitting week. The monitor provides an overview of the committee's scrutiny of disallowable legislative instruments for the preceding period. Disallowable legislative instruments detailed in the monitor are also listed in the 'Index of instruments' on the committee's website.³

Ministerial correspondence

The committee undertakes formal correspondence with ministers in order to resolve more significant scrutiny concerns. Ministerial correspondence is published on the committee's website.⁴

Agency correspondence

The committee undertakes informal correspondence with agencies via its secretariat to gather information about potential scrutiny concerns. This correspondence assists the committee in deciding whether it is necessary to seek further advice from the relevant minister about those concerns. Agency correspondence is not published;

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

3 *Index of instruments*, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Index.

4 See https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Monitor.

however, a record of the instrument, scrutiny issue and status of the correspondence is included in Appendix A (new matters), Appendix B (ongoing matters) and Appendix C (concluded matters) in the monitor.

Guidelines

Guidelines relating to the committee's scrutiny principles are published on the committee's website.⁵

General information

The Federal Register of Legislation should be consulted for the text of instruments, explanatory statements, and associated information.⁶

The Senate Disallowable Instruments List provides a listing of tabled instruments for which disallowance motions may be moved in the Senate.⁷

The Disallowance Alert records all notices of motion for the disallowance of instruments, and their progress and eventual outcome.⁸

Instruments considered in this monitor

The committee examined 53 disallowable legislative instruments registered on the Federal Register of Legislation between 31 March 2021 and 9 April 2021.

This monitor identifies the instruments registered in this period about which the committee has or had scrutiny concerns. It also identifies instruments registered before this period in relation to which the committee is continuing to engage with the relevant minister or agency, or has concluded its examination.

5 See https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Guidelines.

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

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

8 *Disallowance Alert 2021*, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Disallowance_Alert_2021.

Chapter 1

Instruments raising significant scrutiny concerns

1.1 This chapter details the instruments which raise significant scrutiny concerns in relation to which the committee is seeking further information from the relevant minister or of which the committee has concluded its examination.

1.2 Where necessary, the committee may place a notice of motion to disallow an instrument contained in this chapter to emphasise its scrutiny concerns and to provide the Senate with additional time to consider the instrument with the benefit of the committee's comments. Accordingly, where appropriate, this chapter also details the committee's reasons for withdrawing notices of motion to disallow such instruments.

1.3 The committee is currently seeking to resolve all outstanding scrutiny concerns by correspondence with the relevant minister or agency. Copies of relevant correspondence are available on the committee's website.¹

1 See www.aph.gov.au/senate_sdlc.

Chapter 2

Matters of interest to the Senate

2.1 Senate standing order 23(4) requires the committee to scrutinise each instrument to determine whether the Senate's attention should be drawn to it on the ground that it raises significant issues, or otherwise gives rise to issues that are likely to be of interest to the Senate.

2.2 This chapter identifies the instruments which the committee has resolved to draw to the attention of the Senate and the relevant legislation committee under standing order 23(4), with the exception of instruments which specify significant executive expenditure, which are listed in Chapter 3.¹

Instrument	Purpose	Portfolio committee
Customs Amendment (Product Specific Rule Modernisation) Regulations 2021 [F2021L00418]	Following the passage of the <i>Customs Amendment (Product Specific Rule Modernisation) Act 2021</i> , these regulations repeal the relevant parts of various regulations that prescribe product specific rules of origin for the Australia-United States Free Trade Agreement, Thailand-Australia Free Trade Agreement, Australia-New Zealand Closer Economic Relations Agreement, Australia-Chile Free Trade Agreement, Malaysia-Australia Free Trade Agreement and Korea-Australia Free Trade Agreement.	Senate Legal and Constitutional Affairs Legislation Committee

1 Details of all instruments which the committee has resolved to draw to the attention of the Senate under standing order 23(4) are published on the committee's website: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Matters_of_interest_to_the_Senate.

Chapter 3

Scrutiny of Commonwealth expenditure

3.1 The *Financial Framework (Supplementary Powers) Act 1997* (FF(SP) Act) and the *Industry Research and Development Act 1986* (IRD Act) authorise the Commonwealth to spend public money on grants and programs specified in instruments made under those Acts. Consequently, the specification of expenditure in an instrument made under these Acts effectively authorises the Commonwealth to spend public moneys on the relevant grant or program. The scrutiny of such instruments is a key aspect of parliamentary scrutiny and control of Commonwealth expenditure.¹

3.2 To facilitate such scrutiny, this chapter draws the Senate's attention to the nature and extent of Commonwealth expenditure that is authorised by the FF(SP) Act and the IRD Act and specified in delegated legislation made under those Acts.²

3.3 The tables below outline the expenditure specified in legislative instruments registered between 31 March 2021 and 9 April 2021.

3.4 The committee has resolved to write to the relevant legislation committees to alert those committees to the expenditure listed below that falls within their area of portfolio responsibility. The committee does so under standing order 23(4) which requires the committee to scrutinise each instrument to determine whether the Senate's attention should be drawn to it on the ground that it raises significant issues, or otherwise gives rise to issues that are likely to be of interest to the Senate.

1 For further information see the committee's guideline on [Scrutiny of Commonwealth expenditure](#) and Chapter 7 of the report of the committee's inquiry, [Parliamentary scrutiny of delegated legislation](#).

2 Details of all instruments which specify Commonwealth expenditure are published on the committee's website: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation/Scrutiny_of_Commonwealth_expenditure.

Instrument	Grant/Program	Amount	Description	Portfolio committee
Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development and Communications Measures No. 2) Regulations 2021 [F2021L00409]	Tourism Aviation Network Support Program (TANS Program)	The TANS Program is part of the \$1.2 billion Tourism and Aviation's Flight Path to Recovery package.	To provide grant funding to Australian airline operators to enable them to offer discounted fares for flights to and from identified regions affected by the downturn in international and domestic tourism resulting from the COVID-19 pandemic.	Senate Rural and Regional Affairs and Transport Legislation Committee Senate Select Committee on COVID-19

Senator the Hon Concetta Fierravanti-Wells

Chair

Senate Standing Committee for the Scrutiny of Delegated Legislation

Appendix A

New matters

4.1 The committee engages with relevant ministers and agencies to attempt to resolve its concerns about scrutiny issues raised by disallowable legislative instruments. This appendix documents the committee's new scrutiny concerns in relation to disallowable legislative instruments registered on the Federal Register of Legislation between 31 March 2021 and 9 April 2021.

Ministerial engagement

4.2 The committee is writing to the relevant minister about the scrutiny issues raised by the instruments listed below for the first time. Copies of the ministerial correspondence are available on the committee's website.¹

Instrument	Issue	Status
Financial Framework (Supplementary Powers) Amendment (Infrastructure, Transport, Regional Development and Communications Measures No. 2) Regulations 2021 [F2021L00409]	Principle (k) parliamentary oversight	Seeking advice from the minister.
High Court of Australia (Building and Precincts—Regulating the Conduct of Persons) Directions 2021 [F2021L00391]	Principle (c) conferral of discretionary powers Principle (e) clarity of drafting Principle (g) adequacy of explanatory materials	Seeking advice from the Chief Executive and Principal Registrar of the High Court of Australia.
Paid Parental Leave Rules 2021 [F2021L00384]	Principle (e) clarity of drafting Principle (g) adequacy of explanatory materials Principle (h) privacy Principle (j) modifications to primary legislation Principle (k) parliamentary oversight	Seeking advice from the minister.

1 See www.aph.gov.au/senate_sd/c.

Agency engagement

4.3 The committee is engaging with the relevant agencies via its secretariat to seek further information about potential scrutiny concerns raised by the instruments listed below.

Instrument	Issue	Status
Banking Executive Accountability Regime (Size of an Authorised Deposit-taking Institution) Determination 2021 [F2021L00425]	Principle (a) compliance with the <i>Legislation Act 2003</i> - incorporation	Seeking advice from the agency.
CASA 22/21 — Operation of Certain Unmanned Aircraft Directions Amendment Instrument 2021 [F2021L00414]	Principle (d) consultation on specific instrument	Seeking advice from the agency.
National Health (Listing of Pharmaceutical Benefits) Amendment Instrument 2021 (No. 3) (PB 22 of 2021) [F2021L00396]	Principle (f) access and use	Seeking advice from the agency.
Road Vehicle Standards Amendment (2021 Measures No. 1) Rules 2021 [F2021L00376]	Principle (i) availability of independent merits review	Seeking advice from the agency.
Taxation Administration Amendment (Updating the List of Exchange of Information Countries) Regulations 2021 [F2021L00410]	Principle (h) privacy	Seeking advice from the agency.
Treasury Laws Amendment (Reuniting More Superannuation) Regulations 2021 [F2021L00412]	Principle (c) conferral of discretionary powers Principle (g) adequacy of explanatory materials	Seeking advice from the agency.

Appendix B

Ongoing matters

5.1 This appendix documents the committee's ongoing scrutiny concerns in relation to matters previously raised in earlier *Delegated Legislation Monitors*.

Ministerial engagement

5.2 The committee is continuing to engage with the relevant minister about the scrutiny issues raised by the instruments listed below. Copies of the ministerial correspondence are available on the committee's website.¹

Instrument	Issue	Status
Aged Care Legislation Amendment (Serious Incident Response Scheme) Instrument 2021 [F2021L00222]	Principle (j) significant matters in delegated legislation Principle (k) parliamentary oversight	Committee considering response.
Australia's Foreign Relations (State and Territory Arrangements) Rules 2020 [F2020L01569]	Principle (e) clarity of drafting Principle (j) matters more appropriate for parliamentary enactment	Seeking further advice from the minister. Notice of motion to disallow placed on 11/05/2021.
Australian Renewable Energy Agency Amendment (2020-21 Budget Programs) Regulations 2021 [F2021L00590]	Principle (a) compliance with authorising legislation Principle (d) consultation with persons affected Principle (j) significant matters in delegated legislation	Seeking advice from the minister.
Bankruptcy Regulations 2021 [F2021L00261]	Principle (j) modifications to primary legislation Principle (k) parliamentary oversight	Seeking further advice from the Assistant Minister to the Attorney-General.

¹ See www.aph.gov.au/senate_sdlc.

Instrument	Issue	Status
Export Control (Wood and Woodchips) Rules 2021 [F2021L00318]	Principle (c) conferral of discretionary powers Principle (k) parliamentary oversight	Seeking advice from the minister.
Legislation (Telecommunications Customer Service Guarantee Instruments) Sunset-altering Declaration 2021 [F2021L00277]	Principle (d) adequacy of consultation Principle (k) parliamentary oversight - sunseting	Seeking advice from the Assistant Minister to the Attorney-General.
Radiocommunications (Spectrum Access Charges – 20 GHz and 30 GHz Bands) Determination 2021 [F2021L00230]	Principle (k) parliamentary oversight	Seeking advice from the minister.
Registered Native Title Bodies Corporate Legislation Amendment Regulations 2021 [F2021L00292]	Principle (h) privacy	Seeking advice from the minister.
Student Assistance Regulations 2021 [F2021L00201]	Principle (e) clarity of drafting Principle (k) parliamentary oversight Principle (k) legal certainty	Seeking advice from the minister.

Agency engagement

5.3 The committee is continuing to engage with the relevant agencies via its secretariat to seek further information about potential scrutiny concerns raised by the instruments listed below.

Instrument	Issue	Status
Aged Care Legislation Amendment (Aged Care Recipient Classification) Principles 2021 [F2021L00357]	Principle (c) delegation of administrative powers and functions	Committee secretariat considering response.
Export Control (Eggs and Egg Products) Rules 2021 [F2021L00312]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (f) incorporated materials freely accessible	Seeking further advice from the agency.
Export Control (Fish and Fish Products) Rules 2021 [F2021L00317]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (f) incorporated materials freely accessible	Seeking further advice from the agency.

Instrument	Issue	Status
Export Control (Meat and Meat Products) Rules 2021 [F2021L00334]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (f) incorporated materials freely accessible	Seeking further advice from the agency.
Export Control (Milk and Milk Products) Rules 2021 [F2021L00304]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (f) incorporated materials freely accessible	Seeking further advice from the agency.
Export Control (Plants and Plant Products) Rules 2021 [F2021L00315]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (f) incorporated materials freely accessible	Seeking further advice from the agency.
Export Control (Poultry Meat and Poultry Meat Products) Rules 2021 [F2021L00310]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (f) incorporated materials freely accessible	Seeking further advice from the agency.
Export Control (Rabbit and Ratite Meat and Rabbit and Ratite Meat Products) Rules 2021 [F2021L00308]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (f) incorporated materials freely accessible	Seeking further advice from the agency.
Export Control (Wild Game Meat and Wild Game Meat Products) Rules 2021 [F2021L00313]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (f) incorporated materials freely accessible	Seeking further advice from the agency.
Financial Framework (Supplementary Powers) Amendment (Health Measures No. 1) Regulations 2021 [F2021L00290]	Principle (j) matters more appropriate for parliamentary enactment	Committee secretariat considering response.
Income Tax Assessment (1997 Act) Regulations 2021 [F2021L00206]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation Principle (g) adequacy of explanatory materials Principle (h) privacy Principle (j) significant penalties in delegated legislation	Committee secretariat considering response.

Appendix C

Concluded matters

6.1 This appendix records the instruments in relation to which the committee has concluded its inquiries, following correspondence with the relevant minister or agency.

Ministerial engagement

6.2 The committee has not concluded its examination of any instruments in relation to which it has sought advice from the relevant minister.

Agency engagement

6.3 The committee has concluded its examination of the instruments listed below following informal correspondence with the relevant agencies via its secretariat.

Instrument	Issue	Status
ASIC Corporations (Parent Entity Financial Statements) Instrument 2021/195 [F2021L00329]	Principle (a) compliance with legislative requirements Principle (g) adequacy of explanatory materials	Concluded following response from the agency on 04/06/2021.
Australia's Foreign Relations (State and Territory Arrangements) Amendment (Prospective Arrangements and Other Measures) Rules 2021 [F2021L00229]	Principle (d) consultation on specific instrument	Concluded following response from the agency on 12/06/2021.
Australia's Foreign Relations (State and Territory Arrangements) Amendment (Education) Rules 2021 [F2021L00212]		
Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021 [F2021L00200]	Principle (a) compliance with authorising legislation Principle (c) conferral of discretionary powers Principle (h) reverse evidential burden of proof Principle (j) matters more appropriate for parliamentary enactment	Concluded following response from the agency on 08/06/2021. The Civil Aviation Safety Authority undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns. The Civil Aviation Safety Authority undertook to amend the instrument in response to the committee's scrutiny concerns.

Instrument	Issue	Status
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 10) 2021 [F2021L00305]	Principle (a) compliance with <i>Legislation Act 2003</i> – consultation	Concluded following response from the agency on 04/06/2021. The Department of the Treasury undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.
Export Control (Tariff Rate Quotas) Amendment (Brexit) Order 2021 [F2021L00243]	Principle (a) compliance with <i>Legislation Act 2003</i> – incorporation	Concluded following response from the agency on 04/06/2021. The Department of Agriculture, Water and the Environment undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.

Appendix D

Undertakings

7.1 From time to time, a minister or agency may make an undertaking to address the committee's scrutiny concerns. These may include, for example, an undertaking to amend a legislative instrument or an explanatory statement, or to review an Act or a departmental practice. The committee expects that, when a minister or agency has made an undertaking, it will be implemented in a timely manner. Accordingly, this appendix records outstanding ministerial and agency undertakings, and the undertakings implemented since the committee's last *Delegated Legislation Monitor*.

Outstanding undertakings

7.2 The following table records undertakings that remain outstanding, from oldest to newest. The committee draws these undertakings to the attention of the Senate.

Instrument	Undertaking	Date of Undertaking
Competition and Consumer (Industry Codes—Dairy) Regulations 2019 [F2019L01610]	The Attorney-General undertook to commence an inquiry into good faith obligations in Commonwealth legislation in response to the committee's scrutiny concerns.	31/08/2020
Reserve Bank of Australia Head Office, 65 Martin Place, Sydney Heritage Management Plan 2020 [F2020L01031]	The Minister for the Environment advised that the Reserve Bank of Australia undertook to amend the instrument in response to the committee's scrutiny concerns.	01/12/2020
Disability (Access to Premises – Buildings) Amendment Standards 2020 [F2020L01245]	The Assistant Minister to the Attorney-General undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	11/02/2021
Amendment of List of Exempt Native Specimens – Commission for the Conservation of Antarctic Marine Living Resources Exploratory Fisheries in Statistical Divisions 58.4.1 and 58.4.2 (the East Antarctica Fishery) and Statistical Subareas 88.1 and 88.2 (the Ross Sea Fishery), November 2020 [F2020L01484]	The Department of Agriculture, Water and the Environment undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	15/02/2021
Treasury portfolio – various instruments	The Treasurer undertook to continue to engage with the committee in good faith to seek a resolution to the committee's systemic concerns regarding the duration of instruments which provide for exemptions or modifications to primary legislation.	18/02/2021

Instrument	Undertaking	Date of Undertaking
Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amount) Regulations (No. 2) 2020 [F2020L01620]	The Department of Agriculture, Water Resources and the Environment undertook to revoke the instrument in response to the committee's scrutiny concerns.	16/03/2021
Industry Research and Development (Digital Directors Program) Instrument 2020 [F2020L01554]	The Department of Industry, Science, Energy and Resources undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	06/04/2021
Regional Investment Corporation (Agristarter Loans) Amendment Rule 2020 [F2020L01625]	The Department of Agriculture, Water and the Environment undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	09/04/2021
Corporations Amendment (Corporate Insolvency Reforms) Regulations 2020 [F2020L01654]	The Treasurer undertook to amend the instrument in response to the committee's scrutiny concerns.	09/04/2021
Commonwealth Grant Scheme Guidelines 2020 [F2020L01609]	The Minister for Education and Youth undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	12/04/2021
Part 133 (Australian Air Transport Operations—Rotorcraft) Manual of Standards 2020 [F2020L01614]	The Civil Aviation Safety Authority undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	20/04/2021
Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 Amendment 11 [F2021L00063]	The Department of Infrastructure, Transport, Regional Development and Communications undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	22/04/2021
Foreign Investment Reform (Protecting Australia's National Security) Regulations 2020 [F2020L01568]	The Treasurer undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	27/04/2021
Greenhouse and Energy Minimum Standards (Exemption) Instrument (No. 2) 2021 [F2021L00178]	The Greenhouse and Energy Minimum Standards Regulator undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	07/05/2021
CASA EX16/21 — CASR Subpart 99.B DAMP Requirements for Foreign Air Transport AOC Holders Exemption 2021 [F2021L00149]	The Civil Aviation Safety Authority undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	10/05/2021

Instrument	Undertaking	Date of Undertaking
Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021 [F2021L00200]	The Civil Aviation Safety Authority undertook to amend the instrument in response to the committee's scrutiny concerns.	21/05/2021
Telecommunications (Fibre-ready Facilities — Exempt Real Estate Development Projects) Instrument 2021 [F2021L00105]	The Minister for Communications, Urban Infrastructure, Cities and the Arts undertook to amend the instrument in response to the committee's scrutiny concerns.	25/05/2021
Competition and Consumer (Consumer Data Right) Amendment Rules (No. 3) 2020 [F2020L01688]	The Australian Competition and Consumer Commission undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	27/05/2021
ASIC Market Integrity Rules (Securities Markets) Determination 2021/135 [F2021L00193] ASIC Market Integrity Rules (Securities Markets) Repeal Instrument 2021/136 [F2021L00194]	The Australian Securities and Investments Commission undertook to amend the explanatory statements to the instruments in response to the committee's scrutiny concerns.	01/06/2021
Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 10) 2021 [F2021L00305]	The Department of the Treasury undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	04/06/2021
Export Control (Tariff Rate Quotas) Amendment (Brexit) Order 2021 [F2021L00243]	The Department of Agriculture, Water and the Environment undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns.	04/06/2021
Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021 [F2021L00200]	The Civil Aviation Safety Authority undertook to amend the explanatory statement to the instrument in response to the committee's scrutiny concerns. The Civil Aviation Safety Authority undertook to amend the instrument in response to the committee's scrutiny concerns.	08/06/2021
Law Enforcement Integrity Commissioner Amendment (Law Enforcement Agencies) Regulations 2020 [F2020L01506]	The Attorney-General undertook to amend the instrument in response to the committee's scrutiny concerns.	16/06/2021

Implemented undertakings

7.3 The following table records undertakings that have been implemented since the committee's last *Delegated Legislation Monitor*.

Instrument	Undertaking	Date implemented
Cape Byron Lighthouse Heritage Management Plan 2020 [F2020L01271]	The Australian Maritime Safety Authority amended the explanatory statement to the instrument in response to the committee's scrutiny concerns.	29/04/2021
Continence Aids Payment Scheme 2020 [F2020L00758]	The Minister for Aged Care and Senior Australians introduced the National Health Amendment (Decisions under the Continence Aids Payment Scheme) Bill 2021 into the Parliament in response to the committee's scrutiny concerns.	16/06/2021