

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING : 08 February 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE16/123) - Sunset Provisions - Internal Product (DIBP)

Senator Ludwig, Joe (L&CA) written:

1. Please list all current legislation, covered by the department's portfolio, which contain a sunset provision/s. For each, please provide:

1. What work has been done towards preparing for the activation of sunset provisions? If no work has commenced, why not?

2. Has any consideration been given to delaying or alerting the sunset provisions?

3. Please provide a schedule or a workplan for the sunset provisions becoming active

4. When did/will this work begin?

2. Will there be any reviews of or relating to the legislation before or after the sunset provision is enacted? If yes:

1. When is/was the review due to commence.

2. What is the expected report date.

3. Who is the minister responsible for the review

4. What department is responsible for the review

5. List the specific clauses or legislation under review caused by the statutory provision.

6. List the terms of reference.

7. What is the scope of the review.

8. Who is conducting the review. How were they selected? What are the legislated obligation for the selection of the person to conduct the review?

9. What is the budgeted, projected or expected costs of the review?

10. When was the Minister briefed on this matter?

11. What decision points are upcoming for the minister on this matter?

12. List the number of officers, and their classification level, involved in conducting the review

13. Will the report will be tabled in parliament or made public. If so, when?

Answer:

There are no sunset provisions similar in effect to Part 6 of the *Legislative Instruments Act 2003* in legislation administered by this portfolio.

However, a provision similar to a sunset clause with very limited application is found at subsection 91D(4) of the *Migration Act 1958* (the Migration Act). That provision provides that a regulation made for the purposes of paragraph 91D(1)(a) of the Migration Act ceases to be in force at the end of 2 years after the regulation commences. Paragraph 91D(1)(a) allows for 'safe third countries' to be prescribed in relation to non-citizens.

No country is presently prescribed under paragraph 91D(1)(a) of the Migration Act and subsection 91D(4) has no current operation.