

Standing Committee on Finance and Public Administration

ANSWER TO QUESTION ON NOTICE

Budget Estimates Hearing – May 2010

Finance and Deregulation Portfolio

Outcome 1, Program 1.1

Topic: The removal of redundant regulation

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Senator Cameron asked:

They also mentioned that there was omnibus legislation that got rid of 200 pieces of redundant legislation. Can you give us a flavour for how long some of that legislation was on the statute books and what some of that legislation was about and why it was redundant?

Answer:

The *Statute Stocktake (Regulatory and Other Laws) Act 2009* (the Act) repealed eight superfluous Acts and amended a further 17 Acts. The Act made three consequential amendments to other Acts that removed redundant references. These items were identified during a 2008 stocktake that included Commonwealth Acts and subordinate legislation.

The Act removed a wide range of legislative provisions, including:

- provisions that had been superseded through technological change and changes to regulatory policy. For instance, the removal of the digital data service obligations from the *Telecommunications Act 1997* and *Telecommunications (Universal Service Levy) Act 1997* related to the use of old and superseded technology;
- transitional provisions that covered transactions during finite periods of time. For instance, the amendments to the *Trade Practices Act 1974* removed provisions originally introduced to protect against price exploitation during the introduction of the GST;
- appropriation provisions, where all intended payments had been made. For instance, the *Australian Wine and Brandy Corporation Act 1980* was amended to repeal the ability to make appropriations from Consolidated Revenue for payments relating to events prior to the introduction of the Act; and

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- financial assistance provisions that had been incorporated within other legislation ensuring the ongoing payment of subsidies and grants. For instance, the superseded *States Grants (Paramedical Services) Act 1969* was repealed as grants for paramedical services are now paid in accordance with the *Home and Community Care Act 1985*.

Separate action was taken directly by agencies to remove other Acts and subordinate legislation also identified through the 2008 stocktake. These processes brought the total number of items removed to over 200.

- Legislative provisions that referred to outdated technologies were revoked. For instance, the *Customs Regulations 1926* was amended to reflect that the Cargo Integrated System, an electronic reporting tool used by the Australian Customs and Border Protection Service in managing the flow of goods across Australia's borders, had made obsolete previous paper based reporting requirements contained in the Regulations.
- Appropriation provisions that had facilitated Commonwealth payments in support of industry, and including through periods of adjustment, were repealed where it was found that all such payments had been finalised. For instance, the *Northern Prawn Fishery Voluntary Adjustment Scheme Loan Guarantee Act 1985* provided financial support to the Queensland Government in its voluntary buyback of prawn fishing licences and was repealed as all such payments had been made.
- Other Acts had facilitated Commonwealth financial assistance payments to the States following natural disasters and were no longer required. For instance, the *Queensland Flood Relief Act 1974* and *New South Wales Flood Relief Act 1974* provided financial support to Queensland and New South Wales following flooding in January, February and March 1974.
- Provisions that facilitated the collection of fees, charges and levies by the Commonwealth that were found to be redundant were also repealed. For instance, the *Air Navigation (Charges) Act 1952* formerly allowed the Commonwealth to charge aircraft operators fees for the use of Commonwealth maintained, operated or owned airports.
- Subordinate legislation was updated through the removal of references to obsolete health services and medicines. For instance, a change in available hospital outreach services was reflected in the removal of a number of outdated health determinations.