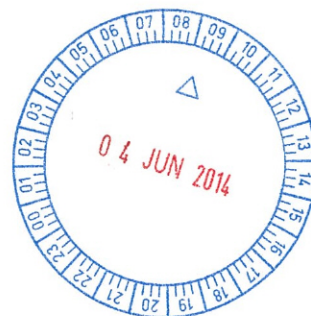




## Office of the Attorney-General



30 MAY 2014

MC14/04933

The Hon Kate Doust MLC  
Chair  
Senate Standing Committee on Uniform Legislation and Statutes Review  
Parliament House Perth  
PERTH WA 6000

Dear Chair

Thank you for inquiring about the Commonwealth's mechanisms for review and repeal of legislation. I apologise for the delay in responding to your questions.

The Commonwealth has recently embarked upon an ambitious red tape reduction programme which includes taking additional steps to ensure legislation is made only when necessary and remains in force only for as long as it is required.

The Government is committed to setting aside two sitting days in the Parliament per year to debate and repeal ineffective and unnecessary legislation. Repeal days give the Parliament an opportunity to consider streamlining and abolishing regulations to reduce red tape on businesses, individuals and the community.

This Government presented its first tranche of Bills and Regulations that contribute to its deregulation priorities to the Parliament on 19 March 2014, some of which were debated on the first Repeal Day on 26 March 2014. These measures combined will remove more than 50,000 pages of Commonwealth legislation. Below is a summary of the housekeeping components of the package which may be of interest to you.

The Omnibus Repeal Day (Autumn 2014) Bill 2014 includes a number of deregulation initiatives that fall into the following broad themes:

- removing duplication between Commonwealth regulations and those administered by state and territory governments, or recognised industry-led codes
- streamlining regulatory requirements in some industries, and
- repealing Acts and provisions that are no longer required.

The *Statute Law Revision Act (No.1) 2014* is another legislative housekeeping measure which serves an important function of correcting errors in legislation and repealing spent or redundant provisions and Acts. It was passed by the Parliament on 15 May 2014.

Statute Law Revision legislation is an essential tool for keeping Commonwealth legislation accurate and up to date and has been used by the Commonwealth for this purpose since 1934.

The *Amending Acts 1901 to 1969 Repeal Act 2014* was passed by the Parliament on 15 May 2014 and repeals over 1,000 amending Acts between 1901 and 1969. Repealing these amending Acts clarifies the status of the law and saves users time and money. Repealing these amending Acts does not substantially alter existing arrangements or make any change to the substance of the law. The amending Acts will remain publically accessible on ComLaw as historical records. The Government will, at a later date, introduce legislation to repeal amending Acts enacted after 1969.

Each of these measures was prepared by the Office of Parliamentary Counsel, working closely with the Department of the Prime Minister and Cabinet and the Attorney-General's Department. All relevant portfolio Ministers and their departments were consulted in preparing the legislation. Appropriate savings and transitional provisions were included in the legislation, to preserve the continued operation of provisions where necessary.

The Government also tabled 13 Regulations on Repeal Day, repealing 9,878 spent and redundant legislative instruments. These repeals removed more than a quarter of legislative instruments from the Federal Register of Legislative Instruments (FRLI) that were in force. Repealing these instruments served to clarify the status of the law, remove confusion and make accessing the law quicker and simpler for businesses, the community and individuals.

More broadly, a number of other measures have been instituted across the Commonwealth. The Government has set a \$1 billion annual target for the reduction of red tape affecting businesses, community organisations and individuals. Each department has been allocated a proportion of this target. Additionally, the regulatory costs imposed by new regulation need to be offset. To advise the Government on areas where ineffective regulation can be reduced:

- all Commonwealth government portfolios now have a dedicated deregulation unit
- each Cabinet minister is expected to consult widely before finalising new policy, and
- every Cabinet submission now has a regulation impact statement so that its potential impact on business, individuals and the community sector can more readily be identified.

The Prime Minister, in his Ministerial Statement on Deregulation on 19 March 2014, emphasised that regulation is not the solution to all public policy issues and should not be the first policy response of government. The Government's ambitious red tape reduction programme provides incentives for individual portfolios to assess the regulations they administer and take action to streamline or repeal ineffective or unnecessary requirements. As a devolved implementation model has been adopted, no specific whole-of-government criterion has been developed to monitor and review legislation before it is repealed.

In this regard, to better understand the effect of the Commonwealth's regulatory activity on the community, every Commonwealth agency is conducting a comprehensive audit of the regulatory costs imposed on individuals and entities.

The reviews the Government has in train, of competition policy, workplace law, and the financial system, have a deregulatory focus. The white papers that the Government plans, concerning tax and the federation, are both intended to reduce overlap and complexity.

Part 6 of the *Legislative Instruments Act 2003* sets out the Commonwealth's sunseting regime for legislative instruments. Sunseting is an important mechanism for the Australian Government to implement policies to reduce red tape, deliver clearer laws, and keep legislative instruments up to date. The primary responsibility for reviewing and remaking legislative instruments rests with the agency responsible for the instrument. Even if an

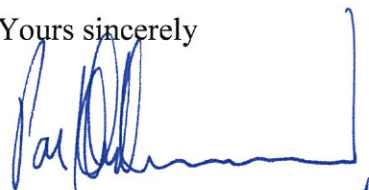
instrument is exempt from sunseting, it should be reviewed periodically to comply with specific statutory obligations and *The Australian Government Guide to Regulation*.

For more specific information on the measures by which legislation is assessed, reviewed and updated, I refer you to:

- (i) the Attorney-General's Department's *Guide to Managing Sunsetting Legislative Instruments*, which is intended to assist agencies and line areas undertaking sunseting work, and which will be published in the near future on [www.ag.gov.au](http://www.ag.gov.au).
- (ii) the Office of Best Practice Regulation's *The Australian Government Guide to Regulation* and the COAG publication, *Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies*, which are intended to assist with regulatory impact analysis requirements: [www.dpmc.gov.au/deregulation/obpr/reporting-publications/publications.cfm](http://www.dpmc.gov.au/deregulation/obpr/reporting-publications/publications.cfm) and [www.cuttingredtape.gov.au](http://www.cuttingredtape.gov.au), and
- (iii) the Office of Parliamentary Counsel's *Guide to Reducing Complexity in Legislation*, which is available with other resources as part of OPC's Clearer Commonwealth Laws initiative: [www.opc.gov.au/clearer/index.htm](http://www.opc.gov.au/clearer/index.htm).

Thank you again for writing on this matter.

Yours sincerely



**Paul O'Sullivan**  
Chief of Staff