



Education (Spent and Redundant Instruments) Repeal Regulation 2014

Select Legislative Instrument No. 16, 2014

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Legislative Instruments Act 2003*.

Dated 13 March 2014

Quentin Bryce
Governor-General

By Her Excellency's Command

George Brandis QC
Attorney-General

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1 Name of regulation

This regulation is the *Education (Spent and Redundant Instruments) Repeal Regulation 2014*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Legislative Instruments Act 2003*.

4 Guide to this regulation

This regulation repeals legislative instruments that are spent or no longer required, as authorised by section 48E of the *Legislative Instruments Act 2003*.

To assist the reader, the instruments repealed by this regulation are listed in 4 Schedules.

Schedule 1 deals with solely amending and repealing instruments.

Schedule 2 deals with commencement instruments.

Schedule 3 deals with amending and repealing instruments that contain application, saving or transitional provisions.

Schedule 4 deals with other instruments that are spent or no longer required.

This regulation contains saving provisions that apply to the repeals, in addition to the provision made by section 7 of the *Acts Interpretation Act 1901*. That section applies to this regulation because of section 13 of the *Legislative Instruments Act 2003*.

5 Repeal of amending and repealing instruments

- (1) Each instrument mentioned in Schedule 1 is repealed.
- (2) The repeal of an instrument by this section does not affect any amendment or repeal (however described) made by the instrument.
- (3) Subsection (2) does not limit the effect of section 7 of the *Acts Interpretation Act 1901* as it applies to the repeal of an instrument by this section.

6 Repeal of commencement instruments

- (1) Each instrument mentioned in Schedule 2 is repealed.
- (2) The repeal of an instrument by this section does not affect any commencement provided by the instrument.
- (3) Subsection (2) does not limit the effect of section 7 of the *Acts Interpretation Act 1901* as it applies to the repeal of an instrument by this section.

7 Repeal of amending and repealing instruments containing other provisions

- (1) Each instrument mentioned in Schedule 3 is repealed.
- (2) The repeal of an instrument by this section does not affect:
 - (a) any amendment or repeal (however described) made by the instrument; or
 - (b) the continuing operation of any provision of the instrument made or expressed to be made for an application, saving or transitional purpose (or that makes provision consequential or related to such a provision).
- (3) Subsection (2) does not limit the effect of section 7 of the *Acts Interpretation Act 1901* as it applies to the repeal of an instrument by this section.

8 Repeal of other redundant instruments

- (1) Each instrument mentioned in Schedule 4 is repealed.

- (2) The repeal of an instrument by this section does not affect:
 - (a) any amendment or repeal (however described) made by the instrument; or
 - (b) the continuing operation of any provision of the instrument made or expressed to be made for an application, saving or transitional purpose (or that makes provision consequential or related to such a provision).
- (3) Subsection (2) does not limit the effect of section 7 of the *Acts Interpretation Act 1901* as it applies to the repeal of an instrument by this section.

9 Expiry of regulation

This regulation expires on the day after it commences, as if it had been repealed by another regulation.

Schedule 1—Repeal of amending and repealing instruments

Guide to this Schedule

This Schedule repeals amending and repealing legislative instruments that are spent, and that would have been repealed automatically under section 48A of the *Legislative Instruments Act 2003* if they had been made after the commencement of that section. This Schedule does not include instruments with an application, saving or transitional provision: see Schedule 3.

The repeal of an instrument by this Schedule does not affect any amendment or repeal made by the instrument: see subsection 5(2).

Repeal of amending and repealing instruments		
Item	Instrument name and series number (if any)	FRLI identifier
1	<i>A New Tax System (Family Assistance) (Child Care Benefit — Children in respect of whom no-one is eligible) Amendment Determination 2008 (No. 1)</i>	<u>F2008L02443</u>
2	<i>A New Tax System (Family Assistance) (Child Care Benefit — Circumstances in which activity requirements do not apply) Amendment Determination 2008 (No. 1)</i>	<u>F2008L02444</u>
3	<i>A New Tax System (Family Assistance) (Child Care Benefit — Recognised Work or Work Related Commitments) Amendment Determination 2008 (No. 1)</i>	<u>F2008L02445</u>
4	<i>A New Tax System (Family Assistance) (Child Care Benefit — Recognised Work or Work Related Commitments) Amendment Determination 2011 (No. 1)</i>	<u>F2011L01706</u>
5	<i>Child Care Benefit (Absence From Care — Permitted Circumstances) Amendment Determination 2009 (No. 1)</i>	<u>F2009L04446</u>
6	<i>Child Care Benefit (Absence From Care — Permitted Circumstances) Amendment Determination 2011 (No. 1)</i>	<u>F2011L01708</u>
7	<i>Child Care Benefit (Absence from Care — Permitted Circumstances) Amendment Determination (No. 1) 2000</i>	<u>F2007B00432</u>
8	<i>Child Care Benefit (Allocation of Child Care Places) Amendment Determination 2003 (No. 1)</i>	<u>F2007B00315</u>

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Repeal of amending and repealing instruments		
Item	Instrument name and series number (if any)	FRLI identifier
9	<i>Child Care Benefit (Allocation of Child Care Places) Amendment Determination 2006 (No. 1)</i>	<u>F2006L02029</u>
10	<i>Child Care Benefit (Allocation of Child Care Places) Amendment Determination 2011 (No. 1)</i>	<u>F2011L01902</u>
11	<i>Child Care Benefit (Allocation of Child Care Places) Amendment Determination 2011 (No. 2)</i>	<u>F2011L01709</u>
12	<i>Child Care Benefit (Allocation of Child Care Places) Amendment Determination (No. 1) 2000</i>	<u>F2007B00314</u>
13	<i>Child Care Benefit (Breach of Conditions for Continued Approval) Amendment Determination 2001 (No. 1)</i>	<u>F2007B00311</u>
14	<i>Child Care Benefit (Breach of Conditions for Continued Approval) Amendment Determination 2003 (No. 1)</i>	<u>F2007B00312</u>
15	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2001 (No. 1)</i>	<u>F2006B01546</u>
16	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2002 (No. 1)</i>	<u>F2006B01547</u>
17	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2003 (No. 1)</i>	<u>F2006B01548</u>
18	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2003 (No. 2)</i>	<u>F2006B01550</u>
19	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2005 (No. 1)</i>	<u>F2005L03086</u>
20	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2006 (No. 1)</i>	<u>F2006L02030</u>
21	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2006 (No. 2)</i>	<u>F2006L03342</u>
22	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2007 (No. 1)</i>	<u>F2007L01374</u>

Schedule 1 Repeal of amending and repealing instruments

Repeal of amending and repealing instruments		
Item	Instrument name and series number (if any)	FRLI identifier
23	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2008 (No. 1)</i>	F2009L00114
24	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination (No. 1) 2000</i>	F2006B01545
25	<i>Child Care Benefit (Hours of Eligibility Rules) Amendment Determination 2008 (No. 1)</i>	F2008L02401
26	<i>Child Care Benefit (Work/Training/Study Test Exemption) Amendment Determination 2004 (No. 1)</i>	F2007B00132
27	<i>Child Care Benefit (Work/Training/Study Test Exemption) Amendment Determination 2009 (No. 1)</i>	F2009L04445
28	<i>Child Care Benefit (Work/Training/Study Test Exemption) Amendment Determination 2012 (No. 1)</i>	F2012L02035
29	<i>Child Care (Transitional) Repeal Regulations 2009, SLI 2009 No. 362</i>	F2009L04367
30	<i>Family Assistance (Exemption from Immunisation Requirements) Amendment Determination 2008 (No. 1)</i>	F2008L02403
31	<i>Schools Assistance Amendment Regulation 2012 (No. 1), SLI 2012 No. 223</i>	F2012L01875
32	<i>Schools Assistance Amendment Regulations 2009 (No. 1), SLI 2009 No. 223</i>	F2009L03331
33	<i>Schools Assistance Amendment Regulations 2009 (No. 2), SLI 2009 No. 324</i>	F2009L04324
34	<i>Schools Assistance Amendment Regulations 2010 (No. 1), SLI 2010 No. 292</i>	F2010L03046
35	<i>Schools Assistance Amendment Regulations 2011 (No. 1), SLI 2011 No. 60</i>	F2011L00756
36	<i>Schools Assistance Amendment Regulations 2011 (No. 2), SLI 2011 No. 161</i>	F2011L01803
37	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2005 (No. 1), SLI 2005 No. 216</i>	F2005L03010
38	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2005 (No. 2), SLI 2005 No. 234</i>	F2005L03211

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Repeal of amending and repealing instruments		
Item	Instrument name and series number (if any)	FRLI identifier
39	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2006 (No. 1), SLI 2006 No. 246</i>	<u>F2006L03147</u>
40	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2006 (No. 2), SLI 2006 No. 295</i>	<u>F2006L03666</u>
41	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2006 (No. 3), SLI 2006 No. 311</i>	<u>F2006L03886</u>
42	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2007 (No. 1), SLI 2007 No. 156</i>	<u>F2007L01829</u>
43	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2007 (No. 2), SLI 2007 No. 350</i>	<u>F2007L04106</u>
44	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2008 (No. 1), SLI 2008 No. 37</i>	<u>F2008L00963</u>
45	<i>Schools Assistance (Learning Together — Achievement Through Choice and Opportunity) Amendment Regulations 2008 (No. 2), SLI 2008 No. 202</i>	<u>F2008L03631</u>

Schedule 2—Repeal of commencement instruments

Guide to this Schedule

This Schedule repeals commencement instruments that are spent, and that would have been repealed automatically under section 48B of the *Legislative Instruments Act 2003* if they had been made after the commencement of that section.

The repeal of an instrument by this Schedule does not affect any commencement the instrument provides for: see subsection 6(2).

Repeal of commencement instruments		
Item	Instrument name and series number (if any)	FRLI identifier
1	Proclamation for the <i>Education Services for Overseas Students (Registration Charges) Amendment Act 2011</i> (made on 19 October 2011)	<u>F2011L02107</u>
2	Proclamation for the <i>Higher Education Legislation Amendment (2007 Measures No. 1) Act 2007</i> (made on 6 September 2007)	<u>F2007L03553</u>
3	Proclamation for the <i>Higher Education Legislation Amendment (Student Services and Amenities) Act 2011</i> (made on 23 November 2011)	<u>F2011L02499</u>

Schedule 3—Repeal of amending and repealing instruments containing other provisions

Guide to this Schedule

This Schedule repeals amending and repealing legislative instruments that also contain application, saving or transitional provisions. The amendments and repeals have happened, and the application, saving or transitional provisions are no longer required. The instruments do not contain any other substantive provisions.

To assist the reader, the location of each application, saving or transitional provision in an instrument is identified in brackets after its name, with “s” used to indicate the provision (e.g. “s. 4” may refer to section 4, regulation 4, clause 4 or the fourth provision of some other type as appropriate).

The repeal of an instrument by this Schedule does not affect any amendment or repeal made by the instrument: see paragraph 7(2)(a). Also, to ensure that the repeal of the application, saving or transitional provisions does not have any unforeseen effect, and to remove any doubt that may otherwise exist, any continuing operation they may have is preserved: see paragraph 7(2)(b).

Repeal of amending and repealing instruments containing other provisions

Item	Instrument name and series number (if any)	FRLI identifier
1	<i>A New Tax System (Family Assistance) (Administration) (Child Care Benefit — Record Keeping) Amendment Rules 2008 (No. 1) (s. 4)</i>	<u>F2008L00955</u>
2	<i>A New Tax System (Family Assistance) (Child Care Benefit — Eligible Hours of Care) Amendment Determination 2007 (No. 1) (s. 4)</i>	<u>F2007L04269</u>
3	<i>Child Care Benefit (Absence From Care — Permitted Circumstances) Amendment Determination 2007 (No. 1) (s. 4)</i>	<u>F2007L04266</u>

Schedule 3 Repeal of amending and repealing instruments containing other provisions

Repeal of amending and repealing instruments containing other provisions		
Item	Instrument name and series number (if any)	FRLI identifier
4	<i>Child Care Benefit (Breach of Conditions for Continued Approval) Amendment Determination 2011 (No. 1) (s. 4)</i>	<u>F2011L02393</u>
5	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2005 (No. 2) (s. 4)</i>	<u>F2005L04174</u>
6	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2011 (No. 1) (s. 4)</i>	<u>F2011L01707</u>
7	<i>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2011 (No. 2) (s. 4 and 5)</i>	<u>F2011L02402</u>
8	<i>Child Care Benefit (Rates and Hardship) Amendment Determination 2007 (No. 1) (s. 4)</i>	<u>F2007L04268</u>
9	<i>Child Care Benefit (Session of Care) Amendment Determination 2007 (No. 1) (s. 4)</i>	<u>F2007L04267</u>

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Schedule 4—Repeal of other redundant instruments

Guide to this Schedule

This Schedule repeals legislative instruments that are spent or no longer required, and that are not covered by the previous Schedules.

More information about why the instruments are spent or no longer required is provided in the explanatory statement accompanying this regulation.

The repeal of an instrument by this Schedule does not affect any amendment or repeal made by the instrument: see paragraph 8(2)(a). Also, to ensure that the repeal of the application, saving or transitional provisions does not have any unforeseen effect, and to remove any doubt that may otherwise exist, any continuing operation they may have is preserved: see paragraph 8(2)(b).

Repeal of other redundant instruments

Item	Instrument name and series number (if any)	FRLI identifier
1	<i>Child Care Benefit (Exemption from Eligibility Rules—Specified Child Care Services) Determination 2004</i>	<u>F2007B00223</u>
2	<i>Family Assistance Estimate Tolerance (Transition) Determination 2001</i>	<u>F2007B00364</u>
3	<i>Family Assistance (Household Organisational Management Expenses (HOME) Advice Program) Determination 2004</i>	<u>F2007B00178</u>
4	<i>Family Assistance (Waiver of Debts — Victorian Bushfires) (DEEWR) Specification 2009</i>	<u>F2009L01794</u>