

Spent and Redundant Instruments Repeal Regulation 2014 (No.2)

EXPLANATORY STATEMENT

Select Legislative Instrument No. 146, 2014

Issued by the Attorney-General
in compliance with section 26 of the *Legislative Instruments Act 2003*

INTRODUCTION

This regulation was made for the purposes of section 48E of the *Legislative Instruments Act 2003* (the LIA) and, as a regulation, is a legislative instrument under paragraph 6(a) of that Act.

OUTLINE

The Governor-General has a general power to “make regulations prescribing all matters required or permitted by this Act to be prescribed” under section 62 of the LIA. Under section 48E, a regulation may repeal legislative instruments or provisions of legislative instruments if the Attorney-General is satisfied that they are spent or no longer required.

This regulation repeals a total of 279 legislative instruments and 2 provisions from 2 legislative instruments. The legislative instruments and provisions are administered by multiple agencies and Departments. Many of the instruments it repeals are spent—that is, they are solely commencing, amending or repealing and have taken effect in full. The remaining legislative instruments or provisions of instruments are no longer required for other reasons. Of the 2 provisions to be repealed, 1 provision is spent and the other is no longer required for other reasons.

Repeal of the instruments will reduce red tape, deliver clearer laws and make accessing the law simpler for both businesses and individuals. In all cases, the repeal of the instruments will not substantially alter existing arrangements.

PROCESS BEFORE REGULATION WAS MADE

Regulatory impact analysis

Before this regulation was made, its expected impact was assessed using the Preliminary Assessment tool approved by the Office of Best Practice Regulation (OBPR). That assessment indicated that it would have no or low impact on business, individuals and the economy. This assessment has been confirmed by the OBPR (OBPR reference 17590).

Statement of compatibility with human rights obligations

Before this regulation was made, its impact on human rights was assessed using tools and guidance published by the Attorney-General’s Department. It is fully compatible with human rights as defined in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Consultation before making

Before this regulation was made, the Attorney-General considered the general obligation to consult imposed by section 17 of the LIA, and the specific circumstances where consultation may be unnecessary or inappropriate set out in section 18. The Attorney-General consulted the Ministers with responsibility for administering the relevant enabling legislation, who advised that the regulation does not significantly alter existing arrangements and that further consultation is, therefore, unnecessary.

Statutory preconditions and Parliamentary undertakings relevant to this regulation

Before an instrument can be repealed by regulation under subsection 48E of the LIA, the Attorney-General must be satisfied that the instrument to be repealed is spent or no longer required. It is the Attorney-General's opinion that, in the case of this regulation:

1. all of the instruments repealed by Schedules 1 and 2 are spent,
2. all of the instruments repealed by Schedule 3 are no longer required, and
3. all of the provisions repealed by Schedule 4 are either spent or no longer required.

There are no other statutory preconditions or Parliamentary undertakings relevant to the making of this regulation.

PROCESSES FOR REVIEW OF THIS REGULATION

This regulation is subject to tabling and disallowance under Part 5 of the LIA, and will cease as if repealed on the day after the last of its provisions commence.

The instruments repealed by this regulation are also subject to Part 5 of the LIA. All have been tabled, and all are either beyond their disallowance period or exempt from disallowance.

OTHER ISSUES

Matter incorporated by reference

This regulation does not apply, adopt or incorporate other matter by reference.

More information

A provision by provision explanation of the regulation is provided in [Attachment A](#).

Copies of each instrument to be repealed, and information about its history, are available on the whole-of-government ComLaw website (<http://www.comlaw.gov.au>).

Further information about an instrument may be requested from the administering department or its relevant agencies.

Section 1 Name of regulation

This section provides for the regulation to be named as the *Spent and Redundant Instruments Repeal Regulation 2014 (No.2)*. The regulation may be cited by that name.

Section 2 Commencement

This section provides for the regulation to commence on the day after it is registered on the Federal Register of Legislative Instruments. This is the day that would apply under subsection 12(1) of the LIA, if no commencement provision were made.

Section 3 Authority

This section identifies the Act that authorises the making of the regulation.

Section 4 Guide to this regulation

This section explains how the regulation is structured. 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 amending and repealing instruments that contain application, saving or transitional provisions.

Schedule 3 deals with other instruments that are spent or no longer required.

Schedule 4 deals with the repeal of provisions of instruments that are spent or no longer required.

This section also notes that the 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 LIA.

Section 5 Repeal of amending and repealing instruments

Section 5 and Schedule 1 repeal amending and repealing legislative instruments that are spent, and that would have been repealed automatically under section 48A of the LIA if they had been made after the commencement of that section. They do not include instruments with an application, saving or transitional provision: see section 6 and Schedule 2.

The repeal of an instrument mentioned in Schedule 1 does not affect any amendment or repeal made by the instrument: see subsection 5(2).

Section 6 Repeal of amending and repealing instruments containing other provisions

Section 6 and Schedule 2 repeal 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 mentioned in Schedule 2 does not affect any amendment or repeal made by the instrument, or affect the continuing operation of any application, saving or transitional provision: see subsection 6(2).

Section 7 Repeal of other redundant instruments

Section 7 and Schedule 3 repeal instruments that are no longer required for some other reason. Schedule 3 is divided into Parts along thematic lines as explained below.

The repeal of an instrument mentioned in Schedule 3 does not affect any amendment or repeal made by the instrument, or affect the continuing operation of any application, saving or transitional provision: see subsection 7(2).

Section 8 Repeal of provisions of instruments

Section 8 and Schedule 4 repeal provisions of instruments that are spent or no longer required for some other reason. Schedule 4 is divided into Parts along thematic lines as explained below.

The repeal of a provision of an instrument mentioned in Schedule 4 does not affect any amendment or repeal made by the provision, or affect the continuing operation of any application, saving or transitional provision: see subsection 8(2).

Section 9 Expiry of regulation

Section 9 provides for the regulation to cease on the day after it commences, consistent with the aim of delivering clearer laws and reducing red tape. If this provision was not made:

- the many provisions that are solely repealing or commencing would cease on the day after they commence under sections 48C and 48D of the LIA; and
- the rest of the instrument would remain in force until repealed by sunseting or some other means, even though it serves no ongoing purpose.

Schedule 1—Repeal of amending and repealing instruments

This Schedule repeals amending and repealing legislative instruments that are spent, and that would have been repealed automatically under section 48A of the LIA 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 2.

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

To assist the reader, the instruments are grouped by administering department, consistent with the Administrative Arrangements Order dated 12 December 2013. If 2 or more departments administer an instrument, the instrument is listed under the final Part heading, namely “Other”.

Schedule 2—Repeal of amending and repealing instruments containing other provisions

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 6(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 6(2)(b).

To assist the reader, the instruments are grouped by administering department, consistent with the Administrative Arrangements Order dated 12 December 2013. If 2 or more departments administer an instrument, the instrument is listed under the final Part heading, namely “Other”.

Schedule 3—Repeal of other redundant instruments

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

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 any application, saving or transitional provision does not have any unforeseen effect, and to remove any doubt that may otherwise exist, any continuing operation it may have is preserved: see paragraph 7(2)(b).

To assist the reader, the instruments are grouped by administering department, consistent with the Administrative Arrangements Order dated 12 December 2013.

Part 1 of Schedule 3—Attorney-General’s Department

This Part repeals 13 instruments administered by the Attorney-General’s Department.

Items 1 and 11 to 13 repeal instruments relating to industry developed privacy codes. *The Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Privacy Amendment Act) repealed and replaced the provisions dealing with industry developed privacy codes in the *Privacy Act 1988* (Privacy Act). Codes made under the previous provisions are no longer valid. These instruments are no longer required and their repeal does not alter existing arrangements.

Items 2 to 3 repeal regulations that determine the census day for a specific financial year. The census days for these years have now passed. The repeal of these regulations does not alter existing arrangements.

Items 5 to 7 repeal determinations to address issues arising from the definition of ‘credit provider’ in the Privacy Act. These issues have since been addressed in the Privacy Act itself following amendments made to the Act by the Privacy Amendment Act. The instruments are no longer required and their repeal does not alter existing arrangements.

Items 8 and 9 repeal proclamations which provide solely for the commencement of certain provisions in the *Family Law Act 1975*. The Act has since been amended to incorporate the commencement dates provided by the two proclamations into the Act itself. These instruments should be repealed.

Item 10 repeals the High Court of Australia Rule of Court (As of the 30th day of August 2005). The Rule of Court sets out the High Court of Australia sitting and recess dates for 2006, and a new instrument is issued each year.

Part 2 of Schedule 3—Department of Agriculture

This Part repeals 7 instruments administered by the Department of Agriculture.

Items 1 and 7 repeal regulations that provide administrative and tax arrangements for the Wine Australia Corporation and the Grape and Wine Research and Development Corporation. The Corporation was replaced by the Australian Grape and Wine Authority (AGWA) on 1 July 2014 by the *Australian Grape and Wine Authority Act 2013*. The Act also provided for equivalent administrative and tax arrangements for the AGWA. Consequently, these instruments are no longer required and their repeal does not alter existing arrangements.

Item 2 repeals the *Dairy Adjustment Levy Termination Declaration 2009*. The declaration was primarily created to stop the transfer of funds collected by the Dairy Adjustment Levy to the Dairy Structural Adjustment Fund. The Adjustment Fund was closed in 2009 once its balance was zero. Accordingly, the instrument is no longer required. Its repeal does not alter existing arrangements.

Item 3 repeals the *Dairy Produce (Termination of Dairy Adjustment Levy) Declaration 2009*. The declaration was primarily created to remove the Dairy Adjustment Levy. The Levy has been removed and therefore the instrument is no longer required. Its repeal does not alter existing arrangements.

Items 4 and 5 repeal temporary orders that have since expired. The repeal of these orders does not alter existing arrangements.

Item 6 repeals the *Wheat Industry Fund Levy (Cutoff Time) Regulations 1999, SR 1999 No. 126*. The regulations provided for transitional arrangements following the abolition of the Wheat Industry Fund and its levy on 1 July 1999. The prescribed cutoff date of 31 December 1999 has passed and the regulation is no longer required. The repeal does not alter existing arrangements.

Part 3 of Schedule 3—Department of Communications

This Part repeals 7 instruments administered by the Department of Communications.

Item 1 repeals the *Australian Communications and Media Authority (MF NAS Transmitter Licences) Direction No. 1 of 2009*. Under this instrument, the Minister for Communications directed the Australian Communications and Media Authority (ACMA) to amend a separate instrument, the *Radiocommunications Licence Conditions (Broadcasting Licence) Determination No. 1 of 1998*, to permit certain licence holders to provide a commercial radio broadcasting service under an apparatus licence in certain circumstances. The ACMA has complied with the direction, which is now spent. The repeal of the direction does not alter existing arrangements.

Items 2 and 5 repeal instruments that detail the subsidy amounts available to universal service providers for the supply of standard telephone services and the supply, installation and maintenance of payphones in contestable universal service areas for claim periods covering the 2010-11 and the 2011-12 financial years. As the relevant claim periods have passed, the instruments are now spent and their repeal do not alter existing arrangements.

Items 3 and 6 repeal instruments that detail the subsidy amounts available to universal service providers for the supply of standard telephone services and the supply, installation and maintenance of payphones in the default area for claim periods covering the 2010-11 and the 2011-12 financial years.

As the relevant claim periods have passed, the instruments are now spent and their repeal do not alter existing arrangements.

Items 4 and 7 repeal instruments detail the subsidy amounts available to universal service providers for the supply of standard telephone services and the supply, installation and maintenance of payphones in the Extended Zones universal service area for claim periods covering the 2010-11 and 2011-12 financial years. As the relevant claim periods have passed, the instruments are now spent and their repeal do not alter existing arrangements.

Part 4 of Schedule 3—Department of Education

This Part repeals 39 instruments administered by the Department of Education.

Items 1 to 10, 12 to 15, 21 to 37 and 39 repeal instruments relating to Funding Rules. These Funding Rules were created to provide for the administration of funding grants under the Australian Research Council's National Competitive Grants Program (NCGP). The research projects are no longer active and the Funding Rules are redundant. The instruments are no longer required and their repeal does not alter existing arrangements.

Items 11 and 20 repeal instruments that describe the factor used to index accumulated HEC debt in 2004 and 2005. These instruments applied an indexation factor to an accumulated higher education contribution debt. This determination was superseded by Division 140 of the *Higher Education Support Act 2003* on 1 June 2006. The repeal of these instruments does not alter existing arrangements.

Items 16 and 19 repeal instruments that set out the base operating funding amounts for higher education providers (excluding HECS) for 2004 and 2005. These instruments set out the determined amounts of financial assistance given to institutions in 2004 and 2005. This funding has been exhausted, and the measure no longer has any effect. The repeal of these instruments does not alter existing arrangements.

Items 17 and 18 repeal instruments that adjust the single block operating grant given to higher education providers in 2004. These determinations are now redundant as the funds that they refer to have been exhausted. The repeal of these instruments does not alter existing arrangements.

Item 38 repeals the Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Regulation 2005 (SLI 2005 No.190). This regulation specified the requirements for performance measures and performance targets requirements relating to student reports; requirements for performance information and requirements for the publication of school performance information for government and non-government schools in accordance with the relevant sections of the *Schools Assistance (Learning Together – Achievement Through Choice and Opportunity) Act 2004*. The regulations were superseded in in 2008 and 2013. The instrument is no longer required and its repeal does not alter existing arrangements.

Part 5 of Schedule 3—Department of Employment

This Part repeals 4 instruments administered by the Department of Employment.

Item 1 repeals the Affirmative Action (Equal Employment Opportunity for Women) Regulations, SR 1986 No. 282. The regulations were created to provide a two month extension of time in 1986 for higher education institutions to submit their affirmative action plans. The regulations are no longer required and their operation is spent. Their repeal does not alter existing arrangements.

Items 2 to 4 repeal determinations that relate to reporting guidelines that have been replaced and are no longer required. The repeal of these determinations does not alter existing arrangements.

Part 6 of Schedule 3—Department of Finance

This Part repeals 44 instruments administered by the Department of Finance.

Item 1 repeals the *Building Australia Fund (Credit of Telstra Sale Special Account Balance) Determination 2009*. The determination specified that the balance of the Telstra Sale Special Account was to be debited from the Telstra Sale Special Account and credited to the Building Australia Fund Special Account. The effect of this determination has been spent and its repeal does not alter existing arrangements.

Items 2, 6 and 15 repeal instruments that provide for the general drawing rights limits for specified funds for a specified financial year. The effect of these instruments has been spent and their repeal does not alter existing arrangements.

Items 3 to 5 repeal instruments that specified dates upon which fixed amounts were to be credited to the Building Australia Fund Account. The effect of these instruments has been spent and their repeal does not alter existing arrangements.

Item 7 repeals the *Financial Management and Accountability (Establishment of SOETM Special Account – AHRC) Determination 2012/05*. The determination established the Services for Other Entities and Trust Moneys Special Account for the Australian Human Rights Commission (AHRC). The AHRC is now a corporate commonwealth entity under the *Public Governance, Performance and Accountability Act 2013* and all moneys from the special account are payable to the corporate entity. AHRC has indicated that there is no ongoing need for the special account. Accordingly, the determination is redundant and its repeal does not alter existing arrangements.

Item 8 repeals the *Financial Management and Accountability (Establishment of SOETM Special Account – FWO) Determination 2012/13*. This determination established the Services for Other Entities and Trust Moneys (SOETM) Special Account for the Fair Work Ombudsman. The determination was not transitioned as part of the *Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014*, as the Special Account had not been used and or was further required. Accordingly, the determination is redundant and its repeal does not alter existing arrangements.

Item 9 repeals the *Financial Management and Accountability (Special Accounts) Determination 2000/15*. This determination established the Property Account and abolished the Domestic Property Group Account and the Overseas Property Group Account. The Property Account has been closed. Accordingly, the Instrument is redundant and its repeal does not alter existing arrangements.

Items 10 to 14 repeal instruments that specified dates upon which fixed amounts were to be credited to the Future Fund Special Account. The effect of these instruments has been spent and their repeal does not alter existing arrangements.

Items 16 and 17 repeal instruments that specified dates upon which fixed amounts were to be credited to the Health and Hospitals Fund Special Account. The effect of these instruments has been spent and their repeal does not alter existing arrangements.

Item 18 repeals the *Superannuation Act 1976 - Declaration (made on 14 June 1977)*. The declaration declared the University of Newcastle Staff Superannuation Scheme to be an eligible and approved superannuation scheme for the purposes of the Commonwealth Superannuation Scheme. It allowed Commonwealth Superannuation Scheme members to transfer their benefits to the University of Newcastle Staff Superannuation Scheme. The University of Newcastle Staff Superannuation Scheme is no longer in existence. Accordingly, the effect of this declaration has been spent and its repeal does not alter existing arrangements.

Items 19 to 44 repeal instruments that specified the applicable rate of interest relating to a period of time that has passed. The effect of these instruments has been spent and their repeal does not alter existing arrangements.

Part 7 of Schedule 3—Department of Health

This Part repeals 4 instruments administered by the Department of Health.

Item 1 repeals Amendment No. 59 to the Code. This instrument amends the Australia New Zealand Food Standards Code. The amendments made by the instrument have taken effect. Its repeal does not alter existing arrangements. The instrument does not contain any other substantive provisions.

Item 2 repeals the *Health Insurance (Telehealth Services) Determination 2012*. This determination creates a new Medicare Benefits Schedule item and re-introduces from the date of registration the criterion that telehealth support services by a Practice Nurse or Registered Aboriginal Health Worker are able to be provided to patients located outside an inner metropolitan area. The determination has a set expiry date of 31 October 2012 and can now be repealed without altering existing arrangements.

Item 3 repeals the *National Health Security Act 2007 - Temporary Suspension of Provisions of Part 3*. This instrument applies to a biological agent in specified geographic areas for a period of 20 business days from the commencement of this instrument. This period has now passed and the instrument is now spent and can be repealed without altering existing arrangements.

Item 4 repeals the *Therapeutic Goods Act 1989 - Order under subsection 3(1) - Definition of British Pharmacopoeia (made on 4 May 2009)*. This instrument specifies a particular edition of the British Pharmacopoeia for the purposes of the then definition of that document in subsection 3(1) of the Act. Since that time, that definition has been replaced with a definition of British Pharmacopoeia that has the effect that it is no longer necessary to specify particular editions of it by legislative instrument. As such, this instrument is suitable for repeal.

Part 8 of Schedule 3—Department of Human Services

This Part contains one item that repeals the *Human Services Legislation Amendment (Transfer of Staff) Regulations 2005*. These regulations were primarily created to manage the transition of staff from the Health Insurance Commission to Medicare Australia. Both agencies have since been abolished and the transitional arrangements are no longer required. Their repeal does not alter existing arrangements.

Part 9 of Schedule 3—Department of Immigration and Border Protection

This Part repeals 8 instruments administered by the Department of Immigration and Border Protection.

Item 1 repeals the *Customs (Interception of Vessels) Regulations 2001*. These regulations prescribed matters for the purposes of several sections of the *Customs Act 1901*. The relevant sections were repealed in 2014 by the *Maritime Powers Act 2013*. Therefore the regulations are no longer required and can be repealed. The repeal of these regulations does not alter existing arrangements.

Items 2 to 6 repeal instruments that prescribe matters for the purposes of section 16A of the *Customs Tariff Act 1995* in relation to matters under the Thailand-Australia Free Trade Agreement. These instruments are only effective during the calendar year to which they relate. Therefore, these instruments are redundant and can be repealed. The repeal of these instruments does not alter existing arrangements.

Item 7 repeals the *Import Processing Charges Regulations 2006*. These regulations prescribe import processing charges that, since 1 January 2014, are no longer required. The repeal of these regulations does not alter existing arrangements.

Item 8 repeals the Specification of Types of Courses for the Purposes of Regulation 1.40A of the Migration Regulations 1994, IMMI 05/055. The instrument specified types of courses, for applications for a student visa made on or after 1 July 2005. The instrument has since been replaced. The repeal of this instrument therefore does not alter existing arrangements.

Part 10 of Schedule 3—Department of Industry

This Part repeals 3 instruments administered by the Department of Industry.

Item 1 repeals the *Commercial Ready Program Directions No 1 of 2004*. These directions have since been superseded by new directions issued in 2007 for the Commercial Ready program. The repeal of these directions does not alter existing arrangements.

Item 2 repeals the *Instrument approving the form of a certificate of grant of Plant Breeder's Right (Instrument Approving Forms No. 1 of 2005)*. This instrument was made under section 7 of the *Plant Breeder's Rights Act 1994* (PBRA) which was repealed by schedule 14 of the *Intellectual Property Laws Amendment Act 2006 (No. 106, 2006)* (IPLAA). However, the effect of the instrument was preserved via transitional provisions in item 3 of Schedule 14 of the IPLAA. The IPLAA also amended subsection 3(1) of the PBRA which, in conjunction with subsection 44(10) of the PBRA, provides for the Secretary to approve the form of the certificate of grant. A new instrument approving the form of a certificate of grant has been made by the Secretary. As such, the earlier instrument is redundant and can be repealed without affecting the form in which a certificate must be granted.

Item 3 repeals the *Skilling Australia's Workforce (Repeal and Transitional Provisions) Regulations 2005*. The purpose of the regulations is to specify the final reporting arrangements in respect of the Australian National Training Authority. The Authority was abolished in 2005 so the regulations are obsolete and no longer required.

Part 11 of Schedule 3—Department of Infrastructure and Regional Development

This Part repeals 20 instruments administered by the Department of Infrastructure and Regional Development.

Item 1 repeals CASA 327/11 — Determination — lowest safe altitude. The instrument expired at the end of July 2014 and is redundant. Its repeal does not alter existing arrangements.

Items 2, 3 and 5 repeal instructions relating to the approved use of P-RNAV procedures. These instruments specified instructions for the use of precision area navigation by specified operators. The instruments have expired and their repeal does not alter existing arrangements.

Item 4 repeals CASA 351/11 — Directions — for determining maximum weight. The instrument contained directions for the determination of maximum take-off weight for aircraft operated by Fugro Airborne Surveys Pty Ltd. The instrument expired at the end of July 2014. Its repeal does not alter existing arrangements.

Items 6 to 20 repeal instruments that granted exemptions with specified expiry dates. The dates have now passed and the instruments are no longer required. The repeal of the instruments does not alter existing arrangements.

Part 12 of Schedule 3—Department of Social Services

This Part repeals 35 instruments administered by the Department of Social Services.

Items 1 to 6, 8, 20 to 22 and 24 to 33 repeal instruments that exempt lump sum payments, for the purposes of the *Social Security Act 1991* (SSA), made under schemes that have now closed. The instruments are no longer required and their repeal does not alter existing arrangements.

Items 7 and 10 repeal instruments that relate to indexation factors to be used for working out Financial Supplement debts and accumulated Financial Supplement debts on specified days. The instruments are no longer required and their repeal does not alter existing arrangements.

Item 9 repeals the *Housing Assistance (Form of Agreement) Determination 2008*. This instrument outlines the form of a Commonwealth State Housing Agreement dealing with the provision of housing assistance that was to be in place up until the end of 2008. The instrument is no longer required and its repeal does not alter existing arrangements.

Item 11 repeals the *National Gambling Reforms (Administration of ATM measure) Directions 2014*. This instrument provides regulatory guidance and general requirements in relation to the approach to be taken by the Regulator in the first six months of administering the ATM measure under the *National Gambling Reform Act 2012*. The instrument ceased to have effect upon the repeal, effective from 31 March 2014, of relevant provisions of the *National Gambling Reform Act 2012* by the *Social Services and Other Legislation Amendment Act 2014*. The instrument is no longer required and its repeal does not alter existing arrangements.

Items 12 to 14 repeal instruments that exempt lump sum payments, for the purposes of the SSA, made from the Australian Capital Territory Government's Community Inclusion and Household Debt Pilot Project. This project has now closed. The instruments are no longer required and their repeal does not alter existing arrangements.

Items 15 and 16 repeal instruments that exempt one-off lump sum payments, for the purposes of the SSA, made as Climate Change Adjustment Program Re-establishment Grants. This scheme has now closed. The instruments are no longer required and their repeal does not alter existing arrangements.

Items 17 to 19 repeal instruments that exempt one-off lump sum compensation payments, for the purposes of the SSA, paid by Aviva Australia during 2007. The instruments are no longer required and their repeal does not alter existing arrangements.

Item 23 repeals the *Social Security Exempt Lump Sum Determination No. 4 of 2003*. This instrument exempts lump sum payments, for the purposes of the SSA, of increased tax offset payments to residents of King Island or the Furneaux Group of Islands during the period 1 July 1990 to 30 June 1997. The instrument is no longer required and its repeal does not alter existing arrangements.

Items 34 and 35 repeal instruments that determine that the Direct Payment Pilot Project administered by the New South Wales Department of Ageing, Disability and Home Care under its Attendant Care Program is an 'approved scheme' under s35A of the SSA. The trial has ended and has been replaced by a permanent scheme. These instruments are no longer required and their repeal does not alter existing arrangements.

Part 13 of Schedule 3—Department of the Environment

This Part repeals 4 instruments administered by the Department of the Environment. All 4 instruments are redundant as they duplicate protection afforded under the *Environment Protection and Biodiversity Conservation Act 1999*, and thus have no operational effect. The instruments are no longer required and their repeal does not alter existing arrangements.

Part 14 of Schedule 3—Department of the Treasury

This Part repeals 20 instruments administered by the Department of the Treasury.

Items 1 to 8 repeal instruments that make amendments to the Australian Accounting Standards that may contain other provisions such as reasons for issuing the standard, main features of the standard, an appendix or basis for conclusions. The amending provisions are spent and the instruments are no longer required. The repeal of the instruments does not alter existing arrangements.

Items 9 to 11 repeal instruments that make amendments to the Australian Auditing Standards that may contain other provisions such as reasons for issuing the standard, main features of the standard, an appendix or basis for conclusions. The amending provisions are spent and the instruments are no longer required. The repeal of the instruments does not alter existing arrangements.

Items 12, 13 and 19 repeal instruments that direct the Australian Competition and Consumer Commission to monitor petrol prices for one year periods. These periods have all since expired. The repeal does not alter existing arrangements.

Items 14 to 16 repeal instruments that are non-confidentiality determinations. For the purposes of section 57 of the *Australian Prudential Regulation Authority Act 1998*, these instruments determine that certain information provided by banks is non-confidential and can be published by Australian Prudential Regulation Authority. The Authority has advised that these can be repealed. The repeal of these instruments does not alter existing arrangements.

Items 17 and 18 repeal instruments that modify specific regulations. As these modifications have been made, the instruments are spent. The repeal of these instruments does not alter existing arrangements.

Item 20 repeals the Treasury Bills Regulations, SR1927 No. 156. These regulations are redundant as they no longer have practical application. The repeal does not alter existing arrangements.

Schedule 4—Repeals of provisions of instruments

This Schedule repeals provisions of instruments that are no longer required for some other reason.

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

To assist the reader, the instruments are grouped by administering department, consistent with the Administrative Arrangements Order dated 12 December 2013.

Part 1 of Schedule 4—Department of Communications

This Part repeals regulation 46 from the *Radiocommunications Regulations 1993*. Regulation 46 repealed the former *Radiocommunications (Licensing and General) Regulations* and is now spent.

Part 2 of Schedule 4—Department of the Environment

This Part repeals section 5 of the *Environment Protection and Management Ordinance 1987 made under the Heard Island and McDonald Islands Act 1953*. Section 5 refers to the application of the *Migratory Birds Ordinance 1980* (Territory of Heard Island and McDonald Islands), No.1 of 1980 and the *Endangered Species Ordinance 1980* (Territory of Heard Island and McDonald Islands), No.2 of 1980. Both these legislative instruments will be repealed by this regulation: see items 2 and 4 of Part 13 of Schedule 3.