

EXPLANATORY STATEMENT

Select Legislative Instrument No. 21, 2015

Spent and Redundant Instruments Repeal Regulation 2015 (No. 1)

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 160 legislative instruments in their entirety, and individual provisions and parts of two other legislative instruments, which are spent or redundant. 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 amending or repealing and have taken effect in full. The remaining legislative instruments or provisions of instruments are no longer required for other reasons. The individual provisions and parts of instruments to be repealed are no longer required.

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 18329).

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 spent or 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 2015 (No. 1)*. 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.

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 12 instruments administered by the Attorney-General’s Department.

Item 1 repeals the *Administrative Appeals Tribunal (Allowances) Regulations*, SLI 1978 No. 289. These Regulations deal with vehicle and transport allowances and relocation expenses for full-time Administrative Appeal Tribunal (AAT) members who are required to relocate to perform the duties of their office during their term of appointment to the AAT. The Regulations are now redundant as they set allowances by reference to regulations 93 and 97 within a version of the Public Service Regulations that has now been repealed.

Item 2 repeals the *Australian Crime Commission Amendment Regulations 2006 (No. 1)*, SLI 2006 No.43. These Regulations were created to reflect changes to Victorian legislation, particularly to consolidate its gambling laws and implement the model investigatory powers legislation. The amendments made by the Regulations have either commenced or are no longer necessary and their repeal does not alter existing arrangements.

Item 3 repeals the *Bankruptcy Act 1966 - Proclamation* (made on 15 September 1993). This proclamation relates to the declaration of Bankruptcy Districts for the purposes of the *Bankruptcy Act 1966*. The concept of Bankruptcy Districts was removed from the Bankruptcy Act by amendments made in 2010. This proclamation is no longer required.

Item 4 repeals the *Crimes Act 1914 – Determination of an incident under Division 11A* (made on 2 October 2005). The Determination is no longer necessary as it was originally made to enable

identification of those found dead as a result of the bombings in Bali, Indonesia, on 1 October 2005. The instrument is no longer required and its repeal does not alter existing arrangements.

Items 5-12 repeal instruments that set out the sitting days for the High Court of Australia for each year from 2007 to 2014. The instruments are spent and are no longer needed. Their repeal does not alter existing arrangements.

Part 2 of Schedule 3—Department of Communications

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

Items 1 and 3 repeal instruments relating to the universal service levy, which was replaced by the telecommunications industry levy in 2012. Accordingly these instruments are spent, and their repeal does not alter existing arrangements.

Item 2 repeals the *Radiocommunications (Spectrum Access Charges —2.5 GHz Mid-band Gap) Determination 2013*. The Determination set access charges for spectrum licences in the frequency band 2570-2620 MHz. The instrument is expressed as having effect until a date which has now passed. Accordingly, this instrument is spent and its repeal does not alter existing arrangements.

Part 3 of Schedule 3—Department of Education and Training

This Part repeals 34 instruments administered by the Department of Education and Training.

Items 1-4 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 5-15 repeal instruments that set out lists of grants made under Division 41 of the *Higher Education Support Act 2003*. These lists spell out the maximum amount of all grants which may be paid in a given year. As that period has now passed, there is no obvious ongoing need for the instrument.

Item 16 repeals the *Higher Education Support Act 2003 – List of Programmes and Funding under Division 41* (made on 21 December 2004). This list spells out the maximum amount of all grants which may be paid in 2005. As that period has now passed, there is no obvious need for the instrument. Its repeal does not alter existing arrangements.

Items 17-33 repeal instruments that revoke an existing approval of a provider's ability to offer loans through the Higher Education Loan Programme. As the instruments have served their purpose, they are no longer required and their repeal does not alter existing arrangements.

Item 34 repeals Regulations that were primarily created to set out the conditions for remitting HECS, OLDPS, PELS and BOTPLS debts under the *Higher Education Funding Act 1988* (HEFA). HEFA was superseded in 2004 by the *Higher Education Support Act 2003*. The repeal does not alter existing arrangements.

Part 4 of Schedule 3—Department of Industry and Science

This Part repeals 4 instruments administered by the Department of Industry and Science.

Item 1 repeals the *ARENA Act Subsection 64(3) Determination 2013/01*. The instrument is redundant as it relates to funding for the 2012-13 financial year. The instrument is no longer required and its repeal does not alter existing arrangements.

Items 2-3 repeal Determinations made under section 22 of the *Australian Renewable Energy Agency Act 2011* (the ARENA Act). These instruments are redundant as they approved the Board's funding strategies for the 2012-13, 2013-14 and 2014-15 financial years and have been superseded by a more recent Determination. These instruments are no longer required and their repeal does not alter existing arrangements.

Item 4 repeals the Directions in Respect of Competitive Grants for Research and Development (made on 6 July 1994). The instrument is redundant as it provided Innovation Australia with criteria for the issuing of competitive grants for research and development, which are no longer provided. The instrument is no longer required and its repeal does not alter existing arrangements.

Part 5 of Schedule 3—Department of Infrastructure and Regional Development

This Part repeals 35 instruments administered by the Department of Infrastructure and Regional Development.

Item 1 repeals the *AusLink (National Land Transport) Act 2005 – Conditions Applying to Payments under Part 8 of the Act*. The instrument determined conditions for payments made under this Part. There are no payments remaining which are subject to this Determination. All action under this Determination is complete, and it may be repealed.

Items 2 and 3 repeal Determinations that relate to the AusLink Roads to Recovery List pursuant to section 87 of the *AusLink (National Land Transport) Act 2005*. The instruments determined bodies to receive Roads to Recovery programme funding during the specified periods and their allocation. All actions under these Determinations are complete, and they may be repealed.

Item 4 repeals the *CASA 390/11 — Instructions — RNP APCH LNAV and RNP APCH LNAV/VNAV on Qantas B767-300 aircraft*. This instrument sets out the conditions to be satisfied by the operator, and the procedures to be followed, during a required navigation performance approach with lateral navigation or vertical navigation. The instrument is now spent and its repeal does not alter existing arrangements.

Item 5 repeals the *CASA 410/11 — Instructions — use of RNAV (GNSS) approaches by RNP-capable aircraft*. This instrument contains procedures to allow for the conduct of area navigation approaches by Jetstar Airways in A320, A321 and A330 aircraft capable of RNP 0.30 performance. The instrument is now spent and its repeal does not alter existing arrangements.

Item 6 repeals the *CASA 442/11 — Instructions and exemption — B767-300 RNAV (RNP-AR) approaches*. This instrument allows Qantas to conduct a controlled, Australia-wide trial of computer assisted area navigation operations and instrument approach procedure. The instrument is now spent and its repeal does not alter existing arrangements.

Item 7 repeals the *CASA 444/11 — Instructions — RNAV (RNP-AR) approaches and departures*. This instrument allows Air New Zealand to conduct a controlled, Australia-wide trial of computer assisted area navigation operations and instrument approach procedure. The instrument is now spent and its repeal does not alter existing arrangements.

Item 8 repeals the *CASA 461/11 — Instructions — for approved use of P-RNAV procedures — Execujet Australia Pty Limited*. This instrument contains instructions for the use of precision area navigation procedures by Canadair aircraft operated by Execujet Australia. The instrument is now spent and its repeal does not alter existing arrangements.

Item 9 repeals the *CASA 462/11 — Instructions — for approved use of P-RNAV procedures — Sundown Pastoral Co Pty Ltd*. This instrument contains instructions for the use of precision area navigation procedures by Hawker Beech aircraft operated by Sundown Pastoral Co. The instrument is now spent and its repeal does not alter existing arrangements.

Item 10 repeals the *CASA 485/11 — Permission and direction — helicopter special operations*. This instrument permits the New South Wales Police Force to facilitate emergency operations and training in helicopters. The instrument is now spent and its repeal does not alter existing arrangements.

Item 11 repeals the *CASA 510/11 — Instructions — for approved use of P-RNAV procedures — Execujet Australia Pty Limited*. This instrument contains instructions for the use of precision area navigation procedures by Bombardier aircraft operated by Execujet Australia. The instrument is now spent and its repeal does not alter existing arrangements.

Item 12 repeals the *CASA 31/12 — Permission and direction — helicopter charter operations*. This instrument allows passengers of helicopter charter operations conducted by Cape York Helicopters/Torres Air to emplane and deplane while the helicopter is in hover or partial hover. The instrument is now spent and its repeal does not alter existing arrangements.

Item 13 repeals the *CASA 48/12 — Instructions — V.F.R. flights conducted by Fugro Airborne Surveys Pty Ltd*. This instrument contains instructions for aircraft operated by Fugro Airborne Surveys using GPS navigation while flying over the sea. The instrument is now spent and its repeal does not alter existing arrangements.

Item 14 repeals the *CASA 78/12 — Permission and direction - helicopter operations (Aeropower)*. This instrument allows Aeropower to conduct operations which require disembarking or embarking passengers onto or from transmission line tower structures for maintenance and training. The instrument is now spent and its repeal does not alter existing arrangements.

Item 15 repeals the *CASA 104/12 — Instructions — RNAV (RNP-AR) approaches and departures*. This instrument allows a trial of Boeing 737 aircraft using instrument flight rules and area navigation. The instrument is now spent and its repeal does not alter existing arrangements.

Item 16 repeals the *CASA 105/12 — Instructions — for approved use of P-RNAV procedures*. This instrument contains instructions for the use of precision area navigation procedures by Bombardier aircraft operated by Holypeak. The instrument is now spent and its repeal does not alter existing arrangements.

Item 17 repeals the *CASA EX98/11 — Exemption – Part 173 of CASR 1998 – Airservices Australia*. This instrument allows Airservices Australia to design two types of terminal instrument flight procedure. The instrument is now spent and its repeal does not alter existing arrangements.

Item 18 repeals the *CASA EX101/11 — Exemption — from standard take-off minima*. This instrument allows aircraft operated by Delta Air Lines to conduct low visibility take-offs. The instrument is now spent and its repeal does not alter existing arrangements.

Item 19 repeals the *CASA EX110/11 — Exemption — take-off with residual traces of frost and ice*. This instrument allows large aircraft operated by Pionair Australia to take-off with residual traces of snow, frost and ice subject to safety conditions. The instrument is now spent and its repeal does not alter existing arrangements.

Item 20 repeals the *CASA EX111/11 — Exemption — UAV Controller's Certificate requirement for certification*. This instrument allows for the recognition of a specially prepared unmanned aerial systems examination set by CASA, as distinct from an aviation licence theory examination. The instrument is now spent and its repeal does not alter existing arrangements.

Item 21 repeals the *CASA EX114/11 — Exemption — A380 operations at certain aerodromes*. This instrument allows certain Category E runways and taxiways, meeting the modification standards, to be used by Category F A380 aircraft. The instrument is now spent and its repeal does not alter existing arrangements.

Item 22 repeals the *CASA EX115/11 — Exemption — flight data recording*. This instrument allows Cessna 525B aircraft to be flown without installing a flight data recorder for private operations, consistent with United States Federal Aviation Administration regulations. The instrument is now spent and its repeal does not alter existing arrangements.

Item 23 repeals the *CASA EX126/11 — Exemption — requirement to wear seat belt and safety harness*. This instrument allows a crew member of a helicopter operated by Hinchinbrook Helicopters to use a safety harness instead of a seat belt, in order to perform aerial photographic operations. The instrument is now spent and its repeal does not alter existing arrangements.

Item 24 repeals the *CASA EX127/11 — Exemption — recency requirements for night flying (Eastern Australia Airlines Pty Limited and Sunstate Airlines (Qld) Pty Limited)*. This instrument allows Qantaslink to use an approved flight simulator to satisfy recency requirements instead of using flights in an aircraft. The instrument is now spent and its repeal does not alter existing arrangements.

Item 25 repeals the *CASA EX132/11 — Exemption — recency requirements for night flying (Jetstar Airways Pty Limited)*. This instrument allows Jetstar Airways to use an approved flight simulator to satisfy recency requirements instead of using flights in an aircraft. The instrument is now spent and its repeal does not alter existing arrangements.

Item 26 repeals the *CASA EX02/12 — Exemption — agricultural rating (incendiary dropping at or above 500 feet) — Exemption — CASR Part 137 (incendiary dropping above or below 500 feet)*. This instrument exempts pilots conducting incendiary dropping controlled burn operations from certain training requirements otherwise applicable to aerial application pilots. The instrument is now spent and its repeal does not alter existing arrangements.

Item 27 repeals the *CASA EX03/12 — Exemption — Unmanned Aerial Vehicles (UAV) Controller's Certificate requirement for manufacturer training*. This instrument allows prospective applicants for certification as a UAV controller to undertake training with approved training providers rather than the UAV manufacturer. The instrument is now spent and its repeal does not alter existing arrangements.

Item 28 repeals the *CASA EX04/12 — Exemption — display of markings and carriage of identification plates*. This instrument exempts, as an interim measure, all Australian aircraft operating in Australian territory of less than 5700kg maximum take-off weight from displaying marking requirements. The instrument is now spent and its repeal does not alter existing arrangements.

Item 29 repeals the *CASA EX14/12 — Exemption — navigation and anti-collision lights*. This instrument allows Aerorescue to conduct covert surveillance without displaying some required lights. The instrument is now spent and its repeal does not alter existing arrangements.

Item 30 repeals the *CASA EX38/12 — Exemption — flight in class D airspace within 16 kilometres of an aerodrome*. This instrument allows members of Tasmanian hang gliding and paragliding associations to operate in Class D airspace. The instrument is now spent and its repeal does not alter existing arrangements.

Item 31 repeals the *CASA EX40/12 — Exemption — provision of ARFFS training facilities at Avalon, Broome, Hamilton Island, Karratha, Launceston, Sunshine Coast, Rockhampton and Townsville aerodromes*. This instrument exempts aerodrome rescue and firefighting services at specified

aerodromes from the requirement to have “hot fire” training facilities. The instrument is now spent and its repeal does not alter existing arrangements.

Item 32 repeals the *CASA EX45/12 — Exemption — solo flight training using ultralight aeroplanes registered with Recreational Aviation Australia Incorporated at Moorabbin Aerodrome*. This instrument allows Melbourne Aviation to conduct solo flight training for student pilots using ultralight aircraft registered with Recreational Aviation Australia. The instrument is now spent and its repeal does not alter existing arrangements.

Item 33 repeals the *CASA EX148/12 — Exemption — solo flight training at Rockhampton Aerodrome using ultralight aeroplanes registered with the RAA*. This instrument allows Peace Aviation to conduct solo flight training for student pilots using ultralight aircraft registered with Recreational Aviation Australia. The instrument is now spent and its repeal does not alter existing arrangements.

Item 34 repeals the *Norfolk Island (Exercise of Powers) Regulations*, SR 1981 No. 153. The instrument amends Schedule 2 of the *Norfolk Island Act 1979*. The amendments have been consolidated into the *Norfolk Island Act 1979*. The instrument is no longer required and its repeal does not alter existing arrangements.

Item 35 repeals the *Sydney Airport Curfew Act 1995 - Subsection 12(4), Approvals for Aircraft Movements in Curfew Shoulder – Specification of Commencing Time* (made on 14 December 1995), Instrument No. M176/95. This instrument was superseded following the commencement of *Sydney Airport Curfew Act 1995* as amended on 10 October 2006. Subsection 12(4) of the *Sydney Airport Curfew Act 1995* specifies the conditions for approval of an international curfew shoulder movement. The repeal does not alter existing arrangements.

Part 6 of Schedule 3—Department of Social Services

This Part repeals 17 instruments administered by the Department of Social Services.

Item 1 repeals the *Australian Aged Care Quality Agency (Transitional Provisions) Regulation 2013*, SLI No. 255, 2013. This instrument provides for the Australian Aged Care Quality Agency to deal with and finalise processes that were underway, but not completed by the Aged Care Standards and Accreditation Agency, prior to 1 January 2014. As all processes underway prior to 1 January 2014 have been completed the instrument is no longer required as of 1 July 2014. Its repeal does not alter existing arrangements.

Item 2 repeals the *Social Security (Exemption Notices for Special Disability Trusts) (DEST) Guidelines 2006*. These Guidelines set out circumstances in which the Secretary of the Department of Education, Science and Training may exempt a relevant trust from certain requirements. Due to administrative changes, this instrument is no longer required. Responsibility for the administration of Special Disability Trusts rests with Department of Social Services. Its repeal does not alter existing arrangements.

Item 3 repeals the *Social Security (Exemption Notices for Special Disability Trusts) (DEWR) Guidelines 2006*. These Guidelines set out circumstances in which the Secretary of the Department of Employment and Workplace Relations may exempt a relevant trust from certain requirements. Due to administrative changes, this instrument is no longer required. Responsibility for the administration of Special Disability Trusts rests with the Department of Social Services. Its repeal does not alter existing arrangements.

Item 4 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2008 (No 1)*, SLI 2008 No. 107. This instrument amends the *Social Security (International Agreements) Act 1999* to insert an Agreement on Social Security between the Government of Australia and the

Government of Japan. The Act has since been amended to incorporate the Agreement. Its repeal does not alter existing arrangements.

Item 5 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2008 (No 2)*, SLI 2008 No. 265. This instrument amends the *Social Security (International Agreements) Act 1999* to insert an Agreement on Social Security between the Government of Australia and the Government of the Republic of Finland. The Act has since been amended to incorporate the Agreement. Its repeal does not alter existing arrangements.

Item 6 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2009 (No 1)*, SLI 2009 No. 58. This instrument amends the *Social Security (International Agreements) Act 1999* relating to the existing Agreement on Social Security between the Government of Australia and the Government of the Republic of Chile. The Act has since been amended to incorporate the Agreement. Its repeal does not alter existing arrangements.

Item 7 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2010 (No 1)*, SLI 2010 No. 21. This instrument amends the *Social Security (International Agreements) Act 1999* to insert an Agreement on Social Security between the Government of Australia and the Government of the Republic of Poland. The Act has since been amended to incorporate the Agreement. Its repeal does not alter existing arrangements.

Item 8 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2010 (No 2)*, SLI 2010 No. 247. This instrument amends the *Social Security (International Agreements) Act 1999* to insert Agreements on Social Security between the Government of Australia and the Governments of the former Yugoslav Republic of Macedonia and the Czech Republic. The Act has since been amended to incorporate the Agreements. Its repeal does not alter existing arrangements.

Item 9 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2011 (No 1)*, SLI 2011 No. 137. This instrument amends the *Social Security (International Agreements) Act 1999* relating to the existing Agreement on Social Security between the Government of Australia and the Government of the Republic of Austria. The Act has since been amended to incorporate the Agreement. Its repeal does not alter existing arrangements.

Item 10 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2011 (No 2)*, SLI 2011 No. 154. This instrument amends the *Social Security (International Agreements) Act 1999* to insert an Agreement on Social Security between the Government of Australia and the Government of the Slovak Republic. The Act has since been amended to incorporate the Agreement. Its repeal does not alter existing arrangements.

Item 11 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2011 (No 3)*, SLI 2011 No. 258. This instrument amends the *Social Security (International Agreements) Act 1999* to insert an Agreement on Social Security between the Government of Australia and the Government of the Republic of Hungary. The Act has since been amended to incorporate the Agreement. Its repeal does not alter existing arrangements.

Item 12 repeals the *Social Security (International Agreements) Act 1999 Amendment Regulations 2012 (No 1)*, SLI 2012 No. 54. This instrument amends the *Social Security (International Agreements) Act 1999* to insert an Agreement on Social Security between the Government of Australia and the Government of the Republic of Latvia. The Act has since been amended to incorporate the Agreement. Its repeal does not alter existing arrangements.

Item 13 repeals the *Social Security (Special Disability Trust Beneficiary Requirements) (DEST) Nomination of Agreement 2006*. This instrument allows for the Secretary of the Department of Education, Science and Training to nominate an Agreement for the purposes of subparagraph 1209M(2)(B)(ii) of the *Social Security Act 1991*. Due to administrative changes, this instrument is no

longer required. Responsibility for the administration of Special Disability Trusts rests with the Department of Social Services. Its repeal does not alter existing arrangements.

Item 14 repeals the *Social Security (Special Disability Trust Beneficiary Requirements) (DEWR) Nomination of Agreement 2006*. This instrument allows for the Secretary of the Department of Employment and Workplace Relations to nominate an Agreement for the purposes of subparagraph 1209M(2)(B)(ii) of the *Social Security Act 1991*. Due to administrative changes, this instrument is no longer required. Responsibility for the administration of Special Disability Trusts rests with the Department of Social Services. Its repeal does not alter existing arrangements.

Item 15 repeals the *Social Security (Special Disability Trust) (DEEWR) Guidelines 2011*. These Guidelines allow the Secretary of the Department of Education, Employment and Workplace Relations to provide guidelines regarding the requirements of a Special Disability Trust. Due to administrative changes, this instrument is no longer required. Responsibility for the administration of Special Disability Trusts rests with the Department of Social Services. Its repeal does not alter existing arrangements.

Item 16 repeals the *Social Security (Special Disability Trust — Trust Deed, Reporting and Audit Requirements) (DEEWR) Determination 2013 (No. 1)*. This instrument makes minor technical amendments to the *Social Security (Special Disability Trust — Trust Deed, Reporting and Audit Requirements) (DEEWR) Determination 2011*. Due to administrative changes, this instrument is no longer required. Responsibility for the administration of Special Disability Trusts rests with the Department of Social Services. Its repeal does not alter existing arrangements.

Item 17 repeals the *Social Security (Special Disability Trust — Trust Deed, Reporting and Audit Requirements) (DIICCSRTE) Determination 2013 (No. 1)*. This instrument partially revokes the *Social Security (Special Disability Trust — Trust Deed, Reporting and Audit Requirements) (DEEWR) Determination 2011*, and makes minor technical amendments to definitions used in the Determination. Due to administrative changes, this instrument is no longer required. Responsibility for the administration of Special Disability Trusts rests with the Department of Social Services. Its repeal does not alter existing arrangements.

Part 7 of Schedule 3—Department of the Environment

This Part repeals 21 instruments administered by the Department of the Environment.

Items 1-19 repeal instruments made under paragraph 184(1)(a) of the *Environment Protection and Biodiversity Conservation Act 1999*. The instruments amend the list of threatened ecological communities to include a specified ecological community in the critically endangered, endangered or vulnerable category. Each instrument contains substantive matter in the form of explanatory material set out in a Schedule. The amending provisions are spent and the instruments are no longer required. The repeal of the instruments does not alter existing arrangements.

Items 20-21 repeal Interim Declarations related to the Small Pelagic Fishery. The Declarations are redundant. The most recent Declaration expired in 2013. The instruments are no longer required and their repeal does not alter existing arrangements.

Part 8 of Schedule 3—Department of the Treasury

This Part repeals 6 instruments administered by the Department of the Treasury.

Item 1 repeals *Banking exemption No. 1 of 2013*. This determined that sections 7 and 8 of the *Banking Act 1959* did not apply to the class of persons described in the schedule, subject to specified conditions. The Determination was replaced by *Banking exemption No. 3 of 2014* and has ceased to have effect. The repeal does not alter existing arrangements.

Item 2 repeals *Banking exemption No. 3 of 2014*. This determined that sections 7 and 8 of the *Banking Act 1959* did not apply to the class of persons described in the schedule, subject to specified conditions. The Determination was replaced by *Banking exemption No. 4 of 2014* and has ceased to have effect. The repeal does not alter existing arrangements.

Items 3-6 repeal instruments which revoke certain reporting standards for the purposes of the *Financial Sector (Collection of Data) Act 2001* and for the purposes of the National Claims and Policies Database (No. 36). The Determinations are redundant as they revoke a previous standard and declare that a reporting standard shall cease to apply around 30 June/1 July 2005. As such the instruments are no longer required and their repeal does not alter existing arrangements.

Schedule 4—Repeals of provisions of instruments

This Schedule repeals provisions of instruments administered by the Department of Infrastructure and Regional Development 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).

This Schedule repeals section 5 and Schedule 3 of the *Applied Laws (General) Ordinance 1992 (Territory of Christmas Island)*. Section 5 temporarily suspends the operation of certain applied law on Christmas Island. The suspension period has ended and thus the provision is no longer required. Schedule 3 refers to section 5.

This Schedule also repeals section 5 and Schedule 3 of the *Applied Laws (General) Ordinance 1992 (Territory of Cocos (Keeling) Islands)*. Section 5 temporarily suspends the operation of certain applied law on the Cocos Island. The suspension period has ended and thus the provision is no longer required. Schedule 3 refers to section 5.