



Legislation (Deferral of Sunsetting— Bankruptcy Regulations) Certificate 2018

I, Christian Porter, Attorney-General, make the following certificate.

Dated 15 August 2018

Christian Porter
Attorney-General

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1 Name

This instrument is the *Legislation (Deferral of Sunsetting—Bankruptcy Regulations) Certificate 2018*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under paragraph 51(1)(c) of the *Legislation Act 2003*.

4 Definitions

In this instrument:

Act means the *Bankruptcy Act 1966*.

Legislation Act means the *Legislation Act 2003*.

Regulations means the *Bankruptcy Regulations 1996*.

5 Statement of reasons for issue of certificate

For the purposes of paragraph 51(2)(a) of the *Legislation Act*, this section sets out the statement of the reasons for the issue of this certificate.

Statement of reasons

I am satisfied that the *Regulations* would, apart from the operation of Part 4 of Chapter 3 of the *Legislation Act*, be likely to cease to be in force within 12 months after the scheduled sunseting day.

The *Regulations* need to be in force for the *Act* to operate as intended. The *Bankruptcy Amendment (Enterprise Incentives) Bill 2017* and the *Bankruptcy*

Amendment (Debt Agreement Reform) Bill 2018 were introduced into the Australian Parliament in October 2017 and February 2018, respectively. The Government intends to continue the passage of both Bills through both houses of Parliament and their enactment into law during 2018. Both Bills propose significant reform to Australia's personal insolvency framework and require consequential amendments to the Regulations.

The Attorney-General's Department is conducting a review of the Regulations, which is dependent on the progress of both Bills. Following this review, the Regulations are expected to be repealed and remade in mid to late 2019.

The Regulations are due to sunset on 1 April 2019. A 12 month deferral of the sunset date will avoid the need to remake the Regulations in their current form for the short period of time before they are repealed and remade following finalisation of the review and commencement of amendments to the Act.

6 Deferral of sunset of the Regulations

The Regulations, for which the sunset day is 1 April 2019, are taken to cease to be in force under section 51 of the Legislation Act on 1 April 2020.

7 Repeal of this instrument

This instrument is repealed at the start of 2 April 2020.