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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

STATUTE STOCKTAKE BILL (No. 1) 2011

EXPLANATORY MEMORANDUM

(Circulated with the authority of the
Minister for Finance and Deregulation,
Senator the Hon Penny Wong)

TABLE OF CONTENTS

Table of Abbreviations and Common Terms	iii
I. GENERAL OUTLINE	1
<i>Main feature of the Stocktake Bill 2011</i>	1
<i>Financial Impact Statement</i>	1
II. NOTES ON CLAUSES	2
<i>Part 1 – Preliminary</i>	2
Clause 1: Short Title	2
Clause 2: Commencement	2
Clause 3: Schedules	2
III. OVERVIEW OF AMENDMENTS IN SCHEDULES	3
<i>Schedule 1 - Amendments</i>	3
<i>Schedule 2 – Repeal of Acts</i>	3
IV. NOTES ON SCHEDULE 1 – Amendments	4
<i>Part 1—Amendments</i>	4
<i>Airports (Transitional) Act 1996</i>	4
<i>AUSSAT Repeal Act 1991</i>	4
<i>Australian Trade Commission Legislation Amendment Act 2006</i>	4
<i>Child Support Legislation Amendment (Reform of the Child Support Scheme—Initial Measures) Act 2006</i>	4
<i>Commonwealth Banks Restructuring Act 1990</i>	5
<i>Human Services Legislation Amendment Act 2005</i>	5
<i>National Crime Authority (Status and Rights of Former Chairman) Act 1984</i>	5
<i>Snowy Hydro Corporatisation Act 1997</i>	5
<i>Superannuation (Pension Increases) Act 1967</i>	5
<i>Superannuation (Pension Increases) Act 1971</i>	6
<i>Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997</i> 6	
<i>Part 2 – Amendments consequential on amendments in Part 1</i>	6
<i>Superannuation (Pension Increases) Act 1967</i>	6
<i>Superannuation (Pension Increases) Act 1971</i>	6
V. NOTES ON SCHEDULE 2 – Repeal of Acts.....	7
<i>Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Act 2005</i>	7
<i>Chowilla Reservoir Agreement Act 1963</i>	7
<i>Dartmouth Reservoir Agreement Act 1970</i>	7
<i>Forestry and Timber Bureau Act 1930</i>	7
<i>Loans (Australian Industry Development Corporation) Act 1974</i>	8
<i>Morgan-Whyalla Waterworks Agreement Act 1940</i>	8

<i>Northern Territory Grant (Electricity) Act 1989</i>	8
<i>Northern Territory Grant (Special Assistance) Act 1983</i>	8
<i>Papua and New Guinea Loan (International Bank) Act 1968</i>	8
<i>Papua and New Guinea Loan (International Bank) Act 1971</i>	8
<i>Papua New Guinea Loan (Asian Development Bank) Act 1972</i>	9
<i>Papua New Guinea Loan (Asian Development Bank) Act 1973</i>	9
<i>Papua New Guinea Loan (International Bank) Act 1972</i>	9
<i>Papua New Guinea Loan (International Bank) Act 1974</i>	9
<i>Papua New Guinea Loans Guarantee Act 1973</i>	9
<i>Papua New Guinea Loans Guarantee Act 1974</i>	9
<i>Queensland Grant (Special Assistance) Act 1979</i>	10
<i>Queensland Grant (Special Assistance) Act 1980</i>	10
<i>Queensland Grant (Special Assistance) Act 1981</i>	10
<i>State Grant (Special Assistance to South Australia) Act 1960</i>	10
<i>States Grants (Technical Training Fees Re-imbusement) Act 1974</i>	10
<i>States Grants (Water Resources Measurement) Act 1970</i>	10
<i>Western Australia Agreement (Ord River Irrigation) Act 1968</i>	11
<i>Western Australia Agreement (Ord River Irrigation) Act 1980</i>	11
<i>Western Australia (South-west Region Water Supplies) Agreement Act 1965</i>	11

Table of Abbreviations and Common Terms

Abbreviation or common term	Full term or description
AIDC	Australian Industry Development Corporation
AUSSAT	Australian Communications Satellite
CRF	Consolidated Revenue Fund
FAC	Federal Airports Commission
FFLA Bill	<i>Financial Framework Legislation Amendment Bill</i>
FMA Act	<i>Financial Management and Accountability Act 1997</i>
HIC	Health Insurance Commission
Item	An item of a Schedule of the Stocktake Bill
OH&S Act	<i>Occupational Health and Safety (Commonwealth Employment) Act 1991</i>
Stocktake Bill	<i>Statute Stocktake Bill (No. 1) 2011</i>

Statute Stocktake Bill (No. 1) 2011

I. GENERAL OUTLINE

Main feature of the Stocktake Bill 2011

1. The *Statute Stocktake Bill (No. 1) 2011* (Stocktake Bill 2011) would, if passed, affect 36 Acts through amendments to 11 Acts and the repeal of 25 Acts.
2. The main purpose of the proposed amendments is to repeal 39 redundant special appropriations relating to the Commonwealth's financial framework. This is consistent with the Government's response on 9 December 2008 to former Senator Andrew Murray's report, *Operation Sunlight – Overhauling Budgetary Transparency* (specifically recommendation 12), which committed to a regular review of special appropriations and maintaining effective legislative housekeeping. The Bill is also consistent with the Government's Better Regulation Agenda.
3. The Bill contributes to Commonwealth efforts to clean up the statute book, as occurred through the 5 previous Financial Framework Legislation Amendment Acts between 2005 and 2010, and the *Statute Stocktake (Regulatory and Other Laws) Act 2009* and continues the theme of ongoing Government housekeeping.
4. If passed, the Bill would reduce unnecessary red tape and improve the efficient operation of the regulatory framework of the Commonwealth. The Bill would do this by abolishing 39 special appropriations, including the repeal of one statutory Special Account and 25 redundant Acts in their entirety.

Financial Impact Statement

5. The proposed amendments have no financial impact. The amendments are aimed at repealing redundant special appropriations.

II. NOTES ON CLAUSES

6. The structure of the *Statute Stocktake Bill (No. 1) 2011* (Stocktake Bill 2011) comprises 3 clauses that then refer to 2 Schedules containing the substantive amendments to other Acts. These notes describe the 3 clauses and their effect.

Part 1 – Preliminary

Clause 1: Short Title

7. This clause provides that, should the Statute Stocktake Bill (No. 1) 2011 be enacted, the Stocktake Bill may then be cited as the *Statute Stocktake Act (No. 1) 2011*.

Clause 2: Commencement

8. This clause provides that all items in the Stocktake Bill 2011 will, if passed, commence on the day after the *Statute Stocktake Act (No. 1) 2011* receives the Royal Assent.

Clause 3: Schedules

9. This clause provides that the amendments and repeals of Acts are contained in 2 Schedules which repeal 39 special appropriations, including 25 Acts and a statutory Special Account.

III. OVERVIEW OF AMENDMENTS IN SCHEDULES

10. The following overview of amendments proposed in Schedules 1 and 2 of the Bill is provided in general terms, rather than by item number. Parts IV and V of this Explanatory Memorandum contain a description of the Schedules of the Bill, organised by item number.

Schedule 1 - Amendments

11. Schedule 1 repeals 13 redundant special appropriations.

Schedule 2 – Repeal of Acts

12. Schedule 2 repeals 25 redundant Acts that include 26 redundant special appropriations including a statutory Special Account.

IV. NOTES ON SCHEDULE 1 – Amendments

13. An explanation of the amendments proposed in Schedule 1 is provided in sequential order.

Part 1—Amendments

Airports (Transitional) Act 1996

14. **Item 1** repeals sections 39, 70 and 78 of the *Airports (Transitional) Act 1996*. These sections authorised an appropriation from the Consolidated Revenue Fund (CRF): for payments to the Federal Airports Commission (FAC) where the Commonwealth sold shares in an airport-lessee company; for payments for loans to the FAC; and for other borrowing transactions. The FAC has since been wound up. Accordingly, the sections are redundant and can be repealed.

AUSSAT Repeal Act 1991

15. **Item 2** repeals subsection 5(5) of the *AUSSAT Repeal Act 1991*. This section authorised an appropriation from the CRF for up to \$800,000,000 to pay out existing obligations of the Australian Communications Satellite (AUSSAT) as at 1991. There are no outstanding obligations requiring an authorised payment from the CRF for this purpose. Accordingly, the subsection is redundant and can be repealed.

Australian Trade Commission Legislation Amendment Act 2006

16. **Item 3** repeals item 16 of Schedule 4 of the *Australian Trade Commission Legislation Amendment Act 2006*. This provision assisted the Australian Trade Commission when transitioning from being governed by the *Commonwealth Authorities and Companies Act 1997* to the *Financial Management and Accountability Act 1997* on 1 July 2006. The effect of this provision was to enable funds held by the Australian Trade Commission prior to 1 July 2006 to be transferred to the CRF on the basis that an appropriation from the CRF equal to this contribution would be granted to the Australian Trade Commission after the transition had taken place. This transfer has occurred. Accordingly, the item is now redundant and can be repealed.

Child Support Legislation Amendment (Reform of the Child Support Scheme—Initial Measures) Act 2006

17. **Item 4** repeals subitem 20(3) of Schedule 5 of the *Child Support Legislation Amendment (Reform of the Child Support Scheme—Initial Measures) Act 2006*. This subitem authorised an appropriation from the CRF for provisions that put beyond doubt the validity of the operation of the child support scheme in relation to exnuptial children in Western Australia. The Special Appropriation created under item 20 of Schedule 5 related solely to payments made before 1 July 2006. These payments have all been made. Accordingly, the subitem is redundant and can be repealed.

Commonwealth Banks Restructuring Act 1990

18. **Item 5** repeals section 74 of the *Commonwealth Banks Restructuring Act 1990*. This section authorised an appropriation from the CRF for up to \$413,000,000 to give effect to an agreement between the Commonwealth and Victoria in connection with the succession of the Commonwealth Bank of Australia to the State Bank of Victoria. The appropriation is no longer required. Accordingly, the section is redundant and can be repealed.

Human Services Legislation Amendment Act 2005

19. **Item 6** repeals item 720 of Schedule 2 of the *Human Services Legislation Amendment Act 2005*. This item refers to the transfer of appropriations from the Health Insurance Commission (HIC) to Medicare Australia at the time when the HIC was moved to the Department of Human Services portfolio and subsequently renamed Medicare Australia. All unspent appropriations made to HIC prior to 1 October 2005 (the date the *Human Services Legislation Amendment Act 2005* commenced) were transferred to Medicare Australia in April 2006. The transfer has occurred. Accordingly, the item is redundant and can be repealed.

National Crime Authority (Status and Rights of Former Chairman) Act 1984

20. **Item 7** repeals section 6 of the *National Crime Authority (Status and Rights of Former Chairman) Act 1984*. This section authorised an appropriation from the CRF for the former Chairman's remuneration in respect of holding office, and travel expenses in the performance of his duties, as former Chairman of the then National Crime Authority (NCA) and the then Resource Assessment Commission (RAC). As neither body now exists, he could not be reappointed as Chairman. Accordingly, the section is redundant and can be repealed.

Snowy Hydro Corporatisation Act 1997

21. **Item 8** repeals section 45 of the *Snowy Hydro Corporatisation Act 1997*. Schedule 5 of the *Snowy Hydro Limited Agreement (Consequential Amendments) Act 1997* provided that the Snowy Hydro Company was to cease to be a Commonwealth authority for the purposes of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (OH&S Act) from the corporatisation date, which occurred on 28 June 2002. Section 45 of the *Snowy Hydro Corporatisation Act 1997* authorised an appropriation from the CRF for a refund of the Snowy Hydro-Electricity Authority's contribution to the cost of the administration of the OH&S Act to the Snowy Hydro Company, if the commencement date were to fall part way through a financial year. As the commencement date fell part way through a financial year, the refund was granted. Accordingly, the section is redundant and can be repealed.

Superannuation (Pension Increases) Act 1967

22. **Item 9** repeals subsections 6(2), (3) and (4) of the *Superannuation (Pension Increases) Act 1967*. These subsections authorised an appropriation from the CRF for the Commonwealth to pay the superannuation fund an amount equal to the increase in pension rates affected by subsection 6(4). Subsections 6(2), (3) and (4)

operate together. The subsections have been superseded by subsequent pension increases legislation. Accordingly, the subsections are redundant and can be repealed.

Superannuation (Pension Increases) Act 1971

23. **Item 10** repeals subsections 11(2), (3) and (4) of the *Superannuation (Pension Increases) Act 1971*. These subsections authorised an appropriation from the CRF for the Commonwealth to pay the superannuation fund an amount equal to the increase in pension rates affected by subsection 11(4). Subsections 11(2), (3) and (4) operate together. The subsections have been superseded by subsequent pension increases legislation. Accordingly, the subsections are redundant and can be repealed.

Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997

24. **Item 11** repeals subdivision C of Division 7 of Part 3 of the *Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997*. This subdivision authorised an appropriation from the CRF for transitional measures for administration of the new Universal Service Reserve. Through a series of legislative amendments, funds in the new Universal Service Reserve that had not been expended have eventually been transferred to the Universal Service Account. The Universal Service Account is a Special Account which provided the necessary appropriation, and is now administered by the Australian Communications and Media Authority under section 21 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*. Accordingly, the subdivision is redundant and can be repealed.

Part 2 – Amendments consequential on amendments in Part 1

Superannuation (Pension Increases) Act 1967

25. **Item 12** omits “(1)” from the first subsection of section 6. This is a consequential amendment resulting from amendment to section 6 made by item 10, removing subsequent subsections. Accordingly, the reference is redundant and can be omitted.

Superannuation (Pension Increases) Act 1971

26. **Item 13** omits “(1)” from the first subsection of section 11. This is a consequential amendment resulting from amendment to section 11 by item 10, removing subsequent subsections. Accordingly, the reference is redundant and can be omitted.

27. **Item 14** omits “Sections 10 and 11” from the note to Schedule heading and substitutes “Section 10”. This is a consequential amendment resulting from amendments made to section 11 by item 11, which has removed references to the Schedule. Accordingly, the reference is redundant and can be omitted and substituted.

V. NOTES ON SCHEDULE 2 – Repeal of Acts

28. An explanation of the repeals proposed in Schedule 2 is provided in sequential order.

Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Act 2005

29. **Item 1** repeals the *Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Act 2005*. The Act authorised an appropriation from the Consolidated Revenue Fund (CRF) for any payments that might arise if the operation of the Act resulted in an acquisition of property otherwise than on just terms. There has been no acquisition of property arising from this Act. Accordingly, the Act is redundant and can be repealed.

Chowilla Reservoir Agreement Act 1963

30. **Item 2** repeals the *Chowilla Reservoir Agreement Act 1963*. The Act authorised an appropriation from the CRF for payments to be made by the Commonwealth to the State of New South Wales under an agreement relating to the construction of the Chowilla Reservoir. The agreement also required the repayment of the financial assistance by the State of New South Wales. All of the payments have been made by the Commonwealth and the repayments have been made by the State of New South Wales. Accordingly, the Act is redundant and can be repealed.

Dartmouth Reservoir Agreement Act 1970

31. **Item 3** repeals the *Dartmouth Reservoir Agreement Act 1970*. The Act authorised an appropriation from the CRF for payments to be made by the Commonwealth to the States of New South Wales, Victoria and South Australia under an agreement relating to the construction of the Dartmouth Reservoir. The Agreement also required the repayment of the financial assistance by the States. All of the payments have been made by the Commonwealth and the repayments have been made by the states. Accordingly, the Act is redundant and can be repealed.

Forestry and Timber Bureau Act 1930

32. **Item 4** repeals the *Forestry and Timber Bureau Act 1930*. The Act establishes the Forestry and Timber Bureau and outlines its functions, one of which is the establishment of the Forestry Account to hold donations received by the Bureau for the furtherance of forestry. The Bureau was disbanded in 1975 and its powers and responsibilities were transferred to other agencies and organisations. The Act is not needed by any of these agencies or organisations to undertake the functions that they were allocated. Funds held in the Forestry Account were transferred to the Forest and Wood Products Research and Development Corporation (now Forest and Wood Products Australia) and the balance of the Forestry Account is zero. Accordingly, the Act is redundant and can be repealed.

Loans (Australian Industry Development Corporation) Act 1974

33. **Item 5** repeals the *Loans (Australian Industry Development Corporation) Act 1974*. The Act authorised an appropriation from the CRF to allow for funds to be available to the Australian Industry Development Corporation (AIDC). The AIDC is currently in the process of being wound down and these funds are not required. Accordingly, the Act is redundant and can be repealed.

Morgan-Whyalla Waterworks Agreement Act 1940

34. **Item 6** repeals the *Morgan-Whyalla Waterworks Agreement Act 1940*. The Act authorised an appropriation from the CRF for the construction of the Morgan-Whyalla pipeline and payments to South Australia under an agreement between the South Australian Commissioner of Waterworks and the Commonwealth. The agreement had a term of 20 years and is now expired. Accordingly, the Act is redundant and can be repealed.

Northern Territory Grant (Electricity) Act 1989

35. **Item 7** repeals the *Northern Territory Grant (Electricity) Act 1989*. The Act authorised an appropriation from the CRF for grants to the Northern Territory in connection with expenditure during the 1989-90 financial year on the generation and distribution of electricity within the Territory. Accordingly, the Act is redundant and can be repealed.

Northern Territory Grant (Special Assistance) Act 1983

36. **Item 8** repeals the *Northern Territory Grant (Special Assistance) Act 1983*. The Act authorised an appropriation from the CRF for grants to the Northern Territory during the 1983-84 financial year. Accordingly, the Act is redundant and can be repealed.

Papua and New Guinea Loan (International Bank) Act 1968

37. **Item 9** repeals the *Papua and New Guinea Loan (International Bank) Act 1968*. The Act authorised an appropriation from the CRF for the Commonwealth to guarantee the discharge of obligations of the Administration of the Territory of Papua and New Guinea under a Loan Agreement made with the International Bank for Reconstruction and Development. The loan to which this guarantee relates to has been repaid. Accordingly, the Act is redundant and can be repealed.

Papua and New Guinea Loan (International Bank) Act 1971

38. **Item 10** repeals the *Papua and New Guinea Loan (International Bank) Act 1971*. The Act authorised an appropriation from the CRF for the Commonwealth to guarantee the discharge of obligations of the Administration of the Territory of Papua and New Guinea under a Loan Agreement made with the International Bank for Reconstruction and Development. The loan to which this guarantee relates to has been repaid. Accordingly, the Act is redundant and can be repealed.

Papua New Guinea Loan (Asian Development Bank) Act 1972

39. **Item 11** repeals the *Papua New Guinea Loan (Asian Development Bank) Act 1972*. The Act authorised an appropriation from the CRF for the Commonwealth to guarantee the discharge of obligations of the Administration Papua New Guinea under a Loan Agreement made with the Asian Development Bank. The loan to which this guarantee relates to has been repaid. Accordingly, the Act is redundant and can be repealed.

Papua New Guinea Loan (Asian Development Bank) Act 1973

40. **Item 12** repeals the *Papua New Guinea Loan (Asian Development Bank) Act 1973*. The Act authorised an appropriation from the CRF for the Commonwealth to guarantee the discharge of obligations of the Administration of Papua New Guinea under a Loan Agreement made with the Asian Development Bank. The loan to which this guarantee relates to has been repaid. Accordingly, the Act is redundant and can be repealed.

Papua New Guinea Loan (International Bank) Act 1972

41. **Item 13** repeals the *Papua New Guinea Loan (International Bank) Act 1972*. The Act authorised an appropriation from the CRF for the Commonwealth to guarantee the discharge of obligations of the Administration of Papua New Guinea under a Loan Agreement made with the International Bank for Reconstruction and Development. The loan to which this guarantee relates to has been repaid. Accordingly, the Act is redundant and can be repealed.

Papua New Guinea Loan (International Bank) Act 1974

42. **Item 14** repeals the *Papua New Guinea Loan (International Bank) Act 1974*. The Act authorised an appropriation from the CRF for the Commonwealth to guarantee the discharge of obligations of the Administration of Papua New Guinea under a Loan Agreement made with the International Bank for Reconstruction and Development. The loan to which this guarantee relates to has been repaid. Accordingly, the Act is redundant and can be repealed.

Papua New Guinea Loans Guarantee Act 1973

43. **Item 15** repeals the *Papua New Guinea Loans Guarantee Act 1973*. The Act authorised an appropriation from the CRF for the Commonwealth to guarantee the discharge of obligations of the Administration of Papua New Guinea with respect to loans to be raised overseas by Papua New Guinea. There are no outstanding loans to which this guarantee relates of which the Commonwealth is aware. Accordingly, the Act can be repealed.

Papua New Guinea Loans Guarantee Act 1974

44. **Item 16** repeals the *Papua New Guinea Loans Guarantee Act 1974*. The Act authorised an appropriation from the CRF for the Commonwealth to guarantee the discharge of obligations of the Administration of Papua New Guinea with respect to loans to be raised overseas by Papua New Guinea. There are no outstanding loans to

which this guarantee relates of which the Commonwealth is aware. Accordingly, the Act can be repealed.

Queensland Grant (Special Assistance) Act 1979

45. **Item 17** repeals the *Queensland Grant (Special Assistance) Act 1979*. The Act authorised an appropriation from the CRF for grants to Queensland during the 1979-80 and 1980-81 financial years. The appropriation has been spent. Accordingly, the Act is redundant and can be repealed.

Queensland Grant (Special Assistance) Act 1980

46. **Item 18** repeals the *Queensland Grant (Special Assistance) Act 1980*. The Act authorised an appropriation from the CRF for grants to Queensland during the 1980-81 financial year. The appropriation has been spent. Accordingly, the Act is redundant and can be repealed.

Queensland Grant (Special Assistance) Act 1981

47. **Item 19** repeals the *Queensland Grant (Special Assistance) Act 1981*. The Act authorised an appropriation from the CRF for grants to Queensland during the 1981-82 financial year. The appropriation has been spent. Accordingly, the Act is redundant and can be repealed.

State Grant (Special Assistance to South Australia) Act 1960

48. **Item 20** repeals the *State Grant (Special Assistance to South Australia) Act 1960*. The Act authorised an appropriation from the CRF to grant financial assistance of £1,027,000 to the State of South Australia during the 1959-60 financial year. The appropriation has been spent. Accordingly, the Act is redundant and can be repealed.

States Grants (Technical Training Fees Re-imbusement) Act 1974

49. **Item 21** repeals the *States Grants (Technical Training Fees Re-imbusement) Act 1974*. The Act authorised an appropriation from the CRF for funding given to the States during the year ended 30 June 1974 to provide financial assistance due to a number of educational institutions ceasing to charge fees for certain types of technical training. The appropriation has been spent. Accordingly, the Act is redundant and can be repealed.

States Grants (Water Resources Measurement) Act 1970

50. **Item 22** repeals the *States Grants (Water Resources Measurement) Act 1970*. The Act authorised an appropriation from the CRF for payments to a State for approved expenditure relating to the measurement of the discharge of rivers, or the investigation or measurement of the underground water resources of the State. The Act has no continuing operation as it only provided for payments for the financial years ending 30 June 1971, 1972 and 1973. Accordingly, the Act is redundant and can be repealed.

Western Australia Agreement (Ord River Irrigation) Act 1968

51. **Item 23** repeals the *Western Australia Agreement (Ord River Irrigation) Act 1968*. The Act authorised an appropriation from the CRF for payments to be made by the Commonwealth to the State of Western Australia under an agreement for the construction of the Ord River Dam and irrigation infrastructure. The agreement also required the repayment of that financial assistance by the State of Western Australia. All of the payments have been made by the Commonwealth and the necessary repayments have been made by the state of Western Australia. Accordingly, the Act is redundant and can be repealed.

Western Australia Agreement (Ord River Irrigation) Act 1980

52. **Item 24** repeals the *Western Australia Agreement (Ord River Irrigation) Act 1980*. The Act authorised an appropriation from the CRF for the provision of financial assistance to the State of Western Australia for the construction of crop handling and processing facilities for produce from the Ord Irrigation Area done pursuant to the agreement authorised under the *Western Australia (Ord River Irrigation) Act 1968*. This Act authorised the execution of an agreement between the Commonwealth and the State of Western Australia which amended the agreement approved by the *Western Australia (Ord River Irrigation) Act 1968*. The appropriation has been spent. Accordingly, the Act is redundant and can be repealed.

Western Australia (South-west Region Water Supplies) Agreement Act 1965

53. **Item 25** repeals the *Western Australia (South-west Region Water Supplies) Agreement Act 1965*. The Act authorised an appropriation from the CRF for payments to be made by the Commonwealth to the State of Western Australia under an agreement for the provision of water from the Mundaring Weir and the Wellington Weir. This agreement also required the repayment of that financial assistance by the State of Western Australia. All of the payments have been made by the Commonwealth and the necessary repayments have been made by the State of Western Australia. Accordingly, the Act is redundant and can be repealed.