

2010-2011-2012-2013

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**STATUTE STOCKTAKE (APPROPRIATIONS) BILL 2013**

EXPLANATORY MEMORANDUM

(Circulated by the authority of the Minister for Finance and Deregulation,  
Senator the Honourable Penny Wong)

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## Table of Acronyms and Defined Terms

FMA Act	<i>Financial Management and Accountability Act 1997</i>
Item	An item of a Schedule of the <i>Statute Stocktake (Appropriations) Bill 2013</i>
Stocktake Bill	<i>Statute Stocktake (Appropriations) Bill 2013</i>

## **Statute Stocktake (Appropriations) Bill 2013**

### **General Outline**

1. The *Statute Stocktake (Appropriations) Bill 2013* (Stocktake Bill) would, if enacted, repeal 84 old annual Appropriation Acts from 1999-2000 until 2009-2010 (inclusive).
2. The Stocktake Bill is the sixth Statute Stocktake Bill since 1998, and forms part an ongoing process to clean up the statute book by repealing legislation that is redundant. The repeal of 84 old annual Appropriation Acts continues the Government's efforts to review redundant legislation, or should be better dealt with in new legislation.
3. The Stocktake Bill does not appropriate any money, rather it seeks to repeal whole Acts.
4. The amounts appropriated by the old annual Appropriation Acts have been spent, exhausted, lapsed, or to a minor extent, will be considered for re-appropriation through the Budget process.
5. The Stocktake Bill follows the *Legislative Instruments Amendment (Sunsetting Measures) Act 2012*, which contributed to the Government's ongoing efforts to reduce the stock of unnecessary and redundant legislation. The Stocktake Bill also facilitates the repeal of numerous subsidiary laws, in this case connected to old annual Appropriation Acts, consistent with the Government's deregulation agenda.

### **Financial Impact**

6. The proposed amendments have no financial impact. Much of the unspent appropriations in the 84 old annual Appropriation Acts are redundant. Minor amounts that may not be redundant will be considered for re-appropriation through standard appropriation options, noting that expenditure is already forecast in the forward estimates.

## **Statement of compatibility with human rights**

- 1 The Bill seeks to repeal 84 old annual Appropriation Acts.
- 2 Accordingly, this Appropriation Bill performs an important function, by reducing the statute book.
- 3 The High Court has emphasised that Appropriation Acts do not create rights and nor do they, importantly, impose any duties.
- 4 Given that the legal effect of Appropriation Acts is limited in this way, the repeal of Appropriation Acts is not seen as engaging, or otherwise affecting, the rights or freedoms relevant to the *Human Rights (Parliamentary Scrutiny) Act 2011*.

## **Notes on clauses**

1 The structure of the *Statute Stocktake (Appropriations) Bill 2013* (Stocktake Bill) comprises the long title, one clause that provides the short title and then two clauses that refer to the Schedule that contains the substantive repeals. These notes describe the content and effect of the long title and the three clauses.

2 The long title of the Stocktake Bill provides that it is a Bill for an Act to repeal certain Acts.

### **Clause 1—Short title**

3 This clause provides that, if the Stocktake Bill is enacted, it may then be cited as the *Statute Stocktake (Appropriations) Act 2013*.

### **Clause 2—Commencement**

4 This clause provides that if the Stocktake Bill is passed, the Act would commence on the day this Act receives the Royal Assent.

### **Clause 3—Schedule(s)**

5 This clause provides that each Act specified in the Schedule to the Stocktake Bill would be repealed as set out in the applicable items in that Schedule of the Stocktake Bill.

## **Schedule 1—Repeal of Acts**

6 This Schedule seeks to repeal 84 old annual Appropriation Acts from 1999-2000 until 2009-2010 (inclusive) that are still on the statute book. The Bill would, if enacted, repeal 84 old annual Appropriation Acts, comprising:

- 28 old Acts for the ordinary annual services of the Government;
- 28 old Acts for other than the ordinary annual services of the Government;
- 15 old Acts for the operations of Parliamentary Departments; and
- 13 old Acts in relation to supplementary estimate appropriations.

7 Old annual Appropriation Acts have been repealed through six Acts since 1934:

- the *Statute Law Revision Act 1934*;
- the *Statute Law Revision Act 1950*;
- the *Statute Law Revision Act 1973*;
- the *Statute Law Revision Act 1981*;
- the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*; and
- the *Statute Stocktake (Appropriations) Act (No. 1) 2012*.

8 Accordingly all annual Appropriation Acts from 1901 to *Appropriation Act (No.4) 1998-1999* have been repealed and removed from the statute book.

9 There has been no general repeal of annual Appropriation Acts since the *Statute Stocktake (Appropriations) Act (No. 1) 2012*, with the result that annual Appropriation Acts since *Appropriation Act (No.1) 1999-2000* remain on the statute book, even though the vast majority of amounts appropriated at those times have now been fully expended.