

2013-2014

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AMENDING ACTS 1970 TO 1979 REPEAL BILL 2014

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Attorney-General, Senator the Hon George Brandis QC)

AMENDING ACTS 1970 TO 1979 REPEAL BILL 2014

GENERAL OUTLINE

The main purpose of this Bill is to repeal amending and repeal Acts (which will result in the repeal of over 650 Acts).

Repeal of the Acts is desirable because it will reduce the regulatory burden and make accessing the law simpler for both businesses and individuals. It will also facilitate the publication of consolidated versions of Acts by the Commonwealth and by private publishers of legislation.

This Bill does not deal with the repeal of Acts enacted after 1979. Amending Acts enacted after 1979 will be repealed separately at a later date.

In all cases, the repeal of the Acts will not substantially alter existing arrangements or make any change to the substance of the law. The Acts will remain publically accessible on ComLaw as historical records.

FINANCIAL IMPACT STATEMENT

This Bill will have no financial impact.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Amending Acts 1970 to 1979 Repeal Bill 2014

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill

The main purpose of this Bill is to repeal amending and repeal Acts.

Repeal of the Acts is desirable because it will reduce the regulatory burden and make accessing the law simpler for both businesses and individuals. It will also facilitate the publication of consolidated versions of Acts by the Commonwealth and by private publishers of legislation.

None of the repeals make any change to the substance of the law.

Human rights implications

The amendments repeal amending and repeal Acts. The amendments improve the ease of administration of legislation and reduce the regulatory burden by making the statute book clearer and more efficient to use. They do not engage any human rights issues.

Conclusion

The Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*, as it does not engage any of the applicable rights or freedoms or alter any human rights safeguards currently in place.

Notes on clauses

Clause 1—Short title

1 Clause 1 provides for the Act to be cited as the *Amending Acts 1970 to 1979 Repeal Act 2014*.

Clause 2—Commencement

2 Subclause 2(1) provides that each provision of the Act specified in column 1 of the table set out in the subclause 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.

3 The note at the end of the table explains that the table relates only to the provisions of the Act as originally enacted. The table will not be amended to deal with any later amendments of the Act.

4 Subclause 2(2) provides that any information in column 3 of the table is not part of the Act. It also clarifies that information may be inserted in column 3, or information in it may be edited, in any published version of the Act.

5 Schedule 1 to the Bill repeals Acts. It commences 28 days after this Act receives the Royal Assent. This commencement is in keeping with current Commonwealth drafting practice, which is to avoid retrospective commencements where practicable.

Clause 3—Repeals of Acts

6 Clause 3 and Schedule 1 repeal amending and repeal Acts, some of which also contain application, saving or transitional provisions. The amendments and repeals have happened, and therefore the Acts are no longer required. If any application, saving or transitional provision is included in one of those Acts, any ongoing operation of the provision is preserved. The Acts do not contain any other substantive provisions which are not already spent.

7 The repeal of an Act mentioned in Schedule 1 does not affect any amendment or repeal made by the amending Act being repealed (see section 7 of the *Acts Interpretation Act 1901*), or affect the continuing operation of any application, saving or transitional provision (see subclause 3(2)).

Schedule 1—Repeals of Acts

8 This Schedule repeals amending and repeal Acts, some of which also contain application, saving or transitional provisions. The amendments and repeals have happened, and therefore the Acts are no longer required. If any application, saving or transitional provision is included in one of those Acts, any ongoing operation of the provision is preserved. The Acts do not contain any other substantive provisions which are not already spent.

9 The repeal of an Act mentioned in this Schedule does not affect any amendment or repeal made by the amending Act being repealed (see section 7 of the *Acts Interpretation Act 1901*), or affect the continuing operation of any application, saving or transitional provision (see subclause 3(2)).