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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**AMENDING ACTS 1980 TO 1989 REPEAL BILL 2015**

EXPLANATORY MEMORANDUM

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

## **AMENDING ACTS 1980 TO 1989 REPEAL BILL 2015**

### **GENERAL OUTLINE**

The main purpose of this Bill is to repeal spent amending and repeal Acts (which will result in the repeal of over 850 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 1989. Amending Acts enacted after 1989 will be repealed separately at a later date.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 1980 to 1989 Repeal Bill 2015**

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.

Senator the Hon George Brandis QC  
Attorney-General

## Notes on clauses

### *Clause 1—Short title*

1 Clause 1 provides for the Act to be cited as the *Amending Acts 1980 to 1989 Repeal Act 2015*.

### *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. It is considered that none of the application, saving or transitional provisions in the Acts to be repealed have ongoing effect. However, the operation of those provisions is preserved to provide certainty in the event that their effect is not in fact completely spent. 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. It is considered that none of the application, saving or transitional provisions in the Acts to be repealed have ongoing effect. However, the operation of those provisions is preserved to provide certainty in the event that their effect is not in fact completely spent. 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)).