

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 65

Issued by the Authority of the Minister for Finance and Deregulation

Airports (Transitional) Act 1996

Albury-Wodonga Development Act 1973

Audit (Transitional and Miscellaneous) Amendment Act 1997

Australian Industry Development Corporation Act 1970

Commonwealth Funds Management Limited Act 1990

Territory Authorities (Financial Provisions) Act 1978

Commonwealth Vehicles (Registration and Exemption from Taxation) Act 1997

Finance Legislation Repeal Regulation 2012

The following provisions of the respective Acts provide in part that the Governor-General may make regulations prescribing matters required or permitted by their corresponding Acts to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to their respective Acts:

- section 93 of the *Airports (Transitional) Act 1996*;
- subsection 34(1) of the *Albury-Wodonga Development Act 1973*;
- paragraph 8 of Schedule 4 to the *Audit (Transitional and Miscellaneous) Amendment Act 1997*;
- section 38 of the *Australian Industry Development Corporation Act 1970*;
- subsection 48(1) of the *Commonwealth Funds Management Limited Act 1990*;
- section 10 of the *Territory Authorities (Financial Provisions) Act 1978*; and
- subsection 17(1) of the *Commonwealth Vehicles (Registration and Exemption from Taxation) Act 1997*.

Subsection 33(3) of the *Acts Interpretation Act 1901* in general terms provides that where an Act confers a power to make an instrument of a legislative character, including regulations, the power shall be construed as including a power to repeal the instrument.

The purpose of the *Finance Legislation Repeal Regulation 2012* (the Regulation) is to repeal six clusters of redundant regulations. The Regulation also amends the *Commonwealth Vehicles (Registration and Exemption from Taxation) Regulations 1997*.

Details of the Regulation are set out in the Attachment.

The authorising Acts do not specify any conditions that must be satisfied before the power to make the Regulation may be exercised.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation will commence the day after it is registered on the Federal Register of Legislative Instruments.

Consultation

The areas within Finance responsible for the regulations have been consulted in relation to the Regulation. Wider consultation was not necessary for this legislative instrument as this instrument is of a technical/machinery nature.

Regulatory Impact

The Regulation does not have a direct or significant indirect impact on business and does not restrict competition.

The Office of Best Practice Regulation has confirmed that the preparation of a Regulation Impact Statement is not necessary, as the Regulations is of a technical/machinery nature and does not change the regulatory burden placed on business or the non-profit sector.

Statement of Compatibility with Human Rights

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

Details of the *Finance Legislation Repeal Regulation 2012*

1 - Name of Regulation

Section 1 provides that the title of the Regulation is the *Finance Legislation Repeal Regulation 2012*.

2 - Commencement

Section 2 provides that the Regulation commences on the day after it is registered.

3 - Airports (Transitional) Regulations 1998 - repeal

Section 3 repeals the *Airports (Transitional) Regulations 1998* (Statutory Rules 1998 No. 206).

These regulations specify five airports that were subject to the framework for granting airport leases to airport lessee companies. These regulations are redundant, as the transitional period has passed.

4 - Albury-Wodonga Development Regulations - repeal

Section 4 repeals the Albury-Wodonga Development Regulations which include the Albury-Wodonga Development Regulations (Statutory Rules 1974 No. 11) and the Albury-Wodonga Development Regulations (Statutory Rules 1974 No. 70).

These regulations provided the remuneration and travelling allowances of the board of the Albury-Wodonga Development Corporation (AWDC). These regulations were redundant, as the remuneration and travelling allowances for the board of AWDC are now set by the Remuneration Tribunal.

5 - Audit (Transitional and Miscellaneous) Regulations - repeal

Section 5 repeals the Audit (Transitional and Miscellaneous) Regulations (Statutory Rules 1997 No. 390).

These regulations provided transitional audit requirements for Commonwealth agencies, statutory authorities and Commonwealth companies by the enactment of the *Financial Management and Accountability Act 1997* and the *Commonwealth Authorities and Companies Act 1997*. These regulations are redundant, as the transitional period has passed.

6 - Australian Industry Development Corporation (Liability to Taxation) Regulations - repeal

Section 6 repeals the Australian Industry Development Corporation (Liability to Taxation) Regulations (Statutory Rules 1976 No. 156).

These regulations provided that the Australian Industry Development Corporation (AIDC) is subject to payroll tax in each of the States and ensured that it was subject to similar taxes and charges as other financial market participants. This regulation was redundant, as the AIDC has now been wound up and is a non-operating company.

7 - Commonwealth Funds Management Limited (Conversion from SFIT) Regulations - repeal

Section 7 repeals the Commonwealth Funds Management Limited (Conversion from SFIT) Regulations (Statutory Rules 1991 No. 136).

These regulations specified those elements of the previous Australian Capital Territory corporation law that Commonwealth Funds Management Limited needed to adhere to. This regulation was redundant, as the Government has now fully privatised the Commonwealth Funds Management Limited.

8 - Territory Authorities (Financial Provisions) Regulations - repeal

Section 8 repeals the Territory Authorities (Financial Provisions) Regulations which include the following regulations:

- Territory Authorities (Financial Provisions) Regulations (Statutory Rules 1978 No. 82);
- Territory Authorities (Financial Provisions) Regulations (Statutory Rules 1978 No. 183);
- Territory Authorities (Financial Provisions) Regulations (Amendment) (Statutory Rules 1978 No. 260);
- Territory Authorities (Financial Provisions) Regulations (Amendment) (Statutory Rules 1978 No. 149); and
- Territory Authorities (Financial Provisions) Regulations (Amendment) (Statutory Rules 1978 No. 150).

The *Territory Authorities (Financial Provisions) Act 1978* allows for the appropriation of funds for loans to the Australian Capital Territory and the Northern Territory. These regulations specified the organisations to which loans were given. These regulations were redundant, as once the funds for a loan have been appropriated the regulations serve no further function in respect of that loan.

9 – Amendment of *Commonwealth Vehicles (Registration and Exemption from Taxation) Regulations 1997*

Section 9 and Schedule 1 would amend the *Commonwealth Vehicles (Registration and Exemption from Taxation) Regulations 1997*.

The Regulation substitutes regulations 3 to 15 with a new regulation 3. The new regulation 3 lists the bodies corporate that are excluded from the definition of Commonwealth authority under the *Commonwealth Vehicles (Registration and Exemption from Taxation) Act 1997*.

Current regulations 4 to 15 refer to Commonwealth registration of Commonwealth vehicles. These provisions were redundant, as the Commonwealth now uses State and Territory registration facilities for Commonwealth vehicles.

The Regulation also omits the definition of *motor cycle* in regulation 2, as this term only appears in regulations 4 to 15 which is repealed and replaced with new regulation 3.

10 – Expiry of regulation

Section 10 provides that the Regulation expires at the end of the day it commences as if it had been repealed by another legislative instrument.