

APPENDIX B.2

ATTORNEY-GENERAL'S DEPARTMENT

Summary

The Attorney-General's Department reported 37 measures¹ during the year, with a total net regulatory saving of \$82.0 million per year.

The portfolio also coordinated important whole-of-government processes to make the statute book more accurate and more efficient to use. In 2015, the portfolio coordinated the Amending Acts 1980 to 1989 and the Amending Acts 1990 to 1999 Repeal Bills, and the Statute Law Revision Bills (No.2 and No.3) to repeal over 1,700 laws and 160 legislative instruments.

Regulatory measures reported since the 2015 Spring Repeal Day²

With an impact of greater than \$2 million

Attorney-General's	Expansion of the Document Verification Service to electricity providers
	<ul style="list-style-type: none">On 31 March 2015, the DVS expanded to allow organisations with a reasonable need to verify identity to use the DVS Commercial Service.The DVS allows approved users to quickly and cost effectively match the information on government-issued identity credentials (e.g. passports, Medicare cards and driver's licences) against the records of the issuing agency. Providing access to this secure verification service process allows businesses, such as banks, telecommunications companies and electricity retailers that have a reasonable need, to verify their customer's identity to prevent identity fraud, benefitting both the business and their customers. The use of the DVS can save up to \$10 and up to 17 minutes over manual verification methods.The Attorney-General's Department has estimated that this will lead to an annual saving of \$11.9 million in compliance costs.

¹ Measures counted here only include decisions with a regulatory impact. Measures with a zero regulatory impact have been excluded.

² These measure descriptions relate to new decisions taken and reported between the Spring 2015 Repeal Day and 31 December 2015. Descriptions of regulatory increases or regulatory decreases generally capture those measures with a regulatory change in excess of \$2 million per annum.

2015 regulatory measures, previously reported in conjunction with the Autumn and Spring Repeal Days

These measures below are reproductions of the 2015 Autumn and Spring Repeal Day overview descriptions and have not been amended.³ Where necessary, supplementary information is shown as blue text.

Attorney-General's	Reducing processing requirements on international money transfers (Autumn)
	<ul style="list-style-type: none"> On 19 February 2015, the Privacy Commissioner made three public interest determinations that extend existing, year-long exemptions from certain requirements of the Australian Privacy Principles (APPs) for an additional five years. Specifically, the determinations ensure that Authorised Deposit-Taking Institutions (ADIs) and the Reserve Bank of Australia can continue their current practices when disclosing certain personal information to overseas financial institutions for the purposes of an international money transfer (IMT). The determinations mean ADIs and their customers will not face substantial increases in handling and processing burden when remitting an IMT. The Attorney-General's Department estimates that this will lead to an annual saving of \$30.8 million in compliance costs. <p>Further update:</p> <ul style="list-style-type: none"> The Attorney-General's Department has since revised the savings estimate to \$45.9 million.
Attorney-General's	Amending Acts 1980 to 1989 Repeal Bill 2015 (Autumn)
	<ul style="list-style-type: none"> As part of 2015 Autumn Repeal Day, the Parliamentary Secretary to the Prime Minister will introduce the Amending Acts 1980 to 1989 Repeal Bill 2015, which will repeal approximately 870 amending and repeal Acts made between 1980 and 1989 across all portfolios. Repealing amending Acts reduces regulatory burden by making access to the current law simpler for both businesses and individuals. This Bill builds on the Amending Acts Repeal Bills from the Autumn 2014 and Spring 2014 Repeal Days, which together repealed over 1,700 amending Acts. Amending Acts enacted after 1989 will be proposed for repeal on future Repeal Days. The Attorney-General's Department has estimated that this will lead to an annual saving of \$0.6 million in compliance costs.

³ To align this table with the 2015 calendar year, any measures accounted for in the previous annual report have been excluded.

Attorney-General's	Statute Law Revision Bill (No. 2) 2015 (Autumn)
<ul style="list-style-type: none"> • As part of the 2015 Autumn Repeal Day, the Parliamentary Secretary to the Prime Minister will introduce the Statute Law Revision Bill (No. 2) 2015. This Bill will correct technical errors in legislation and repeal spent and obsolete provisions, and repeals six spent Acts. • This Bill will make the statute book clearer and more efficient to use. It will clarify the status of laws by repealing obsolete legislation and will remove confusion for users by amending incorrect or out of date provisions. • The Attorney-General's Department has estimated that this will lead to an annual saving of \$0.1 million in compliance costs. 	
Attorney-General's	Bulk repeal of spent and redundant instruments (Spent and Redundant Instruments Repeal Regulation (No. 1) 2015) (Autumn)
<ul style="list-style-type: none"> • As part of the 2015 Autumn Repeal Day, the Parliamentary Secretary to the Prime Minister will table the Spent and Redundant Instruments Repeal Regulation (No. 1) 2015. • This regulation repeals 160 spent and redundant legislative instruments from across government as well as repealing provisions from other legislative instruments. The instruments repealed include 17 social security and aged care instruments and 30 civil aviation instruments that are spent or otherwise no longer required. • This Regulation builds on the Spent and Redundant Instruments Repeal Regulations from the Autumn 2014 and Spring 2014 Repeal Days which repealed over 10,000 spent and redundant instruments. • The Attorney-General's Department estimates this will lead to an annual saving of \$0.1 million in compliance costs. 	

- On 30 October 2014, the Attorney-General introduced the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. The measure will require the telecommunications industry to retain certain types of data for two years to ensure that limited telecommunications data remains available to support law enforcement and security investigations into the future. The Attorney-General's Department has consulted with industry on how best to implement this policy.
- The Attorney-General's Department engaged PricewaterhouseCoopers (PwC) to consult with industry to determine the upfront capital costs of the data retention scheme. PwC found that the upfront capital costs (not including ongoing costs) are likely to be between \$188.8 million and \$319.1 million.
- The initial assessment agreed by the OBPR is that this measure will lead to an annual increase of \$73.8 million in compliance costs. Consistent with the regulatory burden measurement framework, this represents the average annual cost of implementation over the first ten years, and includes both upfront and ongoing capital and operational costs. Under the legislative framework for data retention, providers will be able to recover from law enforcement and security agencies the cost incurred in providing requested data. Those costs will be recoverable on a no-profit/no-loss basis.
- These final costs are subject to adjustment pending the Government's response to the bipartisan recommendations of the Parliamentary Joint Committee on Intelligence and Security in relation to the measure, and the Government's commitment to making a reasonable contribution to industry towards the upfront capital costs of implementation.

Further update:

- **Following ongoing consultations with industry, the Attorney-General's Department now estimates that the measure will lead to a net annual increase of \$51.4 million in compliance costs, a decrease of \$22.4 million on the original estimate. This revised estimate takes into account the Government's amendments following introduction of the Bill, and capital assistance provided to industry specifically to defray their regulatory costs.**

Attorney-General's	Improving and reducing data reporting requirements for insolvency practitioners (Spring)
	<ul style="list-style-type: none"> • On 1 June 2015 the Australian Financial Security Authority (AFSA) introduced a new Annual Estate Return (AER) online lodgement system for insolvency practitioners. • The new system halves the time and cost placed on registered trustees and controlling trustees who submit nearly 24,000 AERs. Trustees and administrators are now able to lodge AERs for processing throughout the year, alleviating time pressures and giving them more flexibility. Only data that is needed by AFSA for operational and reporting purposes is now requested. The new AER online system also allows over 80% of registered insolvency practitioners to extract data from their own software (MYOB, Core, or built in house) to auto-fill AERs and for relevant data to be imported into a spreadsheet. Further, insolvency practitioners will have the option to lodge AERs in bulk to AFSA. • The Attorney-General's Department has estimated that this will lead to an annual saving of \$3.6 million in compliance costs.
Attorney-General's	Repealing the <i>Ordinances and Regulations (Notification) Act 1978</i> (Spring)
	<ul style="list-style-type: none"> • As part of the 2015 Spring Repeal Day, the <i>Ordinances and Regulations (Notification) Act 1978</i> (the ORN Act) will be repealed. • Hard copies of certain statutory instruments were not made available for purchase at the time the instruments were made. As a result, there was a possibility that those instruments could be found to be invalid. The ORN Act was enacted to address this situation and ensure those statutory instruments remained valid. • The Act is unlikely to have ongoing utility. The publication of legislative instruments is now dealt with by the <i>Legislative Instruments Act 2003</i> which requires that legislative instruments are made publicly available by being registered online on the Federal Register of Legislative Instruments. The Register contains all legislative instruments that are currently in force. • NB: This measure was part of the Omnibus Repeal Day (Spring 2015) Bill. There are no regulatory savings or burden associated with this proposal.

Attorney-General's	Amending Acts 1990 to 1999 Repeal Bill 2015 (Spring)
	<ul style="list-style-type: none"> • As part of 2015 Spring Repeal Day, the Assistant Minister for Productivity will introduce the Amending Acts 1990 to 1999 Repeal Bill 2015, which will repeal approximately 877 amending and repeal Acts made between 1990 and 1999 across all portfolios. • Repealing amending Acts reduces regulatory burden by making access to the current law simpler for both businesses and individuals. This Bill builds on the Amending Acts Repeal Bills from previous Repeal Days, which together have repealed over 2,500 amending Acts. • The Attorney-General's Department has estimated that this will lead to an annual saving of \$0.6 million in compliance costs.
Attorney-General's	Statute Law Revision Bill (No. 3) 2015 (Spring)
	<ul style="list-style-type: none"> • As part of the 2015 Spring Repeal Day, the Assistant Minister for Productivity will introduce the Statute Law Revision Bill (No. 3) 2015. • This Bill will correct technical errors as well as clarify and modernise the language of approximately 220 Acts. It will clarify the status of laws by repealing obsolete legislation and will remove confusion for users by amending incorrect or out of date provisions. • The Attorney-General's Department has estimated that this will lead to an annual saving of \$50,000 in compliance costs.

International standards and risk assessments

As part of the Industry Innovation and Competitiveness Agenda announced in October 2014, the Government adopted the principle that if a system, service or product has been approved under a trusted international standard or risk assessment, then Australian regulators should not impose any additional requirements for approval in Australia, unless it can be demonstrated that there is a good reason for doing so.

In developing criteria for assessing opportunities for the acceptance or adoption of trusted standards and assessments, the Department and some of its portfolio agencies have published the following materials on-line:

<https://www.ag.gov.au/About/Pages/regulatory-reform.aspx>

Further information

If you would like further information about the information provided here, please email the Regulatory Reform Unit at regulatoryreform@ag.gov.au.