

**Senate Standing Committee on Environment and Communications
Legislation Committee**
Answers to questions on notice
Environment portfolio

Question No: 347
Hearing: Supplementary Budget Estimates
Outcome: Corporate
Programme: General Counsel
Topic: PORTFOLIO WIDE - SUNSET PROVISION
Hansard Page: N/A
Question Date: 29 October 2014
Question Type: Written

Senator Ludwig asked:

1. Please list all current legislation, covered by the department's portfolio, which contain a sunset provision/s. For each, please provide:
 - a. What work has been done towards preparing for the activation of sunset provisions? If no work has commenced, why not?
 - b. Has any consideration been given to delaying or alerting the sunset provisions?
2. Please provide a schedule or a workplan for the sunset provisions becoming active
 - a. When did/will this work begin?
 - b. When is/was the review due to commence.
 - c. What is the expected report date.
3. Who is the minister responsible for the review
4. What department is responsible for the review
5. List the specific clauses or legislation under review caused by the statutory provision.
6. List the terms of reference.
7. What is the scope of the review.
8. Who is conducting the review. How were they selected? What are the legislated obligation for the selection of the person to conduct the review?
9. What is the budgeted, projected or expected costs of the review?
10. When was the Minister briefed on this matter?
11. What decision points are upcoming for the minister on this matter?
12. List the number of officers, and their classification level, involved in conducting the review
13. Will the report will be tabled in parliament or made public. If so, when?

Answer:

Legislation related to the Murray Darling Basin Authority, Great Barrier Reef Marine Park Authority, Bureau of Meteorology and National Water Commission do not contain sunset provisions.

Department of the Environment

Environment Protection and Biodiversity Conservation Act 1999

Section 390SM sunsets aspects of Part 15B of the Act 12 months after the Part commences. The Part commenced on 19 September 2012.

1. The relevant provisions will be repealed as part of the Department's deregulation programme.
- 2.-13. Not applicable.

Environment Protection and Biodiversity Conservation Amendment (Declared Commercial Fishing Activities) Act 2012

This amending Act inserted a new section 390SM into the *Environment Protection and Biodiversity Conservation Act 1999* (see above) sunsetting aspects of Part 15B of that Act.

1. This Act has commenced in full and will be repealed as part of the Department's deregulation programme.
- 2.-13. Not applicable.

Clean Energy Regulator

Renewable Energy (Electricity) Act 2000

Section 4 of the *Renewable Energy (Electricity) Act 2000* provides that the Act applies to the years commencing 1 January 2001 and to subsequent years however no certificates can be created, and no liability arises, in respect of electricity generated on or after 1 January 2031.

1. No work has been undertaken at this time.
2. The provision does not take effect until 2031.
3. Not applicable.
4. Not applicable.
5. Section 4 (Years to which this Act applies: no certificates can be created and no liability arises, in respect of electricity generated on or after 1 January 2031).
- 6.-13. Not applicable.

Clean Energy Legislation (Carbon Tax Repeal) Act 2014

Section 323 of the *Clean Energy Legislation (Carbon Tax Repeal) Act 2014* contains a schedule of modifications to sections of the *Clean Energy Act 2011* that remain in force despite the repeal of the *Clean Energy Act 2011*, subject to their modification by the schedule.

1. Areas of the Clean Energy Regulator continue to implement the repeal of the Carbon Pricing Mechanism and associated provisions as required by this Act.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Section 323 sch 1 item 12: section 43A of the *Clean Energy Act 2011* (Publication of lists of Obligation Transfer Numbers that have been cancelled or surrendered) ceases to have effect at the end of 30 June 2015.

Section 323 sch 1 item 13: section 45(3) of the *Clean Energy Act 2011* (making the OTN register available for inspection on the Regulator's website) ceases to have effect at the end of 30 June 2015.

Section 323 sch 1 item 58: Part 9 of the *Clean Energy Act 2011* (sections 182-206 relating to the publication of information) ceases to have effect at the end of 30 June 2015.

- 6.-13. Not applicable.

Sydney Harbour Federation Trust

Sydney Harbour Federation Trust Act 2001

1. The Act is to be repealed on 19 September 2033.
 - a. No work has been undertaken at this time.
 - b. The provision does not take effect until 2033.
- 2.-13. Not applicable.