

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 1

Program: General

Question No. BE15/087

Senator Collins asked the following written question from the 27 and 28 May 2015 hearing:

1. What will be the total, cumulative regulatory burden imposed on industry by the data retention, piracy code, and site-blocking policies implemented by the Department?
2. Given the significant burden the AG's Department has imposed specifically on the telecommunications sector, what offsetting deregulation initiatives are you developing for this industry?
3. What has been the value of the red tape reductions the AG's Department achieved since the Coalition Government was elected? Is it greater or less than the new burdens created over the same period?
4. I refer to the Government's answer to question AE15/080 placed on notice by Senator Wong. At para (c), the Department explains its methodology for determining the regulatory impact of repealing spent amending acts. How much time was assumed to be involved in each 'view' under that methodology?
5. Amending acts repealed by the Government are still visible on the Comlaw website, but have been moved to a 'historical' tab on the website.
 - a. What was the cost of relocating the Acts on the website?
 - b. Does the Government have data showing that those Acts are now accessed less frequently by visitors to the website?
6. At para (f) of its answer to question AE15/080, the Department explains its methodology for determining the regulatory impact of correcting drafting errors with its statute law revision bills. How much time was each error assumed to waste?

The answer to the honourable senator's question is as follows:

1. The Department estimates that the side-blocking measure will impose approximately \$0.1 million in new annual regulatory costs.

The regulatory impact of the Copyright Notice Scheme code is currently being re-costed following submission of the code to the Australian Communications and Media Authority.

The regulatory impact of the data retention scheme is being re-costed to measure the impact of the scheme as passed by Parliament, and to include the deregulatory impact of the Government's \$131.3 million data retention industry capital assistance Budget measure.

2. As part of the 2015-16 Budget, the Attorney-General announced a package of \$131.3 million that will assist industry with the upfront capital cost of data retention. The Australian Government considers that this is a reasonable contribution to the upfront capital cost to

industry of implementing data retention, which will encourage industry to create efficient and innovative solutions.

3. In its Annual Deregulation Report 2014 and the Autumn Repeal Day March 2015 Overview, the Department reported a total of \$130.5 million in red tape reductions. This is greater than the new regulatory burdens created over the same period.
4. Each 'view' of relevant legislation was assumed to involve an average of five minutes of that user's time spent searching for the Act, interpreting it, and potentially downloading and printing it.
- 5a. The Office of Parliamentary Counsel is responsible for all changes to the ComLaw website. The Office has been consulted and advises that these changes are managed within the normal processes for updating legislation.
- b. The Department does not have data on how frequently the amending Acts have been accessed since they were repealed.
6. Each 'view' of relevant legislation counted for the Statute Law Revision Bill was assumed to involve an average of five minutes of that user's time spent searching for the Act, interpreting it, and potentially downloading and printing it. A standard six-minute charging increment was used for lawyers rather than the five minutes assumed for businesses and individuals, as this is the smallest usual billing unit for lawyers' time.