



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Paterson MLA

ANSWER TO QUESTION ON NOTICE

Ed Cocks MLA: To ask the Minister for Business and Better Regulation

In relation to: Deregulation

Ref: Statement B, Table 38, p. 43

1. What is the ACT Government's deregulation agenda?
2. During the 10th Assembly, how many i) new regulations have come into force and ii) old regulations be repealed or rescinded?
 - a. What are the names of these regulations (if possible)?

Tara Cheyne MLA: The answer to the Member's question is as follows: –

1. The ACT Government has released *Better Regulation: A report on how we are improving business regulation in the ACT* (the Better Regulation Report). The report sets out the ACT Government's agenda for regulatory reform over two and half years.

For decades, governments have tried to strike a balance between achieving the legitimate aims of regulation while minimising any unnecessary burden. Many governments have pursued deregulation agendas and strategies to respond to calls to rationalise the growing volume of regulation. A variety of frameworks and approaches to regulatory reforms have been used including sunseting, post-implementation reviews, setting targets to reduce the number of laws or reduce the compliance costs on business, and/or implementing a framework to assess the likely impact of proposed regulation.

The Better Regulation Agenda includes actions that are aimed at finding solutions to make regulation better, not reducing regulation per se. This is because a focus on the number of laws on the statute book will not give the true picture of regulatory burden or value. Simple counts of laws as a measure of regulatory burden can be misleading. A law that, on its face, imposes few obligations can nevertheless be a significant impost on business in terms of time, cost and perceived burden, and vice versa.

The 'better regulation' approach to regulatory reform seeks to ensure that regulation is fit for purpose, matches current policy objectives and avoids unintended consequences. It puts the emphasis on understanding how laws are currently operating, how they are perceived by

business and understanding what changes need to be made to ensure that the laws are fit for purpose. It involves the development of a framework for regulatory quality so that efforts to improve regulation are coordinated, enduring and sustainable.

The Better Regulation Agenda includes two streams of regulatory reform action:

- a. Under the Policy and legislation stream, the Agenda includes reform actions that make continual improvements to the rules, regulations and processes;
- b. Under the business experience and regulator practice stream, the Agenda includes actions to make government and business interactions better, faster and simpler.

As we implement the Better Regulation Agenda, we will apply a regulatory quality framework approach, beginning with the application and testing of a set of draft principles for Best Practice Regulation. The Better Regulation Agenda provides a crucial learning and engagement opportunity to test and progress these big ideas while delivering immediate improvements for business.

The Report and its summary are available at [ACT Better Regulation Taskforce - Chief Minister, Treasury and Economic Development Directorate](#).

2. In this answer, *new regulation* refers to new Acts and subordinate legislation (regulations and rules) but does not include amending laws. All amending laws are repealed under the *Legislation Act 2001*, s 89 (1) once they have commenced (or are omitted or cannot commence which is rare), with the amendments consolidated in the law amended. Accordingly, amending Acts have not been included.

New Laws

Acts

A2021-4	Plastic Reduction Act 2021	8 April 2021
A2021-7	Appropriation Act 2020-2021	28 April 2021
A2021-8	Appropriation (Office of the Legislative Assembly) Act 2020-2021	28 April 2021
A2021-28	Appropriation Act 2021-2022	10 December 2021
A2021-29	Appropriation (Office of the Legislative Assembly) Act 2021-2022	10 December 2021
A2021-34	Carers Recognition Act 2021	10 December 2021

Subordinate Legislation

SL2022-10	Agents (Transitional Provisions) Regulation 2022	30 June 2022
SL2022-7	Plastic Reduction Regulation 2022	2 June 2022
SL2021-30	Carers Recognition Regulation 2021	10 December 2021

SL2021-23	Motor Accident Injuries (Lawyer Information Collection) Regulation 2021	19 October 2021
SL2021-14	Trans-Tasman Mutual Recognition (Plastic Reduction) Regulation 2021	30 June 2021
SL2021-13	Mutual Recognition (Australian Capital Territory) Regulation 2021	30 June 2021
SL2021-12	Magistrates Court (Plastic Reduction Infringement Notices) Regulation 2021	30 June 2021
SL2021-9	Labour Hire Licensing Regulation 2021	19 May 2021
SL2021-5	Legal Profession (Barristers) Rules 2021	6 April 2021
SL2020-46	Supreme Court Regulation 2020	21 December 2020

Repealed Laws

Acts

A2021-8	Appropriation (Office of the Legislative Assembly) Act 2020-2021	30 June 2021
A2021-29	Appropriation (Office of the Legislative Assembly) Act 2021-2022	30 June 2022
A2021-7	Appropriation Act 2020-2021	30 June 2021
A2021-28	Appropriation Act 2021-2022	30 June 2022
A2010-49	Plastic Shopping Bags Ban Act 2010	30 June 2021

Subordinate Legislation

SL2017-41	Energy Efficiency (Cost of Living) Improvement Regulation 2017	1 January 2021
SL2014-21	Legal Profession (Barristers) Rules 2014	6 April 2021
SL2011-19	Magistrates Court (Plastic Shopping Bags Ban Infringement Notices) Regulation 2011	30 June 2021
SL2021-13	Mutual Recognition (Australian Capital Territory) Regulation 2021	30 June 2022
SL2011-18	Plastic Shopping Bags Ban Regulation 2011	30 June 2021
SL2018-10	Public Sector Management (Transitional Provisions) Regulation 2018	1 September 2021
SL2020-46	Supreme Court Regulation 2020	19 February 2021
SL2021-14	Trans-Tasman Mutual Recognition (Plastic Reduction) Regulation 2021	30 June 2022

The ACT Legislation Register also provides information about all new disallowable and notifiable instruments. A disallowable instrument is often used for things that might need to be changed regularly or quickly. Examples include the appointment of a person who is not a public servant to a position created under legislation, or a fee that the government determines to be payable for a

particular service it provides. Similarly, a notifiable instrument, which is not subject to disallowance or amendment by the Assembly, is often used for things that are appropriate to be made public and might need to be changed regularly or quickly but are not significant enough to require scrutiny by the Legislative Assembly. Examples include a notice of a road closure or a notice about a decision of the ACT Heritage Council.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature: 

Date: 7/9/22

By the Minister for Business and Better Regulation, Tara Cheyne MLA