



Legislative Assembly for the ACT

STANDING COMMITTEE ON LEGAL AFFAIRS  
(performing the duties of a Scrutiny of Bills and  
Subordinate Legislation Committee)

## Scrutiny Report

4 JUNE 2007

**Report 42**

## **TERMS OF REFERENCE**

The Standing Committee on Legal Affairs (when performing the duties of a scrutiny of bills and subordinate legislation committee) shall:

- (a) consider whether any instrument of a legislative nature made under an Act which is subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law):
  - (i) is in accord with the general objects of the Act under which it is made;
  - (ii) unduly trespasses on rights previously established by law;
  - (iii) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
  - (iv) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly;
- (b) consider whether any explanatory statement or explanatory memorandum associated with legislation and any regulatory impact statement meets the technical or stylistic standards expected by the Committee;
- (c) consider whether the clauses of bills introduced into the Assembly:
  - (i) unduly trespass on personal rights and liberties;
  - (ii) make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
  - (iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
  - (iv) inappropriately delegate legislative powers; or
  - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny;
- (d) report to the Assembly on these or any related matter and if the Assembly is not sitting when the Committee is ready to report on bills and subordinate legislation, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.

### ***Human Rights Act 2004***

Under section 38 of the Human Rights Act, this Committee must report to the Legislative Assembly about human rights issues raised by bills presented to the Assembly.

## **MEMBERS OF THE COMMITTEE**

**Mr Zed Seselja, MLA (Chair)**  
**Ms Karin MacDonald, MLA (Deputy Chair)**  
**Dr Deb Foskey, MLA**

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**Legal Adviser (Bills): Mr Peter Bayne**  
**Legal Adviser (Subordinate Legislation): Mr Stephen Argument**  
**Secretary: Mr Max Kiermaier**  
**(Scrutiny of Bills and Subordinate Legislation Committee)**  
**Assistant Secretary: Ms Anne Shannon**  
**(Scrutiny of Bills and Subordinate Legislation Committee)**

## **ROLE OF THE COMMITTEE**

The Committee examines all Bills and subordinate legislation presented to the Assembly. It does not make any comments on the policy aspects of the legislation. The Committee's terms of reference contain principles of scrutiny that enable it to operate in the best traditions of totally non-partisan, non-political technical scrutiny of legislation. These traditions have been adopted, without exception, by all scrutiny committees in Australia. Non-partisan, non-policy scrutiny allows the Committee to help the Assembly pass into law Acts and subordinate legislation which comply with the ideals set out in its terms of reference.

**BILLS:**Bills—No comment

The Committee has examined the following Bill and offers no comments on it:

**REVENUE LEGISLATION AMENDMENT BILL 2007**

This is a Bill for an Act to amend the *Duties Act 1999*, the *Land Tax Act 2004*, the *Payroll Tax Act 1987* and the *Rates Act 2004* to clarify the operation of certain aspects of these Acts.

Bill—Comment

The Committee has examined the following Bill and offers these comments on it:

**LONG SERVICE LEAVE (BUILDING AND CONSTRUCTION AND CONTRACT CLEANING INDUSTRIES) LEGISLATION AMENDMENT BILL 2007**

This is a Bill for an Act to amend the *Long Service Leave (Building and Construction Industry) Act 1981* and the *Long Service Leave (Contract Cleaning Industry) Act 1999* to the purpose of improving the administration of the schemes for portable long service leave established under each Act, to make the schemes more closely aligned and to simplify the reporting requirements and the calculation of service and payments.

**Report under section 38 of the Human Rights Act 2004****Do any the clauses of the Bill “unduly trespass on personal rights and liberties”?***Strict liability offences*

The proposed amendments would create a number of strict liability offences, and thus there arises under the *Human Rights Act 2004* (HRA) an issue as to whether, in each case, the provision is a justifiable derogation of the right to liberty and security (HRA subsection 18(1) and/or presumption of innocence (HRA subsection 22(1))).

On the face of it, the proposed amendments derogate from the statement of rights in the *Human Rights Act 2004*; in particular from “the right to liberty and security of person” stated in subsection 18(1), and/or presumption of innocence stated in subsection 22(1). There is thus raised the question of whether the derogation is justifiable under HRA section 28.

The Committee considers that all of the strict liability provisions are HRA compatible. The offences are “regulatory” in nature, and in no case does the penalty exceed 50 penalty points.

The Committee notes in appreciation that the Explanatory Statement does provide a justification for the imposition of strict liability. It states:

The Bill contains a number of strict liability offences for both the BCI and CCI Acts. These are consistent with the strict liability offences that were previously included in the Acts. Offences incorporating strict liability elements are carefully considered when developing legislation and generally arise in a regulatory context where for reasons such as public safety or protection of the public revenue, the public interest in ensuring that regulatory

schemes are observed requires the sanction of criminal penalties. In particular, where a defendant can reasonably be expected, because of his or her professional involvement, to know what the requirements of the law are, the mental, or fault, element can justifiably be excluded. The rationale is that professionals engaged in employing people in the building and construction or contract cleaning industries, as opposed to members of the general public, can be expected to be aware of their duties and obligations to their employees. Unless some knowledge or intention is required to commit a particular offence (in which case a specific defence is provided), the defendant's frame of mind at the time is irrelevant. The penalties for offences cast in these terms are lower than for those requiring proof of fault.

## **SUBORDINATE LEGISLATION**

### Disallowable Instruments—No comment

The Committee has examined the following disallowable instruments and offers no comments on them:

**Disallowable Instrument DI2007-97 being the Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2007 (No. 1) made under subsection 21(1) of the *Race and Sports Bookmaking Act 2001* revokes DI2006-270 and determines a specified venue to be an approved bookmaking venue for the purposes of the Act.**

**Disallowable Instrument DI2007-98 being the Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2007 (No. 2) made under subsection 21(1) of the *Race and Sports Bookmaking Act 2001* revokes DI2006-221 and determines specified venues to be approved bookmaking venues for the purposes of the Act.**

**Disallowable Instrument DI2007-100 being the Cemeteries and Crematoria (Code of Practice) Approval 2007 made under section 6 of the *Cemeteries and Crematoria Act 2003* revokes DI2003-268 and approves the ACT Cemeteries and Crematoria Code of Practice 2007, which outlines the minimum operating requirements applying to all cemeteries and crematoria in the ACT.**

**Disallowable Instrument DI2007-101 being the Drugs of Dependence (Drugs Advisory Committee) Appointment 2007 (No. 1) made under section 66 of the *Drugs of Dependence Act 1989* appoints specified persons as chair and members of the Drugs Advisory Committee.**

**Disallowable Instrument DI2007-102 being the Legal Profession (Bar Association Council Fees) Determination 2007 (No. 1) made under subsection 84(2) of the *Legal Profession Act 2006* determines the fee payable for the grant or renewal of a barrister practising certificate.**

**Disallowable Instrument DI2007-104 being the Public Place Names (Harrison) Determination 2007 (No. 2) made under section 3 of the *Public Place Names Act 1989* amends DI2006-175 and determines the name of a street in the Division of Harrison.**

### Disallowable Instruments—Comment

The Committee has examined the following disallowable instruments and offers these comments on them:

*Is this a disallowable instrument?*

**Disallowable Instrument DI2007-99 being the Liquor Licensing Board Appointment 2007 made under section 12 of the *Liquor Act 1975* appoints a specified person as a member of the Liquor Licensing Board.**

This instrument appoints a named person as a member of the Liquor Licensing Board. The Explanatory Statement to the instrument contains useful information about the provisions of the *Liquor Act 1975* that set out the pre-requisites for appointment, etc. It does not, however, indicate whether or not the named person is a public servant. Under paragraph 227(1)(a) of the *Legislation Act 2001*, Division 19.3.3 of the Legislation Act (which, among other things, provides that appointments to statutory positions are disallowable instruments) does not apply to the appointment of a public servant to a statutory position.

As the Committee has consistently observed, it assists the Committee and the Legislative Assembly if the Explanatory Statement to an appointment instrument states that the person appointed is not a public servant. While the Committee (and the Assembly) may be expected to assume that the person is not a public servant, especially when (as here) the relevant Assembly Committee has been consulted on the appointment, it would be preferable if the Explanatory Statements to all such instruments contained a clear indication of whether or not the appointed person is a public servant.

*Inadequate Explanatory Statement*

**Disallowable Instrument DI2007-103 being the Health Professionals (Medical Board) Appointment 2007 (No. 1) made under Schedule 2, clause 2.6, of the *Health Professionals Regulations 2004* appoints a specified person as a community representative to the ACT Medical Board.**

This instrument appoints a named person as member of the ACT Medical Board. The Explanatory Statement states:

The ACT Medical Board is constituted under Section 2.6 of Schedule 2 to the *Health Professionals Regulation 2004*. Section 2.6 requires that there be a president and five appointed members, two of whom are community representatives one being a lawyer for a continuous period of at least five years.

Regulation 10 (1) provides that the Minister appoints Board members in accordance with the *Legislation Act 2001* div 19.3.3. Accordingly, the instrument is a disallowable instrument. Regulation 11(5) provides that the Minister must appoint the president and five appointed members. The position of community representative, being a lawyer, is currently vacant.

In accordance with the *Legislation Act 2001* the nominations were considered by the Standing Committee on Health and Disability at its [sic] meeting on 9 March 2007 and the recommendations noted.

Ms Megan Lauder is to be appointed as community representative member to the ACT Medical Board until 15 April 2011. Ms Lauder is not a public servant.

The Committee finds this Explanatory Statement confusing. As it correctly notes, subsection 2.6(2) of Schedule 2 of the *Health Professionals Regulation 2004* requires that one of the 2 community representatives that are to be appointed under paragraph 2.6(1)(b) must be a person who has been a lawyer for a continuous period of 5 years. The Explanatory Statement advises that the Board currently does not include such a person. There is no indication that the person appointed by the instrument is such a person.

The Committee would appreciate the Minister's clarification of this issue.

#### Subordinate Laws—No comment

The Committee has examined the following subordinate laws and offers no comment on them:

**Subordinate Law SL2007-6 being the Dangerous Substances (Explosives) Amendment Regulation 2007 (No. 1) made under the *Dangerous Substances Act 2004* amends the Dangerous Substances (Explosives) Regulation 2004 to change the definition of flash powder and determine the amount of reactive powder contained in a firework.**

**Subordinate Law SL2007-8 being the Powers of Attorney Regulation 2007 made under the *Powers of Attorney Act 2006* clarifies issues relating to power of attorney.**

**Subordinate Law SL2007-9 being the Taxation (Government Business Enterprises) Amendment Regulation 2007 (No. 1) made under the *Taxation (Government Business Enterprises) Act 2003* updates the list of entities subject to the provisions of the Act.**

#### Subordinate Law—Comment

The Committee has examined the following subordinate law and offers these comment on it:

##### *Postponed commencement*

**Subordinate Law SL2007-7 being the Criminal Code Amendment Regulation 2007 (No. 1) made under the *Criminal Code 2002* amends the Criminal Code Regulation 2005 by changing the default application date.**

This subordinate laws amends the “default application date” for the application of the Criminal Code. The Explanatory Statement states:

The progressive reform and codification of the criminal law of the ACT commenced in September 2001 with the passage of the *Criminal Code 2001* (since renamed *Criminal Code 2002*). The reforms are primarily based on the Model Criminal Code, developed by the national Model Criminal Code Officers Committee (MCCOC) (since renamed Model Criminal Law Officers Committee – MCLOC), established by the Standing Committee of Attorneys-General (SCAG).

MCLOC is made up of Territory, State and Commonwealth criminal law advisers and since 1991 embarked on an extensive consultative program which has developed nine chapters of the Model Criminal Code for implementation by all jurisdictions. Since September 2001 the ACT's Criminal Code has progressively grown in volume and to date it consists of six chapters, which deal with a wide range of matters.

- Chapters 1 and 2 deal with preliminary matters and, most importantly, with the general principles of criminal responsibility;
- Chapter 3 contains offences relating to theft, fraud, bribery and related matters;
- Chapter 4 deals with property offences and computer crime;
- Chapter 6 contains the ACT's serious drug offences; and
- Chapter 7 contains offences against the administration of justice.

For an offence to operate effectively under the Code it must be structured in a way that conforms to the general principles of criminal responsibility set out in Chapter 2. Chapter 2 applies to all new offences created or remade after 1 January 2003, it will also apply to remaining offences on the Code ‘application date’. The application date is 1 July 2007.

The Government is currently reviewing and revising existing ACT offence provisions to ensure that they are in a form that can operate under the Code. It is essential that all ACT offences be harmonised before the application date. The Government is making good progress on harmonisation, however there is still work to be done. In addition, the application of strict and absolute liability in ACT legislation is currently subject to an inquiry by the Standing Committee on Legal Affairs. As such the progression of the harmonisation program has stalled pending the recommendations of that inquiry.

It is necessary to delay the application of the Code to allow time to harmonise offences. This regulation extends the Code application date to 1 July 2009.

The Committee notes that this is a significant postponement of the commencement of the Criminal Code. The Committee also notes, however, that the delay is at least in part because the commencement of the Code needs to await the recommendations of the Committee’s current inquiry into the application of absolute and strict liability offences in ACT legislation. As a result, the Committee makes no further comment on the subordinate law.

## **REGULATORY IMPACT STATEMENT**

There is no matter for comment in this report.

## **GOVERNMENT RESPONSES**

The Committee has received responses from:

- The Chief Minister, dated 25 May 2007, in relation to comments made in Scrutiny Report 40 concerning the Utilities (Energy Industry Levy) Amendment Bill 2007.
- The Treasurer, dated 25 May 2007, in relation to comments made in Scrutiny Report 40 concerning DI2007-53, being the Government Procurement Appointment 2007 (No. 1).
- The Attorney-General, dated 30 May 2007, in relation to comments made in Scrutiny Report 40 concerning DI2007-63, being the Domestic Violence Agencies (Council) Appointment 2007.

The Committee wishes to thank the Chief Minister, the Treasurer and the Attorney-General for their helpful responses.

Zed Seselja, MLA  
Chair

June 2007

**LEGAL AFFAIRS—STANDING COMMITTEE  
(PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND  
SUBORDINATE LEGISLATION COMMITTEE)**

**REPORTS—2004-2005–2006–2007**

**OUTSTANDING RESPONSES**

**Bills/Subordinate Legislation**

**Report 1, dated 9 December 2004**

Disallowable Instrument DI2004-230 – Legislative Assembly (Members' Staff)  
Members' Hiring Arrangements Approval 2004 (No 1)  
Disallowable Instrument DI2004-231 – Legislative Assembly (Members' Staff) Office-  
holders' Hiring Arrangements Approval 2004 (No 1)

**Report 4, dated 7 March 2005**

Disallowable Instrument DI2004-269 – Public Place Names (Gungahlin)  
Determination 2004 (No 4)  
Disallowable Instrument DI2004-270 – Utilities (Electricity Restriction Scheme)  
Approval 2004 (No 1)  
Land (Planning and Environment) (Unit Developments) Amendment Bill 2005 (**PMB**)  
Subordinate Law SL2004-61 – Utilities (Electricity Restrictions) Regulations 2004

**Report 6, dated 4 April 2005**

Disallowable Instrument DI2005-20 – Public Place Names (Dunlop) Determination  
2005 (No 1)  
Disallowable Instrument DI2005-22 – Public Place Names (Watson) Determination  
2005 (No 1)  
Disallowable Instrument DI2005-23 – Public Place Names (Bruce) Determination  
2005 (No 1)  
Long Service Leave Amendment Bill 2005 (**Passed 6.05.05**)

**Report 10, dated 2 May 2005**

Crimes Amendment Bill 2005 (**PMB**)

**Report 12, dated 27 June 2005**

Disallowable Instrument DI2005-73 – Utilities (Gas Restriction Scheme) Approval  
2005 (No 1)

**Report 14, dated 15 August 2005**

Sentencing and Corrections Reform Amendment Bill 2005 (**PMB**)

## **Bills/Subordinate Legislation**

### **Report 15, dated 22 August 2005**

Disallowable Instrument DI2005-124 – Public Place Names (Belconnen) Determination 2005 (No 2)  
 Disallowable Instrument DI2005-138 – Planning and Land Council Appointment 2005 (No 1)  
 Disallowable Instrument DI2005-139 – Planning and Land Council Appointments 2005 (No 2)  
 Disallowable Instrument DI2005-140 – Planning and Land Council Appointments 2005 (No 3)  
 Disallowable Instrument DI2005-170 – Public Places Names (Watson) Determination 2005 (No 2)  
 Disallowable Instrument DI2005-171 – Public Places Names (Mitchell) Determination 2005 (No 1)  
 Hotel School (Repeal) Bill 2005  
 Subordinate Law SL2005-15 – Periodic Detention Amendment Regulation 2005 (No 1)

### **Report 16, dated 19 September**

Civil Law (Wrongs) Amendment Bill 2005 (PMB)

### **Report 18, dated 14 November 2005**

Guardianship and Management of Property Amendment Bill 2005 (PMB)

### **Report 19, dated 21 November 2005**

Disallowable Instrument DI2005-239 - Utilities (Water Restrictions Scheme) Approval 2005 (No 1)

### **Report 25, dated 8 May 2006**

Registration of Relationships Bill 2006 (PMB)  
 Terrorism (Preventative Detention) Bill 2006 (PMB)

### **Report 28, dated 7 August 2006**

Public Interest Disclosure Bill 2006

### **Report 30, dated 21 August 2006**

Disallowable Instrument DI2006-154 - Architects (Fees) Determination 2006 (No. 1)  
 Disallowable Instrument DI2006-156 - Community Title (Fees) Determination 2006 (No. 1)  
 Disallowable Instrument DI2006-157 - Construction Occupations Licensing (Fees) Determination 2006 (No. 1)  
 Disallowable Instrument DI2006-158 - Electricity Safety (Fees) Determination 2006 (No. 1)  
 Disallowable Instrument DI2006-159 - Land (Planning and Environment) (Fees) Determination 2006 (No. 1)  
 Disallowable Instrument DI2006-160 - Surveyors (Fees) Determination 2006 (No. 1)

## **Bills/Subordinate Legislation**

Disallowable Instrument DI2006-161 - Unit Titles (Fees) Determination 2006 (No. 1)  
 Disallowable Instrument DI2006-162 - Water and Sewerage (Fees) Determination 2006 (No. 1)  
 Education (School Closures Moratorium) Amendment Bill 2006 (**PMB**)  
 Education Amendment Bill 2006 (No. 3)

### **Report 34, dated 13 November 2006**

Disallowable Instrument DI2006-212 - Utilities (Water Restriction Scheme) Approval 2006 (No. 1)

### **Report 36, dated 11 December 2006**

Crimes Amendment Bill 2006 (PMB)  
 Road Transport (Safety and Traffic Management) Amendment Bill 2006 (No. 2)

### **Report 37, dated 12 February 2007**

Civil Partnerships Bill 2006

### **Report 38, dated 26 February 2007**

Disallowable Instrument DI2007-27 - Land (Planning and Environment) Criteria for the Direct Grant of a Crown Lease for the National Zoo and Aquarium Determination 2007  
 Disallowable Instrument DI2007-28 - Public Place Names (Belconnen) Determination 2007 (No. 1)  
 Subordinate Law SL2006-53 - Gas Safety Amendment Regulation 2006 (No. 1)  
 Subordinate Law SL2006-56 - Freedom of Information Amendment Regulation 2006 (No. 1)

### **Report 39, dated 12 March 2006**

Disallowable Instrument DI2007-41 - Health Professionals (Fees) Determination 2007 (No. 10)

### **Report 40, dated 30 April 2007**

Disallowable Instrument DI2007-62 - Public Health (Drinking Water) Code of Practice 2007 (No. 1)

### **Report 41, dated 28 May 2007**

Disallowable Instrument DI2007-68 - Electoral Commission (Chairperson and Member) Appointment 2007 (No. 1)  
 Disallowable Instrument DI2007-80 - Tobacco (Compliance Testing Procedures) Approval 2007 (No. 1)  
 Disallowable Instrument DI2007-81 - Road Transport (Driver Licensing) Driving Instruction Code of Practice 2007 (No. 1)  
 Disallowable Instrument DI2007-83 - Housing Assistance (Public Rental Housing Assistance Program) Review Committee Appointment 2007 (No. 1)

**Bills/Subordinate Legislation**

Disallowable Instrument DI2007-85 - Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2007 (No. 2)

Disallowable Instrument DI2007-90 - Cultural Facilities Corporation Appointment 2007 (No. 1)

Disallowable Instrument DI2007-93 - University of Canberra (Student Conduct) Amendment Statute 2007

Disallowable Instrument DI2007-94 - University of Canberra Election of Staff Members of Council Statute 2007

Disallowable Instrument DI2007-95 - University of Canberra (Courses and Awards) Amendment Statute 2007

Water Resources Bill 2007



## Jon Stanhope MLA

CHIEF MINISTER

TREASURER MINISTER FOR BUSINESS AND ECONOMIC DEVELOPMENT  
MINISTER FOR INDIGENOUS AFFAIRS MINISTER FOR THE ENVIRONMENT, WATER AND CLIMATE CHANGE  
MINISTER FOR THE ARTS

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MEMBER FOR GINNINDERRA

Mr Zed Seselja MLA  
Chair  
Standing Committee on Legal Affairs  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Mr Seselja

Thank you for your Scrutiny of Bills Report No. 40 dated 30 April 2007 regarding section 54J of the *Utilities (Energy Industry Levy) Amendment Bill 2007*.

I have received advice from the Parliamentary Counsel's Office in relation to the Committee's comments, and agree that it would be useful to include the note in 54J.

To incorporate the Committee's recommendation, Government amendments are proposed and scheduled for debate in the Legislative Assembly on Tuesday, 29 May 2007.

Yours sincerely

Jon Stanhope MLA  
Chief Minister

25 MAY 2007

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## Jon Stanhope MLA

CHIEF MINISTER

TREASURER MINISTER FOR BUSINESS AND ECONOMIC DEVELOPMENT  
MINISTER FOR INDIGENOUS AFFAIRS MINISTER FOR THE ENVIRONMENT, WATER AND CLIMATE CHANGE  
MINISTER FOR THE ARTS

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MEMBER FOR GINNINDERRA

Mr Zed Seselja MLA  
Chair  
Standing Committee on Legal Affairs  
C/- Scrutiny Committee Secretary  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

Dear Mr Seselja

I am writing in response to comments in the Scrutiny Bills Report No 40 of 30 April 2007 in relation to the re-appointment of members to the ACT Government Procurement Board.

The Scrutiny Committee has noted that the appointment of Ms Glenys Roper and Mr Stephen Pinter as private sector members of the Government Procurement Board under Disallowable Instrument DI2007-53 is retrospective.

The previous terms of appointment of Mr Pinter and Ms Roper expired on 31 December 2006. This expiry date had previously been set to allow implementation of whatever decision the Government made on the continued existence or otherwise of the Government Procurement Board, following the statutory review of the *Government Procurement Act 2001*. On 20 November 2006 the Government decided to retain the Act and the Board.

The Government agreed to the proposed re-appointment of the above members in December 2006. As private sector appointees, it was necessary to seek the views of the Standing Committee on Public Accounts (PAC) before the appointments could be notified. The PAC advised me that it had no comments in relation to these appointments on 14 February 2007. Disallowable Instrument DI2007-53 was endorsed by me on 20 February 2007.

The retrospective application of these appointments is non-prejudicial and occurred as a result of the statutory requirements relating to appointments to Boards and Committees.

I trust these comments assist the Committee and address its concerns.

Yours sincerely

Jon Stanhope MLA  
Treasurer

25 MAY 2007

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**Simon Corbell** MLA

ATTORNEY GENERAL  
MINISTER FOR POLICE AND EMERGENCY SERVICES

MEMBER FOR MOLONGLO



Mr Zed Seselja MLA  
Chair  
Standing Committee on Legal Affairs  
ACT Legislative Assembly  
GPO Box 1020  
CANBERRA ACT 2601

Dear Mr Seselja

I refer to the committee's report No. 40 of 30 April 2007 in relation disallowable instrument DI2007-63, the appointments to the Domestic Violence Prevention Council, and thank the committee for their comments.

I agree that it is preferable not to make retrospective appointments, but in this case I believe it was in the public interest to do so.

Yours sincerely

Simon Corbell MLA  
Attorney General

30.5.07

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