Legislative Assembly for the Australian Capital Territory
Standing Committee on Justice and Community Safety
(Legislative Scrutiny Role)

Scrutiny Report 25

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Approved for publication

10th Assembly
January 2023

About the committee

Establishing resolution

The Assembly established the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) on 2 December 2020.

The Committee is responsible for the following areas:

(10) the Standing Committee on Justice and Community Safety is also to perform a legislative scrutiny role of bills and subordinate legislation by:

(a) considering whether the clauses of bills (and amendments proposed by the Government to its own 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; and

(vi) consider whether any explanatory statement associated with legislation meets the technical or stylistic standards expected by the Assembly;

(b) reporting to the Legislative Assembly about human rights issues raised by bills presented to the Assembly pursuant to section 38 of the *Human Rights Act 2004*;

(c) considering 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; and

(d) 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 Assembly;

You can read the full establishing resolution on our website.

Committee members

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Secretariat

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Role of 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.

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1. Bills

Bills—No Comment

Gaming Machine (Club Refuge) Amendment Bill 2022

1.1. This Bill will amend the *Gaming Machine Act 2004* and the *Gaming Machine Regulation 2004* to create the legislative framework to support clubs to become heat and smoke refuges for local communities. The Bill will enable the Minster, taking into account any advice from the emergency services commissioner, to declare that a club be used as a refuge to be used in an emergency or other hazard. A club refuge declaration is a disallowable instrument. The costs of providing non-alcoholic drinks and foregone membership fees will be able to be claimed as community purpose contributions.

Bills—Comment

Corrections and Sentencing Legislation Amendment Bill 2022

1.2. This Bill will amend legislation relating to the administration of corrective services and community-based sentences. Amendments to be introduced by the Bill include:

a) amendments to the *Crimes (Sentence Administration) Act 2005* (CSA Act) relating to notification of intensive correction order obligations and responding to breaches of good behaviour orders;

b) amendments to the CSA Act and *Crimes (Sentence Administration) Regulation 2006* to extend interstate transfers for community-based sentences and orders to other state and territories;

c) amendments to the *Corrections Management Act 2007* (CM Act) relating to conducting searches of non-detainees and detainees upon admission to a correctional centre, sending prohibited items to correctional centres and declaring a correctional centre to be smoke-free.

Do any provisions of the Bill amount to an undue trespass on personal rights and liberties?— Committee Resolution of Appointment paragraph (10)(a)(i)

Report under section 38 of the Human Rights Act 1977 (HRA)

Right to privacy and reputation (section 12 HRA)

Right to humane treatment when deprived of liberty (section 19 HRA)

1.3. The CM Act currently requires every detainee to undergo an initial assessment upon being admitted to a correctional centre to identify and address any physical or mental health needs, or safety or security risks. Section 70 authorises the director-general to direct that a detainee be subject to a strip search as part of that initial assessment. Any such strip search is currently subject to the application of Part 9.4 (Searches) and Part 9.5 (Seizing

property) of the Act. Part 9.4 includes provisions relating to when a strip search can be conducted, requiring that the director-general, on reasonable grounds, suspect the detainee is concealing an item which may lawfully be seized (section 113B); or believes that it is prudent to search the detainee as they have recently had an opportunity to obtain a seizable item and other forms of searches would not be effective (section 113C).

1.4. The Bill will amend the CM Act by removing the application of section 113A, 113B and 113C to a strip search upon admission to a correctional centre. This would allow a strip search to be conducted upon admission to a correctional centre without having grounds to suspect the detainee is concealing seizable items or believe it is prudent to conduct the search.

1.5. By extending the circumstances in which a strip search may be conducted, the Bill will limit the protection of privacy provided by section 12 of the HRA and right to humane treatment when deprived of liberty in section 19 of the HRA. The explanatory statement accompanying the Bill recognises this potential limitation and provides for why it should be considered reasonable using the framework set out in section 28 of the HRA. The Committee refers that statement to the Assembly, subject to the following concern.

1.6. The explanatory statement describes this amendment as removing the requirement for a full risk assessment to be conducted for each detainee. However:

> The proposed amendment will not displace the processes and safeguards outlined in the [CM Act]. Section 70 will continue to confer a statutory discretion on corrections officers to strip search a detainee as part of an initial assessment on admission, and will not authorise a routine or blanket approach.

1.7. The Committee is unclear as to how section 70 will be administered so as to provide for strip searches upon admission without a routine or blanket approach being taken. The explanatory statement states that the admission process is conducted in accordance with the CM Act and the *Corrections Management (Strip Search) Operating Procedure 2022 (NI2022-57)*, a notifiable instrument made under section 14 of the CM Act. The Committee notes that this Procedure states that detainees "will be strip-searched on reasonable suspicion or reasonable belief in accordance with the *Searching Policy*, *Searching Program* and this procedure." The *Corrections Management (Searching) Policy 2022* (NI2022-25) in turn refers to searches being undertaken when there is a belief on reasonable grounds that it is prudent to do so to protect safety or security or there are reasonable grounds to suspect that the detainee is carrying a seizable item or other thing that creates a risk to safety and security (section 5.5). The Policy also states that the belief or suspicion must be formed for each detainee on each occasion (section 5.6).

1.8. It is not clear to the Committee how these instruments are intended to operate in the event that the Bill removes analogous requirements of suspicion and belief in the CM Act in the context of admission procedures. The Committee also considers that any procedures or policies that might apply to limit the circumstances in which a strip search is undertaken should be subject to scrutiny, either explicitly in the CM Act or in regulations subject to Assembly disallowance rather than left to a notifiable instrument.

1.9. The Committee notes that the operation of section 70 will be subject to a review after two years to identify if less restrictive forms of search are available "that would achieve the safety objective." However, the Committee is of the view that the identification of less restrictive forms of search should be an essential element of any direction to conduct a strip search, and not rely on a statutory review which may or may not lead to legislative reform.

1.10. **The Committee therefore requests further information from the Minister on how the amendments to the CM Act relating to strip searching detainees on admission to a correctional centre are intended to operate to ensure that any discretion is exercised with minimal intrusion on detainees' human rights, and how any discrimination will be appropriately subject to scrutiny.**

> The Committee draws this matter to the attention of the Assembly and asks the Minister to respond with sufficient time to allow the Committee to consider the response prior to the Bill being debated.

Right to recognition and equality before the law (section 8 HRA)

Right to privacy and reputation (section 12 HRA)

Right to humane treatment when deprived of liberty (section 19 HRA)

1.11. The CM Act will be amended to allow the director-general to declare the whole of a correctional centre as an area in which smoking is prohibited, but only if reasonably satisfied that appropriate therapeutic support is available. This may limit the right to humane treatment in detention protected in section 19 of the HRA, the right to equality and non-discrimination protected in section 8, and the protection of privacy provided by section 12.

1.12. The Bill will also separate provisions in the CM Act relating to searching of non-detainees, authorising routine scanning and ordinary searches before entry to a correctional centre and allowing a corrections officer of any sex to perform searches involving certain non-invasive scanning devices. These amendments may limit the protection of privacy provided by section 12 of the HRA.

1.13. Each of these potential limits is recognised in the explanatory statement accompanying the Bill, including a statement for why they should be considered reasonable using the framework set out in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.14. **The Committee draws these matters to the attention of the Assembly, but does not require a response from the Minister.**

Right to liberty and security of person (section 19 HRA)

Right to a fair trial (section 21 HRA)

1.15. The Bill will amend the Crimes (Sentence Administration) Act to provide a corrections officer with a discretion to not report a breach of an offender's good behaviour obligations where that breach does not in itself constitute an offence. The corrections officer may instead warn the offender about the reportable breach and that further breaches may be reported to the sentencing court to be considered in possibly amending or cancelling the good behaviour order. The director-general must make guidelines about when a corrections officer may warn an offender about a reportable breach. These guidelines will be a notifiable instrument.

1.16. By conferring discretion to not refer breaches of good behaviour obligations and amending the process of adjudication by an impartial sentencing court, the amendments may limit the right to a fair trial protected by section 21 of the HRA. A victim's right to security of person in section 18 of the HRA may also be affected to the extent that issuing a warning against breaches of good behaviour obligations may contribute to the threat of harm to victims of crime.

1.17. These potential limits are recognised in the explanatory statement accompanying the Bill, including a statement for why they should be considered reasonable using the framework set out in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.18. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Crimes Legislation Amendment Bill 2022

1.19. This Bill amends legislation relating to crimes and criminal administration to improve the effectiveness and operation of the criminal justice system in the Territory, including providing for:

a) new offences of public display of a Nazi symbol and unauthorised entry of a motor vehicle;

b) residence outside of the ACT to be taken into account which considering an intensive correction order;

c) ACT courts to obtain the email and phone details of an offender who has been issued with a court fine;

d) the Childrens Court to dispose of charges relating to aggravated robbery or aggravated burglary summarily, without the consent of the prosecution; and

e) a number of technical amendments to ACT crimes legislation.

Do any provisions of the Bill amount to an undue trespass on personal rights and liberties?— Committee Resolution of Appointment paragraph (10)(a)(i)

Report under section 38 of the Human Rights Act 1977 (HRA)

Right to recognition and equality before the law (section 8 HRA)

Right to protection of the family and children (section 11 HRA)

Right to privacy and reputation (section 12 HRA)

Freedom of thought, conscience, religion and belief (section 14 HRA)

Freedom of expression (section 16 HRA)

Right to liberty and security of person (section 18 HRA)

Rights in criminal proceedings (section 22 HRA)

1.20. The Bill will amend the *Criminal Code 2002* to create a new offence of publicly displaying a Nazi symbol with a maximum penalty of 120 penalty units or 12 months imprisonment. The offence will involve a non-private display of the Hakenkreuz or a symbol which might be mistaken for Hakenkreuz, and requires a person know, or ought reasonably to know, that the symbol is associated with Nazi ideology. There are exceptions for tattoos or reasonable and good faith public display:

- for a genuine academic, artistic, religious or scientific purpose;
- for a genuine cultural or educational purpose;
- in making or publishing a fair and accurate report of an event or matter of public interest;
- in opposition to fascism, Nazism, neo-Nazism or other related ideologies.

1.21. The Bill will also authorise a police officer to direct the removal of a Nazi symbol from being visible in public where the police officer reasonably believes that the display is an offence, with non-compliance without reasonable excuse penalised by up to 10 penalty units.

1.22. By providing for possible imprisonment, the Bill may limit the right to liberty in section 16 of the HRA. Restricting what can be displayed in public may limit the freedom of expression protected in section 16 of the HRA, and possibly the freedom of thought and belief protected in section 14 and rights of minorities in section 27 of the HRA. By providing for exceptions to the offences, for which the defendant bears an evidential onus, the Bill may also limit the presumption of innocence protected as a right in criminal proceedings in section 22 of the HRA. Allowing a police officer to require removal of a symbol which may be displayed on private property but visible in public may limit the protection of privacy provided by section 12 of the HRA.

1.23. The explanatory statement accompanying the Bill recognises these limits and provides a statement using the framework in section 28 of the HRA for why any limit should be considered reasonable as a means to protect against harm towards vulnerable groups

including Jewish people and the practice of their faith and culture without fear of vilification. The Committee refers that statement to the Assembly.

1.24. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Rights in criminal proceedings (section 22 HRA)

1.25. The Bill will also create an offence of entering, even in part, a motor vehicle which belongs to someone else without their consent. Belongs in this context includes someone in possession or control of the vehicle (see section 301 of the Criminal Code). The offence does not apply if the person has a reasonable excuse for entering the vehicle.

1.26. By providing an exception to the offence which the defendant bears an evidential burden to raise, the Bill may limit the presumption of innocence protected as a right in criminal proceedings in section 22 of the HRA. The explanatory statement accompanying the Bill recognises this potential limit and provides a statement for why they should be considered reasonable using the framework set out in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.27. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Right to protection of the family and children (section 11 HRA)

Right to liberty and security of person (section 18 HRA)

1.28. The Bill will also amend the *Crimes (Sentencing) Act 2005* by adding whether a person resides in the Territory to the matters considered in assessing whether a person is suitable for an intensive correction order.

1.29. The issue by a court of an intensive corrections order allows a sentence of imprisonment of less than 4 years to be served in the community. An offender will be subject to various obligations including having to periodically report to corrections officers, allow corrections officers to visit their residence at any reasonable time, and undergo alcohol and drug tests. Before making an intensive corrections order the court must order an assessment of an offender's suitability for such an order.

1.30. The Bill will include, as one of the matters to be addressed in the assessment, whether residence outside the Territory may make administration of an intensive correction order or compliance with such an order impracticable. That assessment is then considered by the court in making an intensive corrections order, but otherwise the power of the court to make an intensive corrections order or the conditions placed on such an order are unchanged.

1.31. By increasing the chances an offender will be found not suitable for an intensive corrections order, which will require an offender to serve their sentence in full-time detention, the Bill may limit the right to protection of family and children provided by section 11 of the HRA and right to liberty in section 18 of the HRA. The explanatory statement accompanying the Bill recognises these potential limits and provides a

statement for why they should be considered reasonable using the framework set out in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.32. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Right to recognition and equality before the law (section 8 HRA)

Right to privacy and reputation (section 12 HRA)

Rights in criminal proceedings (section 22 HRA)

1.33. The Bill will amend the *Crimes (Sentence Administration) Act 2005* to require a person who has received a court fine to provide the court with their contact details, including email address or phone number, and update any changes, subject to a maximum penalty of five penalty units. The court is also able to ask for contact details from relevant persons including the chief police officer, housing commissioner, and the chief executive of Icon Water.

1.34. By requiring personal details to be disclosed, the Bill may limit the protection of privacy provided by section 12 of the HRA. As people experiencing homelessness, family violence or mental illness may find it difficult to update contact details the Bill may also limit the right to equality before the law in section 8 of the HRA. By providing an exception to offences relating to failing to provide contact details where the defendant has a reasonable excuse, the Bill places an evidential burden on the defendant and may limit the presumption of innocence protected as one of the rights in criminal proceedings in section 22 of the HRA.

1.35. The explanatory statement accompanying the Bill recognises these potential limits and provides a statement for why they should be considered reasonable using the framework set out in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.36. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Right to liberty and security of person (section 18 HRA)

1.37. The Bill will amend the *Crimes Act 1900* to separate out provisions relating to summary disposal or aggravated robbery and aggravated burglary matters in the Childrens Court to enable them to proceed without the prosecutor's consent. Disposing a case summarily limits the penalty available to the Childrens Court to a fine of $5000 and imprisonment for 2 years. By increasing the circumstances in which the Childrens Court can summarily dispose of the case the Bill may limit the right to liberty and security of victims of crime protected in section 18 of the HRA.

1.38. The explanatory statement accompanying the Bill recognises this potential limit and provides a statement for why they should be considered reasonable given the promotion of various rights including rights of children in the criminal process. The Committee refers that statement to the Assembly.

1.39. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Discrimination Amendment Bill 2022

1.40. This Bill amends the *Discrimination Act 1991* to:

a) expand the areas in which discrimination and sexual harassment is prohibited to include formally organised sporting activities and competitions and the administration of a territory law or government program or policy by a public authority;

b) further limit various exceptions to unlawful discrimination, including exceptions relating to domestic duties, the provision of insurance and superannuation, clubs and voluntary bodies, and religious bodies;

c) update or add new exceptions to unlawful discrimination relating to genuine occupational qualifications and the inherent requirements of employment;

d) introduce positive duties to make reasonable adjustments and eliminate discrimination, sexual harassment, and unlawful vilification. A breach of these duties may be considered by the Human Rights Commissioner and the ACT Civil and Administrative Tribunal (ACAT) in considering a discrimination complaint; and

e) allow the court, to prevent interference with a child care and protection matter, to suspend any dealing by the human rights commission or ACAT with a discrimination complaint.

Do any provisions of the Bill amount to an undue trespass on personal rights and liberties?— Committee Resolution of Appointment paragraph (10)(a)(i)

Report under section 38 of the Human Rights Act 2004 (HRA)

Right to recognition and equality before the law (section 8 HRA)

Right to privacy and reputation (section 12 HRA)

Right to Peaceful Assembly and freedom of association (section 15 HRA)

Freedom of thought, conscience, religion and belief (section 14 HRA)

Cultural and other rights of Aboriginal and Torres Strait Islander peoples and other minorities (section 27 HRA)

Right to work and work-related rights (section 27B HRA)

1.41. The Bill will amend or add new exceptions to unlawful discrimination. These include exceptions for workers providing domestic duties, insurance and superannuation, clubs and voluntary bodies, religious bodies, work, competitions and sporting activities.

1.42. Even though, in general, the amendments to existing exceptions limit the scope of the exception, by continuing or allowing differential treatment in certain circumstances the Bill may limit the right to equality and non-discrimination in section 8 of the HRA. To the extent the exceptions allow discrimination in employment, the Bill may also limit the right to work in section 27B of the HRA. The amendments to the exception for religious bodies, which will be narrowed to only allow discrimination on the grounds of the religious conviction of a person, potentially limit the right to religious freedom in section 14 of the HRA (and to some extent the protection of minority rights in section 27 of the HRA) as they constrain the way in which a religious body conducts employment or provides goods and services. Amending the exception relating to domestic duties to require any discrimination be reasonable, proportionate and justifiable may limit the protection of privacy in section 12 of the HRA by constraining a person's ability to choose who will be employed in their home.

1.43. The Bill will also restrict discrimination by voluntary bodies and clubs to when providing membership to people with a protected attribute and where the organisation's reason for existence is to promote the interests of that group of people. Any such discrimination must also be reasonable, proportionate and justifiable in the circumstances. This amendment may limit the right to freedom of association in section 15 of the HRA as it restricts a club and voluntary body's ability to set and determine rules for their membership.

1.44. Each of these potential limitations is recognised in the explanatory statement accompanying the Bill and a statement provided for why any limitation should be considered reasonable using the framework in section 28 of the HRA, including a detailed table outlining the purposes and limitations of the amendments to exceptions. The Committee refers that statement to the Assembly.

1.45. **The Committee draws these matters to the attention of the Assembly, but does not require a response from the Minister.**

Right to recognition and equality before the law (section 8 HRA)

Right to work and work-related rights (section 27B HRA)

1.46. The Bill will update the exception to unlawful discrimination relating to genuine occupational qualifications. This will replace and expand the application of current genuine qualifications exceptions for discrimination on the basis of sex, race, disability, age, physical features. It will not be unlawful to discriminate against a person in relation to a position as an employee, commission agent, contract worker or business partner if it is a genuine occupational qualification of the position that the position be filled by a person having a particular protected attribute and the discrimination is reasonable, proportionate and justifiable in the circumstances.

1.47. The Bill will also provide a general exception for an employer to discriminate in relation to a position of employment due to the inherent requirements of employment. This will allow discrimination where the protected attribute of the prospective employee makes them unable to carry out the inherent requirements of the position, even if reasonable

adjustments are made, and the discrimination is reasonable, proportionate and justifiable in the circumstances.

1.48. These exceptions may limit the right to equality in section 8 of the HRA and right to work in section 27B of the HRA. These potential limitations are recognised in the explanatory statement accompanying the Bill and a statement provided for why any limitation should be considered reasonable using the framework in section 28 of the HRA, including a detailed table outlining the purposes and limitations of the amendments to exceptions. The Committee refers that statement to the Assembly.

1.49. **The Committee draws these matters to the attention of the Assembly, but does not require a response from the Minister.**

Right to recognition and equality before the law (section 8 HRA)

Right to protection of the family and children (section 11 HRA)

Right to a fair trial (section 21 HRA)

1.50. The Bill will allow the court to issue a declaration suspending further consideration by the Human Rights Commission or ACAT of a discrimination complaint which relates to a care and protection matter involving a child or young person. The discrimination commissioner will be able, with leave of the court, to make submissions before any declaration is made. While preventing interference with the court proceedings, a declaration may result in a delay to the consideration of a discrimination complaint by the Human Rights Commission or hinder the timeliness of a complainant's access to ACAT to seek remedies in response to their complaint. This may limit the right to a fair trial in section 21 of the HRA, the rights to the protection of family and children in section 11 of the HRA, and the right to equality and non-discrimination in section 8 of the HRA.

1.51. These potential limitations are recognised in the explanatory statement accompanying the Bill and a statement provided for why any limitation should be considered reasonable using the framework in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.52. **The Committee draws these matters to the attention of the Assembly, but does not require a response from the Minister.**

Justice and Community Safety Legislation Amendment Bill 2022 (No 2)

1.53. The Bill is an omnibus bill which amends a range of legislation in the Attorney-General and Minister for Consumer Affairs' portfolio.

Do any provisions of the Bill amount to an undue trespass on personal rights and liberties?— Committee Resolution of Appointment paragraph (10)(a)(i)

Report under section 38 of the Human Rights Act 1977 (HRA)

Right to privacy and reputation (section 12 HRA)

Right to a fair trial (section 21 HRA)

Rights in criminal proceedings (section 22 HRA)

1.54. The Bill will amend the *Evidence (Miscellaneous Provisions) Act 1991* to allow the audiovisual recording of evidence given in a courtroom where that evidence would have been given by audiovisual link but for an order of the court permitting the evidence to be given in the court room. The recording can then be used in a related proceeding, including a re-trial. A recording can only be made with the consent of the witness or by court order after considering the wishes of the witness. As with existing audiovisual recordings, the court in a related hearing will retain the discretion to not allow use of the recording, and a party to a related hearing may apply for an order that the witness attend to give further evidence.

1.55. Recording a witness without their consent may limit the protection of privacy provided by section 12 of the HRA. Allowing use of a recording may limit the examination of witness as a right in criminal proceedings in section 22 of the HRA, and otherwise impact on the right to a fair trial in section 21 of the HRA.

1.56. These potential limitations are recognised in the explanatory statement accompanying the Bill and a statement provided for why any limitation should be considered reasonable using the framework in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.57. **The Committee draws these matters to the attention of the Assembly, but does not require a response from the Minister.**

Protection from torture and cruel, inhuman or degrading treatment etc (section 10 HRA)

1.58. The *Guardianship and Management of Property Act 1991* currently does not permit a health attorney appointed for a protected person to consent to any activity that is part of a clinical trial. The Bill will amend that Act and the *Powers of Attorney Act 2006* to allow consent to be given in circumstances where the clinical trial involves evaluation of a therapeutic good included in the Australian Register of Therapeutic Goods (and hence has already been evaluated for its safety and efficacy), or a health care procedure, process or technique supported by a substantial number of relevant health care practitioners. Access to an independent doctor must be provided to answer any questions the health attorney may have about the clinical trial.

1.59. By expanding the circumstances in which an individual may be subjected to medical treatment without their consent, the Bill may limit the right against being subject to degrading treatment in section 10 of the HRA. That right recognises that individuals who

are not capable of giving valid consent should be protected against harm through medical experimentation. The explanatory statement recognises this potential limitation and, using the framework set out in section 28 of the HRA, sets out why it should be considered reasonable given the potential benefits for participation in a low risk clinical trial. The Committee refers that statement to the Assembly.

1.60. **The Committee draws these matters to the attention of the Assembly, but does not require a response from the Minister.**

Right to privacy and reputation (section 12 HRA)

1.61. The *Land Titles Act 1925* authorises the registrar-general to collect details prescribed in regulations about proving a purchaser's identity as part of the registration process for various property transactions. The Bill will amend this to allow the collection of documents used to verify the purchaser's identity in accordance with the relevant verification of identity rules. This will ensure consistency throughout the land-purchase process.

1.62. Collection of personal information may limit the protection of privacy provided by section 12 of the HRA. The explanatory statement recognises this potential limit and sets out why it should be considered reasonable. The Committee refers that statement to the Assembly.

1.63. **The Committee draws these matters to the attention of the Assembly, but does not require a response from the Minister.**

Right to work and other work-related rights (section 27B)

1.64. The S*ecurity Industry Act 2003* limits the temporary suspension of a security industry licence to 30 days to allow an application and decision by ACAT on whether an occupational disciplinary order should be made. The Bill will extend this period to 60 days to better reflect the timeframes involved with ACAT making such a decision.

1.65. By extending the suspension of a security industry licence, and preventing the licence holder from working as a security industry professional during that time, the Bill may limit the right to work in section 27B of the HRA. It also may subject the licence holder to the strict liability offence of carrying on an unauthorised security activity, limiting rights in criminal proceedings in section 22 of the HRA and right to liberty protected in section 18 of the HRA. The explanatory statement recognises these potential limitations and sets out why they should be considered reasonable using the framework set out in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.66. **The Committee draws these matters to the attention of the Assembly, but does not require a response from the Minister.**

Long Service Leave (Portable Schemes) Amendment Bill 2022

1.67. This Bill will amend the Long Service Leave (Portable Schemes) Act 2009 to: expand access to the portable long service leave to workers in the hairdressing and beauty services industry and the accommodation and food services industry; clarify reciprocal recognition

arrangements with portable leave schemes in other states; correct various delegation arrangements including relating to employment of staff; and other minor amendments.

Do any provisions of the Bill inappropriately delegate legislative powers?—Committee Resolution of Appointment paragraph (10)(a)(iv)

Henry VIII clause

1.68. The Bill will introduce what will become Part 12 of the Act to transition to adding hairdressing and beauty services and food services to the existing contract cleaning industry and change the name of the industry to the services industry. Proposed subsection 114 includes the following:

> (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
>
> (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

Part 12 will expire after five years.

1.69. By authorising the making of regulations which have the effect of modifying primary legislation, the Bill will introduce what is termed a Henry VIII clause. There is no explanation provided in the explanatory statement for why it was considered necessary to include transitional regulations of this form, although the Committee notes that the explanatory statement, in discussing another transition provision, states:

> Transitional arrangements are made within the Bill to ensure administration of the portable schemes can continue without impediment on commencement of the Bill's provisions. This ensures that a worker's entitlements under the Act are retained without interruption.

1.70. The committee recognises that there may be uncertainty associated with the introduction of new industries as part of the portable leave scheme. However, it is not clear why transitional regulations of this breadth are warranted. The Committee notes that there has been a lengthy consultation process preceding introduction of this Bill, that other industries have been successfully introduced into the portable leave scheme in the past, and that amendments including Part 12 will not commence for two years after notification. It is also not clear to the Committee why a period of five years is warranted before expiry of Part 12.

1.71. **The Committee therefore requests an explanation for why inclusion of the Henry VIII clause was considered necessary in the context of this particular Bill, including:**

a) Why it was considered that authority to prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the Bill was not sufficient to allow for unforeseen transitional matters to be dealt with by Regulations;

b) Why an expiry period of five years was considered necessary; and

c) What alternatives to the Henry VIII clause, either to the clause itself or the use of a Henry VIII clause in general, were considered and why those alternatives were not accepted;

Consideration should also be given to amending the explanatory statement to include this explanation.

The Committee draws this matter to the attention of the Assembly and asks the Minister to respond prior to the Bill being debated.

Professional Engineers Bill 2022

1.72. This Bill will establish the framework for regulating the practice of professional engineering. It will make it an offence to provide an engineering service in particular areas of engineering without registration.

Do any provisions of the Bill amount to an undue trespass on personal rights and liberties?— Committee Resolution of Appointment paragraph (10)(a)(i)

Report under section 38 of the Human Rights Act 1977 (HRA)

Right to recognition and equality before the law (section 8 HRA)

Right to privacy and reputation (section 12 HRA)

Freedom of expression (section 16 HRA)

Right to liberty and security of person (section 18 HRA)

Rights in criminal proceedings (section 22 HRA)

Right to work and other work-related rights (section 27B)

1.73. The Bill may limit a range of rights protected under the HRA as described below. These potential limitations are recognised in the explanatory statement accompanying the Bill and a statement provided setting out why they should be considered reasonable using the framework in section 28 of the HRA. The Committee would like to commend the drafters of the statement for the comprehensive and accessible nature of this statement. The Committee refers that statement to the Assembly subject to the following comments.

1.74. Eligibility to be registered as a professional engineer includes the to-be-established registrar being satisfied that the applicant is suitable to be registered. This will involve consideration of what is termed suitability information, including any conviction or finding of guilt for indicatable offences or offences under a relevant law. Conviction does not preclude registration, but by including potentially irrelevant past convictions as a matter against registration the Bill may potentially limit the right to equal treatment in section 8 of the HRA.

1.75. An application for registration includes consideration of various forms of personal information, including name and contact details, past convictions, relevant civil proceedings or disciplinary action, professional qualifications, experience and competencies. The Bill will establish a register of professional engineers including this information, with some limited information being made public. The Bill will authorise authorised persons to enter premises, though not premises used for residential purposes without consent. The registrar is authorised to collect information, including personal information, in exercising their functions including in investigating complaints and enforcing registration requirements. Information relating to risk of death or injury to a person, harm to the environment or damage to property may be disclosed to various public safety agencies. Each of these aspects of the Bill may engage the protection of privacy provided by section 12 of the HRA.

1.76. The Committee notes that in making a complaint, the complainant must provide, in writing, their name and contact details. Details of the complaint must be provided to the engineer the complaint is about (see proposed Part 9). The Committee is concerned that this may deter the making of complaints in some instances or subject the complainant to potential reprisals. **The Committee therefore requests further information on whether it might be possible, in some instances, to allow the name and contact details of the complainant to be withheld, at least from the respondent.**

1.77. The Bill will create offences relating to making false and misleading representations that a person is registered to carry out professional engineering services. This may limit the freedom of expression protected by section 16 of the HRA. Two offences created by the Bill relating to the use or disclosure of protected information will carry penalties of up to 6 months imprisonment, potentially limiting the right to liberty in section 18 of the HRA.

1.78. The Bill creates six strict liability offences, including carrying out a professional engineering service without registration, failing to comply with a condition of registration, failing to notify changes in suitability information, making false and misleading statements, and failing to comply with a requirement in an approved code of practice. By providing for criminal guilt without establishment of a fault element, these offences may limit the presumption of innocence protected as a right in criminal proceeding in section 22 of the HRA.

1.79. The Committee notes that the Bill will also establish an offence of allowing an unregistered person to provide professional engineering services, including where a member of a partnership allows a worker to carry out professional engineering services without registration and the partner is reckless as to whether the worker is registered (clause 62). It is a defence to this offence if the partner proves that they did not know about the contravention, and they took reasonable steps to avoid contravention or was not able to influence the partnership in relation to the conduct in question. As the defendant bears a legal onus to prove the elements of the defence, this proposed offence may also limit the presumption of innocence protected as a right in criminal proceeding in section 22. **The Committee therefore requests consideration be given to amending the explanatory statement to include why the defendant should bear the legal onus to establish a defence to this offence using the framework in section 28 of the HRA.**

1.80. The Bill will abrogate the privilege against self-incrimination in requiring a person to answer questions or provide information or documents under proposed enforcement provisions even if doing so may tend to incriminate the person or expose them to a penalty (clause 66). This may limit the right against self-incrimination included as a right in criminal proceedings in section 22 of the HRA. The Committee notes that the Bill provides a use immunity, protecting against admissibility as evidence of any information provided other than in relation to offences arising out of the false or misleading nature of the information, and that a warning must be given about the effect of the abrogation of the privilege before requiring a response.

1.81. By establishing a registration scheme for engineers in the ACT, the Bill will establish qualification and suitability requirements needed to provide professional engineering services, impose conditions on registration, make renewal of registration contingent on continuing professional development, and authorise significant disciplinary powers for the registrar including suspending and cancellation of registration. The Bill will therefore limit the right to work and other work-related rights protected in section 27B of the HRA.

The Committee draws these matters to the attention of the Assembly and asks the Minister to respond prior to the Bill being debated.

Do any provisions of the Bill inappropriately delegate legislative powers?—Committee Resolution of Appointment paragraph (10)(a)(iv)

Incorporation of Australian Standard

Do any provisions of the Bill insufficiently subject the exercise of legislative power to parliamentary scrutiny? – Committee Resolution of Appointment paragraph (10)(a)(v)

Displacement of section 47(6) of the Legislation Act 2001

1.82. The Bill will allow Regulations or disallowable instruments relating to continuing professional development requirements or a code of conduct to incorporate a law, Australian Standard, or another instrument, as in force from time to time. The explanatory statement outlines this as enabling:

> relevant instruments in other jurisdictions under similar laws or issued by professional engineering bodies to be incorporated, applied or adopted in the ACT which supports consistent regulation across Australia and acknowledges the significant work already undertaken by professional engineering services to support the continued development of the industry.

1.83. The Bill will also displace subsections 47(5) and (6) of the *Legislation Act 2001* to any documents so incorporated, with the result that any changes to the documents incorporated do not have to be registered on the Legislation Register. However, the Bill goes on to require that the director-general must ensure that an incorporated instrument is on the legislation register, or available for inspection by anyone without charge during

ordinary business hours at an ACT government office, or accessible on, or by link from, an ACT government website. An incorporated instrument is not enforceable unless it is made accessible in this way.

1.84. While the Committee would have preferred that an explanation for why it was considered necessary to generally displace registration requirements for incorporated instruments also be included in the explanatory statement, the Committee commends the Minister for including provisions in the Bill to ensure incorporated instruments be accessible in some way.

1.85. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Residential Tenancies Legislation Amendment Bill 2022

1.86. This Bill amends the *Residential Tenancies Act 1997* (RTA) to:

a) remove without cause tenancy termination provisions;

b) introduce new termination provisions, including introducing a reasonable and proportionate test for tenancy terminations under termination provisions applying to the Commissioner for Social Housing and Community Housing providers;

c) make it an offence to advertise rental properties without a fixed rental rate or solicit rental bids; and

d) support the introduction of minimum housing standards.

1.87. The Bill will also amend the *Residential Tenancies Regulation 1998* to make it clear what gardening activities to grow food and compost are within the scope of minor modifications provisions in the RTA. The Bill will also amend the *Housing Assistance Act 2004* to require certain determinations and operational guidelines be made disallowable instruments rather than notifiable instruments, and limit rent increases by the Housing Commissioner to prescribed amounts.

Do any provisions of the Bill amount to an undue trespass on personal rights and liberties?— Committee Resolution of Appointment paragraph (10)(a)(i)

Report under section 38 of the Human Rights Act 1977 (HRA)

Right to recognition and equality before the law (section 8 HRA)

Right to privacy and reputation (section 12 HRA)

1.88. The Bill removes the general ground on which a periodic tenancy can be terminated without cause. However, it also introduces additional grounds on which a tenancy may be terminated. These include:

a) where the lessor requires the premises for a lawful use other than as a home;

b) grounds exercisable by the Housing Commissioner where:

c) the Housing Commissioner cancels or withdraws housing assistance;

i) the tenant has two tenancies simultaneously;

ii) the Housing Commissioner requires a transfer and has made an alternative premises available; and

iii) where a temporary period of housing assistance has ended.

d) where community housing providers are required to return the premises to the owner, as the owner has requested the premises be returned for the same reasons as a lessor may generally terminate a tenancy, where a private owner no longer wants to make their property available as part of the accommodation program, or where the owner is the Housing Commissioner and the Commissioner either requires the property for another purpose or the provider is in breach of its obligations;

e) where the tenant is no longer eligible for a subsidised accommodation program, including failing to provide information related to eligibility; and

f) a party to the agreement has threatened, harassed, intimidated, or abused the other party.

1.89. By providing a basis on which a person's tenancy can be terminated, these grounds may limit the right not to have their home interfered with unlawfully or arbitrarily protected in section 12 of the HRA.

1.90. The grounds relating to eligibility for a subsidised accommodation program apply where the lessor or the owner of the premises receives government funding or assistance to provide the premises to the tenant. The Bill will introduce new subsidised accommodation clauses, including a requirement that a tenant provide information to the lessor that is reasonably necessary for assessing the tenants on-going eligibility to live in the premises of the lessor's or owner's ongoing eligibility for assistance. A failure to provide the information requested is a ground to terminate the lease. Requiring the disclosure of what might be sensitive personal information may also limit the protection of privacy provide in section 12 of the HRA. The Committee notes that subsidised accommodation providers, as service providers under a government contract, will be subject to Territory Privacy Principles as set out in the *Information Privacy Act 2014*.

1.91. The Bill will also potentially limit the protection of privacy by expanding the lessors' rights to access rental premises to comply with minimum housing standards.

1.92. Many of these new grounds for termination of a tenancy apply only to public housing, community housing or subsidised accommodation tenancies. Tenants in these programs are likely to be vulnerable or have protected attributes such as experiencing social-economic disadvantage. By providing for additional grounds for termination of tenancies which focus their effect in this way the Bill may also limit the right to equal protection of the law without discrimination in section 8 of the HRA.

1.93. The Bill will also introduce various notice periods associated with the use of new termination of tenancy grounds. These include notice periods as short as 8 weeks where a

community housing provider is required to return the premises to the owner, one week's notice where termination by the Housing Commissioner is due to the tenant having two tenancies, and 12 weeks' notice where there has been failure to provide information about eligibility or a temporary period of assistance has already ended. Providing a shorter period of notice for tenants in public, community or subsidised accommodation may also limit the right to equal protection.

1.94. Finally, the right to equality may also be limited by the operation of a new ground for termination of a tenancy where a party to the agreement has threatened, harassed, intimidated, or abused the other party. This provision may have a differential impact on people who have a disability or mental health issue which impacts on their emotional regulation, impulse control, understanding of social situations or communication skills.

1.95. Each of these potential limitations on the right to privacy and equal protection is recognised in the explanatory statement accompanying the Bill and a comprehensive statement provided setting out the details of how each may operate and why any limit should be considered reasonable using the framework in section 28 of the HRA. The Committee commends the Minister for the detail included in the statement and, subject to the comments below, refers that statement to the Committee.

1.96. Proposed section 2.5 of Schedule 2 of the Bill will introduce a temporary housing assistance termination clause. This clause applies where the Housing Commissioner provides temporary housing assistance for a remaining occupant after a former tenant dies or moves out. The clause will enable the Housing Commissioner to decide whether the remaining tenant is eligible for ongoing housing assistance, and if not, to give the tenant notice to vacate the premises. If the Housing Commissioner makes the decision about eligibility before the temporary housing assistance ends, then the tenant must receive 26 weeks notice. If the housing commissioner makes the decision after the expiry of the temporary housing assistance, then only 12 weeks notice is required.

1.97. As the explanatory statement accompanying the Bill suggests:

> the purpose of these shorter notice periods are to ensure that ineligible tenants are not given significant additional time to remain in the premises in certain specific situations where the tenant has already had been put on notice that their tenancy may end.

The Committee notes, however, that where a decision on ongoing eligibility is made within 12 weeks of the end of a temporary accommodation period, the tenant will receive 26 weeks notice, and hence may receive more notice than a tenant who has to wait until after the end of the temporary accommodation period to learn of their ongoing eligibility. **The Committee therefore requests further information on whether it is possible to avoid differential treatment of tenants depending on when a decision is made on their on-going eligibility, at least when that decision is made within 12 weeks before or after the end of the temporary accommodation period.**

The Committee draws this matter to the attention of the Assembly and asks the Minister to respond prior to the Bill being debated.

Rights in criminal proceedings (section 22 HRA)

1.98. The Bill will introduce new strict liability offences, including:

a) where an advertisement for the lease of residential premises does not include a statement about whether the premises complies with minimum housing standards or is exempt, or includes a false or misleading statement that the premises complies with minimum housing standards. These offences have a maximum penalty of 5 penalty units, and do not apply if the person has a reasonable excuse (proposed section 11AB);

b) where an advertisement for the lease of residential premises does not state the rental rate payable for premises, subject to a maximum penalty of 5 penalty units; and

c) where a person solicits or invites a tenant to offer a rental rate higher than the advertised rental rate, subject to a maximum penalty of 20 penalty units.

1.99. As strict liability offences displace the need to establish fault in the prosecution of the offence, these provisions may limit the presumption of innocence protected as a right in criminal proceedings in section 22 of the HRA. The explanatory statement accompanying the Bill recognises these potential limits and sets out why they should be considered reasonable using the framework in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.100. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Freedom of expression (section 16 HRA)

1.101. The strict liability offences discussed above limit what can and cannot be included in an advertisement for a lease of residential premises, and the conduct of agents or owners in discussions with prospective tenants. These provisions may therefore limit, to a limited extent, the freedom of expression protected in section 16 of the HRA. The Committee recognises the explanatory statement includes why these provisions have been included as part of the justification for use of strict liability. The Committee recommends that, if the explanatory statement is otherwise amended, consideration be given to including a statement recognising the potential limitation of freedom of expression and incorporating a justification for why any such limit is reasonable using the framework in section 28.

1.102. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Do any provisions of the Bill inappropriately delegate legislative powers?—Committee Resolution of Appointment paragraph (10)(a)(iv)

Incorporation of laws or instruments

1.103. The Bill will authorise a regulation to prescribe minimum housing standards for rental premises on matters including standards for accessibility, safety and security, energy efficiency, sanitation and amenity (proposed section 19A). These standards may apply, adopt or incorporate a law or instrument as in force from time to time.

1.104. The Committee notes that this provision will relocate the existing regulation making power in paragraph 136(2)(d) to establish a definition of minimum housing standards which are used in the following provisions. The Committee notes that the existing regulation-making power includes a displacement of subsections 47(5) and 47(6) of the *Legislation Act 2001*, which has the effect of not requiring any incorporated law or instrument and future changes to be registered on the Legislation Register. Instead, this displacement of subsections 47(5) and 47(6) will be omitted and the new provisions will include a note that the text of an incorporated law or instrument is taken to be a notifiable instrument, hence requiring registration. **The Committee commends this approach to ensuring accessibility of incorporated laws or instruments.**

Revenue Legislation Amendment Bill 2022

1.105. This Bill amends the *Duties Act 1999* to: amend and consolidate the definition of associated persons to capture common minority shareholders; strengthen constructive ownership of landholding provisions involving linked entities; and to amend provisions relating to acquisition statements where an acquisition leads to a significant interest in a landholder. This will include enabling regulations to prescribe when an acquisition statement is not required and making landholders jointly and severally liable to pay duty with the person making a relevant acquisition. The calculation of landholder duty payable by type of relevant acquisition is also clarified.

1.106. The Bill also makes minor and consequential amendments to the *Land Tax Act 2004* and *Civil Law (Sale of Residential Property) Act 2003*.

1.107. The Committee notes that the explanatory statement accompanying the Bill includes detailed discussion of the operation of the proposed amendments, including numerous examples and diagrams to enhance accessibility of often technical amendments. The Committee commends the Minister on this approach.

Do any provisions of the Bill amount to an undue trespass on personal rights and liberties?— Committee Resolution of Appointment paragraph (10)(a)(i)

Report under section 38 of the Human Rights Act 1977 (HRA)

Right to privacy and reputation (section 12 HRA)

1.108. The Bill substitutes current provisions relating to acquisition statements which must accompany the acquisition of landholders in various circumstances. An acquisition statement must include various personal details, including name, address and email of the person making the acquisition, the interests of the landholder acquired and other interests held on the day of acquisition, and various other valuations.

1.109. By requiring personal information to be disclosed to the Commissioner the Bill may limit the protection of privacy provided by section 12 of the HRA. The explanatory statement accompanying the Bill recognises this potential limitation and provides a statement for why it should be considered reasonable using the framework in section 28 of the HRA. The Committee refers that statement to the Assembly.

1.110. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Road Safety Legislation Amendment Bill 2022

1.111. This Bill will amend the road safety legislation to improve road safety by: strengthening the reporting and monitoring of driver licence holders' fitness to drive; providing enhanced penalties to deter dangerous driving behaviours, including expanding the list of offences for which an immediate licence suspension can or must be issued; increasing timeframes for seizure and impoundment of vehicles following a relevant offence; increasing penalties for certain offences such as street racing; and introducing a new aggravated offence for street racing.

Do any provisions of the Bill amount to an undue trespass on personal rights and liberties?— Committee Resolution of Appointment paragraph (10)(a)(i)

Report under section 38 of the Human Rights Act 1977 (HRA)

Right to recognition and equality before the law (section 8 HRA)

Right to protection of the family and children (section 11 HRA)

Right to privacy and reputation (section 12 HRA)

Right to liberty and security of person (section 19 HRA)

Right to a fair trial (section 21 HRA)

Rights in criminal proceedings (section 22 HRA)

Right to work and other work-related rights (section 27B)

1.112. The Bill will limit a number of rights protected under the HRA as described below. Each of these limitations is recognised in the explanatory statement accompanying the Bill and a statement provided setting out why any limitation should be considered reasonable using the framework in section 28 of the HRA. The Committee commends the Minister for the comprehensive nature of that statement, including reference to relevant evidence and comparisons with other jurisdiction, and refers that statement to the Assembly.

1.113. The Bill will provide for increased penalties for offences involving speeding more than 45km/h over the speed limit, for furious, reckless and dangerous driving, and menacing driving. Where a police officer believes on reasonable grounds that these offences have been committed, the Bill will authorise the immediately suspension of the driver's licence, require a court to order the impounding or forfeiture of vehicles used in contravention of the offence, or allow a police officer to issue a surrender notice for motor vehicles or seize and impound the vehicle.

1.114. Where a person uses their car or licence for work, these penalties may result in a limitation on a person's right to work protected by section 27B of the HRA. Where a person relies on a car to care for family members, this may result in a limitation on a person's right to protection of family and children in section 11 of the HRA. Where a person's licence is suspended by police or their vehicle is seized or impounded, this may result in a limitation on a person's right to right to a fair hearing in section 21 of the HRA or rights in criminal proceedings in section 22 of the HRA.

1.115. The Bill will also increase the penalties for offences involving races, attempts on speed records, speed trials etc. The maximum penalty has been increased to a maximum of 50 penalty units for a first or non-aggravated offence and 100 penalty units and/or imprisonment for up to 12 months for a repeat or aggravated offence.

1.116. The definition of repeat offences for the purpose of aggravated dangerous driving offences generally has also been expanded to include culpable driving, races, improper use of a

motor vehicle (such as burnouts), menacing driving, exceeding the prescribed concentration of alcohol, or exceeding the speed limit by over 45 km/h.

1.117. By providing for a possible term of imprisonment for racing, etc and extending the circumstances in which a person may have committed an aggravated offence, which may lead to imprisonment or increased terms of imprisonment, these amendments may limit the right to liberty and security of person in section 19 of the HRA. Exposing a person to a higher penalty on the basis of being found guilty of a previous offence may limit rights in criminal proceedings in section 22 of the HRA.

1.118. The Bill will extend the time period in which police have to seize a motor vehicle following the commission of an offence, or where a person has failed to comply with a surrender notice. By extending the possibility of a car being seized, including, where ordered by a court, entry into residential or non-public property, this amendment may limit the right to privacy protected by section 12 of the HRA and, where access to the car is a necessary for a person's work or used to travel to and from work, a person's right to work in section 27B of the HRA.

1.119. Section 22A of the *Road Transport (Alcohol and Drugs) Acts 1977* makes it a strict liability offence to refuse to provide a sample of an oral fluid for analysis or in accordance with reasonable directions of a police officer. It is a defence to this offence if the defendant proves that the failure was based on medical grounds (section 22A). The Bill will extend the circumstances in which a licence can be immediately suspended to where a police officer believes on reasonable grounds that the offence of refusing to provide an oral fluid sample has been committed. By requiring someone to give a sample with the result that they may be immediately suspended from driving the Bill may therefore limit the right to a fair trial in section 21 of the HRA and rights in criminal proceedings in section 22 of the HRA, the right to protection of family in section 11 of the HRA and right to work in section 27B of the HRA. As a person may not be able when requested by police to provide evidence of their medical condition which may be used as a defence against commission of the offence, the Bill may also limit the right to equal protection of law in section 8 of the HRA.

1.120. The Bill will also amend the *Road Transport (Driver Licencing) Act 1999* to allow for Regulations to require the production of information by health practitioners relating to a person's fitness to drive a motor vehicle, and allow for information relating to an interstate licence holder's fitness to drive to be disclosed to the interstate licensing authority in question. As a fitness to drive assessment may involve personal information, including health information, the disclosure of that information may limit the protection of privacy provided by section 12 of the HRA. Given fitness to drive will typically be an issue for licence holders who are older or have a health condition, these provisions may also limit the right to equal protection protected by section 8 of the HRA. Upon receipt of the fitness to drive information, the road transport authority may require further tests or seek further medical advice before potentially cancelling the licence (see Part 4 of *Road Transport (Driver Licensing) Regulation 2000*). As disclosure of fitness to drive information may ultimately lead to cancellation of a licence, requiring health practitioners to disclose fitness to drive information may limit the protection of family in section 11 of the HRA and right to work in section 27B.

1.121. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Minister.**

Proposed Amendments – No Comment

Gaming Machine (Club Refuge) Amendment Bill 2022

1.1. On 24 January 2022 the Committee received proposed amendments to the *Gaming Machine (Club Refuge) Amendment Bill 2022* from Dr Paterson MLA. The proposed amendments will:

a) amend Schedule 1 of the *Gambling and Racing Control (Code of Practice) Regulation 2002* to allow a person to enter a club when a club refuge declaration is in place when that person otherwise would have been excluded due to concerns over problem gambling;

b) amend the *Gaming Machine Act 2004* to impose a condition on a licence for a club that a club must not allow a person to play gaming machines or gamble while a club refuge declaration is in force; and

c) amend the *Liquor Act 2010* to impose a condition on a club licence that the licensee must not sell liquor while a club refuge declaration is in force.

1.2. The Committee has no comments on these proposed amendments.

Proposed Amendments - Comment

Period Products and Facilities (Access) Bill 2022

1.3. On 19 December 2022, the Committee received proposed amendments to the Period Products and Facilities (Access) Bill 2022 from Ms Suzanne Orr MLA. The proposed amendments will:

a) introduce what are termed 'principles of dignity' which must be taken into account in exercising a function under the Act. Access arrangements for period products in suitable places, government school premises, and other education provider's premises, access to workplace access to toilets, hand-washing facilities and sanitary waste facilities, and any access guidelines made by the director general must also be consistent with these principles;

b) require the director-general to ensure access to period products in public hospitals and prescribed health care facilities, and make and comply with publicly available access arrangements for those facilities;

c) require a person who receives a report from a public employee about access to toilets, hand-washing facilities and sanitary waste facilities to prepare a written

response, including steps that have been or will be taken to provide adequate facilities and arrange for access for the employee in question; and

d) Require information about menstruation to be provided in hard copy at various locations without charge during ordinary business hours.

Report under section 38 of the Human Rights Act 1977 (HRA)

Right to recognition and equality before the law (section 8 HRA)

Right to privacy and reputation (section 12 HRA)

1.4. These amendments, by asking a person to identify as needing period products or access to facilities, could limit the protection of privacy as provided in section 12 of the HRA. Recognition that experience of period poverty may differ depending on a person's sexual orientation, gender identity, mental health, nationality, religion or ability, may also give rise to differential impact of disclosure of these attributes, potentially impacting on the right to equality before the law protected in section 8 of the HRA.

1.5. The proposed amendments were accompanied by a supplementary explanatory statements which recognises these potential limitations and provides a short explanation for why they should be considered as reasonable. The Committee refers that statement to the Assembly and makes no further comment.

1.6. **The Committee draws this matter to the attention of the Assembly, but does not require a response from the Member.**

Responses – No Comment

- Integrity Commission Amendment Bill 2022 (No 2)

The responses can be viewed online.

2. Subordinate Legislation

Disallowable Instruments – No comment

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

- **Disallowable Instrument DI2022-240** being the Tree Protection (Advisory Panel) Appointment 2022 (No 1) made under section 69 of the *Tree Protection Act 2005.*
- **Disallowable Instrument DI2022-241** being the Board of Senior Secondary Studies Appointment 2022 (No 5) made under section 8 of the *Board of Senior Secondary Studies Act 1997.*
- **Disallowable Instrument DI2022-245** being the Animal Welfare (Advisory Committee Member) Appointment 2022 (No 3) made under section 109 of the *Animal Welfare Act 1992.*
- **Disallowable Instrument DI2022-246** being the Food (Fees) Determination 2022 (No 1) made under section 150 of the *Food Act 2001.*
- **Disallowable Instrument DI2022-247** being the Medicines, Poisons and Therapeutic Goods (Fees) Determination 2022 (No 1) made under section 197 of the *Medicines, Poisons and Therapeutic Goods Act 2008***.**
- **Disallowable Instrument DI2022-248** being the Public Health (Fees) Determination 2022 (No 2) made under section 137 of the *Public Health Act 1997***.**
- **Disallowable Instrument DI2022-249** being the Radiation Protection (Fees) Determination 2022 (No 1) made under section 120 of the *Radiation Protection Act 2006.*
- **Disallowable Instrument DI2022-250** being the Tobacco and Other Smoking Products (Fees) Determination 2022 (No 3) made under section 70 of the *Tobacco and Other Smoking Products Act 1927.*
- **Disallowable Instrument DI2022-251** being the Veterinary Practice (Board) Appointment 2022 (No 3) made under section 93 of the *Veterinary Practice Act 2018.*

Disallowable Instruments – Comment

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

Consistency with Scrutiny Committee principles

- **Disallowable Instrument DI2022-242** being the City Renewal Authority and Suburban Land Agency (Authority Board Member) Appointment 2022 (No 2) made under section 15 of the *City Renewal Authority and Suburban Land Agency Act 2017.*

- **Disallowable Instrument DI2022-243 being the City Renewal Authority and Suburban Land Agency (Authority Board Deputy Chair) Appointment 2022 (No 2)** made under section 15 of the *City Renewal Authority and Suburban Land Agency Act 2017.*

2.3. The first instrument mentioned above, made under section 15 of the *City Renewal Authority and Suburban Land Agency Act 2017*, appoints a specified person as an 'expert' member of the City Renewal Authority Board. As indicated in the explanatory statement for the instrument, this is provided for by paragraph 21(1)(c) of the Act (though the particular provision of section 21 is not referred to). The second instrument mentioned above, also made under section 15 of the Act, appoints another specified person as deputy chair of the Board. Again, the explanatory statement for the instrument points to section 21 of the Act, which contains an express power to appoint a deputy chair – paragraph 21(1)(b) (though, again, the particular provision is not referenced in the explanatory statement).

2.4. The Committee notes that the explanatory statement for both instruments state:

> **Scrutiny Committee Terms of Reference**
>
> The instrument is consistent with the Legislative Assembly's Scrutiny of Bills Committee Terms of Reference. In particular, the instrument:
>
> 1. Is made under a ministerial power found in the Act (see section 15 of the Act and section 78 of the [*Financial Management Act 1996*].
> 2. Is in accordance with the general objects of the Act under which it is made. The appointment of a member to the board is integral to the authority's operations and achieving the objects of the Act.
> 3. Does not unduly trespass on rights previously established by law.
> 4. Does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions. The instrument enables formal appointment of a member of the board.

2.5. The Committee notes that the explanatory statements also contain a similar declaration in relation to why a regulatory impact statement is not required:

> **Regulatory impact statement**
>
> The instrument is not likely to impose appreciable costs on the community, or part of the community and therefore a regulatory impact statement (a **RIS**) is not required (Legislation Act, section 34). Further, a RIS is unnecessary, in accordance with the Legislation Act, section 36(1)(b), as the disallowable instrument does not operate to the disadvantage of anyone by adversely affecting the person's rights, or imposing liabilities on the person.

2.6. Finally, the Committee notes, with approval, the explanatory statements meet the Committee's requirements in relation to instruments of appointment, in terms of addressing pre-requisites for appointment, etc.[1]

[1] See *Subordinate legislation—Technical and stylistic standards—Tips/Traps*, available at https://www.parliament.act.gov.au/__data/assets/pdf_file/0007/434347/Subordinate-Legislation-Technical-and-Stylistic-Standards-Revised-March-2022.pdf.

2.7. **This comment does not require a response from the Minister.**

Disapplication of subsections 47(5) and (6) of the *Legislation Act 2001* / Human rights issues

- **Disallowable Instrument DI2022-244** being the Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2022 (No 2) made under section 10 of the *Energy Efficiency (Cost of Living) Improvement Act 2012*.

2.8. This instrument determines "eligible activities", for section 10 of the *Energy Efficiency (Cost of Living) Improvement Act 2012*. An "eligible activity" is an activity "that is intended to reduce the consumption of energy".

2.9. The instrument revokes and re-makes the Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2022 (DI2022-181). According to the explanatory statement for the instrument, the instrument makes only minor amendments (identified in the explanatory statement) to the previous instrument. The Committee commented on the previous instrument in *Scrutiny Report 21* of the 10th Assembly (4 October 2022).

2.10. Section 4 of the current instrument provides:

> **4 Disapplication of Legislation Act, s 47 (5) and (6)**
>
> The *Legislation Act 2001*, section 47(5) and (6) does not apply in relation to an instrument applied, adopted or incorporated under this instrument.
>
> Note 1 Australian Standards are available for purchase at www.standards.org.au and are available for inspection by members of the public at the National Library of Australia.
>
> Note 2 A copy of the National Construction Code, which incorporates the Building Code of Australia and the Plumbing Code of Australia, is freely available for inspection at www.abcb.gov.au.

2.11. The Committee notes that a similar provision appeared in the previous instrument, in relation to which the Committee commented:

> The Committee notes that it is increasingly concerned about the disapplication of subsection 47(6) of the *Legislation Act 2001*, generally, and has written to the Attorney-General, to raise those concerns. In the light of those concerns, the Committee requests further information from the Minister as to why it is considered necessary to [include] subsection 47(6). The Committee also requests information on what other alternatives were considered before providing for the displacement of subsection 47(6). The Committee recommends that the explanatory statement be amended to include this information.

2.12. The Minister for Water, Energy and Emissions Reduction responded (in part):

> Copyright in Australian Standards is owned by Standards Australia, a private organisation, while copyright in the National Construction Code is jointly owned by the Commonwealth of Australia and the States and Territories.
>
> In disapplying section 47(6), I note that the organisations that are subject to the declaration are already required to comply with Australian Standards and the National Construction Code and should already have a good working knowledge of these documents.
>
> The Energy Efficiency Improvement Scheme (EEIS) mitigates risk and liability by applying nationally-recognised standards to participants, rather than attempting to define new requirements. This approach reduces red tape, provides security for businesses that are accustomed to operating under the standards and code, and ensures national best practice is applied to the scheme. It is not considered practical to apply any alternative requirements on EEIS participants outside those nationally-recognised standards, and as the ACT Government cannot breach copyright by notifying these documents on the Legislation Register, no real alternative to disapplying section 47(6) exists in this instance.[2]

2.13. In relation to the current instrument, the explanatory statement states:

> Clause 4 disapplies the *Legislation Act 2001*, section 47(5) and (6). This section is disapplied because it stipulates that any external text which is to be applied as law in the ACT needs to be republished as a notifiable instrument. It is not possible to republish text contained in Australian Standards documents as they are protected by copyright. It is not practical to republish information in the National Construction Code as it contains over 400 pages of information across 4 volumes.

2.14. The Committee notes the justification provided (including in relation to the previous instrument) but retains its general concerns about the incorporation of documents by reference, particularly when (as is the case with Australian Standards) there is a fee for obtaining copies of the documents. However, the Committee notes that, in the case of documents relied on by this instrument, the notes to section 4 indicate that the documents relied upon are, in fact, available free-of-charge.

2.15. **The comment immediately above does not require a response from the Minister.**

2.16. The Committee notes that the explanatory statement for the instrument states that the instrument "does not engage the *Human Rights Act 2004*".

2.17. **The Committee draws the attention of the Legislative Assembly to the discussion of human rights issues in the explanatory statement for this instrument.**

2.18. **The comment immediately above does not require a response from the Minister.**

[2] https://www.parliament.act.gov.au/__data/assets/pdf_file/0011/2108990/Response-DI2022-181EnergyEfficiencyCostofLivingImprovementEADet-2022.pdf.

Subordinate Laws – Comment

2.19. The Committee has examined the following subordinate laws and offers these comments on them:

Disapplication of subsections 47(5) and (6) of the *Legislation Act 2001* / Human rights issues

- **Subordinate Law SL2022-16** being the Residential Tenancies Amendment Regulation 2022 (No 1) made under the *Residential Tenancies Act 1997.*

2.20. This subordinate law makes amendments to the *Residential Tenancies Regulation 1998* that (according to the explanatory statement for the subordinate law) "establish a minimum energy efficiency standard for premises made available for occupation under a residential tenancy agreement in the ACT." In essence, the amendments establish a minimum ceiling insulation standard for rental premises.

2.21. Section 16 of the subordinate law provides:

> **16 Disapplication of Legislation Act, s 47(5) and (6)**
>
> The Legislation Act, section 47 (5) and (6) do not apply to an Australian Standard applied, adopted or incorporated under this part.
>
> *Note* An Australian Standard applied, adopted or incorporated under this part does not need to be notified under the Legislation Act because s 47(5) and (6) do not apply (see Legislation Act s 47(7)). Australian Standards may be purchased at www.standards.org.au.

2.22. The Committee notes that, unlike the Note to section 4 of the Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Determination 2022 (No 2) [DI2022-244] (discussed above), there is no indication (in section 16) that the relevant Australian Standards are "available for inspection by members of the public at the National Library of Australia", in addition to being able to be purchased through Standards Australia. However, the Committee also notes that the explanatory statement for the subordinate law states:

> **Section 16 Disapplication of Legislation Act, s 47(5) and (6)**
>
> This section provides that section 47(5) and (6) of the *Legislation Act 2001* does not apply to an Australian Standard applied, adopted or incorporated under new part 3.
>
> This removes the requirement for the text of any instrument or standard applied under the regulation to be notified as an instrument on the Legislation Register, as would generally be required under section 47(6) of the *Legislation Act 2001*.
>
> This is because Australian Standards are subject to copyright, so cannot be published by way of a notifiable instrument. Australian Standards may be purchased at www.standards.org.au and are available for viewing at the National Library of Australia.

2.23. The effect of subsections 47(5) and (6) of the *Legislation Act 2001* is that any Australian Standard that is relied upon (i.e., by being 'applied, adopted or incorporated') by the amendments made by this subordinate law instrument would have to be published on the ACT Legislation Register, as a "notifiable" instrument (for section 10 of the Legislation Act). This, in turn, ensures that users of legislation have free access to all the material that they need, in order to understand the full scope and effect of an instrument such as this. The Committee has always taken a strong view that such access is important. As a result, the Committee generally does not look favourably on the disapplication of subsections 47(5) and (6) of the Legislation Act and seeks an explanation as to why disapplication is necessary, in a particular case.

2.24. If disapplication *is* argued to be necessary, the availability of the relevant Australian Standards, free-of-charge, at (say) the National Library of Australia, is a significant issue in alleviating the Committee's concerns.

2.25. **The Committee would be grateful if the Minister could confirm that the statement in the explanatory statement is correct.**

This comment requires a response from the Minister. The Committee would be grateful if the Minister could respond before the Legislative Assembly's capacity to move to disallow the subordinate law expires.

2.26. The Committee notes that the explanatory statement for the subordinate law discusses human rights issues arising from the subordinate law:

> *Rights engaged*
>
> The regulation engages the following rights under the *Human Rights Act 2004*:
>
> Section 8(2): Everyone has the right to enjoy his or her human rights without distinction or discrimination of any kind.
>
> Section 8(3): Everyone is equal before the law and is entitled to the equal protection of the law without discrimination. In particular, everyone has the right to equal and effective protection against discrimination on any ground.
>
> Section 11(1): Protection of the family and children. The family is the natural and basic group unit of society and is entitled to be protected by society.
>
> Section 12(a): Everyone has the right not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily.

2.27. A detailed discussion of the relevant rights follows, indicating that the first three rights mentioned above are promoted. The explanatory statement states that the last right mentioned above (ie the right to privacy) is limited, as the amendments will …

> …. marginally limit the right of privacy for lessors in relation to their rental properties and correspondence, as it requires the disclosure of documents, records and other forms of information about their properties.

> The regulation may also limit the rights of tenants to privacy if insulation installation and any required electrical work is carried out on rental premises to meet the minimum standard during a period of tenant occupation.

2.28. The explanatory statement goes on to conclude:

> **4 Proportionality (s 28(2)(e))**
>
> As there is generally a power imbalance between lessors and tenants in favour of lessors, these measures give greater protections to tenants without unreasonably limiting the rights of lessors.
>
> The regulation does not require lessors to disclose information about a property that is unrelated to the minimum energy efficiency standard, and under the regulation, tenants can only request information that the lessor is required to maintain to demonstrate compliance with the standard or that a valid exemption applies. The measures are not considered unduly burdensome as the documentary evidence would often be maintained by lessors in any case or would not be very costly to obtain, and it is a reasonable expectation for tenants to have the right to know whether a property available for lease is compliant with the minimum standard, and that this compliance is substantiated. Further, lessors are already required to disclose the energy efficiency rating of properties for lease and these measures may be considered a reasonable extension of an existing requirement.
>
> Although a tenant's right to privacy and home may be limited by the regulation if insulation or electrical work is undertaken while they occupy the premises, this work is likely to take no longer than a day, and the regulation also has several safeguards of tenants' rights. Under the regulation, tenants have the right to refuse to have the insulation upgraded. The standard tenancy agreement terms protect the rights of tenants to private enjoyment of the property and apply to lessors making upgrades, meaning that lessors must give notice to tenants to undertake maintenance. These protections for tenants' rights balance the limitation on tenants' right to privacy and home, ensuring proportionality.

2.29. **The Committee draws the attention of the Legislative Assembly to the discussion of human rights issues in the explanatory statements for this subordinate law.**

2.30. **The comment immediately above does not require a response from the Minister.**

Human Rights Issues

- **Subordinate Law SL2022-17** being the Gambling and Racing Control (Code of Practice) Amendment Regulation 2022 (No 1), including a regulatory impact statement, made under the *Gambling and Racing Control Act 1999***.**

2.31. This subordinate law amends the *Gambling and Racing Control (Code of Practice) Regulation 2002*. According to the explanatory statement for the subordinate law, the amendments "implement the activity statements measure in the National Consumer Protection Framework for Online Wagering (NCPF)."

2.32. The Committee notes that the regulatory impact statement for this subordinate law, in addressing the requirements of paragraph 35(h) of the *Legislation Act 2001*, states:

> **Consistency with scrutiny principles**
>
> The Amendment Regulation is consistent with principles of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role), as the Amendment Regulation:
>
> 1 is in accordance with the general objects of the Act;
>
> 2 does not unduly trespass on rights established by law; and
>
> 3 does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions.
>
> In relation to consideration of human rights, it is noted that the Amendment Regulation does not impact human rights outside of increasing consumer protection.

2.33. The Committee notes that there is no discussion of human rights issues in the explanatory statement for the subordinate law. In light of the discussion in the regulatory impact statement, the Committee is surprised by this. The Committee is also concerned that the information in the regulatory impact statement about human rights issues is relatively sparse.

2.34. **The Committee requests that the Minister provide further details on the human rights implications of this subordinate law.**

This comment requires a response from the Minister. The Committee would be grateful if the Minister could respond before the Legislative Assembly's capacity to move to disallow the subordinate law expires.

Regulatory impact statements – No comment

2.35. The Committee has examined a regulatory impact statement for the following subordinate law and offers no comments on it:

- **Subordinate Law SL2022-17** being the Gambling and Racing Control (Code of Practice) Amendment Regulation 2022 (No 1), including a regulatory impact statement, made under the *Gambling and Racing Control Act 1999.*

Regulatory impact statements – Comment

2.36. The Committee has examined a regulatory impact statement for the following subordinate law and offers these comments on it:

- **Subordinate Law SL2022-16** being the Residential Tenancies Amendment Regulation 2022 (No 1) made under the *Residential Tenancies Act 1997.*

2.37. This subordinate law is accompanied by a 176-page document titled "Regulation Impact Statement". It appears that the document was prepared by an outside-of-government entity.

2.38. Section 35 of the *Legislation Act 2001* sets out the requirements for regulatory impact statements:

> **35 Content of regulatory impact statements**
>
> A regulatory impact statement for a proposed subordinate law or disallowable instrument (the proposed law) must include the following information about the proposed law in clear and precise language:
>
> (a) the authorising law;
>
> (b) a brief statement of the policy objectives of the proposed law and the reasons for them;
>
> (c) a brief statement of the way the policy objectives will be achieved by the proposed law and why this way of achieving them is reasonable and appropriate;
>
> (d) a brief explanation of how the proposed law is consistent with the policy objectives of the authorising law;
>
> (e) if the proposed law is inconsistent with the policy objectives of another territory law—
>
> (i) a brief explanation of the relationship with the other law; and
>
> (ii) a brief explanation for the inconsistency;
>
> (f) if appropriate, a brief statement of any reasonable alternative way of achieving the policy objectives (including the option of not making a subordinate law or disallowable instrument) and why the alternative was rejected;
>
> (g) a brief assessment of the benefits and costs of implementing the proposed law that—
>
> (i) if practicable and appropriate, quantifies the benefits and costs; and
>
> (ii) includes a comparison of the benefits and costs with the benefits and costs of any reasonable alternative way of achieving the policy objectives stated under paragraph (f);

(h) a brief assessment of the consistency of the proposed law with the scrutiny committee principles and, if it is inconsistent with the principles, the reasons for the inconsistency. [emphasis added]

2.39. The Committee notes that, in the document provided in connection with this subordinate law, there is no discussion of the requirements of paragraph 35(h).

2.40. **The Committee draws the attention of the Legislative Assembly to this instrument, under paragraph (10)(d) of the Committee's Resolution of Appointment, on the basis that the regulatory impact statement for the subordinate law does not meet the technical or stylistic standards expected by the Committee.**

This comment requires a response from the Minister. The Committee would be grateful if the Minister could respond before the Legislative Assembly's capacity to move to disallow the subordinate law expires.

Responses – No Comment

- Disallowable Instrument DI2022-224 being the Public Health (COVID-19 Management) Declaration 2022
- Disallowable Instrument DI2022-228 being the Animal Welfare (Advisory Committee Member) Appointment 2022 (No 2)
- Disallowable Instrument DI2022-237 being the Public Health (Notifiable Conditions) Determination 2022 (No 2)
- Disallowable Instrument DI2022-238 being the Public Health (Reporting of Notifiable Conditions) Code of Practice 2022 (No 2)
- Disallowable Instrument DI2022-239 being the Blood Donation (Transmittable Diseases) Blood Donor Form 2022 (No 1)

Peter Cain MLA
Chair
January 2023

Outstanding responses

Bills

Report 12, dated February 2022

Bills

- Electoral Amendment Bill 2021

Report 20, dated 13 September 2022

Bills

- Urban Forrest Bill 2022 [response required prior to the Bill being debated]

Report 21, dated 4 October 2022

Bills

- Planning Bill 2022 [response required prior to the Bill being debated]

Report 23, dated 15 November 2022

Bills

- Work Health and Safety Amendment Bill 2022 [response required prior to the Bill being debated]