



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
(LEGISLATIVE SCRUTINY ROLE)

Mrs Giulia Jones MLA (Chair), Ms Bec Cody MLA (Deputy Chair),
Ms Elizabeth Lee MLA, Mr Chris Steel MLA

Mr Andrew Barr MLA
Chief Minister
Legislative Assembly for the ACT
CANBERRA ACT 2601

Dear Chief Minister

ACCESS TO AUSTRALIAN STANDARDS ADOPTED IN SUBORDINATE LEGISLATION

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) seeks your assistance in relation to the increasing practice of ACT legislation to rely on Australian Standards and other extrinsic material but for the relevant material then to be exempted from the requirement under section 47 of the *Legislation Act 2001* to publish such material on the ACT Legislation Register, as a “notifiable instrument”. The Committee’s concern is that members of the public who wish to understand the requirements of legislation are prevented from doing so if material such as Australian Standards are only available on payment of a fee (and often a substantial fee).

In a recent response to the Committee (dealt with by the Committee in *Scrutiny Report 4* of the Ninth Assembly), in relation to comments made about the Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2016 (DI2016-195) and the Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2016 (DI2016-196), Minister Rattenbury advised that his directorate has initiated a discussion with other ACT Government directorates to explore options for making these sorts of standards more accessible to the Canberra community. It is the Committee’s view that this is a whole-of-government problem and, perhaps, one in relation to which you might take a lead, as Chief Minister.

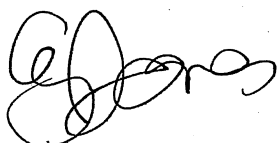
In this context, I note that the Joint Standing Committee on Delegated Legislation of the Western Australian Parliament produced this detailed report on *Access to Australian Standards adopted in delegated legislation*, in 2016:

[http://www.parliament.wa.gov.au/publications/taledpapers.nsf/displaypaper/3914263a663fa6312f3c877948257fdb00358426/\\$file/4263.pdf](http://www.parliament.wa.gov.au/publications/taledpapers.nsf/displaypaper/3914263a663fa6312f3c877948257fdb00358426/$file/4263.pdf).

You will note that recommendations 1, 2 and 12 raise the possibility of the Western Australian government taking up various issues through the Industry and Skills Council of the Council of Australian Governments. The Committee wonders whether the ACT government might do likewise.

The Committee would be grateful for your response in relation to these important issues.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Giulia Jones', written in a cursive style.

Giulia Jones MLA
Chair

27 April 2017