



**Andrew Barr MLA**

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong

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Mr Jeremy Hanson CSC MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Mr Hanson

Thank you for Scrutiny Report No. 8 of 24 August 2021. I offer the following response to the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) comments on the *COAG Legislation Amendment Bill 2021* (the Bill).

The Committee expressed concern that the proposed transitional provisions in the Bill to the *Health (National Health Funding Pool and Administration) Act 2013* and *Utilities Act 2000* may operate retrospectively to potentially affect rights or interests of individuals affected by the activities of the substituted bodies.

The transitional provisions have been included in the Bill to ensure any decisions made by the Council of Australian Government (COAG), the National Cabinet or the National Federation Reform Council (NFRC), as well as the Standing Council or any Ministerial Council Meetings have effect after the Act commences and can be finalised. The transitional provisions do not give any additional powers to, or alter the intent of, the relevant Acts. Transitional provisions are commonly used to ensure government business is not disrupted as laws change. There is no intention that the rights or interests of individuals be affected by these provisions.

The Committee also sought further information as to why a delay of up to 18 months for the commencement of the Bill is considered necessary.

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The Commonwealth Government has drafted a bill to amend outdated references to COAG and related bodies, but the introduction date is yet to be determined. It is preferable for the ACT Bill to commence at the same time as the Commonwealth bill and it may take longer than six months for the Commonwealth to introduce this to Parliament. To allow the Bill to commence at the same time as the Commonwealth's bill, a date as yet unknown, the Bill allows for the commencement to be determined by way of a Notifiable Instrument.

I thank the Committee for its consideration of the Bill.

Yours sincerely

Andrew Barr MLA  
Chief Minister