

Rachel Stephen-Smith MLA

Minister for Health

Minister for Families and Community Services

Minister for Aboriginal and Torres Strait Islander Affairs

Member for Kurrajong

Mr Peter Cain MLA

Chair

Standing Committee on Justice and Community Safety

ACT Legislative Assembly

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Dear Mr Cain

I refer to the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) Scrutiny Report 23 of 15 November 2022, in which the Committee provided comment on the Regulatory Impact Statement for the *Public Health (COVID-19 Management) Declaration 2022* made under section 118O of the *Public Health Act 1997*. Specifically, that under paragraph 10(d) of the Committee's Resolution of Appointment, the regulatory impact statement for the instrument does not meet the technical or stylistic standards expected by the Committee.

I note that the Committee's terms of reference require it to consider whether (among other things):

- (a) 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 matters which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly.

These technical considerations were not addressed in the regulatory impact statement considered by the Committee. Please find enclosed, an updated regulatory impact statement that explicitly examines the consistency of the COVID-19 Management Declaration with Scrutiny Committee principles.



Thank you for your further consideration of the instrument. I trust that the updates made to the regulatory impact statement are of assistance to the Committee.

Yours sincerely

Rachel Stephen-Smith MLA

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