



Attorney-General
Minister for the Arts and Cultural Events
Minister for Building Quality Improvement
Minister for Business and Regulatory Services
Minister for Seniors and Veterans
Member for Ginninderra

Mrs Giulia Jones MLA
Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly
CANBERRA ACT 2601

Dear Mrs Jones

I write in relation to comments made by the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) in its Scrutiny Report 27 published on 18 February 2019, about the Electoral Amendment Bill 2018 (the Bill). Those comments refer to my response to the Committee's earlier comments on the Bill in its Scrutiny Report 26 published on 5 February 2019.

Committee's comments in Scrutiny Report 26

In Scrutiny Report 26, the Committee drew attention to proposed sections 518 and 519 under Part 33 of the Bill. Those sections propose to provide the Executive with the power to make transitional regulations within three months after commencement of the provisions, after which time Part 33 would expire.

In Scrutiny Report 26, the Committee requested "justification to be provided for why a power is included to make regulations which have the effect of modifying primary legislation." I provided a response to the Committee's request.

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Committee's comments in Scrutiny Report 27

In Scrutiny Report 27, the Committee indicated concern that that my previous response may be taken to suggested that any transitional regulation made under proposed section 518 will only have a temporary effect. The Committee states that, in its view, the effects of a regulation made under proposed section 518(1) and (2) could continue even after expiry of part 33 of the Act.

The Committee asks for an explanation as to “why any transitional regulations are necessarily temporary in effect.”

I thank the Committee for its comments, and I offer the following response.

Response to Scrutiny Report 27

By way of clarification, I agree that under section 88 of the *Legislation Act 2001* (the Legislation Act) certain transitional provisions have continuing operation.

Further to this, I can indicate that I will be moving Government amendments to the Bill in the Legislative Assembly, which will include an amendment to remove the broad regulation-making power in the Bill, by omitting subsections 518(2) and (3) under clause 12 of the Bill.

Since presentation of the Bill in the Assembly in November 2018, and in developing the Government amendments, the Government has reviewed the provisions in the Bill in detail. This process has resulted in the identification of transitional issues in relation to commencement and operation of provisions, which are being addressed through the proposed Government amendments. As such, the Government considers that the broad regulation-making power in the Bill is no longer required.

I note that subsection 518(1), which enables the making of a regulation to support the coming into effect of the Bill, will remain in the Bill. The regulation-making power under subsection 518(1) will ensure that any transitional matters that arise as a result of the enactment of the Bill can be effectively addressed noting the complexity of its contents.

I thank the Committee for its time in considering and commenting on the Bill.

Yours sincerely

Gordon Ramsay MLA
Attorney-General