



## Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

Member for Murrumbidgee

---

Mr Jeremy Hanson CSC MLA

Chair

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

[Scrutiny@parliament.act.gov.au](mailto:Scrutiny@parliament.act.gov.au)

Dear Mr Hanson

I am writing to thank the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee) for the comments made in its Scrutiny Report 12 published on 1 February 2021 in relation to the Regulatory Impact Statement (RIS) provided with the *Waste Management and Resource Recovery Amendment Regulation 2021 (No 1)* (the Amendment Regulation).

I note the Committee's comment that the RIS contained a helpful discussion of issues relevant to the Committee's scrutiny role but did not meet the stylistic and technical requirements expected by the Committee. This is due to the RIS not including an explicit discussion about the consistency of the proposed law with the scrutiny committee principles, as required by section 35(h) of the *Legislation Act 2001*.

I have therefore provided an amended version of the RIS at Attachment A, which contains an additional paragraph addressing the document's consistency with the Committee principles.

In summary, the Amendment Regulation is consistent with the Committee principles. The Regulation makes changes to offences and as a result it does have an impact on rights, liberties and obligations. However, these changes are targeted at achieving the objects of the *Waste Management and Resource Recovery Act* (the Act), and are designed to ensure that the provisions of the legislation are fit for purpose. These provisions make the relevant offences clearer and more specific to reduce ambiguity, therefore respecting rights and liberties, and making rights, liberties and obligations subject to an appropriate and clearly defined legislative framework.

The amendments may affect the exercise of legislative powers, but this is in the context of the existing framework for the exercise of powers by the Waste Manager and others, including part 4 of the Act. This ensures that the exercise of legislative powers is appropriate and subject to scrutiny.

---

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601



+61 2 6205 1470



[steel@act.gov.au](mailto:steel@act.gov.au)



[@ChrisSteelMLA](https://twitter.com/ChrisSteelMLA)



[chrissteellabor](https://www.facebook.com/chrissteellabor)



[chrissteelmla](https://www.instagram.com/chrissteelmla)

Also, the existing review rights and processes in the Act continue to apply to provisions which have been altered by the Amendment Regulation.

The explanatory statement associated with the Amendment Regulation, and the RIS, have been written to reflect the technical and stylistic standards expected by the Assembly. As detailed throughout the RIS, human rights issues including the right to be presumed innocent until proven guilty and the right to privacy have been considered in the development of the Amendment Regulation.

I note that the Committee did not raise any concerns about the law not being consistent with the scrutiny committee principles, nor about the substance of the analysis contained in the RIS. The Committee's comments relate solely to ensuring the technical or stylistic standards for such a document are addressed through the inclusion of an explicit statement about the scrutiny committee principles.

I trust that this response has addressed the Committee's comments on the Regulatory Impact Statement for the *Waste Management and Resource Recovery Amendment Regulation 2021 (No 1)*.

Yours sincerely

Chris Steel MLA  
Minister for Transport and City Services