



Attorney-General
Minister for the Arts, Creative Industries 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
GPO Box 1020
CANBERRA ACT 26

Dear Mrs Jones

I write in response to the Standing Committee on Justice and Community Safety (the Committee) comments in relation to the *Magistrates Court (Public Health (COVID-19) Infringement Notices) Regulation 2020* (the regulation).

I note the Committee's observation that the regulation does not contain a discussion of the human rights implications and note that the Committee seeks my advice on why such a discussion was not included.

A detailed discussion of the human rights implications was not included in the explanatory statement because the regulation itself does not engage human rights. The infringement notice scheme is for an existing offence under section 120 of the *Public Health Act 1997*. While the provision in the *Public Health Act 1997* may engage human rights, the regulation itself does not create any new offences.

Furthermore, I highlight that human rights issues were discussed in the explanatory statement in the context of the decision to issue an infringement notice. I note that the explanatory statement advises that clear guidance will be provided to police officers and authorised persons regarding the application of the reasonable excuse provision to ensure human rights compliance in considering the issuing of an infringement notice. The explanatory statement also highlights that a public authority must give proper consideration to relevant human rights in making a decision, in accordance with section 40B of the *Human Rights Act 2004*.

As I advised in my response to the Committee's comments on the *Magistrates Court (Heritage Infringement Notices) Regulation 2020*, the Government will endeavour to ensure that future explanatory statements for subordinate legislation include information about the human rights implications.

ACT Legislative Assembly

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Gordon Ramsay MLA



I thank the Committee for drawing these matters to my attention and trust this further clarification is of assistance.

Yours sincerely

Gordon Ramsay MLA
Attorney-General