



Chris Steel MLA
Minister for Transport and City Services
Minister for Skills
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Member for Murrumbidgee

Mr Peter Cain MLA
Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role).
Scrutiny@parliament.act.gov.au

Dear Mr Cain

I refer to comments made by The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role), contained in Scrutiny Report No 28 relating to the validity of Disallowable Instrument DI2023-15 being the Domestic Animals (Temporary Variation of Prohibited Areas—Glebe Park) Declaration 2023.

The instrument in question was put in place to temporarily relax Domestic Animals (Prohibited Areas.) Declaration 2021 (No 1) (the permanent declaration) to allow dogs in Glebe Park for an event on 11 March 2023.

The committee's questions to the validity of the instrument relate to the absence of powers in the *Domestic Animals Act 2000* to vary or amend existing instruments. The committee then suggests that the relevant act is the *Legislation Act 2001*.

While I agree with the logic displayed here by the committee, the instrument (DI2023-15) is not purporting to vary DI2021-231 (the permanent declaration), it is a separate declaration with the intention of temporarily relaxing the prohibited area of Glebe Park that is declared under section 41 of the *Domestic Animals Act 2000*.

The reference in the temporary declaration to the permanent declaration is merely a means of describing the area of land that is declared under section 41.

Accordingly, the temporary declaration's source of power is section 41 of the *Domestic Animals Act 2000*.

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I understand how this could be misinterpreted, particularly given the title of the temporary instrument. This misinterpretation will be addressed if the need ever arises to enact similar declarations.

Thank you for raising this matter. I trust this information is of assistance.

Yours sincerely



Chris Steel MLA
Minister for Transport and City Services
31 May 2023