Ms Elizabeth Lee MLA

Chair

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

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Ms Lee

I write in response to comments made by the Standing Committee on Justice and Community Safety (the Committee) in Scrutiny Report 20 of 7 August 2018 in relation to fee determinations and instruments of appointment to the ACT Work Safety Council.

Relevant to my portfolio as Minister for Workplace Safety and Industrial Relations are the Committee comments on the following fee determinations:

* Disallowable Instrument DI2018-109 being the Dangerous Substances (Fees) Determination 2018;
* Disallowable Instrument DI2018-110 being the Machinery (Fees) Determination 2018;
* Disallowable Instrument DI2018-111 being the Scaffolding and Lifts (Fees) Determination 2018;
* Disallowable Instrument DI2018-112 being the Workers Compensation (Fees) Determination 2018; and
* Disallowable Instrument DI2018-113 being the Work Health and Safety (Fees) Determination 2018.

I thank the Committee for drawing my attention to the fact that these fee increases for the 2018-19 financial year while quantified, did not explain the reason for the general application of a 4 per cent increase. As the Committee points out the 4 per cent increase applied in the instruments above is in accordance with ACT Government policy regarding fee increases for 2018-19, and the Chief Minister, Treasury and Economic Development Directorate’s Fees and Charges Policy and Guidelines.

I also thank the Committee for drawing my attention to the fact that the following instruments of appointment to the ACT Work Safety Council did not set out the consultation that occurred prior to making those appointments:

* Disallowable Instrument DI2018-130 being the *Work Health and Safety (Work Safety Council Employee Representative) Appointment 2018 (No 1)*;
* Disallowable Instrument DI2018-132 being the *Work Health and Safety (Work Safety Council Employee Representative) Appointment 2018 (No 2)*; and
* Disallowable Instrument DI2018-133 being the *Work Health and Safety (Work Safety Council Employer Representative) Appointment 2018 (No 2)*.

I can assure the Committee that the appointments made under Schedule 2, section 2.3(a) (in relation to the employee representatives) and section 2.3(b) (in relation to the employer representative) of the *Work Health and Safety Act 2011* (WHS Act) were made after consultation with the people and bodies that I considered to represent the interests of employees and employers respectively. Accordingly, the requirements of the WHS Act were met in making the appointments.

I trust that the response provided addresses the Committee’s concerns in relation to the above instruments.

Yours sincerely

Rachel Stephen-Smith MLA