Ms Elizabeth Lee MLA

Chair

Standing Committee on Justice and Community Safety

ACT Legislative Assembly

London Circuit

CANBERRA ACT 2601

Dear Ms Lee

I write in response to the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee) Scrutiny Report No. 21, which was released on 11 September 2018. Specifically, this letter addresses comments made by the Committee on disallowable instrument DI2018-202 being the *Utilities (Technical Regulation) (ACT Dam Safety Code) Approval 2018*.

My Directorate has considered the status of section 47 of the *Legislation Act 2001* and its application to this instrument, and consulted with the Parliamentary Counsel’s Office on this issue. The Office advise that section 47(7) of the *Legislation Act 2001* allows section 47(6) to be dis-applied, and the code has achieved this. As such, the disallowable instrument DI2018-202 is valid, and suitable to continue to be relied upon.

I thank the Committee for its further comments on the disallowable instrument. I trust this information is of assistance.

Yours sincerely

Mick Gentleman MLA

Minister for the Environment and Heritage