Ms Elizabeth Lee MLA

Chair

Standing Committee on Justice and Community Safety

ACT Legislative Assembly

London Circuit

CANBERRA ACT 2601

Dear Ms Lee

I refer to the Scrutiny Report No 23 dated 29 October 2018 in which the Committee raised questions on two matters. I offer the following in response to the matters raised by the Committee.

Disallowable Instrument DI2018-239 – Tobacco and Other Smoking Products (Fees) Determination 2018 (No 1)

All regulatory service fees, including licence fees to sell tobacco and other smoking products, are increased by 4 per cent each year in accordance with the ACT Government’s Fees and Charges Policy and Guidelines. As far as practical, all other fees and charges are annually indexed using the Wage Price Index. The ACT Government aims to ensure that the dollar and percentage increases for any fee or service charge is clearly identified in accompanying Explanatory Statements.

In respect of the *Legislation Act 2001*, I note that providing a reason for the increase of fees in a Disallowable Instrument is not listed in the mandatory requirements of section 56(5).

The Radiation Protection (Council Member, Chair and Deputy Chair) Appointment 2018 (No 1).

The above named instrument appointed persons to the Radiation Council under the *Radiation Protection Act 2006.* I thank the Committee for its consideration of this matter and for seeking confirmation that the instrument does not appoint a person who is a public servant to the Radiation Council. I confirm that this instrument does not appoint an ACT public servant to the Radiation Council.

I note the Committee’s comment that any proposed appointment to a statutory position should expressly identify if any appointed person is a public servant and that the above named instrument does not contain such a statement. I thank the Committee for this advice and for referring to its technical and stylistic standards. The Committee’s comments will help to improve

the transparency and quality of future statutory appointments prepared by the ACT Health Directorate.

I hope this response addresses your concerns and thank you for raising these issues with me.

Yours sincerely

Meegan Fitzharris MLA  
Minister for Health and Wellbeing

actchiefminister