Obj # 19/05102

Mrs Giulia Jones MLA

Chair

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

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Dear Mrs Jones

I write in response to the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) Scrutiny Report 34, tabled on 10 September 2019. Specifically, this letter addresses comments made by the Committee regarding the disallowable instruments:

* DI2019-194 being the Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2019; and
* DI2019-195 being the Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2019.

I note the Committee’s concern about access to the Australian standards “for users of the relevant legislation” and the explanatory statements’ reference to the standards being able to be viewed at the National Library of Australia. As the standards are regularly updated, the instruments refer to “relevant parts of the … standards” to avoid outdated references that could cause more confusion than requiring users to identify the standards applicable to their operations.

I note that the organisations that are required to comply with these codes, and as such are “users of the relevant legislation”, have a good working knowledge of the applicable standards. Although the standards themselves are voluntary, these organisations and businesses are often required to comply with these standards under Commonwealth or Territory legislation. The Energy Efficiency Improvement Scheme mitigates risk and liability by pointing to nationally recognised standards rather than defining new requirements. This approach reduces red tape, provides security for businesses that are accustomed to operating under the standards, and ensures national best practice is applied to the scheme.

In relation to the Committee’s comment on references in the instruments to both Australian and New Zealand standards, I understand that “Australian standards” as referred to in clause 5(1) of the instruments is a term used by industry to refer to all standards that apply in Australia, regardless of whether the same standards apply in New Zealand. Standards identified as “AS” apply only in Australia, whereas standards identified as “AS/NZS” have been developed jointly by Australia and New Zealand standards bodies, and apply in both countries. Although commonly shortened to Australian/New Zealand Standards, the full reference is Australian Standard/New Zealand Standard.

I thank the Committee for its comments on the two instruments and I trust this information is of assistance.

Yours sincerely

Shane Rattenbury MLA

Minister for Climate Change and Sustainability

actchiefminister