

**Revised Extracts of Minutes of Proceedings**

**Scrutiny Meeting No 39
Tuesday, 6 August 2019**

Present: Mrs Giulia Jones MLA (Chair)

 Ms Bec Cody MLA (Deputy Chair)

Apology: Mr Michael Pettersson MLA

In Attendance: Ms Nicola Kosseck (Secretary, Legislative Scrutiny)

 Mr Stephen Argument (Legal Adviser—Subordinate Legislation)

 Ms Anne Shannon (Assistant Secretary)

1. The Committee met at 11.05 am.
2. **Subordinate legislation**

The Committee was briefed on the following subordinate legislation:

* Disallowable Instrument DI2019-58 being the Road Transport (General) (Parking Permit Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-59 being the Domestic Violence Agencies (Council) Acting Appointment 2019 (No 2).
* Disallowable Instrument DI2019-60 being the Domestic Violence Agencies (Council) Acting Appointment 2019 (No 3).
* Disallowable Instrument DI2019-61 being the Domestic Violence Agencies (Council) Acting Appointment 2019 (No 4).
* Disallowable Instrument DI2019-62 being the Domestic Violence Agencies (Council) Acting Appointment 2019 (No 5).
* Disallowable Instrument DI2019-63 being the Domestic Violence Agencies (Council) Acting Appointment 2019 (No 6).
* Disallowable Instrument DI2019-64 being the Senior Practitioner (Positive Behaviour Support Plan) Guideline 2019 (No 1).
* Disallowable Instrument DI2019-65 being the Senior Practitioner (Positive Behaviour Support Panel) Guideline 2019 (No 1).
* Disallowable Instrument DI2019-66 being the Nature Conservation (Exempt Animals) Declaration 2019, including a regulatory impact statement.
* Disallowable Instrument DI2019-67 being the Land Titles (Fees) Determination 2019.
* Disallowable Instrument DI2019-68 being the Public Place Names (Lawson) Determination 2019.
* Disallowable Instrument DI2019-69 being the Taxation Administration (Amounts Payable—Duty) Determination 2019 (No 1).
* Disallowable Instrument DI2019-70 being the Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2019 (No 1).
* Disallowable Instrument DI2019-71 being the Electoral (Fees) Determination 2019.
* Disallowable Instrument DI2019-72 being the Independent Competition and Regulatory Commission (Price Direction for the Supply of Electricity to Certain Small Customers on Standard Retail Contracts) Terms of Reference Determination 2019.
* Disallowable Instrument DI2019-73 being the Financial Management (Directorates) Guidelines 2019 (No 2).
* Disallowable Instrument DI2019-74 being the Integrity Commission (Commissioner) Appointment 2019.
* Disallowable Instrument DI2019-75 being the Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2019, including a regulatory impact statement.
* Disallowable Instrument DI2019-76 being the Taxation Administration (Special arrangements—Energy Industry Levy returns and payments) Approval 2019.
* Disallowable Instrument DI2019-77 being the Legal Aid (Commissioner—Specialist Assistance) Appointment 2019.
* Disallowable Instrument DI2019-78 being the Legal Aid (Commissioner—Financial Management) Appointment 2019.
* Disallowable Instrument DI2019-79 being the Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2019 (No 2).
* Disallowable Instrument DI2019-80 being the Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2019 (No 2).
* Disallowable Instrument DI2019-81 being the Dangerous Goods (Road Transport) Fees and Charges Determination 2019 (No 2).
* Disallowable Instrument DI2019-82 being the Waste Management and Resource Recovery (Exemption) Declaration 2019 (No 1).
* Disallowable Instrument DI2019-83 being the Dangerous Substances (Fees) Determination 2019 (No 2).
* Disallowable Instrument DI2019-84 being the Machinery (Fees) Determination 2019 (No 2).
* Disallowable Instrument DI2019-85 being the Scaffolding and Lifts (Fees) Determination 2019.
* Disallowable Instrument DI2019-86 being the Official Visitor (Children and Young People) Appointment 2019 (No 1).
* Disallowable Instrument DI2019-87 being the Work Health and Safety (Fees) Determination 2019 (No 2).
* Disallowable Instrument DI2019-88 being the Workers Compensation (Fees) Determination 2019 (No 2).
* Disallowable Instrument DI2019-89 being the Road Transport (General) Vehicle Registration and Related Fees Determination 2019 (No 1).
* Disallowable Instrument DI2019-90 being the Emergencies (Fees) Determination 2019.
* Disallowable Instrument DI2019-91 being the Firearms (Fees) Determination 2019.
* Disallowable Instrument DI2019-92 being the Road Transport (General) Numberplate Fees Determination 2019 (No 1).
* Disallowable Instrument DI2019-93 being the Road Transport (General) Refund and Dishonoured Payments Fees Determination 2019 (No 1).
* Disallowable Instrument DI2019-94 being the Road Transport (General) Fees for Publications Determination 2019 (No 1).
* Disallowable Instrument DI2019-95 being the Road Transport (General) Driver Licence and Related Fees Determination 2019 (No 1).
* Disallowable Instrument DI2019-96 being the City Renewal Authority and Suburban Land Agency (City Renewal Authority Deputy Chair) Appointment 2019.
* Disallowable Instrument DI2019-97 being the City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2019 (No 1).
* Disallowable Instrument DI2019-98 being the City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2019 (No 2).
* Disallowable Instrument DI2019-99 being the Canberra Institute of Technology (CIT Board Member) Appointment 2019 (No 2).
* Disallowable Instrument DI2019-100 being the Lotteries (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-101 being the Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2019 (No 1).
* Disallowable Instrument DI2019-102 being the Gene Technology (GM Crop Moratorium) Advisory Council Appointment 2019 (No 2).
* Disallowable Instrument DI2019-103 being the Clinical Waste (Fees) Determination 2019.
* Disallowable Instrument DI2019-104 being the City Renewal Authority and Suburban Land Agency (Suburban Land Agency Member) Appointment 2019 (No 1).
* Disallowable Instrument DI2019-105 being the Cemeteries and Crematoria (Public Cemetery Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-106 being the Waste Management and Resource Recovery (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-107 being the Tree Protection (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-108 being the Public Unleased Land (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-109 being the Domestic Animals (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-110 being the Animal Welfare (Fees) Determination 2019.
* Disallowable Instrument DI2019-111 being the Architects (Fees) Determination 2019.
* Disallowable Instrument DI2019-112 being the Building (Fees) Determination 2019.
* Disallowable Instrument DI2019-113 being the Construction Occupations (Licensing) (Fees) Determination 2019 (No 2).
* Disallowable Instrument DI2019-114 being the Electricity Safety (Fees) Determination 2019.
* Disallowable Instrument DI2019-115 being the Gas Safety (Fees) Determination 2019.
* Disallowable Instrument DI2019-116 being the Water and Sewerage (Fees) Determination 2019.
* Disallowable Instrument DI2019-117 being the Traders (Licensing) (Fees) Determination 2019.
* Disallowable Instrument DI2019-118 being the Sex Work (Fees) Determination 2019.
* Disallowable Instrument DI2019-119 being the Retirement Villages (Fees) Determination 2019.
* Disallowable Instrument DI2019-120 being the Registration of Deeds (Fees) Determination 2019.
* Disallowable Instrument DI2019-121 being the Co-operatives National Law (ACT) (Fees) Determination 2019.
* Disallowable Instrument DI2019-122 being the Births, Deaths and Marriages Registration (Fees) Determination 2019.
* Disallowable Instrument DI2019-123 being the Agents (Fees) Determination 2019.
* Disallowable Instrument DI2019-124 being the Environment Protection (Fees) Determination 2019.
* Disallowable Instrument DI2019-125 being the Fisheries (Fees) Determination 2019.
* Disallowable Instrument DI2019-126 being the Heritage (Fees) Determination 2019.
* Disallowable Instrument DI2019-127 being the Nature Conservation (Fees) Determination 2019.
* Disallowable Instrument DI2019-128 being the Water Resources (Fees) Determination 2019.
* Disallowable Instrument DI2019-129 being the Stock (Fees) Determination 2019.
* Disallowable Instrument DI2019-130 being the Stock (Minimum Stock Levy) Determination 2019.
* Disallowable Instrument DI2019-131 being the Stock (Levy) Determination 2019.
* Disallowable Instrument DI2019-132 being the Community Title (Fees) Determination 2019.
* Disallowable Instrument DI2019-133 being the Planning and Development (Fees) Determination 2019.
* Disallowable Instrument DI2019-134 being the Surveyors (Fees) Determination 2019.
* Disallowable Instrument DI2019-135 being the Unit Titles (Fees) Determination 2019.
* Disallowable Instrument DI2019-136 being the Financial Management (Statement of Performance Scrutiny) Guidelines 2019.
* Disallowable Instrument DI2019-137 being the Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2019 (No 2).
* Disallowable Instrument DI2019-138 being the First Home Owner Grant (Amount) Determination 2019 (No 1).
* Disallowable Instrument DI2019-139 being the Taxation Administration (Special Arrangements—Pensioner Duty Concession Scheme Deferrals) Approval 2019 (No 1).
* Disallowable Instrument DI2019-140 being the Planning and Development (Lease Variation Charge Deferred Payment Scheme) Determination 2019.
* Disallowable Instrument DI2019-141 being the Taxation Administration (Amounts Payable—Duty) Determination 2019 (No 2).
* Disallowable Instrument DI2019-142 being the Taxation Administration (Amounts Payable—Rates) Determination 2019 (No 1).
* Disallowable Instrument DI2019-143 being the Taxation Administration (Amounts Payable—Land Rent) Determination 2019 (No 1).
* Disallowable Instrument DI2019-144 being the Rates, Land Tax, Land Rent and Duties (Certificate and Statement Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-145 being the Taxation Administration (Amounts Payable—Land Tax) Determination 2019 (No 1).
* Disallowable Instrument DI2019-146 being the Official Visitor (Homelessness Services) Visit and Complaint Guidelines 2019 (No 1).
* Disallowable Instrument DI2019-147 being the Official Visitor (Children and Young People Services) Visit and Complaint Guidelines 2019 (No 1).
* Disallowable Instrument DI2019-148 being the Victims of Crime (Victims Advisory Board) Appointment 2019 (No 1).
* Disallowable Instrument DI2019-149 being the Climate Change and Greenhouse Gas Reduction (Climate Change Council Chair) Appointment 2019 (No 1).
* Disallowable Instrument DI2019-150 being the Adoption (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-151 being the Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 1).
* Disallowable Instrument DI2019-152 being the Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 2).
* Disallowable Instrument DI2019-153 being the Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 3).
* Disallowable Instrument DI2019-154 being the Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 4).
* Disallowable Instrument DI2019-155 being the Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 5).
* Disallowable Instrument DI2019-156 being the Land Titles (Fees) Determination 2019 (No 2).
* Disallowable Instrument DI2019-157 being the Casino Control (Fees) Determination 2019.
* Disallowable Instrument DI2019-158 being the Gaming Machine (Fees) Determination 2019.
* Disallowable Instrument DI2019-159 being the Liquor (Fees) Determination 2019.
* Disallowable Instrument DI2019-160 being the Race and Sports Bookmaking (Fees) Determination 2019.
* Disallowable Instrument DI2019-161 being the Unlawful Gambling (Charitable Gaming Application Fees) Determination 2019.
* Disallowable Instrument DI2019-162 being the Public Trustee and Guardian (Fees) Determination 2019.
* Disallowable Instrument DI2019-163 being the Guardianship and Management of Property (Fees) Determination 2019.
* Disallowable Instrument DI2019-164 being the Court Procedures (Fees) Determination 2019.
* Disallowable Instrument DI2019-165 being the Associations Incorporation (Fees) Determination 2019.
* Disallowable Instrument DI2019-166 being the Security Industry (Fees) Determination 2019.
* Disallowable Instrument DI2019-167 being the Partnership (Fees) Determination 2019.
* Disallowable Instrument DI2019-168 being the Unit Titles (Management) (Fees) Determination 2019.
* Disallowable Instrument DI2019-169 being the Public Place Names (Wright) Determination 2019.
* Disallowable Instrument DI2019-170 being the Civil Law (Wrongs) The Victorian Bar Professional Standards Scheme 2019.
* Disallowable Instrument DI2019-171 being the Civil Law (Wrongs) The Law Society of Western Australia Professional Standards Scheme 2019.
* Disallowable Instrument DI2019-172 being the Civil Law (Wrongs) The Bar Association of Queensland Professional Standards Scheme 2019.
* Disallowable Instrument DI2019-173 being the Victims of Crime (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-174 being the Construction Occupations (Licensing) Building Surveyors Code of Practice 2019.
* Disallowable Instrument DI2019-175 being the Building (ACT Appendix to the Building Code) Determination 2019 (No 3).
* Disallowable Instrument DI2019-176 being the Working with Vulnerable People Background Checking (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-177 being the Water and Sewerage (ACT Appendix to the Plumbing Code) Determination 2019 (No 3).
* Disallowable Instrument DI2019-178 being the Building (Minimum Documentation and Information for Building Approval Applications—Class 2-9 Buildings) Guideline 2019.
* Disallowable Instrument DI2019-179 being the Official Visitor (Mental Health) Appointment 2019 (No 1).
* Disallowable Instrument DI2019-180 being the Health (Fees) Determination 2019 (No 1).
* Disallowable Instrument DI2019-192 being the Nature Conservation (Molonglo River Reserve) Reserve Management Plan 2019.
* Subordinate Law SL2019-9 being the Electoral Amendment Regulation 2019 (No 1).
* Subordinate Law SL2019-10 being the Gambling and Racing Control (Code of Practice) Amendment Regulation 2019 (No 1), including a regulatory impact statement.
* Subordinate Law SL2019-11 being the Court Procedures Amendment Rules 2019 (No 1).
* Subordinate Law SL2019-12 being the Victims of Crime (Financial Assistance) Amendment Regulation 2019 (No 1).
* Subordinate Law SL2019-13 being the Road Transport (Offences) Amendment Regulation 2019 (No 1).
* Subordinate Law SL2019-14 being the Road Transport (Road Rules) Amendment Regulation 2019 (No 1).
* Subordinate Law SL2019-15 being the Road Transport (Public Passenger Services) Amendment Regulation 2019 (No 1).
* Subordinate Law SL2019-16 being the Gaming Machine Amendment Regulation 2019 (No 1).
* Subordinate Law SL2019-17 being the Building (General) Amendment Regulation 2019 (No 1).
* Subordinate Law SL2019-18 being the Magistrates Court (Agents Infringement Notices) Amendment Regulation 2019 (No 1).

The Committee deliberated.

1. **Responses**

The Committee was briefed on the following responses:

* The Treasurer, dated 22 July 2019, in relation to comments made in Scrutiny Report 31 concerning Disallowable Instrument DI2019-32—Land Tax (Affordable Community Housing) Determination 2019 (No 1).
* The Minister for the Environment and Heritage, dated 24 July 2019, in relation to comments made in Scrutiny Report 31 concerning Disallowable Instruments—
	+ DI2019-37—Water Resources Environmental Flow Guidelines 2019, and
	+ DI2019-39—Water Resources (Water Available from Areas) Determination 2019.
* The Minister for Transport and City Services, dated 1 August 2019, in relation to comments made in Scrutiny Report 31 concerning Disallowable Instrument DI2019-33—Domestic Animals (Cat Containment) Declaration 2019 (No 1).

The Committee deliberated.

1. **Report 33**

Resolved (Ms Cody)—That the Committee’s comments on the subordinate legislation and Government responses be adopted as Report 33 and that the report be circulated out-of-session.

Certified correct.

Nicola Kosseck

Secretary

 September 2019