



14 April 2021

The Hon Josh Frydenberg MP
Treasurer
Parliament House
CANBERRA ACT 2600

Via email: tsrdlos@treasury.gov.au

CC: committeescrutiny@treasury.gov.au; chris.reside@treasury.gov.au

Dear Treasurer,

Scrutiny concerns regarding instruments which modify the operation of primary legislation

We write to you, on behalf the Senate Standing Committee for the Scrutiny of Delegated Legislation (the committee), regarding the committee's ongoing systemic scrutiny concerns relating to instruments which modify the operation of primary legislation.

The committee welcomes your undertaking of 18 February 2021 that your office will continue to engage with the committee in good faith to find a longer-term solution to resolve these concerns and your invitation to meet to discuss these concerns. The committee considers that this ongoing engagement is integral to the committee's role in providing oversight of delegated legislation on behalf of the Senate.

In this context, the committee has significant concerns that instruments raising this issue are continuing to be made within your portfolio. The committee would therefore like to meet with your office, the Treasury and ASIC regarding these concerns as soon as possible. While the sitting fortnight beginning 15 June 2021 was previously suggested as a meeting time, we consider this meeting should be held sooner and prior to the next parliamentary sitting week.

We therefore propose that the meeting be held on the morning of 28 April 2021. We request that the relevant officials please liaise with the committee's secretariat as a matter of urgency to finalise arrangements for the briefing.

If you have any questions or concerns, please contact the committee's secretariat on (02) 6277 3066, or by email to sdlc.sen@aph.gov.au.

Thank you for your assistance with this matter.

Yours sincerely,

Senator the Hon Concetta Fierravanti-Wells
Chair

Senator the Hon Kim Carr
Deputy Chair