

Monitor 15 of 2023 – Ministerial Response

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The Hon Tony Burke MP
Minister for Employment and Workplace Relations
Minister for the Arts
Leader of the House

MC23-004845

Ms Fattimah Imtoul
Committee Secretary (A/g)
Senate Scrutiny of Delegated Legislation Committee
Parliament House
CANBERRA ACT 2600

By email: Scrutiny.Sen@aph.gov.au

Dear Ms Imtoul

Thank you for your correspondence of 9 November 2023 on behalf of the Senate Standing Committee for the Scrutiny of Delegated Legislation Committee (Committee), following consideration of my response of 31 October to the technical concerns raised on 9 October.

I note as outlined in Monitor 13 of 2023, the Committee requests that the information I provided be included in an amended Explanatory Statement for the *National Portrait Gallery of Australia Regulations 2023* (Regulations). I am pleased to provide my undertaking that a replacement Explanatory Statement, reflecting the Committee's request, will be registered on the Federal Registrar of Legislative Instrument and the Committee will be notified by the Office for the Arts when this has occurred.

In line with the committee's recommendations, the replacement explanatory statement will:

- reflect the information I provided about the Gallery's incident management policies and procedures; and includes the limitations and safeguards that apply to the exercise of an authorised officer's powers under the Regulations, including the principle that 'minimal physical force' should be used when an authorised officer is exercising their powers under section 15;
- include the factors that I outlined an authorised officer should consider when determining whether a person's conduct will or is likely to cause offence for the purpose of the sections 13 and 14; and
- correct the small drafting error identified in relation to subsection 12(6) in line with my advice.

I trust my undertaking is sufficient to address the concerns of the committee.

Yours faithfully,


TONY BURKE

23/11/2023