SENATOR THE HON MURRAY WATT
MINISTER FOR AGRICULTURE, FISHERIES AND FORESTRY
MINISTER FOR EMERGENCY MANAGEMENT

Senator Dean Smith
Chair
Senate Standing Committee for the Scrutiny of Bills
Parliament House
CANBERRA ACT 2600

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Dear Chair Dean

I write in response to your correspondence of 8 September highlighting the Senate Standing Committee for the Scrutiny of Bills' (the Committee) views on the *Biosecurity Amendment (Advanced Compliance Measures) Act 2023* (the Amending Act) as outlined in its *Scrutiny Digest 10 of 2023* (Digest 10). Digest 10 included a request that an addendum to the Explanatory Memorandum for this Act containing the key information I provided to the Committee in my correspondence of 17 August 2023 in response to *Scrutiny Digest 8 of 2023* (Digest 8) be tabled in Parliament as soon as practicable.

I acknowledge the important role of the Committee in assessing legislation against its scrutiny principles, and I thank the Committee for providing further views on the Amending Act in Digest 10. I also acknowledge and agree that explanatory materials are important to assist in understanding and interpreting the law.

As noted in Digest 10, the Amending Act passed both houses of Parliament and has since received the Royal Assent on 13 September 2023.

The Explanatory Memorandum was made available to the Parliament for consideration throughout the Parliamentary process following the introduction and its first reading on 21 June 2023.

The relevant Committee Digests, including Digest 8 and Digest 10, and my response to these Digests are publicly available on the Parliament's website, alongside other explanatory materials that support the interpretation of the legislative intent of the amendments. As these explanatory materials are publicly available, they may be readily accessed in order to better understand and interpret the amendments, and the intent underpinning them. As such, I do not intend to prepare an addendum to the Explanatory Memorandum to reflect this information in the circumstances, noting that the Act is already in effect.

I thank the Committee for raising these issues for my attention and trust this response is of assistance.

Yours sincerely

MURRAY WATT 28 / 9 / 2023

Dear, it seems the committee's objectives have already been achieved via the explanatory materials already published.

Attorney-General

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

Dear Chair

Thank you for your correspondence of 7 September 2023 regarding the Senate Standing Committee for the Scrutiny of Bills' request for further information (as set out in Scrutiny Digest 10 of 2023) on the Counter-Terrorism and Other Legislation Amendment Bill 2023 (the Bill).

I appreciate the time the Committee has taken to review the Bill, and have enclosed my response to the Committee's questions for its consideration.

I thank the Committee for bringing these matters to the Government's attention and I trust this response is of assistance.

Yours sincerely

THE HON MARK DREYFUS KC MP
18/9/2023

Encl. *Response to the Committee's questions on the Bill*

Attorney-General

Response to the Committee's questions on the Bill

Further advice as to why it is considered necessary and appropriate to extend, by a further three years, the operation of broad coercive powers within the *Crimes Act 1914* and the *Criminal Code Act 1995*

On 28 November 2022 the Director-General of Security, Mike Burgess, announced that the Australian Security Intelligence Organisation had lowered the terrorist threat level from 'PROBABLE' to 'POSSIBLE'. In his announcement, he noted that the 'reduction in the threat level reflects the maturity of Australia's counter-terrorism frameworks, laws and resourcing' and that, 'it is important to note that our assessment assumes there are no radical shifts in these policies, processes, laws or investments'.[1] The current counter-terrorism laws and frameworks, including the control order and the preventative detention order regimes in the *Criminal Code Act 1995* (Criminal Code), and Division 3A of Part IAA (police powers in relation to terrorism) in the *Crimes Act 1914* (Crimes Act), are a key factor in managing the terrorism risk and threat level in Australia.

The potentially catastrophic consequences of a terrorist attack do not change despite the recent downgrade in the National Terrorism Threat Level. The maintenance of counter-terrorism powers and frameworks is a key factor in managing the overall risk of terrorism, and provides a proper basis for the continued existence of these unique powers.

From an operational perspective, the Australian Federal Police (AFP) have advised that in the current threat environment:

- control orders are a 'necessary legislative mechanism of managing individuals who present a significant terrorism risk to the Australian community,'
- preventative detention orders provide critical preventive powers to the AFP in response to terrorism, that traditional policing powers cannot sufficiently address, and
- the stop, search and seizure powers in Division 3A of Part IAA are a necessary part of the suite of emergency police powers in state, territory and Commonwealth law, ensuring police can respond consistently and effectively to incidents in a Commonwealth place.

The Counter-Terrorism and Other Legislation Amendment Bill 2023 (the Bill) would extend the emergency stop, search and seizure powers in the *Crimes Act 1914* and the control order and preventative detention order regimes in the *Criminal Code Act 1995*. The Parliamentary Joint Committee on Intelligence and Security (PJCIS)'s 2021 *Review of police powers in relation to terrorism, the control order regime, the preventive detention order regime and the continuing detention order regime* recommended that these powers be extended to 7 December 2025. Noting these recommendations were made almost two years ago, the extension of the sunset dates to 7 December 2026 is consistent with the intent of the PJCIS' recommendations, which was to extend the sunset dates for three years.

[1] Director-General of Security Mike Burgess, 'National Terrorism Threat Level' (Speech, Australian Security and Intelligence Organisation, 28 November 2022).

The new sunsetting date appropriately reflects the extraordinary nature of these powers and guarantees an opportunity for the Parliament to review them again after a reasonable period to ensure they continue to be fit for purpose.

Further advice as to whether the bill could be amended to the effect that it requires a person be told of their right to make a complaint as soon as it is practicable in circumstances of urgency under proposed subsection 3UD(1B) of the *Crimes Act 1914*

New subsection 3UD(1B) would provide that new subsection 3UD(1A) does not require a police officer to inform a person of a right if it is not reasonably practicable to do so because of circumstances of urgency. The phrase 'circumstances of urgency' is intended to take the same meaning in new subsection 3UD(1B) as it carries in section 19AU – that is, that there is a need for immediate action. As the Committee notes, an exemption to the obligation to inform the person of their right to complain is appropriate in circumstances of urgency. The use of the powers under section 3UD may be exercised in time-sensitive situations, where, for instance a terrorist act may be imminent. In these circumstances, police should not be delayed in efforts to prevent an imminent terrorist offence by an obligation to provide this information.

A person would still have a right to complain to the Commonwealth Ombudsman or applicable State or Territory police oversight body about the conduct of a police officer exercising Division 3A powers even if the police officer did not advise them of this right due to circumstances of urgency.

The Government will give further consideration to the Committee's suggestion that the Bill be amended to require a police officer to give notice of an individual after circumstances of urgency have passed, following the completion of the PJCIS' review of the Bill.

THE HON TANYA PLIBERSEK MP
MINISTER FOR THE ENVIRONMENT AND WATER

MS23-002614

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Dear Chair

I refer to correspondence from the Senate Standing Committee for the Scrutiny of Bills (the Committee) Secretariat of 3 August 2023 seeking further information on the Environment Protection (Sea Dumping) Amendment (Using New Technologies to Fight Climate Change) Bill 2023 (the Bill) as set out in Scrutiny Digest 8 of 2023.

I have carefully considered the Committee's comments and provide my response below.

Reversal of evidential burden of proof

The Committee has requested further justification on why it is appropriate that the defendant bears the evidential burden regarding an exception under proposed subsections 15(2A), 15(2B) and 15(2C) in relation to offences under existing sections 10C, and proposed sections 10CA and 10DA respectively.

Generally, the proposed exceptions for the offences at existing sections 10C, and proposed sections 10CA and 10DA, are intended to address situations where an activity is allowed by a permit that was granted in accordance with the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (the London Protocol) by Australia or another Contracting Party to the Protocol, as the case may be.

Existing subsection 15(4) has the effect that a person who seeks to rely on any exception set out in section 15 bears an evidential burden in relation to the matters in that exception. Due to the operation of this existing provision, the burden of proof for the proposed exceptions is also reversed.

The London Protocol is a leading global agreement to protect the marine environment from human activities and has many Contracting Parties. This is reflected in the proposed exceptions, in particular proposed subsections 15(2B) and 15(2C) which recognises the possibility that a person covered within the scope of the Act could be granted a permit by a Contracting Party that is not Australia for activities conducted outside of Australian waters.

Whether a permit for that specific activity exists in these circumstances would be peculiarly in the knowledge of the defendant. It would also be extremely burdensome and costly for the prosecution to disprove the possibility of any of the Contracting Parties to the London Protocol having granted a permit for the relevant activity. In these circumstances, it would be significantly easier for a person to establish the existence of a single circumstance, that is that the person holds a permit allowing that activity.

For these reasons, I am satisfied that the approach taken to reverse the evidential burden of proof in this instance is justified, appropriate and consistent with the principles set out in the Guide to Framing Commonwealth Offences, Infringement Notices and Enforcement Powers. This approach is also reasonable, necessary and proportionate in order to effectively protect the marine environment from potential harm caused by the export of carbon dioxide streams or placement of matter into the sea for marine geoengineering activities.

I thank the Committee for the opportunity to respond.

Yours sincerely

TANYA PLIBERŠEK

12 · 9 · 23

Senator the Hon Don Farrell

Minister for Trade and Tourism
Special Minister of State
Senator for South Australia

REF: MC23-000952

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12 SEP 2023

Dear Senator Dean

I refer to the matters raised by the Senate Standing Committee for the Scrutiny of Bills regarding the Members of Parliament (Staff) Amendment Bill 2023 (Bill) in its Scrutiny Digest 10 of 2023, dated 6 September 2023.

I appreciate the time you and the Committee have taken to consider this Bill, and specifically, the provision that would allow parliamentarians and office-holders to authorise a person to exercise their powers and functions with respect to staff (see item 13, proposed section 31).

As you are aware, the current *Members of Parliament (Staff) Act 1984* (MOPS Act) provides that parliamentarians and office holders may authorise any person to exercise any or all of their powers or functions under the Act in writing (section 32).

There were no recommendations to amend this provision made by the Department of the Prime Minister and Cabinet in its Review of the MOPS Act completed in October 2022, however, implementation of the Review recommendations has provided an opportunity to modernise the drafting of some provisions. The amendments to the Act proposed in the Bill largely reflect the existing provision with two new express elements:

1. The parliamentarian or office-holder must be satisfied that it is appropriate for the person to perform any authorised functions or exercise any authorised powers

2. The authorised person must comply with any directions of the parliamentarian or office-holder when performing the function or exercising the power.

The Committee has sought my advice as to:

- why it is necessary and appropriate to allow for any authorised person to carry out a parliamentarian or office-holders' functions or powers under the MOPS Act
- who it is anticipated that a parliamentarian or office holder may authorise to exercise their powers or functions under the MOPS Act
- whether authorised persons will be expected to hold specific or relevant experience, training or qualifications.

My response to the Committee's request for further explanation of this provision is set out below.

1. Why it is necessary and appropriate to allow for any authorised person to carry out a parliamentarian or office-holders' functions or powers under the Members of Parliament (Staff) Act 1984

There is no requirement in either the Bill or the MOPS Act for parliamentarians or office-holders to authorise a person to perform any of their functions or exercise powers under the MOPS Act.

However, it is not considered feasible or desirable for all parliamentarians or office-holders to perform all functions or powers related to the employment of their staff under the MOPS Act in all circumstances. Parliamentarians have different roles and responsibilities, different numbers of staff for whom they are responsible, and sometimes multiple offices, all of which can impact their capacity to manage staff matters personally. Parliamentarians also have individual preferences related to the degree to which they wish to engage directly in staffing matters and differing levels of experience managing staff.

It is necessary and appropriate to allow parliamentarians to authorise other persons to carry out their functions or powers under the MOPS Act on their behalf, so that there can be flexibility in how a parliamentarian may manage and structure their office. Allowing parliamentarians to authorise other persons to carry out these functions or powers enables parliamentarians to decide the extent to which they wish to draw upon support for the engagement and management of staff. This means parliamentarians can use their time and skills, and the time and skills of their staff, in a way they consider best meets their obligations to parliament, staff, their electorate and wider public.

The Bill preserves the existing flexibility in the MOPS Act for parliamentarians to authorise 'any person' to carry out some or all of the parliamentarian or office-holder's functions and powers under that Act. However, it clarifies that an authorised person must comply with any directions of the parliamentarian or office-holder, which is consistent with the idea that authorisations may be tailored to the needs of the parliamentarian and their office and confined, where this is considered appropriate.

2. Who it is anticipated that a parliamentarian or office holder may authorise to exercise their powers or functions under the Members of Parliament (Staff) Act 1984

It is anticipated many parliamentarians and office holders will continue to authorise MOPS Act employees to exercise some or all of their powers to engage and manage staff. It is common practice for parliamentarians to authorise at least one MOPS Act employee with at least some of the parliamentarian's employment related functions and powers.

Given the variety of arrangements currently used by parliamentarians and office-holders to staff their offices, it is difficult to further specify requirements for an authorised person. The Bill would continue to allow parliamentarians and office-holders to authorise other 'persons' to ensure there is a degree of flexibility to cover less common circumstances. For example, the Bill would preserve the capacity for:

- prime ministers to authorise public servants occupying specific roles to engage and manage staff working in official establishments (Kirribilli and the Lodge)
- a parliamentarian to authorise another parliamentarian, or a MOPS Act employee of another parliamentarian, to manage staff on their behalf for a particular period or particular purpose.

As set out below, under proposed section 31 of the Bill, in all cases a parliamentarian or office-holder would also be required to be satisfied that it is appropriate that the person carry out the authorised powers and functions. The parliamentarian or office-holder will be responsible for the authorisation and any decisions that are made by the authorised person. Authorisations can be rescinded by parliamentarians at any time.

3. Whether authorised persons will be expected to hold specific or relevant experience, training or qualifications.

The Bill introduces an express requirement that the parliamentarian be satisfied it is appropriate for the person to exercise any authorised functions and/or powers on behalf of the parliamentarian before authorising that person.

Given the variety of arrangements currently used by parliamentarians to staff their offices, there are no 'one fits all' requirements to determine the 'appropriateness' of an authorised person.

There are no specific experience, training or qualifications requirements in the Bill for a person to be able to be authorised by a parliamentarian. However, it is expected the experience, training, or qualifications of a person would be relevant to a parliamentarian's consideration of whether it is 'appropriate' for the person to carry out the functions/powers to be authorised. For example, it is expected a parliamentarian would consider whether a person had previous relevant experience managing staff or making decisions about employment, or whether they either had completed, or were willing to undergo, relevant training to develop management and leadership skills, as part of their assessment the authorisation would be 'appropriate'.

Other relevant factors for parliamentarians considering whether it is 'appropriate' for a person to carry out the functions/powers to be authorised include the skills and attributes needed to exercise the authorisation in context, including the scope of the proposed authorisation and the size and nature of the office. It would be reasonable to expect that a limited authority to manage staff (such as to approve leave) in a small office would not require the same skills, expertise or training as a broad authority to manage staff (including decisions to recruit, terminate or suspend employment) in a larger one.

This approach to determining whether an authorisation would be 'appropriate' is consistent with the new requirement in the Bill that parliamentarians and office-holders must assess the capability of a person to perform a particular role before employing a person in that role (see item 13, proposed new subsection 8(3)). If a parliamentarian or office-holder seeks to employ a person to fill a role that includes responsibilities for engaging and managing other MOPS Act employees, the parliamentarian or officeholder would be required to assess a person's capability to fulfil those responsibilities under proposed subsection 8(3) and also be satisfied any authorisation of the person was 'appropriate' under proposed section 31.

I note the new PWSS will have a role to provide training. It may be that in the future, there is training targeted to persons with responsibilities for human resources in parliamentarian's offices, and successful completion of these could further assist in consideration of whether authorisation of the person is 'appropriate'.

I have copied this letter to Senator Gallagher, Minister for Finance.

I thank the Committee for raising these issues for my attention and trust this information is of assistance.

Yours sincerely

Don Farrell

The Hon Ged Kearney MP
Assistant Minister for Health and Aged Care
Member for Cooper

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Dear Chair Dean

Thank you for your correspondence of 8 September on the National Occupational Respiratory Disease Registry Bill 2023.

As recommended by the Senate Scrutiny of Bills Committee, an addendum to the explanatory memorandum has been developed to outline why it is appropriate to include information on the scope and operation of the National Registry in delegated legislation. The amendments reflect the advice provided to the Committee and explain why certain terms will be defined in the delegated legislation rather than in the primary legislation, and what criteria and considerations limit the exercise of the Chief Medical Officer's power in determining these terms by legislative instrument. The addendum will be tabled in the Senate during debate on the Bill.

I note that the addendum also addresses concerns raised by the Parliamentary Joint Committee on Human Rights and the Senate Community Affairs Legislation Committee.

I trust that this will sufficiently address the concerns expressed by the Committee.

Thank you for writing on this matter.

Yours sincerely

Ged Kearney

14/9/2023

Senator the Hon Katy Gallagher

Minister for Finance
Minister for Women
Minister for the Public Service
Senator for the Australian Capital Territory

Senator Dean Smith
Chair
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Dear Chair

Thank you for your correspondence of 8 September 2023 regarding the Senate Standing Committee for the Scrutiny of Bills' consideration of the Parliamentary Workplace Support Service Bill 2023 (the Bill).

The Committee has requested my detailed advice on four matters which I have addressed below.

Subclauses 61(1) and 61(2)

The Committee requests advice on:

- the nature of information, particularly personal information, that may be disclosed by the PWSS and Commonwealth entities or individuals holding office or appointments under the law of the Commonwealth with each other pursuant to subclauses 61(1) and (2), and
- whether guidance can be provided regarding what circumstances are expected to necessitate disclosing information because disclosure is reasonably necessary to assist the PWSS or Commonwealth entity to perform its functions or exercise its powers.

The Committee notes that the explanatory memorandum provides insight into the purpose of clause 61, and a justification for the disclosure of information, but it is not apparent under what circumstances the information may be disclosed under subclauses 61(1) and 61(6).

For completeness, paragraph 404 of the Explanatory Memorandum provides:

> *These provisions would allow the PWSS and other Commonwealth entities or relevant individuals to share information that is required to support their statutory obligations. For example, under subclause 61(1), the PWSS could share information about notifiable incidents under work health and safety laws with Comcare, in order to fulfil its work health and safety obligations. Similarly, under subclause 61(2), the Department of Finance could share information with the*

PWSS that is necessary for the PWSS to perform its human resources functions, noting that the Department of Finance would retain some human resources functions (such as payroll services for MOPS employees). Efficient information sharing between these entities and individuals would enable them to effectively undertake their function and would facilitate enhanced service delivery across Commonwealth parliamentary workplaces.

Once the proposed statutory Parliamentary Workplace Support Service (statutory PWSS) is established, it will absorb some functions currently undertaken by the Department of Finance to support the employment relationship between parliamentarians and their staff, including provision of human resources services. The statutory PWSS will also absorb the support and review functions currently undertaken by the existing PWSS.

Looking at the first example in the Explanatory Memorandum, the statutory PWSS will have a responsibility to support the Commonwealth to discharge its responsibilities under the *Work Health and Safety Act 2011* as a 'person conducting a business or undertaking' (PCBU) within the meaning of that Act. That Act requires a PCBU to notify the regulator (Comcare) immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred. That notification will require the statutory PWSS to disclose personal information about the person who suffered serious injury or illness and personal information about other workers involved in the incident.

It may also be necessary for another Commonwealth entity to receive certain information in order to fulfil its work health and safety (WHS) obligations. For example, the statutory PWSS may disclose information gathered under one of its functions to a parliamentary department in order for that department to address a WHS risk. The information provided would include a broad description of the type of risk. To the maximum extent possible, this information would be de-identified unless there was consent to provide.

The PWSS may also disclose information to assist law enforcement or other investigative bodies to perform their functions. This is consistent with, and provided for by, other Commonwealth laws.

Looking at the second example in the Explanatory Memorandum, as part of its human resources function, the statutory PWSS will need to share certain personal information with the Department of Finance to enable that Department to pay MoPS Act employees. For example, the PWSS would need to share information on individual leave entitlements and allowances such as information on WHS qualifications.

Subclauses 61(1) and (2) do not undermine the general principle that personal information should only be shared between Commonwealth entities where there is a reasonably necessary and legitimate purpose to disclose the information to a receiving entity.

Subclause 61(6)

The Committee requests advice on:

- what level or nature of harm is sufficient to prevent disclosure of information under subclause 61(6); and
- what other considerations must be made by the PWSS prior to disclosing information under subclause 61(6).

Subclause 61(6) provides that, before the PWSS discloses information under subsection 61(1) that it has obtained in the course of performing its review function under section 19, the PWSS must have regard to whether disclosure would be likely to result in harm to an individual to whom the information relates (other than mere damage to the individual's reputation).

A decision to disclose information under subclause 61(1) will be a matter for the PWSS to consider depending on the particular circumstances relevant to the potential disclosure. As noted above, the PWSS will first need to be satisfied it is reasonably necessary to disclose information to another Commonwealth entity or individual office holder to perform any of their functions or activities or exercise any of their powers.

In the context of the review function, the statutory PWSS may need to consider, for example, if a parliamentarian needs to be notified about a complaint involving one or more of their employees, so that the parliamentarian can take action to mitigate a WHS risk. Similarly, the PWSS may disclose information to a parliamentary department in order for that department to address a WHS risk. Under subclause 61(6) the PWSS would need to consider whether the disclosure would likely result in harm before notifying the employing parliamentarian. Harm could include, for example, physical, psychological or emotional harm. In the context of a disclosure for WHS purposes, this consideration would include weighing the risk of harm to others by not disclosing against the potential harm to those affected by the disclosure.

Subclause 61(6) requires that the PWSS *have regard* to any likely harm to an individual prior to disclosing information under subclause 61(1). Accordingly, there is no threshold of harm which would prevent the PWSS from disclosing information under subclause 61(1). Rather, the PWSS would be required to consider the likely harm which may be caused to an individual amongst the other circumstances relevant to the potential disclosure. For example, the PWSS may decide to disclose information under subclause 61(1) which may cause harm to an individual where there is an overriding public policy interest such as to protect the safety of others.

I thank the Committee for taking the time to consider the Bill and for raising these matters with me. I trust this information assists.

Yours sincerely

Katy Gallagher

11 September 2023

The Hon Clare O'Neil MP
Minister for Home Affairs
Minister for Cyber Security

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Dear Senator Dean

Thank you for your correspondence of 15 September 2023 concerning the Social Security Amendment (Australian Government Disaster Recovery Payment) Bill 2023 (the Bill). The Bill amends the *Social Security Act 1991* (Social Security Act) to provide an alternative, objective qualification criteria for the Australian Government Disaster Recovery Payment (AGDRP).

The Committee has sought additional information regarding issues related to the Bill, and the provisions it amends, which is addressed in the advice below.

I note that the Bill passed both Houses of Parliament on 14 September 2023, prior to your correspondence. As such, I have not addressed the second request of the Committee in relation to possible amendments to the Bill.

I appreciate the Committee's assessment of the Bill. In response to the Committee's first request (copied below), I provide the following advice:

Why it is considered appropriate that instruments made under proposed subsection 1061K(3A) are notifiable instruments?

The new subsection 1061K(3A) allows the Minister to determine, with respect to a person's citizenship or visa status, a specified period of time they have been in Australia to qualify for the Australian Government Disaster Recovery Payment (AGDRP). Specification of this time period is made by notifiable instrument.
An instrument made under new subsection 1061K(3A) is administrative in nature as it gives content to the law, rather than prescribing a substantive exemption from the requirements of the *Legislation Act 2003*.

The instrument made under subsection 1061K(3A) limits the Minister's discretion to the determination of objective facts (in relation to a specification of time) for how the law should operate. Use of this objective criteria to assess whether a person qualifies for AGDRP will support increased application of automatic decision-making. This will benefit eligible individuals by ensuring they receive their payments quickly when they have been adversely impacted by major disaster.

Use of a notifiable instrument in this way mirrors the mechanism by which the Minister may determine that an event is a major disaster at section 36 of the *Social Security Act.* The determinations made for these purposes are non-legislative in nature in that they provide operational detail on how the relevant law is to be applied.

I trust this information is of assistance. I have copied this letter to Senator the Hon Murray Watt as the Minister for Emergency Management.

Yours sincerely

CLARE O'NEIL

28 / 9 / 2023

THE HON STEPHEN JONES MP
ASSISTANT TREASURER AND MINISTER FOR FINANCIAL SERVICES

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03 OCT 2023

Dear Senator

I am writing in relation to the Senate Standing Committee for the Scrutiny of Bill's comments in Senate Standing Committee for the Scrutiny of Bills, Treasury Laws Amendment (2023 Measures No. 3) Bill 2023, Scrutiny Digest 10 of 2023.

In the Digest, the Committee requested that an addendum to the explanatory memorandum containing the information I provided in relation to the availability of merits review to the Committee be tabled in the Parliament as soon as practicable.

As you would be aware, the legislation passed the Senate on 6 September 2023 prior to the release of the Digest. As the primary function of the explanatory memorandum is to assist the Parliament in understanding the operation of legislation before it, I do not consider it necessary to lodge an addendum in this instance. However, I note that the additional information provided about the Bill remains on the public record in the Minister Responses document on the Scrutiny of Bills homepage.

Thank you again for your letter.

Yours sincerely

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