



Australian Government

Department of Infrastructure, Transport, Regional Development and Communications

Office for the Arts

Senator the Hon David Fawcett
Chair
Environment and Communications Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Chair

At the Committee's hearing into the National Collecting Institutions Legislation Amendment Bill 2020, held on 28 January 2021 the Department took on notice a question from Senator Green regarding those Regulations that give effect to the enabling Acts of the National Collecting Institutions.

Senator GREEN: I put a few questions to the institutions previously, and they concentrated more on the way that this would impact deaccession. From my reading of the legislation, I assumed it also applied to acquisitions—the purchasing of items. Can you confirm that it does?

Dr Arnott: Yes.

Ms Campton: Yes, it effectively applies to financial transactions.

Senator GREEN: That's good because then the rest of my questions will make sense. With this change will the thresholds now be in a legislative instrument?

Ms Campton: In regulations.

Dr Arnott: In regulations.

Senator GREEN: Will these regulations be disallowable?

Dr Arnott: Yes, I think so.

Ms Campton: We can take that on notice.

Dr Arnott: We may have to take that on notice, but, yes, we believe that they would be disallowable.

Senator GREEN: Thank you very much. I appreciate that.

I can confirm that when these Regulations are re-made, they will subject to a disallowance period of 15 sitting days. This is established under the Legislation Act 2003, that identifies that disallowance applies except where an exemption applies. There is not an applicable exemption that would apply to these Regulations.

I trust this information assists the Committee.

Yours sincerely

Dr Stephen Arnott PSM
First Assistant Secretary

1 February 2021