



**Australian Government**  
**Department of Agriculture,  
Water and the Environment**

Senator Concetta Fierravanti-Wells  
Chair  
Senate Standing Committee for the Scrutiny of Delegated Legislation  
Parliament House  
CANBERRA ACT 2600

Dear Senator Fierravanti-Wells

On 3 September 2020, Matthew Koval appeared as a witness before the Senate Standing Committee for the Scrutiny of Delegated Legislation.

During the hearing Senator Davey said in relation to legislation administered by the Department of Agriculture, Water and the Environment:

“I note that you've sent us a very comprehensive list of the delegated legislation that you are responsible for. Primarily it's under three acts—the Biosecurity Act, the EPBC Act and the Water Act. Is that all the non-disallowable delegated legislation that you are responsible for? “

In response Mr Koval said

“It's my understanding and submission that it's exactly that. All the delegated legislation exempt from disallowance is in the submission.”

I wish to correct this answer.

“As per the department's submission, Attachment A was only intended to include those provisions captured by 44(2)(a) of the *Legislation Act 2003* for legislative instruments made under the *Biosecurity Act 2015*, *Environment Protection and Biodiversity Act 1999* and *Water Act 2007*.”

The remainder of Mr Koval's answer to the question, given at the Hearing, is correct.

I apologise for the error in Mr Koval's answer and trust this further information will be of assistance to the Committee.

Yours sincerely

Cathryn Geiger  
Assistant Secretary  
Compliance Division  
18 September 2020