



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON ADMINISTRATION AND PROCEDURE  
Speaker (Chair), Ms Tara Cheyne MLA, Mr Shane Rattenbury MLA,  
Mr Andrew Wall MLA

## Submission Cover Sheet

### Review of Standing Orders

**Submission Number: 11**

**Date Authorised for Publication: 14/6/18**

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## ACT Greens Members of the Legislative Assembly of the ACT

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Ms Joy Burch MLA  
Speaker  
Attn: Secretary  
Administration and Procedures Committee  
ACT Legislative Assembly

Monday, 18 June 2018

### **ACT Greens MLAs proposed changes to ACT Legislative Assembly Standing Orders**

The ACT Greens MLAs have a range of proposals that we refer to the Administration and Procedures Committee for discussion and consideration. These are generally listed in order of when they appear in the Assembly standing orders.

#### Opening of the Assembly

We welcome the recent changes to standing order 30 (SO 30) that require the Speaker to acknowledge the traditional custodians each sitting day. The Greens would like to see two additional changes recognising the ACT's first nation to be considered by the Committee:

- Ngunnawal welcome to country ceremony to be held for the opening of each Assembly "Meeting of a new Assembly" as outlined in SO 1. A smoking ceremony could be held at the Assembly by Ngunnawal elders to welcome new MLAs prior to the 10am proceedings.
- SO 30 could be improved with the Speaker's acknowledgement of country to be spoken in Ngunnawal language at the beginning of each sitting day.

#### Administration and Procedure Committee (SO 16-19)

The Greens would like to propose that an additional standing order is introduced to give an ongoing proxy to another MLA from the same party, to allow for when an MLA is absent. This could take the form of an elected permanent proxy for each party, or perhaps each party nominates a deputy whip who automatically takes the role when the primary committee member is absent.

#### Information Provision

The Greens would like to propose two improvements to information provision:

- The title or subject of statements and papers should be provided on the Daily Program each sitting day.
- The Notice Paper and Daily Program should have the title of petitions to be presented.



- All answers to questions on notice and taken on notice (for both Assembly and committee questions) should be available in a searchable, online database. Similarly, a database of all final motions and anything tabled in response or as a result would be very useful.

### MPIs - Standing Order 79

The Green have three proposals around MPIs:

- Maintain MPI speeches at 10 mins for 1st three speakers, and 5 mins for each Member thereafter. Total debate is currently 50 mins, this would allow for 3 x 10mins plus 4 x 5 min speeches, totalling 7 speakers for each debate.
- Allow proposals for MPIs to be kept on-foot until called, rather than needing to be re-submitted for each Tuesday and Thursday sitting day. This would mean that essentially each non-executive MLA has one MPI topic available, until they choose to replace that topic. Thus a Member's MPI topic would continue to stand until the member submitted a replacement topic, or the topic was selected.
- We propose that the standing orders allow members of the public to nominate topics for one of the two MPI opportunities – preferably on a Thursday.

The process would allow for members of the public to nominate topics for discussion by submitting them to the Speaker. After the Speaker has determined that they are in order, as is done with other MPIs, they would then go the Administration and Procedures Committee who would select one for discussion in a particular sitting week. The Speaker could apply criteria, along the lines of those in SO 94 for petitions.

“In order” MPI proposals could be debated for up to 3 months after they are submitted – this would help ensure that they maintain currency, and would also give the committee a “pool” of ideas from which to draw on when setting the topic for say one week.

Again, the topics submitted could be published on the notice paper.

***Members of the public may write to the Speaker proposing matters of public importance to be discussed on sitting days that occur on a Thursday. Such proposals must be received by the Speaker by 11am on the Monday before the scheduled Thursday sitting. The Standing Committee on Administration and Procedure will consider matters that have been submitted to the Speaker at a meeting on the Monday and shall choose one matter for discussion.***

The Greens are committed to ensuring that our democratic systems are as relevant and meaningful to our citizens as possible. We propose to introduce two new mechanisms as a way to ensure that the Assembly is genuinely reflecting the concerns of the community in the debates we have in the Assembly and providing another simple way for the community to hear the views of Members in the Assembly, through community MPI and question processes.

We do have a petitions process, where the community can table petitions and then the government is required to response. This can be a useful mechanism when calling on the government to do something or respond to something, but isn't necessarily a useful way to start a conversation about an issue that may not have had much discussion to date.

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## Petitions

- SO 86 - The text for this standing order *“Only signatures of ACT residents/ citizens shall count as signatories to petitions to the Assembly”* should be clarified, as the way it reads, it seems that a petition with an interstate signature might render the whole petition ineligible, but this is surely not the intent.
- SO 98 - the standing order currently states *“No discussion upon the subject matter of a petition shall be allowed at the time of presentation”*, however this is done regularly, thus we believe that we should instead formalise that the presenter of the petition is given 3 minutes (or similar) to speak to it, and any other Member, or some limited number of Members, should also have 3 minutes each.
- SOs 99-100 - A minister’s response is expected within 3 months of the tabling of a petition. It could be worth clarifying that if the petition has also been referred to a committee for inquiry, the committee is able to wait for the Government response before determining whether or not to undertake their own inquiry.
- We propose introduction of a new SO that requires all community petitions that generate more than 500 signatures to be listed for debate in the Legislative Assembly. (They could be set as an MPI topic, or debated after tabling of petitions.)
- SO 100A (f) requires the Clerk to print out a paper copy of an e-petition for presentation once its posted period has elapsed. Given that the Assembly now has electronic means of information sharing, such as a shared drive for tabled papers, or emails to each Members’ office, could the petition instead be uploaded to the right site, or it or the link be emailed to Members?
- The standing orders should be clarified to ensure that petitions and e-petitions, if they have the same text, are be treated as one single petition in terms of the 500 signatures needed to trigger a committee referral.
- Even better would be combining the processes for e-petitions and paper petitions so that there is only one process and that all petitions are automatically in both formats.
- We would like to propose that a system be created to allow Members to co-sponsor petitions.
- The Notice Paper and Daily Program should have the title of petitions to be presented.
- The sponsoring MLA should be notified of actions taken in relation to a petition, ie. any 246A statements or ministerial response to be read, so that the sponsoring MLA is able to tell the petitioners.

## Motions

The Greens propose that we introduce the option for Members to co-sponsor motions, such as has been introduced for legislation. (We could use SO 109 for co-sponsored motions, which is a vacant SO#.)

## Question Time

- As well as, or perhaps instead of, our proposal to allow for public proposals for MPI topics, the Greens propose that we introduce the option for one question from the public per day in Question Time.

The process could be similar to the MPI proposal, in that the public are able to submit questions, with one supplementary, and the Speaker could draw one eligible out each day to be read by the Clerk.

- The Greens maintain the position that while there are still only 25 Members, each non-executive Member should continue to be able to ask a question during each Question Time.
- SO 118(c) - the 3rd paragraph seems fairly superfluous and we propose to remove it. It is unclear what the value of this SO is, and is difficult for the speaker to adjudicate on.

*“A member who believes a response given to a question was in the form of a ministerial statement, may seek the leave of the Speaker to respond to the statement at the conclusion of Question Time for a period not exceeding five mins.”*

### Bills

The Greens raised the following issues around bills for the Executive Reform agenda of the Parliamentary Agreement, however, they are also issues which should be applicable to Private and Executive Members' bills.

- Members are now able to seek independent formal advice from the Human Rights Commission, including human rights assessment of non-executive bills, without the requirement to receive permission from, or provide notification to the Attorney-General. Significant Bills should be presented to the Assembly with full Human Rights compatibility statements and a summary of community and stakeholder consultation.
- All explanatory statements should be drafted in consultation with Parliamentary Counsel Office and produced in a consistent format as outlined in the “Guide to writing an explanatory statement”, Standing Committee on Justice and Community Safety Scrutiny Committee, March 2011, which is due for review.

Other proposals include:

- A requirement that reports from the Scrutiny Committee should be published one week prior to any legislation being debated in the Assembly, to enable the Government to respond and propose amendments where appropriate.

### Papers and documents

SO 212A - it should be clarified that tabled papers authorised for publication should be uploaded to a publicly available website (probably the Assembly website).

### Committee related

- The city services and planning committees should each convene a day of public hearings twice a year to specifically hear directly from constituents on electorate issues, and report back to the Assembly on such matters.
- Clarify that Members are able to make a submission to a committee if they are not members of that committee.
- Clarify that committees can make inquiry relevant to their terms of reference even if another committee may also have an inquiry that touches on the same issue. This relates to the End of Life Committee attempting to ask ACL about its survey. The proof hansard says:

**MS CHEYNE:** *I just wanted to—this is a bit off-topic and perhaps with indulgence I might be able to get two questions in. But I was just interested in the Australian Christian Lobby’s use of a survey form.*

**THE CHAIR:** *Certainly, yes, I think due to the Privileges inquiry I do not know that we can go down that line of questioning, Ms Cheyne.*

**MS CHEYNE:** *Why not?*

**MRS DUNNE:** *Because it—*

**MS CHEYNE:** *It is directly relevant to our inquiry.*

**MS LE COUTEUR:** *It is relevant to our inquiry.*

**MRS DUNNE:** *No, actually, I am sorry, it is not but—*

**MS CHEYNE:** *It actually is.*

**MRS DUNNE:** *It is, and it would have been, except it is now subject to a Privileges inquiry. ... (indistinct)... [9.39.55] privileges inquiry I think you would be perfectly free to ask.*

**THE CHAIR:** *As Chair, what I would like to do is—I understand where you are going with this question. What I would like to do is seek some advice and then possibly provide it on notice if the advice comes back that we can continue down this line of questioning.*

- Clarify that members of a committee can make comments that may involve a matter under committee consideration as long as they make these statements:
  - o not as a member of the committee; and
  - o do not prejudge the result of any inquiry.
- Amend privilege provisions so that the author of a submission can publish the submission in the time before it has been accepted and published by the committee. And if the submission is never accepted and published then the author can publish it. In addition submissions can be substantially the same as previously published documents.
- Create an automatic email reply for people who lodge submissions, so they are aware of the rules around committee submissions, in relation to privilege, media comment and sharing of the information, as well as what the committee intends to do with the submission, in relation to it being uploaded to the committee website. Here is example text from a federal committee inquiry:

**Subject:** *Submission published - Inquiry into xxx*

*Thank you for your contribution to the Joint Standing Committee on the National Capital and External Territories inquiry into xxx*

*The Committee has formally accepted your submission and authorised its publication on the [inquiry webpage](#).*

*You are now free to circulate or publish your submission should you wish to do so.*

*If you have any concerns about how your submission appears on the web page, please contact the secretariat immediately.*

*Thank you once again for assisting the Committee with its inquiry. Should you have any questions, please contact the secretariat. Contact details are available from the [Committee's webpage](#).*

*Yours sincerely, xxx Committee Secretary*

- Standardise clear timeframes for lodgement and response of questions on notice and taken on notice from committee hearings, as these seem to vary from committee to committee.
- In an effort to ensure that all Government responses are tabled in the Assembly within 3 months, amend Standing Order 254A to allow any Member of the Assembly to call for an explanation or statement from the Minister in relation to the response.
- Automatically accept and publish all government answers to committee questions. See also Information Provision section.
- It would be appreciated if the Administration and Procedures Committee could consider options to seek gender balance on Committees.

#### Privilege and No Confidence Motions

Privileges and no confidence motions should require a 2 hour notification (in the same way as ministerial statements do), rather than taking precedence over other business underway. Given that Members do not know what the matter is when it comes to chamber, the matter is usually adjourned while people take time to understand the issue.

#### Broadcasting Guidelines - Continuing Resolution 3

We would like to suggest that explicit provision allowing the use of Assembly broadcasts for satirical use is introduced into the guidelines.

#### Declaration of Private Interests of Members - Continuing Resolution 6

Very important to change (2), which forces the Clerk to destroy all previous declarations once a Member is no longer in the Assembly. This could make it very difficult for an Integrity Commission to undertake their work.

#### Latimer House Principles - Continuing Resolution 8A

The principles state that every second year after an election, there should be a review of the implementation of Latimer House principles, and that report should be tabled in the Assembly and referred to Admin & Procedures. We note that we haven't yet seen this report for this 9th Assembly.

#### Aboriginal and Torres Strait Islander Elected Body

Although we note that the Elected Body is a body created by and for the Executive, not the Assembly, and thus this is beyond the control of the Admin & Procedures Committee and certainly

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not a standing orders issue. However, we note that there could probably be more formal interaction or coordination between the Elected Body and the Legislative Assembly.

It would be appreciated if there could be consideration of whether hansard and broadcasting services could be made available for Elected Body hearings, in the same way that school the Older Persons Assembly and parliamentary debates have been reticulated throughout the Assembly building and beyond.

Such transparency and accountability mechanisms would allow Members to be more fully aware of issues facing Aboriginal and Torres Strait Islander Canberrans.



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