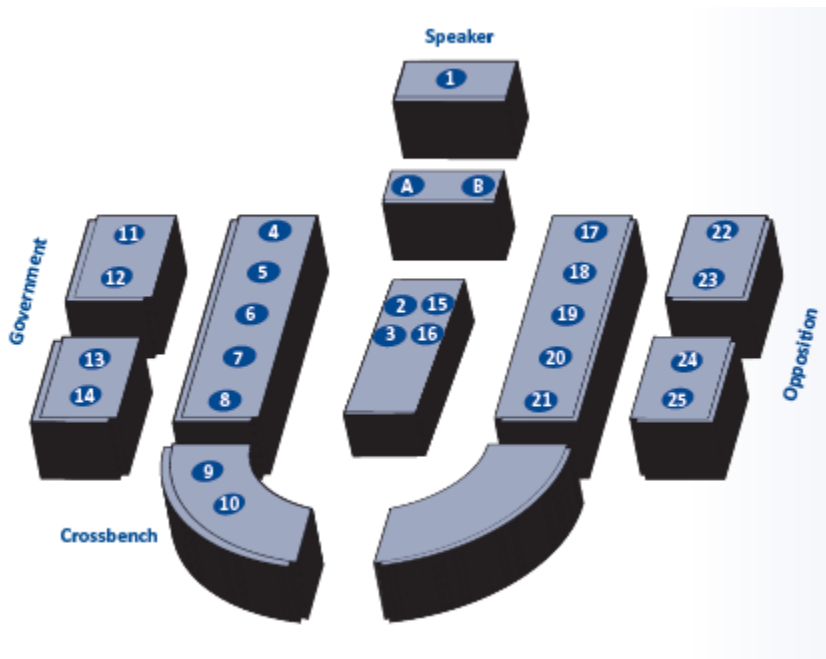


# RESOURCE 1—LEGISLATIVE ASSEMBLY FOR THE ACT—TEACHER NOTES

## CHAMBER SETUP



## KEY

1. Speaker

A-B. Clerk, Deputy Clerk/Serjeant-at-Arms

2-3. Chief Minister, Deputy Chief Minister

4-8. Ministers

9-10. Crossbench

11-14. Government backbenchers

15-16. Opposition Leader, Deputy Opposition Leader

17-25. Opposition members

In the ACT, there are 25 Members of the Legislative Assembly (MLAs). There are five multi-member electorates in the ACT, with each electorate represented by five members. Party representation in the Ninth Assembly is:

- 12 MLAs—Australian Labor Party
- 11 MLAs—Canberra Liberals
- 2 MLAs—ACT Greens

For the purposes of this role play, and to reflect the make-up of the Ninth Assembly, students should be divided so that:

- there are two Clerks (these are parliamentary officers—not members);
- the Government has one member less than a majority;
- there is one Speaker (who is also a member of the Government);
- the Crossbench should have a minimum of two members;
- the Opposition is formed from the remaining students.

For example, a class of 29 students would represent a 27-member Assembly where the crossbench holds the balance of power and can vote with either side (depending on its decision). It would be split as follows:

- one Clerk and one Deputy Clerk (parliamentary officers);
- 12 Government members (includes Speaker), 11 Opposition members and four crossbench members.

## ROLES

### THE SPEAKER

- The Speaker is an elected Member of the Legislative Assembly. He or she is elected by Assembly members to the position of Speaker on the first sitting day of a new Assembly.
- The Speaker controls the proceedings in the Assembly and is responsible for ensuring that members follow the 280 standing orders (rules) that govern the operation of the Assembly.
- Any members wanting to speak during debate must stand up and Speaker will call on them by name. Members who are speaking must address the Speaker as 'Mr/Madam Speaker'. To maintain order, if more than one member is talking at the same time, the Speaker will often say 'order' or 'order, members'.

### CLERKS

- There is a Clerk, Deputy Clerk and Clerk Assistant in the Legislative Assembly. They work for the Office of the Legislative Assembly and are not elected. They know all of the standing orders and provide advice to the Speaker on sitting days to help enforce the standing orders. They also provide independent and impartial parliamentary advice to the Speaker and MLAs.
- The Clerks are experts on procedure and keep the official record of sitting days, announce each order of business, time debates, ring division bells and count the votes.

### SERJEANT-AT-ARMS

- The Deputy Clerk of the Legislative Assembly is also the Serjeant-at-Arms.
- The Serjeant-at-Arms announces the Speaker and carries in the mace at the start of a sitting day and places it on the stand, large end facing the Government side of the Assembly. Under the Speaker's direction the Serjeant may be required to escort members who have been acting in a disorderly manner from the chamber.

### CHIEF MINISTER

- The Chief Minister is the head of the Government. The party with the largest number of members in the Assembly usually forms government.
- The Chief Minister can appoint up to eight members to be ministers (together, they are known as the Executive).

- For the purposes of this role play, the Government is in favour of the Bill and Government ministers and backbench members wishing to speak need to think of reasons to support the Bill.

### **LEADER OF THE OPPOSITION**

- The Leader of the Opposition is the head of the party that forms Opposition. This is usually the party with the second largest number of members in the Assembly.
- The role of the Opposition is to scrutinize the Government and to be an alternate government in the event that the existing government cannot command a majority support in the chamber. Opposition members are usually given shadow ministerial responsibilities. They are called shadow ministers as they are responsible for 'shadowing' the portfolio responsibilities held by government ministers.
- The Opposition party does not always oppose Government Bills. Sometimes it agrees with the Government to help pass legislation in the Assembly.
- For the purposes of this role play the Opposition is against the Bill, members of the Opposition need to think of reasons against the Bill.

### **CROSSBENCH**

- The members on the crossbench are made up of minor-party members and independents who do not belong to the major parties that usually form the Government and the Opposition.
- Crossbench members hold the balance of power when there is a minority government. The ACT has only had one majority government since self-government began in 1989.
- For the purposes of this role play, crossbench members need to decide their position on the Bill and think of reasons either for, or against. Depending on their decision, the Bill will either pass or fail to pass (that is, the crossbench on this occasion, hold the balance of power on the Bill).

### **CHAMBER**

- Members usually show support for speeches that they agree with by saying 'Hear, Hear'.
- Members often show their opposition to speeches by saying things like 'No' or 'We disagree'.

## LEGISLATIVE PROCESS IN THE ACT—FROM A BILL TO AN ACT

### POLICY DEVELOPMENT—PRIOR TO THE PARLIAMENTARY PROCESS

Policy development can originate in a number of ways, including but not limited to:

- party policy and new policy ideas;
- election commitments;
- community pressure; and
- Council of Australian Governments (COAG) and inter-governmental agreements.

Legislation (Government and Private Members' Bills)

1. The party approves a policy position to allow for legislation to be developed.
2. Instructions forwarded to the Parliamentary Counsel's Office to prepare a draft Bill.
3. The party considers the draft and any changes are incorporated into a final Bill which is approved for tabling in Assembly.

### PARLIAMENTARY PROCESS

Presentation

- Minister/member presents the Bill along with an explanatory statement (all Bills) and Human Rights Act compatibility statement (only for Government Bills);
- Minister/member moves that 'the Bill be agreed to in principle', makes presentation speech; and
- debate is adjourned, Bill is automatically referred to the Standing Committee on Justice and Community Safety (Legislative Scrutiny role).

Agreement in principle

- In-principle debate on Bill resumes (any member can speak during the debate);
- the minister/member who presented the Bill closes the debate; and
- Bill is agreed to 'in principle'.

Detail stage

- Bill considered in detail including clauses, schedules and title; and
- amendments moved and considered.

Agreement/Negatived

- final question, no debate allowed – 'that this Bill be agreed to' or 'this Bill, as amended, be agreed to'.

### A BILL TO AN ACT—AFTER THE PARLIAMENTARY PROCESS

1. The Act is prepared and certified by the Clerk as a 'true copy' as passed in the Legislative Assembly for the ACT.
2. Sent to Parliamentary Counsel's Office by the Speaker with a letter asking that it be notified on the ACT Legislation Register [www.legislation.act.gov.au](http://www.legislation.act.gov.au) (ACT legislation does not require Royal Assent).