



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Standing Committee on Administration and Procedure

**Explanatory memorandum to Bill –
Proposed change to Standing Order 168 (c)**

Report No. 2
February 2003

Terms of Appointment

In 1995, the Legislative Assembly for the Australian Capital Territory ('the Assembly') adopted Standing Order 16, which established the Standing Committee on Administration and Procedure ('the Committee'). The members of the Committee for the Fifth Assembly ('the Members') are:

The Speaker (Presiding Member)

Roslyn Dundas, MLA

John Hargreaves, MLA

Bill Stefaniak, MLA

Kerrie Tucker MLA

Secretary: Mark McRae

Assistant Secretary: Janice Rafferty

Standing Order 16 authorises the Committee to inquire into and report on, among other things, the practices and procedure of the Assembly and the standing orders of the Assembly.

Terms of Reference for Inquiry

On 18 December 2002 the Committee considered a document prepared to review Standing Order 168 (c) and a letter from the Chief Minister proposing the replacement of the term "explanatory memorandum" with "explanatory statement". It was agreed:

"That a short report be prepared for the Committee's consideration and eventual presentation to the Assembly proposing the change and that, on presentation of the report, the motion "That the report be adopted" be moved."

For further information on this and other inquiries by the Committee contact the Committee Secretary on (02) 6205 50191 or by email at committees@act.gov.au. Alternatively view the Committee's website at www.legassembly.act.gov.au.

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Review of Standing Order 168 (c)
Explanatory memorandums to Bills

1. Background

- 1.1 On 23 September 2002 the Chief Minister wrote to the Speaker (see Attachment A) concerning the change of the term “explanatory memorandum “ to “explanatory statement”. The reason for the proposed change was to bring the standing orders into line with current parliamentary drafting practice.
- 1.2 In his letter to the Speaker (Attachment A) the Chief Minister indicated a desire to alter the term “memorandum” as it was considered outdated.

2. Provisions of the *Legislation Act 2001*

- 2.1 Upon investigation, it was determined that the *Legislation Act 2001* at that time had no provision for the placement of anything other than an explanatory memorandum on the Legislation Register in relation to a Bill. Other material that may be of assistance to users can be added to the Register.
- 2.2 On 10 December 2002 the Assembly passed the Statute Law Amendment Bill 2002 (No. 2) which amended the *Legislation Act 2001* as follows:

Part 2.1 *Legislation Act 2001*

[2.1] Section 19 (1) (i)

substitute

- (i) bills presented to the Legislative Assembly;
- (j) explanatory statements for bills, and amendments of bills, presented to the Legislative Assembly;
- (k) explanatory statements, and regulatory impact statements under chapter 5, for subordinate laws and disallowable instruments.

Explanatory note

This amendment adds explanatory statements for bills (and amendments of bills), subordinate laws and disallowable

instruments, and regulatory impact statements to the list of material that must be included on the ACT legislation register. Explanatory statements for bills (previously called explanatory memoranda), and explanatory statements and regulatory impact statements for subordinate laws and disallowable instruments have been included on the register since the beginning of the current Assembly.

3. Provisions of the Standing Orders

3.1 Standing Order 168 (c) states:

On the calling on of the notice a Member shall present to the Assembly a printed copy of the bill signed by that Member and any associated explanatory memorandum.

3.2 Given the change to the Legislation Act, it would now be appropriate for an amendment to Standing Order 168 (c) be made to bring it in line with the legislation.

4. Recommendation

That Standing Order 168 (c) be amended as follows:

omit

“memorandum”

substitute

“statement”

Wayne Berry MLA

Presiding Member

February 2003