



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON HEALTH, AGEING AND COMMUNITY SERVICES
Ms Bec Cody MLA (Chair), Mrs Vicki Dunne MLA (Deputy Chair),
Ms Caroline Le Couteur MLA

Ms Joy Burch MLA
Speaker
ACT Legislative Assembly
GPO Box 1020, Canberra ACT 2601

COPY

Dear Madam Speaker *Joy*

Re: Administration and Procedure Committee—Report No. 16: Inquiry into the Review of the Performance of the Three Branches of Government in the Australian Capital Territory against Latimer House Principles

I am writing in my capacity as Chair of the Assembly's Standing Committee on Health, Ageing and Community Services (the Committee) in relation to above. Specifically, I refer to your correspondence of 14 April 2020 seeking comments and reflections on the *Latimer House Review Report* statements in relation to the current Assembly committee structure as well as any additional suggestions.

The Committee considered and noted your correspondence on 21 April and 26 May 2020. The Committee wishes to convey the following as it concerns the current Assembly committee structure and functions of standing committees:

- The current Assembly should be mindful with regard to binding a future Assembly—the *Latimer House Review* recommendation says after the 2020 election—the 10th Assembly should review the committee structure. The role and work of committees will depend on decisions about the Assembly's processes after the commencement of the new Assembly.
- Different types of Committee structure result in different levels of strength. Committee structure comprises three main elements—how committees are constituted; their membership and the support resources they have.
- Constitution of committees includes the number of committees—too many or not enough? Two considerations are important regarding number of committees: (i) numbers of backbenchers available to serve on committees is an important consideration and will be influenced by the ratio of executive members to backbenchers. The size of the Executive in the 10th Assembly (which can go up to 9 members) will be a matter for the incoming government; and (ii) whether standing committees are established to align with directorates. The Committee notes that the Administration and Procedure Committee recommendation (in-part)—recommended that standing committees be 'aligned' with directorates. The Committee further notes that whilst the concept of committees shadowing departments/ministries is a well-established legislative committee organisation concept—in the current directorate framework—with cross-integration of multiple portfolios in single directorates—for e.g., CMTEDD—this objective would not be achievable in the current directorate framework.

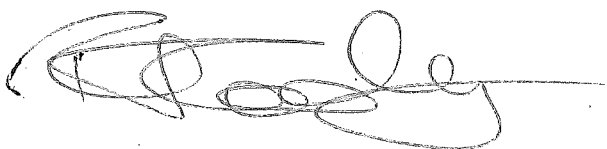
- Committee support resources—resourcing that includes appropriately skilled, experienced and qualified secretariat staff is critical to ensure an effective committee system. It is important that the role an Assembly prescribes to its various and respective committees is matched with appropriate support resources.
- With regard to committee functions—the Assembly Committee Support Office supports a combination of what would be referred to in a legislative organisation context—as general and cross-cutting parliamentary standing committees. The functions of these committees include a combination of oversight/scrutiny and legislative functions. Involvement by standing committees in the legislative process has been largely ad hoc rather than a permanent role. The Committee suggests that consideration be given to creating a more permanent role for the Assembly's standing committees in the legislative process—in particular, as it concerns referral of bills. This could include: (i) referral to a standing committee as to the principle of a bill after it has been introduced—to inform the second reading of the bill; and/or (ii) after the second reading stage for evidence-based scrutiny and to provide opportunities for proposed amendments. Any such role would need to be matched with appropriate committee support resources. Further detail regarding a proposal for legislative reviews by Assembly committees is **attached**.

Again, the Committee reiterates its earlier comment that the role and work of committees will depend on decisions about the Assembly's processes after the commencement of the 10th Assembly.

If you have any queries in relation to this letter please contact the Committee secretary, Dr Andréa Cullen, on (02) 6205 0136.

The Committee thanks you for the opportunity to provide comment.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bec Cody', with a long horizontal line extending to the right.

Ms Bec Cody MLA
Chair
28 May 2020

Attachment

Committee review of legislation

Proposal:

In future Assemblies there should be greater scrutiny of legislation by subject-matter standing committees. The extent of this scrutiny has declined in the 8th and 9th Assemblies. The Parliaments of New Zealand and Queensland (both unicameral parliaments) have models of this approach. They are quite similar:

NZ ¹	Queensland ²
A bill (except a supply bill) stands referred to a select ³ committee for consideration after its first reading unless the House has otherwise accorded urgency to it. The House nominates the committee to which the bill is referred, or it may establish a special committee.	If the bill passes the First Reading, then the bill stands referred to the portfolio committee or another other committee nominated by the Member who presented the bill
Each select committee to which a bill is referred examines the bill and determines whether to recommend that the bill be passed and may recommend amendments that are relevant to the subject-matter of the bill, are consistent with the principles and objects of the bill.	The Committee to which the bill is referred shall examine the bill and determines whether to recommend that the bill be passed and may recommend amendments relevant to the subject-matter of the bill, are consistent with the principles and objects of the bill. The Committee also undertakes a legislative scrutiny review.
A committee may, in the case of a Statutes Amendment Bill, recommend, by leave, a substantive amendment to an Act not amended by the bill as originally introduced.	
The Committee may seek the view of another committee.	The Committee may seek the view of another committee.
The Committee will usually report on the bill within 6 months. If the Committee does not report in the specified time, debate on the bill can be brought on.	The Committee must report within 6 months. The reporting time can be changed but it cannot be less than 6 months.
After the Committee report debate can be brought on for the third sitting day after the report.	After the Committee report debate can be brought on for the second sitting day after the report.

¹ https://www.parliament.nz/en/pb/parliamentary-rules/standing-orders-2017-by-chapter/chapter-4-select-committees/#_Toc490062936, Chapter 5.

² <https://www.parliament.qld.gov.au/documents/assembly/procedures/StandingRules&Orders.pdf>, p30ff.

³ The NZ Parliament uses the term select where we would use the term standing

Implications:

This would require the Executive to better plan their legislation and develop a longer legislative pipeline.

It would mean that during the first year of a new Assembly there would be limited passage of legislation. Maybe there would be fewer assembly sitting days and more committee meetings.

Some committees would have a much heavier legislative workload than others: there are few health bills but lots of JACS bills and revenue bills. To address this some Committees could be larger than others and sub committees could conduct inquiries into some bills. This would raise the status of deputy chairs.

The Committee Support Office would need more resourcing.