



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ADMINISTRATION AND PROCEDURE
Speaker Ms Joy Burch MLA (Chair), Ms Nicole Lawder MLA (Deputy Chair),
Ms Suzanne Orr MLA, Mr Andrew Braddock MLA

Submission Cover sheet

Review of the Standing Orders and
Continuing Resolutions of the Tenth
Assembly

Submission number: 006

Date authorised for publication: 28 November 2022



**Standing Committee on Administration and Procedure
Review of the Standing Orders**

ACT Government Submission

**Chief Minister
December 2022**

Background

The ACT Government welcomes the opportunity to provide its Submission to the Standing Committee on Administration and Procedure's review of the Standing Orders of the ACT Legislative Assembly.

It is acknowledged that the Review arises from an obligation under Standing Order 16 which requires the Standing Committee on Administration and Procedure in each Parliamentary term to inquire into and report on the operation of the Standing Orders and continuing resolutions of the Assembly to ensure the practices and procedures of the Assembly remain relevant and reflect practices.

Summary

This Submission relates to Standing Orders which relate to the ACT Public Service (ACTPS) and makes recommendations to clarify and update four Standing Orders and create additional Standing Orders which would also provide further clarification for Members and the ACTPS.

A rationale for each suggested amendment has been outlined below including either a new or revised existing Standing Order (SO) to give effect to the amendment. Revisions to existing Standing Orders have been highlighted in bold text for clarity.

1 SO 69 - Time limits for debates and speeches

The ACT Government recommends an update to SO 69 to include Ministerial Statements. The ACT Government is often asked whether there are time limits associated with Ministerial Statements and any subsequent debate. It is generally understood that the Minister does not have a specified time limit to their speech; however, adding this to SO's will allow for greater clarity, especially for subsequent debate.

The suggested wording for the addition to SO 69 is provided below:

69. The maximum period for which a Member may speak on any subject indicated in this standing order, and the maximum period for any debate, shall not, unless otherwise ordered, exceed the period specified opposite to that subject in the following schedule. The Speaker may at his/her discretion direct the clock to be stopped.

Ministerial Statements

Minister.....	not specified
Any other member.....	10 minutes

2 SO 99A - Petitions referred to Committee

The current SO's do not specify a timeframe for Assembly Standing Committees to consider and provide advice on whether they will inquire into a petition.

As Committees often prefer to have access to the Government Response to a petition before deciding to conduct an inquiry, a suggested timeframe could be 14 days after the petition response has been tabled in the Assembly.

The ACT Government proposes a new SO be incorporated to Chapter 8 to state a suitable timeframe for Committees to provide advice to the relevant Minister as to whether they will conduct an inquiry into a petition.

The suggested wording for the new SO is provided below:

99B. The relevant Assembly Standing Committee should provide advice to the relevant Minister within 14 days of the Government response to the petition being tabled in the Assembly.

3 SO 213A - Order for the production of documents held by the Executive

The ACT Government requests the Standing Committee consider revising the wording for SO 213A. This currently suggests that Members can request documents which are held by the Executive rather than documents held by Directorates. This Standing Order is separate to the current mechanism in place for Members to request documents through the *Freedom of Information Act 2011*.

The SO currently outlines that the Clerk communicates with the Chief Minister's Directorate; however, it is more accurate that the Clerk would communicate with the Chief Minister who would then liaise with the Head of Service and Directorates if required.

It is suggested that all references to the Chief Minister's Directorate under SO 213A should be revised to the **Chief Minister**.

4 SO 254B - Government Response to a Committee Report

Under SO 254B a Government response is required to all Committee reports, including to inquiries into a Private Member's Bill. Responses to Committee reports relating to a Private Member's Bill are the responsibility of the Member that introduced the bill.

It is suggested that an addition to SO 254B is made, that exempts the Government from being required to provide a response for inquiries into a Private Members Bill; rather, they will have a choice on whether they wish to respond.

The suggested addition to SO 254B is provided below:

254B. A government response to a Committee report must, within four months of presentation of the report, be:

- (a) Tabled in the Legislative Assembly if the Legislative Assembly is sitting; or
- (b) Provided to the Speaker for non-sitting circulation to members and be tabled on the next available sitting day.

A government response that has been circulated when the Assembly is not sitting is taken to have been tabled and authorised for publication. *(Inserted 29 November 2018)*

A Government Response may be provided to a Committee Report relating to a Private Member's Bill, but is not a requirement.

This standing order does not apply to government responses to Legislative Scrutiny Committee reports. *(Inserted 30 March 2021)*

5 SO 254D (a) – Questions arising from committee hearings

During recent hearings, Ministers have received questions on notice which were provided to the Committee within five business days but have not been provided to the Member until much later, in some cases over four weeks.

The ACT Government proposes SO 254D (a) be amended to state a suitable timeframe for Committees to provide questions on notice to the relevant Minister's office/Directorate Liaison office within two business days.

The suggested addition to SO 254D(a) is provided below:

254D. (a) A member must lodge a question on notice with the Committee within 5 business days following the conclusion of a Committee hearing. **The Committee Secretariat will provide the question to the Executive within two business days following receipt of the question on notice.** A response is due within 5 business days of receipt of the question.

6 Additional Consideration – Standing Order 211 – Papers Presented

The ACT Government are aware that the number of motions to note papers has increased. This results in multiple procedures for Chamber Support and the Manager of Government Business as well as a lengthy Notice Paper each Sitting Week. The ACT Government ask the Standing Committee to investigate options to streamline the process for papers being noted once presented by the Manager of Government Business.

7 Additional Consideration: Embargo

The ACT Government is committed to efficient and effective resource management and reducing greenhouse gas emissions as a result of its operations. The ACT Government requests the Standing Committee consider the number of hard copies required for embargo. It is understood that one hard copy is required for procedures and another for record keeping purposes; however, consideration as to whether additional copies are required to be provided to Members should be given.

The ACT Government also ask the Standing Committee to consider whether an 'opt-in' approach could be given for hard copies of Annual Reports. It has been noted that many Members use the online version, with the hard copies remaining unused and even placed into recycling bins once issued. Currently there are 32 annual reports tabled each year in the Legislative Assembly. Noting that currently 35 hard copies of every annual report is required, having an opt-in process would reduce the number of resources required to produce the annual reports.

The ACT Government also suggest for clarity and reference, that the number of copies required for embargo be added as an annex to SO.

The below table outlines the hard copy embargo requirements that has been in use since 2020. A PDF copy of all documents (except Annual reports) is also provided.

Item	No. of Copies
Presentation of Paper	1
Ministerial Statement	1
Bill	20
Explanatory Statement	15
Presentation Speech	5
Government Amendments to Bills	5
Supplementary Explanatory Statement	5
Revised Explanatory Statement	15
Annual Reports (other than ones pursuant to the Annual Reports Act)	1
Annual Reports (pursuant to Annual Reports Act)	35
Corrigendum	35
Budget + Associated Papers	35
Revised Instruments	3
Explanatory Statement to Revised Instruments	3

8 Additional Consideration – Assembly Resolutions

Unlike Committee Reports, there is no advice in Standing Orders about how to deal with delays to an Assembly Resolution response. Under current practice, at the end of a sitting period the Speaker writes to Ministers regarding the resolutions of the Assembly. As such, much of the ACT Government assume that if there is a delay, the Minister needs to write back to the Speaker to advise. The ACT Government therefore recommend that the committee consider adding a SO in relation to the process for a delayed response to an Assembly Resolution.