



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

**A GUIDE FOR MAKING A SUBMISSION OR APPEARING BEFORE A
COMMITTEE OF THE LEGISLATIVE ASSEMBLY FOR THE ACT**

December 2020

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1. INTRODUCTION TO COMMITTEES

The Legislative Assembly is a legislature for the people of the ACT. Following each election, the Assembly appoints committees comprised of Assembly Members to carry out particular inquiries. Committees inquire into public policy issues or public administration, either on their own referral or as a result of a referral from the Assembly. Committees can only inquire into matters falling within their resolution of appointment. Committees also have certain statutory obligations, for example, in relation to Territory planning matters.

2. TYPES OF COMMITTEES

There are two types of committees, *standing* and *select* committees.

Select committees are appointed to inquire into specific issues and once they have reported to the Assembly they cease to exist.

Standing committees are appointed for the term of the Assembly to maintain ongoing inquiries into various subjects. The following standing committees were established at the commencement of the Tenth Assembly in December 2020:

- Standing Committee on Administration and Procedure
- Standing Committee on Economy and Gender and Economic Equality
- Standing Committee on Education and Community Inclusion
- Standing Committee on Environment, Climate Change and Biodiversity
- Standing Committee on Health and Community Wellbeing
- Standing Committee on Justice and Community Safety
- Standing Committee on Planning, Transport and City Services
- Standing Committee on Public Accounts

There is also a standing committee on Administration and Procedure. This is an internal committee established for the purpose of advising the Speaker on certain matters and managing Assembly operations and procedures.

3. COMMITTEE INQUIRIES

A major part of committee business is to conduct inquiries into matters of public importance. The usual steps an inquiry takes are as follows:

- a) The committee is instructed to inquire into an issue by the Assembly or decides what to have an inquiry into and informs the Assembly.
- b) The inquiry is advertised in the local media and on the Legislative Assembly website inviting submissions from interested parties. The committee may also write directly to individuals, community or business groups known to have an interest in the matter.
- c) Once received, submissions will be considered by the committee and if the committee agrees they are authorised for publication.
- d) The committee holds a public hearing and hears oral evidence from selected individuals and organisations.
- e) The committee considers all the evidence from the submissions, public hearings and other research and prepares a report that usually includes recommendations for government action.
- f) The report is tabled in the Legislative Assembly. Members of the Assembly have the opportunity to debate the findings of the report.
- g) The government considers the report and is required to prepare a response. The response is usually tabled in the Assembly within three months.

Figure 1: Example terms of reference.

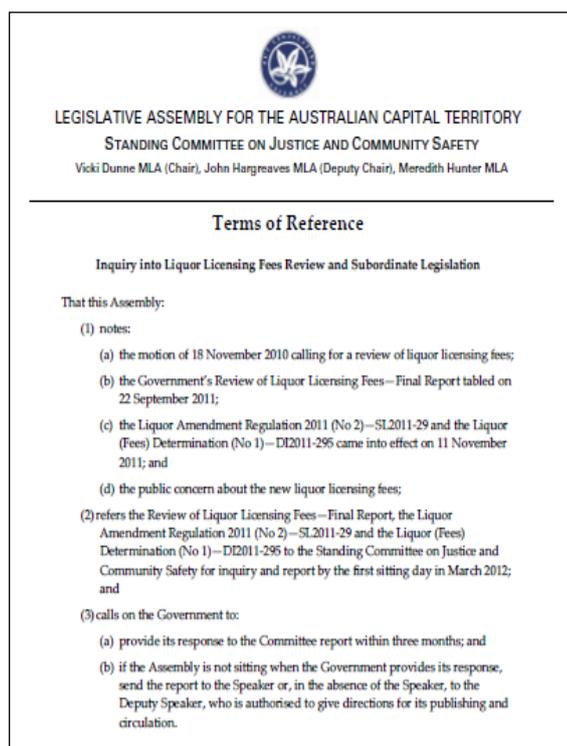


Figure 2: An example newspaper advertisement of an inquiry conducted by the Justice and Community Safety Committee.

The advertisement features the ACT Legislative Assembly logo on the left and a decorative floral graphic on the right. The text is as follows:

Legislative Assembly
for the Australian Capital Territory
Standing Committee on Justice and Community Safety
Vicki Dunne MLA (Chair), John Hargreaves MLA (Deputy Chair),
Meredith Hunter MLA

Invitation for Public Submissions

Liquor Licensing Fees Review and Subordinate Legislation
The Standing Committee on Justice and Community Safety invites submissions to its inquiry on matters arising from the Committee Terms of Reference, available from:
<http://www.parliament.act.gov.au/committees/index1.asp?committee=114&inquiry=1041&category=13>

Written submissions should be lodged by the end of **January 2012**, however extensions may be granted by the Committee. Submissions should include your full name, postal address and telephone number. Electronic lodgement of submissions is preferred.

The Committee is due to report by the first sitting day in March 2012. Expressions of interest are welcomed from persons willing to appear at public hearings, should the Committee require it.

For further information; to lodge an expression of interest in appearing before the Committee; or to lodge a submission, please contact the Committee Secretary, Brian Lloyd, on (02) 6205 0137 or by email at: committees@parliament.act.gov.au

www.parliament.act.gov.au

AG369/8

Figure 3: The Planning Committee inquire into Draft Variations of the Territory Plan. The example is from an advertisement in the Canberra Times.

The advertisement features the ACT Legislative Assembly logo on the left and a decorative floral graphic on the right. The text is as follows:

Legislative Assembly
for the Australian Capital Territory
Standing Committee on Planning, Public Works and Territory and Municipal Services
Mary Porter AM MLA (Chair),
Caroline Le Couteur MLA (Deputy Chair), Alistar Coe MLA

Invitation for Public Submissions

Draft Variation To The Territory Plan No. 307
Griffith – Change of Zoning

The Standing Committee on Planning, Public Works and Territory and Municipal Services invites submissions to its inquiry into *Draft Variation to the Territory Plan No. 307 – Griffith, Section 42, Block 15 – Change of Zoning*.

The recommended final variation is accessible via the ACTPLA website:
http://www.actpla.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/recommended_final_variations

Written submissions should be lodged by **26 October 2011**, however extensions may be granted. Submissions should include your full name, postal address and telephone number. Electronic lodgement is preferred.

For further information or to lodge a submission please contact the Committee Secretary on (02) 6205 0127 or by email at: committees@act.gov.au

www.parliament.act.gov.au

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4. PREPARING A SUBMISSION

Written submissions are essential to the inquiry process. Committees rely on the diversity of views and opinions on a particular topic and welcome submissions from individuals, experts in the field, representatives of groups and organisations, government departments and any other interested party.

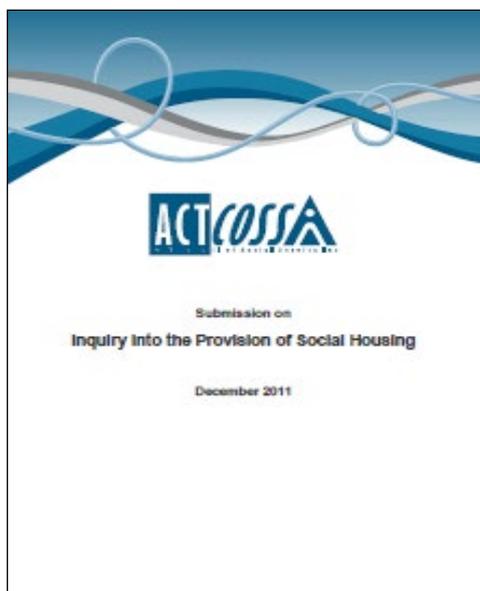
There is no set format for a submission. It may be in the form of a letter, a short document or a more substantial paper. Committee inquiries are guided by terms of reference that state the scope of the inquiry. Before preparing a submission, it is important to obtain a copy of the terms of reference (available on the Committee website). For submissions to be accepted they must be relevant to the terms of reference, in whole or in part. While submissions do not have to address all the terms of reference for an inquiry, terms of reference provide a useful guide for structuring submissions.

A closing date for submissions will usually be advised, but extensions may be granted in certain circumstances. The committee secretary should be contacted if an extension is required.

The best submissions are to the point, supported by evidence, and written in plain English. Submissions can also identify desired actions or recommendations for the committee's consideration. If the submission is long, it is helpful to include a table of contents and a brief summary. The use of headings and titles is also advisable for clarity. It is also a good idea to indicate your willingness to appear at a public hearing in your submission.

If a person is unable, for whatever reason, to prepare a written submission, the committee secretary should be contacted as early as possible to discuss the possibility of giving oral evidence at a public hearing.

Figure 4: Front cover of a submission prepared by ACTCOSS for the Health Committee. All submissions are available on the web site.



5. LODGING A SUBMISSION

The covering page or letter must include the following information:

- Name of the committee and the inquiry;
- Author's name (or, if an organisation, the organisation's name and a contact person);
- A postal address and contact telephone number; and
- An e-mail address (if possible).

Typed electronic submissions are preferable, although legible hand-written submissions are acceptable. Submissions should not be stapled or otherwise bound. Submissions should be sent to:

VIA POST:

The Committee Secretary
Standing / Select Committee on [Committee Name]
GPO Box 1020, CANBERRA CITY ACT 2601

HAND DELIVERED:

Committee Support
Office of the Legislative Assembly
Legislative Assembly for the ACT
196 London Circuit, Canberra ACT 2601

VIA E-MAIL:

Table 1: Committee email addresses.

Committee	Email
Standing Committee on Administration and Procedure	LACommitteeAPC@parliament.act.gov.au
Standing Committee on Economy and Gender and Economic Equality	LACommitteeEGEE@parliament.act.gov.au
Standing Committee on Education and Community Inclusion	LACommitteeECI@parliament.act.gov.au
Standing Committee on Environment, Climate Change and Biodiversity	LACommitteeECCB@parliament.act.gov.au
Standing Committee on Health and Community Wellbeing	LACommitteeHCW@parliament.act.gov.au
Standing Committee on Justice and Community Safety	LACommitteeJCS@parliament.act.gov.au
Standing Committee on Planning, Transport and City Services	LACommitteePTCS@parliament.act.gov.au
Standing Committee on Public Accounts	LACommitteePA@parliament.act.gov.au

6. RECEIPT AND PUBLICATION OF SUBMISSIONS

Once the committee receives a submission it becomes the property of the committee and must not be published, or otherwise circulated, until it is authorised for publication. Once authorised, the submission is posted on the Legislative Assembly website and is made publically available. This process is completed as soon as possible.

Once received by the committee, the submission is covered by parliamentary privilege. For this reason, committees are very careful about receiving submissions and authorising them for publication. The committee has the authority to not authorise a submission if it believes publication would be inappropriate or not in the public interest.

7. CONFIDENTIAL SUBMISSIONS

If a submitter wants their evidence to remain confidential, the relevant committee secretary should be contacted to discuss the matter or advice to that effect should be included in the covering letter to the submission.

Committees will consider requests for confidentiality. However, it is ultimately the committee's decision to confer confidentiality on a submission. While a committee may agree to a submission or evidence being classified as confidential in the first instance, a committee can publish that evidence at a later date. Committees will generally advise or consult with affected parties prior to doing so.

SUBMISSION CHECKLIST

- Have I addressed some or all of the terms of reference?
- Have I included my contact details including; name, postal address, telephone number and email address?
- Have I sent an electronic version of my submission (if possible)?

8. APPEARING AS A WITNESS AT A PUBLIC HEARING

Once submissions have been received a committee may hold one or more public hearings to gather further evidence. The Committee makes the final decision on who will appear at the public hearing based on the submissions and other factors. Not everyone who made a submission will be invited to appear in person. People who appear before a committee are called witnesses.

The purpose of having public hearings in addition to written submissions is to:

- allow the committee to ask questions that prompt witnesses to clarify and expand on material in a submission; and
- give witnesses an opportunity to respond to points made by other submitters and witnesses.

Although some inquiries will receive most evidence through public hearings, for example the examination of Budget Estimates, the evidence given in public hearings has no greater weight than that given through submissions.

9. THE PUBLIC HEARING

Most public hearings are held in Committee room 1 and Kiribati room in the Legislative Assembly building on London Circuit. Entrance to this part of the Assembly building is via the public entrance on Civic Square. Public hearings are open to the general public and the media.

Witnesses receive information on the time and venue for the hearing and a ‘Witness Details’ form, which should be completed prior to the hearing, if possible, and returned to the committee secretary. If not, the completed form may be given to the committee secretary on the day of the hearing. On arrival you can wait in the public gallery or, if the door to the committee room is closed, at the lounges in the waiting area. Witnesses should not approach the committee table at any time. Should the need arise the secretary will come to you.

If witnesses have any special needs, the secretary should be advised before the hearing. Arrangements can also be made for the use of PowerPoint slides. Similarly, if a witness intends to table a document or exhibit during the hearing, enough printed copies for each member of the committee *and* the secretary should be handed to the secretary at the commencement of the presentation.

The hearing is facilitated by the Chair of the Committee. Other people seated at the table are the committee members (usually 4 in total) and the committee secretary. On occasions other members of the Legislative Assembly may be present.

The Chair will call each witness in turn to the table. Before the hearing can proceed the Chair will confirm that the witness has read the Privilege statement and understands its meaning. If the witness has not read the statement the Chair will read it and ensure that its meaning has been understood. The Chair will then invite the witness to state their full name and the capacity in which they appear before the committee (i.e. representing an organisation or as an individual).

Witnesses will then be invited to make a short statement (generally no more than five minutes) after which Members may ask further questions. Witnesses should keep in mind the time limit that the secretary has advised for their appearance. If the committee already has a written submission from a witness, that witness can best use their time focussing on the key points from that submission and responding to the points made in other submissions and by other witnesses.

If a witness is unable to fully answer questions, they are able to undertake to provide the information at a later time – this is called taking a question ‘on notice’. If a witness needs clarification on what is required they should speak to the secretary immediately after the hearing. If the committee asks for information that a witness is not reasonably able to provide, the committee should be advised at the hearing.

BROADCASTING

Public hearings are broadcast throughout the Assembly building and web streamed via the Legislative Assembly website. Green, red and amber lights in the committee rooms indicate the status of the broadcast. Public hearings may also be filmed or taped by the media.

Table 2: Light Status.

Green Light	Red Light	Amber Light
When illuminated indicates to room occupants that Hansard is	When illuminated, indicates to room occupants that Hansard is	When illuminated, indicates to room occupants that vision of

Green Light	Red Light	Amber Light
performing audio recording of proceedings.	performing audio recording and audio proceedings is being made public by way of reticulation throughout building and to authorised external recipients.	proceedings is being web streamed via the Legislative Assembly website.

TRANSCRIPT

The proceedings of all public hearings are recorded by Hansard and transcribed for the public record. Following the hearing, witnesses will be sent the proof transcript of evidence and asked to make any corrections of factual errors which have been inaccurately transcribed. Evidence cannot be amended nor can a witness give new evidence for inclusion in the transcript. If a witness wishes to provide additional evidence they should do so in the form of a supplementary submission.

The proof transcript is posted onto the Assembly website and is replaced with the final transcript as soon as it is available. This process usually takes three to four weeks.

10. IN CAMERA EVIDENCE

In certain circumstances, witnesses may wish to give evidence in private [*in camera*] rather than at a public hearing. If so, the committee secretary should be notified prior to the hearing in order that the matter can be considered by the Committee prior to the commencement of the hearing.

Only the committee and the secretary are present for *in camera* hearings; anyone in the public gallery will be asked to leave. While the evidence is still transcribed, the transcript is not published in the first instance, although, as with submissions, the Committee may decide to publish the evidence at a later date.

Committees will only agree to keep submissions confidential or hear confidential evidence at an *in camera* hearing in limited circumstances. Because committees need to engage in an open process when investigating matters, confidential evidence that cannot be openly tested is less useful than that which is taken at public hearing. However, in some circumstances, there is a genuine need for partial or total confidentiality.

11. PARLIAMENTARY PRIVILEGE

Committee proceedings are considered to be ‘proceedings in parliament’ and as such are protected by parliamentary privilege. Privilege means that witnesses and submitters cannot be sued for what is said or written and evidence may not be used in courts or tribunals to question the truth, motives or credibility of any person. Witnesses do however, have a responsibility to ensure that their evidence is not intentionally defamatory or misleading and to tell the truth. Knowingly providing false or misleading information to a committee can lead to a witness being held in contempt of the Assembly.

12. FURTHER INFORMATION

Further information is available from the Committee Support of the Assembly:

Telephone: 02 6205 0445

Email: committees@parliament.act.gov.au

Website: www.parliament.act.gov.au

13. GLOSSARY OF TERMS

authorise for publication

authority of a committee to publish (make public) submissions and other documents it has received in the course of its inquiry

committee

a small group of members of the Legislative Assembly, usually drawn from all parties, which examines, reports on, and makes recommendations about a particular subject

exhibit

a document or item (such as a photograph) which is provided to the committee to assist in their inquiries but has not been produced specifically for that purpose

hearing (of a committee)

a public or *in camera* meeting of a parliamentary committee for the purpose of taking oral evidence

in camera

a hearing conducted in private for reasons of confidentiality

parliamentary procedure

rules for and methods of carrying out the business of a house of Parliament

privilege

the immunity of the Legislative Assembly and its members and their powers to protect the integrity of parliamentary processes

reference

a matter that has been referred to a committee for consideration and report; a subject being considered by a committee

report (of a parliamentary committee)

a statement, usually in writing and containing recommendations, of the results of an inquiry by a committee

secretary (of a parliamentary committee)

a parliamentary officer who looks after the support arrangements for a committee, including correspondence, record-keeping, research, and arrangements for meetings where witnesses give evidence, and who often prepares the first draft of a committees' report

select committee

a committee established to inquire into and report on a particular subject; a select committee ceases to exist when it has made its final report to the house or houses

standing committee

a committee appointed to inquire into and report on certain matters set out in the resolution of appointment passed by the Legislative Assembly; a standing committee continues to exist for the duration of the Legislative Assembly

standing orders

a collection of rules agreed to by a house which govern the way it conducts its business

submission

a written representation to a committee of an individual or a groups views about the terms of reference of an inquiry

table

to present a document or other item to the Committee. The paper then becomes part of the committee's records

terms of reference (of a committee)

the scope for activity and investigation defined by the committee or the Legislative Assembly regarding a matter referred for inquiry

witness (before a committee)

a person who gives evidence to a committee