

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

Legislation Amendment Bill 2005

EXPLANATORY STATEMENT

Circulated by authority of Deb Foskey MLA

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Outline

This Bill amends the Legislation Act to ensure that all Bills are presented to the Assembly with an Explanatory Statement, and that those statements include a report on any consultation that has been conducted in developing the Bill.

On occasion Bills are presented to the Assembly – by crossbench and Opposition members – without explanatory statements. Such statements however are important in understanding the intention of legislation and can be seen as an essential tool to administering the law.

Under Commonwealth jurisdiction, Government is on occasion required to report on consultation it has conducted prior to introducing legislation. Scrutiny of Bills committees haven noted that such transparency of process is very helpful.

It is not intended that the requirement under this Bill to incorporate a consultation report will result in comprehensive consultation processes in all circumstances. Much legislation is drafted under the guidance of departmental officers dealing with fairly simple requirements. The intent is, however, to ensure that in regard to complex bills with social, environmental or economic impacts, the Assembly and interested people can simply discover what consultation has and has not already been undertaken, or from what consultative processes the Bill has emerged, and thus assist them in their consideration of the Bills.

Consultation

- Law Society of the ACT
- Office Of Attorney General
- Office of Shadow Attorney General
- ACTCOSS
- Conservation Council of the South East Region and Canberra

Clause 1

The name of the Act

Clause 2

This is a technical clause, setting out the standard commencement provision.

Clause 3

This is a technical clause setting out the Act's amendment. The principal Act amended is the *Legislation Act 2001*.

Clause 4

Clause 4 inserts a new chapter 5A that defines an *Explanatory Statement* and its purpose.

- Section 38 A explains the content, intent and uses of an Explanatory Statement
- Section 38 B requires a Member to present an Explanatory Statement when they present a Bill
- Section 38 C requires each Statement to include a report on consultation undertaken in the development of the Bill. It includes examples of such consultation, being community groups, individuals and government agencies and departments.

Clause 5

Clause 5 inserts the term *Explanatory Statement* in part 2 of the Dictionary