

**2022**

**Legislative Assembly for the  
Australian Capital Territory**

**Legislation (Legislative Assembly Committees)  
Amendment Bill 2022**

**Explanatory statement**

Presented by  
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Speaker  
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## LEGISLATION (LEGISLATIVE ASSEMBLY COMMITTEES) AMENDMENT BILL 2022

This explanatory statement relates to the *Legislation (Legislative Assembly Committees) Amendment Bill 2022* (the Bill) as presented to the Legislative Assembly. It has been prepared to assist the reader of the Bill and to help inform debate. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

The statement must be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### BACKGROUND

In the Ninth Assembly, a review was conducted of ACT statutes to ascertain the extent to which references to Assembly standing committees:

- (a) use clear and consistent language and concepts by which to refer to standing committees; and
- (b) establish a proper basis for unambiguously linking the performance of particular statutory functions to particular standing committees.

The review identified that the way in which Assembly committees are described varies considerably across ACT statutes and, in a number of cases, the approach potentially leads to confusion about which particular Assembly committee is given a function or responsibility pursuant to a given statutory provision.

Early in the Tenth Assembly, the Speaker raised these matters with the Standing Committee on Administration and Procedure, which agreed that it was appropriate for the Speaker to develop an amendment bill to remedy these issues.

### OVERVIEW OF THE BILL

The purpose of the *Legislation (Legislative Assembly Committees) Bill 2022* is to amend provisions across relevant ACT enactments so that, with a number of exceptions, the Speaker of the Legislative Assembly would have the function of nominating, in writing, which Assembly standing committees are to perform particular statutory responsibilities and functions.

The amendments are intended to make statutory references to Assembly committees consistent and to remove any ambiguity as to which committees are required to perform particular statutory functions.

Specifically, the Bill seeks to amend the following Acts:

- *ACT Civil and Administrative Tribunal Act 2008*
- *Annual Reports (Government Agencies) Act 2004*
- *Architects Act 2004*
- *Auditor-General Act 1996*
- *Education Act 2004*
- *Electoral Act 1992*
- *Emergencies Act 2004*

- *Financial Management Act 1996*
- *Government Agencies (Campaign Advertising) Act 2009*
- *Government Agencies (Land Acquisition Reporting) Act 2018*
- *Government Procurement Act 2001*
- *Human Rights Act 2004*
- *Integrity Commission Act 2018*
- *Legislation Act 2001*
- *Legislative Assembly (Office of the Legislative Assembly) Act 2012*
- *Nature Conservation Act 2014*
- *Ombudsman Act 1989*
- *Planning and Development Act 2007*
- *Public Trustee and Guardian Act 1985*
- *Radiation Protection Act 2006*
- *Territory-owned Corporations Act 1990*
- *Workers Compensation Act 1951*
- *Work Health and Safety Act 2011*

Under the proposed amendments in the Bill, the Speaker is not given a power to nominate a committee to perform functions arising under the:

- *Auditor-General Act 1996*;
- *Legislative Assembly (Office of the Legislative Assembly) 2012*;
- *Electoral Act 1992*;
- *Ombudsman Act 1989*; and
- *Integrity Commission Act 2018*.

This is to ensure that no conflict of interest with the Speaker's performance of other functions under these Acts is seen to arise.

## **CONSULTATION ON THE PROPOSED APPROACH**

The Chief Minister, Leader of the Opposition, Leader of the ACT Greens, and the Standing Committee on Administration and Procedure have been consulted in the development of the Bill.

## **CONSISTENCY WITH HUMAN RIGHTS**

The Bill does not engage rights under the *Human Rights Act 2004*.

## **CLAUSE NOTES**

### **Clause 1—Name of Act**

Provides for the Bill's name.

## **Clause 2—Commencement**

Provides that the Bill commences 7 days after its notification.

## **Clause 3—Legislation amended—sch 1**

Provides that the Bill amends the legislation mentioned in schedule 1.

### **Schedule 1—Legislation amended [clauses 1.1-1.71]**

- **ACT Civil and Administrative Tribunal Act 2008 [clauses 1.1-1.2]**
- **Annual Reports (Government Agencies) Act 2004 [clause 1.3-1.4]**
- **Architects Act 2004 [clauses 1.5-1.8]**
- **Education Act 2004 [clauses 1.12-1.14]**
- **Emergencies Act 2004 [clauses 1.16-1.121]**
- **Financial Management Act 1996 [clauses 1.22-1.29]**
- **Government Agencies (Campaign Advertising) Act 2009 [clauses 1.30-1.31]**
- **Government Agencies (Land Acquisition Reporting) Act 2018 [clause 1.32-1.33]**
- **Government Procurement Act 2001 [clauses 1.34-1.40]**
- **Human Rights Act 2004 [clause 1.41]**
- **Legislation Act 2001 [clause 1.43-1.46]**
- **Nature Conservation Act 2014 [clauses 1.52-1.55]**
- **Planning and Development Act 2007 [clauses 1.57-1.70]**
- **Public Trustee and Guardian Act 1985 [clause 1.71-1.73]**
- **Radiation Protection Act 2006 [clauses 1.74-1.176]**
- **Territory-owned Corporations Act 1990 [clause 1.77-1.78]**
- **Workers Compensation Act 1951 [clauses 1.79-1.81]**
- **Work Health and Safety Act 2011 [clause 1.82-1.83]**

For each Act listed above, the Bill:

- provides for consistent terminology to refer to Assembly committees, and for a clear and consistent basis for determining which Assembly committee is responsible for performing the relevant functions under the Act;
- provides that references are to a ‘relevant Assembly committee’ performing relevant statutory functions, rather than some other term (for example, an ‘appropriate committee’ or ‘the public accounts committee’ etc);
- provides for a ‘relevant Assembly committee’ to be defined as ‘a standing committee of the Legislative Assembly nominated, in writing, by the Speaker for... [the relevant section/s or provision/s of the Act]’; and
- does not affect or alter the scope or the nature of existing statutory functions to be performed by committees under each Act.

### **Auditor-General Act 1996 [clauses 1.9-1.11]**

Provides for all committee functions to be performed under the Act to be performed by the ‘relevant Assembly committee’.

Provides that the relevant Assembly committee is defined as ‘the standing committee of the Legislative Assembly whose responsibilities include the examination of matters relating to the Auditor-General’.

The provisions have the effect of linking the responsibility for performing committee functions under the Act to the particular parliamentary functions that are performed by a given committee pursuant to a committee’s resolution of appointment (i.e. the standing committee responsible for examining matters relating to the Auditor-General is given the relevant statutory functions).

The statutory functions to be performed by the relevant Assembly committee under the Act are not affected or altered by the Bill.

#### **Electoral Act 1992 (clause 1.15]**

Provides that ‘relevant Assembly committee’ is defined to mean ‘the standing committee of the Legislative Assembly whose functions include the examination of electoral matters’ to make it consistent with the revised language to be used across relevant enactments. This makes clear that the committee with functions under the Act must be a standing committee.

The statutory functions to be performed by the relevant Assembly committee under the Act are not affected or altered by the Bill.

#### **Integrity Commission Act 2018 [clause 1.35]**

Provides that the ‘relevant Assembly committee’ is defined to mean ‘the standing committee of the Legislative Assembly’. This makes clear that the Assembly committee with functions under the Act must be a standing committee.

The statutory functions to be performed by the relevant Assembly committee under the Act are not affected or altered by the Bill.

#### **Legislative Assembly (Office of the Legislative Assembly) Act 2012 [clauses 1.47-1.51]**

Provides that the ‘relevant Assembly committee’ is defined as ‘the standing committee of the Legislative Assembly whose responsibilities include the examination of matters relating to the internal administration and procedure of the Assembly’.

The statutory functions to be performed by the relevant Assembly committee under the Act are not affected or altered by the Bill.

#### **Ombudsman Act 1989 [clause 1.56]**

Provides that the ‘relevant Assembly committee’ is defined as ‘the standing committee of the Legislative Assembly whose functions include the examination of matters related to corruption and integrity in public administration’.