



**ACT**  
Government

# ASSEMBLY PROCESS HANDBOOK

CHIEF MINISTER, TREASURY AND ECONOMIC  
DEVELOPMENT DIRECTORATE

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## ABOUT THIS HANDBOOK

### WHO THIS HANDBOOK IS FOR

The Assembly Process Handbook (the Handbook) is intended as a guide for directorate officials and ministerial officers to better understand ACT Legislative Assembly processes.

### WHAT THIS HANDBOOK COVERS

This Handbook provides an overview of the processes and procedures in relation to Government Business in the Legislative Assembly, including the following topics:

- the context of the Legislative Assembly;
- the business of the Legislative Assembly;
- legislation in the Legislative Assembly;
- statutory instruments in the Legislative Assembly;
- papers for tabling in the legislative Assembly; and
- other business in the Legislative Assembly.

### OTHER RELATED GUIDANCE

This Handbook should be read in conjunction with other related material. Guidance regarding Cabinet processes and procedures is set out in the *Cabinet Handbook* and *Cabinet Paper Drafting Guide* on the [Cabinet Office website](#).

The Parliamentary Counsel's Office (PCO) has the following guides:

- *ACT Legislation – Legislation Basics*, which sets out the basics about ACT legislation, for example, where the ACT derives its law-making power, what laws apply in the ACT and what are the different kinds of ACT legislation.
- *ACT Legislation – Reading Legislation*, which explains how to navigate, read and understand ACT legislation. It describes the typical structure of ACT legislation, explains common provisions and identifies interpretation principles and aids.
- *ACT Legislation – Developing Legislation and Working with PCO*, which describes how to work with PCO to develop draft legislation, as well as some common issues to consider when developing a legislative proposal.

These guides are available on the [PCO website](#).

### WHO TO CONTACT ABOUT THIS HANDBOOK

The Assembly and Government Business Coordination (AGBC) team in the Policy and Cabinet Division of Chief Minister, Treasury and Economic Development Directorate (CMTEDD) can be contacted at [CMTEDD.GBC@act.gov.au](mailto:CMTEDD.GBC@act.gov.au) in relation to this Handbook.

# THE ACT LEGISLATIVE ASSEMBLY

## OVERVIEW

The ACT Legislative Assembly (the Assembly) undertakes the function of a legislature making laws for the Territory, scrutinising the Executive's administration of the Territory; and considering and legitimising revenue and expenditure proposals.

## OPERATIONS OF THE ACT LEGISLATIVE ASSEMBLY

### THE STANDING ORDERS AND CONTINUING RESOLUTIONS

Section 21 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwth) (the Self-Government Act) provides the Assembly may make rules and orders with respect to the conduct of business.

These rules are known as the Standing Orders and Continuing Resolutions of the Assembly (Standing Orders) which endeavour to give each competing interest in the Assembly a proper share of parliamentary opportunity; and ensure stability in proceedings through a pre-arranged program.

The Standing Orders set down time for introduction, consideration and disposal of the various categories of corporate business of the Assembly (Assembly Business), the allocation of time for the Executive (Executive Business), Crossbench Executive Members Business and Private Members (Private Members Business). The Standing Orders can be viewed on the [Assembly website](#).

### THE OFFICE OF THE LEGISLATIVE ASSEMBLY

The Office of the Legislative Assembly, established by the [Legislative Assembly \(Office of the Legislative Assembly\) Act 2012](#) (the Act), provides procedural and administrative advice and support to the Assembly and its committees. Section 6 of the Act provides that the Office is responsible for performing a number of specific functions, including:

- providing advice on parliamentary practice and procedure and the functions of the Assembly and committees;
- reporting Assembly proceedings and committee meetings;
- maintaining an official record of Assembly proceedings;
- providing library and information facilities and services for members;
- providing staff to enable the Assembly and committees to operate efficiently;
- providing business support functions, including administering the entitlements of members who are not part of the Executive;
- maintaining the Assembly precincts; and
- providing public education about the functions of the Assembly and committees.

The Office is headed by the Clerk of the Assembly and is made up of the Office of the Clerk, the Parliamentary Support Branch, and the Business Support Branch. Unlike other parts of the ACT public sector, neither the Clerk, nor the staff of the Office are subject to the direction of the Executive.

### THE OFFICE OF THE CLERK

The Office of the Clerk is responsible for a range of governance and procedural matters, parliamentary education and public affairs.

### PARLIAMENTARY SUPPORT BRANCH

The Parliamentary Support Branch is headed by the Deputy Clerk and is responsible for advising and supporting key parliamentary activities, including:

- Chamber Support—providing administrative and procedural advice and support to the operation of the chamber;
- Committee Support—providing administrative and procedural advice and support to the Assembly standing and select committees;
- Hansard—providing transcripts of Assembly and committee proceedings; and
- the Assembly Library—library information and reference services for Members of the Legislative Assembly (MLAs), their staff, office staff and other ACT public sector employees.

### BUSINESS SUPPORT BRANCH

The Business Support branch provides finance, human resources, information technology (IT) and security services for the Assembly.

### LEGISLATIVE ASSEMBLY WEBSITE

The [Assembly website](#) contains information on what is upcoming and what has happened in the Assembly including watching live or replaying Assembly or Committee proceedings. The website contains information and papers such as:

- Daily Program, Notice Paper, Minutes of Proceedings and the Bills List
- Hansard
- Questions on Notice Paper
- Petitions
- Standing Orders
- Tabled Papers
- Documents of previous Assemblies
- Documents and Hansard of Committees.

## AN ASSEMBLY SITTING WEEK

The Assembly Sitting Week calendar is established by resolution of the Assembly towards the end of a given year. The Sitting Week calendar can be viewed on the [Assembly website](#).

Unless otherwise ordered, the Assembly sits from 10am to 12 noon and 2.00pm to 6:30pm on a Tuesday, Wednesday and Thursday. The Assembly can, however, rise earlier or sit later if required. The following table provides an indicative schedule of business dealt with by the Assembly in a typical sitting week.

	Tuesday		Wednesday		Thursday
10 am	Prayers/Reflection	10 am	Prayers/Reflection	10 am	Prayers/Reflection
	Petitions		Petitions		Petitions
	Committee Reports		Private Members' business		Committee Reports
	Ministerial Statements		(Notices and orders of the day)		Ministerial Statements
	Executive business				Executive business— Notices for presentation of bills
				approx 11 am	Assembly Business
				approx 11.45 am	Crossbench Executive Members Business
approx 12 noon	Lunch break	approx 12 noon	Lunch break	approx 12 noon	Lunch break
2:00 pm	Question Time	2:00 pm	Question Time	2:00 pm	Question Time
approx 3:00 pm	Presentation of papers		Private Members' business	approx 3:00 pm	Presentation of papers
	Ministerial Statements				Ministerial Statements
approx 3.15 pm	Matter of public importance		Private Members' business	approx 3.15 pm	Matter of public importance
approx 4.00 pm	Executive business			approx 4.00 pm	Executive business
6:30 pm	Adjournment debate	6:30 pm	Adjournment debate	6:30 pm	Adjournment debate

## CATEGORIES OF BUSINESS

### PETITIONS

Petitions allow citizens of the ACT to bring to the attention of the Assembly any personal, local or Territory-wide matter of interest. Petitioners request a MLA to present petitions to the Assembly on their behalf. The Standing Orders prescribe certain formats and conditions that must be met for a petition to be deemed 'in order' (see [Chapter 8 of the Standing Orders](#)).

Where an in order petition is presented to the Assembly, the Clerk of the Assembly will forward the particulars of the petition to the responsible portfolio Minister. The Minister has three months from the tabling of the Petition to provide a response. The AGBC team prepares correspondence to the responsible directorate Assembly Liaison Officer (ALO) advising on the action required. Petitions and response examples can be found on the [Assembly website](#).

Government Responses to Petitions require Cabinet approval prior to presentation. See the *Cabinet Handbook* on the Cabinet Office website.

### ASSEMBLY COMMITTEES

Chapter 20 of the Standing Orders sets out the procedures relating to committees of the Assembly. There are two types of Assembly committees: standing committees and select committees. Standing committees are created at the commencement of an Assembly and remain in operation for the life of the Assembly, while select committees are created to consider specific matters within a specified timeframe. The business of current standing and select committees can be viewed on the [Assembly website](#). The standing committees of the Tenth Assembly are:

- [Administration and Procedure](#)
- [Economy and Gender and Economic Equality](#)
- [Education and Community Inclusion](#)
- [Environment, Climate Change and Biodiversity](#)
- [Health and Community Wellbeing](#)
- [Justice and Community Safety](#)
- [Justice and Community Safety \(Legislative Scrutiny Role\)](#)
- [Planning, Transport and City Services](#)
- [Public Accounts](#)

The terms of reference for each standing committee can be viewed in the resolution establishing the committee. Within the terms of the resolution establishing the committee, and subject to any direction of the Assembly, any standing committee may inquire into and report on any matter it considers merits investigation or which the Assembly refers to it. Where a standing or select committee has concluded an inquiry into a matter, the

committee will table a report in the Assembly during the category of ‘committee reports’ identified above.

Under Standing Order 254A, a government response to an Assembly Committee report must be tabled within four months of presenting the report in the Assembly. Following the tabling (presentation) of a Committee report, the AGBC team in CMTEDD, will forward a request to the appropriate Director-General to prepare a government response.

Government responses to Assembly committee reports must be agreed by Cabinet prior to tabling in the Assembly. Please refer to the *Cabinet Handbook* and *Cabinet Paper Drafting Guide* on the [Cabinet Office website](#) for more information.

### MINISTERIAL STATEMENTS

Ministerial statements are statements made by Ministers concerning matters of administration or policy for which they are responsible. The Government Business Subcommittee of Cabinet must agree to Ministerial Statements one week prior to the statement being scheduled for presentation in the Assembly. Please refer to the *Cabinet Handbook* and *Cabinet Paper Drafting Guide* on the [Cabinet Office website](#) for more information. It should be noted that where there is a paper for tabling to accompany the Ministerial Statement, the statement must refer to tabling the paper; and the paper may require Cabinet approval.

Following Cabinet agreement, the relevant Ministerial Office must provide a final PDF copy of a Ministerial Statement to the Speaker’s Office for circulation to all Members two hours prior to when the statement is proposed to be made. Ministers will table a copy of the statement and move that the paper be noted.

### EXECUTIVE BUSINESS

Executive business is business of the Executive (government business). The Assembly Notice Paper lists Executive Business (government business) in the order in which the Government wishes it to be dealt with in the Assembly. Subject to Standing Order 77, the Manager of Government Business may arrange the order of Executive Business. For example, the order in which bills are either introduced or debated.

### QUESTION TIME

At 2:00pm each sitting day the Speaker calls for questions without notice. During Question Time in the Assembly, a non-Executive Member can ask a question of a Minister, the Speaker or another Member. The question may be answered at the time or where the Minister is unable to, or chooses not to answer when asked, it is then taken on notice (QTON).

Directorates are responsible for monitoring question time and liaising with their Directorate Liaison Officers (DLOs) to action any questions which may have been taken on notice. There are three options to respond to a QTON:

- the responsible Minister may rise at the end of a subsequent question time and provide a verbal response;

- a written response to the QTON can be prepared for sign off by the Minister and delivered to the Member who asked the question; or
- in addition to providing a written response to the Member, a copy of the response should be provided to Chamber Support for the response to be included in a subsequent Hansard.

Under Standing Order 118A, the timeframe for responding to a QTON is 30 days from when the question was asked.

### **PRESENTATION OF PAPERS**

Tabling of papers by the Government allows for transparency and demonstrates the accountability of the Government to the Assembly and, through it, to the people of the Australian Capital Territory. A paper is presented or tabled when passed to the Assembly Clerk in the Chamber. If a paper has been circulated out-of-session to Members, its tabling will be required at the next Assembly sitting.

Ministers may stand and seek leave to present a paper in the Assembly at any time when other business is not being considered. This will, however, normally be done in accordance with Assembly Standing Orders which provides for papers to be tabled on each sitting day immediately after the conclusion of Assembly Question Time (approximately 3.00 pm).

Under Standing Order 211, the Manager of Government Business presents papers scheduled on the program on behalf of the responsible portfolio Minister. However, Ministers may stand and deliver tabling statements in relation to the papers as required.

### **MATTER OF PUBLIC IMPORTANCE (MPI)**

The MPI gives Members a vehicle to discuss a matter of current concern without the requirement for a question to be before the Chair. The MPI is determined by the Speaker at approximately 8.30am on a Tuesday and Thursday morning of a sitting week from topics proposed by non-Executive MLAs. Once determined by the Speaker, the AGBC team will liaise with the Directorate Liaison Officers (DLO) to confirm which portfolio will take lead responsibility for coordinating speaking points for Ministers. The responsible DLO will then work with their Minister's office and directorate to prepare material to support the debate. The MPI occurs after Question Time, Presentation of Papers and Ministerial Statements in the afternoon of a sitting Tuesday and Thursday.

### **PRIVATE MEMBERS' BUSINESS**

Private Members' Business (PMB) includes all business introduced by non-Executive MLAs. This includes Government backbenchers and members of the Opposition or the Crossbench. PMB can include the introduction or debate of a Private Members' bill or the moving of a motion.

Sitting Wednesdays are reserved for PMB. The scheduling of items for PMB day is the responsibility of the Assembly Standing Committee on Administration and Procedure which convenes every Monday of a sitting week. Non-Executive members wishing to introduce legislation or move a motion in the Assembly are required to give notice to the Clerk of the

Assembly, by noon on a sitting Monday, for the item to be ordered by the Standing Committee on Administration and Procedure and listed on the Notice Paper.

Once ordered, the AGBC team receive notice and liaise with responsible directorates to ensure information and speaking points are coordinated for Ministers. It is the responsibility of the relevant directorate in consultation with their DLO to ensure that the Government is prepared to debate each item of PMB listed on the Notice Paper.

### **ASSEMBLY BUSINESS**

Assembly Business consists of business relating to the administration of the Assembly or committees and can include any:

- notice or order relating to the establishment or membership of a committee or the reference of a matter to a committee;
- order of the day for the consideration of a motion moved upon the presentation of a committee discussion paper, committee report or the government response to a committee report;
- notice of motion to amend, disallow, disapprove or declare void any statutory instrument which is subject to disallowance by the Assembly; and
- notice of motion or order of the day which deals with the administration of the Assembly or the manner in which the Assembly conducts its business.

Assembly Business is considered by the Assembly on Thursday of each sitting week. The scheduling of items for Assembly Business is the responsibility of the Assembly Standing Committee on Administration and Procedure which convenes every Monday of a sitting week.

### **CROSSBENCH EXECUTIVE MEMBERS BUSINESS**

A Crossbench Executive Member is a non-government member that has been appointed as a Minister of the Government. A Crossbench Executive Member may propose business for consideration in the Assembly. A Crossbench Executive Member presenting a private bill is responsible for all policy development associated with that bill. Agency officers cannot assist a private member in such a task without the approval of the Minister. PCO will liaise with the Crossbench Executive Member regarding drafting of the bill.

### **QUESTIONS ON NOTICE**

An MLA may ask a question of a Minister in writing which will be placed Questions on Notice Paper for written reply. Questions on Notice (QON) from a Member are to be delivered to the Clerk by 12 noon of a sitting day. The Questions on Notice Paper is available each Friday of a sitting week on the [Assembly website](#). Answers to QONs are to be signed by the responsible Minister and are due to the Clerk's Office within 30 days from the release of the Questions on Notice Paper.

Where a QON is not responded to within the 30 day timeframe, the Member who asked the QON can seek an explanation from the responsible Minister at the end of a subsequent question time. Where the Minister fails to give an explanation to the satisfaction of the

Member, that Member may, without notice, move a motion regarding the Minister's failure to provide an answer, explanation or statement. Advice on answering QON's is available on the [Cabinet Office website](#).

## LEGISLATION IN THE ASSEMBLY

### THE LEGISLATION PROGRAM

#### ACT GOVERNMENT LEGISLATION PROGRAM

The legislation program is a list of bills the Government proposes for introduction in the Assembly during the Autumn (January-June) or Spring (July-December) Parliamentary session. The objective of the program is to ensure:

- a strategic approach to delivering the Government's legislative commitments and other legislative priorities;
- timely and efficient preparation of Government bills; and
- orderly Cabinet consideration and presentation of bills, taking into account policy priorities, administrative urgency, public commitments, resource constraints and other policy considerations.

#### PROPOSALS ON THE LEGISLATION PROGRAM

In developing the legislation program, the Chief Minister writes to Ministers seeking legislative proposals for the coming parliamentary session. The Head of Service will also write to Directors-General. Agencies are responsible for preparing the proposals and seeking ministerial approval. PCO's [ACT Legislation - Developing Legislation and Working with PCO](#) guide lists when legislation is needed, including for:

- an appropriation of public money;
- a new or amending policy that imposes taxes, levies, fees or charges;
- an amendment of an Act or subordinate law; and
- a provision that imposes an obligation, or confers an enforceable right on citizens or organisations (e.g. to provide information or submit documentation, to prohibit an activity or impose penalties).

Based on the legislative proposals submitted by Ministers, a legislation program is developed. When Cabinet approves the Government's legislation program, it also endorses the forecasted Cabinet dates for first and second pass approval; and the presentation date of bills. It is particularly important for agencies to monitor the progress of all bills to ensure that forecast timelines are met to maintain an even flow of government business in the Assembly.

#### LEGISLATION STEERING COMMITTEE

The purpose of the Legislation Steering Committee (LSC) is to monitor the Government's forward Legislation Program including the status of future legislation items and the

achievability of forecasted Cabinet and introduction dates. After the legislation program has been approved by Cabinet the LSC meets in advance of each sitting period to monitor and review the progress of all legislation being developed by agencies. The LSC (convened by the Manager of Government Business or Advisor) comprises of appropriate level representatives from all agencies, Minister's offices, PCO and the Cabinet Office.

### LEGISLATION TIMELINES

To maintain an even flow of government business in the Assembly, forecasted Cabinet and introduction dates on the legislation program should be adhered to. Directorates are to keep Ministers updated on the status and expected timeframes for each legislation proposal that falls within the Minister's portfolio. This includes notification of a material or anticipated failure to meet nominated forecasted dates on the legislation program. Ministers should be advised as soon as possible of an inability to meet target dates for Cabinet agreement.

### VARIATIONS TO THE PROGRAM

If, after the legislation program for a parliamentary session has been agreed by Cabinet, there is a need to:

- add a new bill to the program;
- remove a bill from the program; or
- change the forecasted introduction date of a bill on the program

The responsible directorate will need to prepare correspondence from the responsible Minister to the Chief Minister seeking agreement to the variation required as early as possible. The request should explain the reason for the addition, removal or delay and include revised Cabinet and Assembly presentation dates.

## PREPARATION

### CABINET AGREEMENT

Proposals for government legislation are considered in two stages:

- in a submission seeking approval of a policy position and the drafting of legislation (the first pass); and
- in an Assembly Business Paper (ABP) seeking agreement to introduce a drafted bill in the Assembly (the second pass).

All new policy proposals are presented to Cabinet through a submission. The submission should clearly outline all aspects of the proposal, and be accompanied by the necessary supporting documentation outlined in the *Cabinet Handbook* on the [Cabinet Office website](#).

Bills for presentation should be considered by the Government Business Subcommittee of Cabinet at least one week prior to the forecast introduction date. If for any reason a bill cannot be prepared or finalised for Cabinet consideration until the meeting immediately prior to a sitting period, directorates should contact the [Cabinet Office](#) for assistance.

In exceptional circumstances (usually involving matters of urgency) and following a written request from the relevant minister, drafting of legislation may be authorised by the Chief Minister in a combined pass process. In this case, the ‘policy approval’ and ‘agreement to introduce’ stages are undertaken concurrently through a single Cabinet submission outlining the proposal and including the draft bill as part of the submission.

### CHIEF MINISTER’S AGREEMENT TO DRAFT LEGISLATION

In certain circumstances agreement may be sought from the Chief Minister to progress legislation without reference to Cabinet. The request should set out:

- a detailed description of the proposal, the intended effect and proposed amendments;
- why the amendments are necessary (attaching advice from the Justice and Community Safety Directorate, if relevant);
- details of any consultation and whether there is agreement;
- why the minister considers that the matter does not require Cabinet endorsement;
- whether the proposal is included in the legislation program for the relevant current sitting period and, if so, its priority status (if the proposal is not included on the program, a request for its addition should be made);
- any impact on business and competition; and
- the impact of the proposal on human rights, as outlined in the *Human Rights Act 2004* (HRA).

### DRAFTING PROCESS

Once Cabinet agreement has been given to draft legislation, drafting instructions should be issued to PCO. For information on how to instruct PCO, see PCO’s guide [ACT Legislation—Developing Legislation and Working with PCO](#).

### POST CABINET CHANGES TO A BILL

The Chief Minister may authorise minor policy changes to a bill after Cabinet has agreed to presentation of the bill. If the amendments are substantial in nature, they must be referred back to Cabinet. Cabinet decisions routinely provide authority for minor changes to be made after consideration by Cabinet.

### PUBLIC ANNOUNCEMENT OF PROPOSED LEGISLATION

Unless the Chief Minister agrees otherwise, public announcements about proposed legislation should not be made before the proposed legislation has received approval by Cabinet. Announcements should not forecast a date for presenting the bill to the Assembly.

If the Chief Minister approves the announcement of the proposed legislation, sponsoring agencies must then seek the responsible Minister’s approval to the specific details of the announcement, including the anticipated presentation or commencement dates of the proposed legislation.

## SCHEDULING PRESENTATION

Bills are usually presented in the Assembly in the next available sitting week after Cabinet's final approval. In circumstances where a bill is urgent the Minister may wish to give details of its content to non-Executive Members of the Assembly before its presentation as a means of assisting passage of the bill through the Assembly. The Minister would normally seek Cabinet agreement for such release when second pass approval is sought. Consultation with non-Executive Members after presentation is a matter for the responsible Minister to decide. Where appropriate the responsible Minister may offer a non-Executive Member a briefing on a bill within their portfolio responsibilities. It is not appropriate for government officials to provide briefings directly to a non-Executive Member (or a staff member of a non-Executive Member), without the request and approval of the respective Minister's Office. Further guidance on interacting with non-Executive Members can be found in the [\*Protocol for the ACT Public Service when interacting with non-Executive Members\*](#) and the [\*Guidelines for Officials Participation in Legislative Assembly and Other Inquiries\*](#).

## PREPARING MATERIAL FOR PRESENTATION OF A BILL

### SUPPORTING DOCUMENTS

All Government bills are to be agreed by Cabinet prior to presentation in the Assembly. For further information about Cabinet requirements see the *Cabinet Handbook* on the [Cabinet Office website](#). The relevant policy area is responsible for developing and preparing the supporting documents for presentation in the Assembly.

The final bill will be provided to AGBC for embargo at the Assembly by the PCO. For further information about finalising bills, see PCO's guide [\*ACT Legislation – Developing Legislation and Working with PCO\*](#).

### EXPLANATORY STATEMENT

All bills and subordinate legislation (including regulations and disallowable instruments) require an explanatory statement. The Minister presents the explanatory statement to the Assembly when tabling the bill and presentation speech. The statement provides a plain English description of the intent of the bill. For further advice about explanatory statements please see the ACT Legislative Assembly Scrutiny Committee's 'Guide to writing an explanatory statement' available on the [Committee's page](#). Agency Assembly Liaison Officers (ALO's) are to provide the explanatory statement to AGBC for embargo the day prior to presentation in the Assembly.

### PRESENTATION SPEECH

When presenting a bill in the Assembly the responsible Minister delivers a presentation speech. The instructing agency is responsible for drafting the presentation speech. The speech, which is for a maximum duration of 20 minutes, outlines the general principles and objectives of the bill. Directorate Assembly Liaison Officers (ALO) are to provide the presentation speech to AGBC for embargo the day prior to presentation in the Assembly.

## HUMAN RIGHTS COMPATABILITY STATEMENT

Under s 37 of the *Human Rights Act 2004*, all bills presented to the Legislative Assembly by a Minister must be accompanied by a human rights compatibility statement signed by the Attorney-General. This statement is integrated in the Explanatory Statement.

Following Cabinet's agreement to the final Bill and Explanatory Statement, the relevant Directorate must arrange for a final copy of the Explanatory Statement to be signed by the Attorney-General. This process will be facilitated through the directorates Assembly Liaison Officer, Directorate Liaison Officer and AGBC. Note the human rights compatibility statement is a different document to the human rights memorandum of compatibility required under the Cabinet process.

For more information about compatibility with human rights, please contact JACS Human Rights Scrutiny Team at [JACSScrutinyTeam@act.gov.au](mailto:JACSScrutinyTeam@act.gov.au) or see PCO's guide [\*ACT Legislation—Developing Legislation and Working with PCO\*](#)

## ADDITIONAL DOCUMENTATION

Agencies should advise AGBC where a Minister wishes to present additional documentation to accompany the presentation of a bill. For example, this may include an associated report or government response for the information of the Assembly in the context of the bill. Additional documents are to be listed on the draft Assembly Program and provided to AGBC for embargo.

## NOTICE OF PRESENTATION OF A BILL

Bills are presented by way of calling on a notice of presentation. AGBC draft the notice of presentation for each bill being presented and provide this to the Minister's office. A notice of presentation must be signed by the Minister and either:

1. delivered to the Clerk's Office by 12 noon on a Monday of the sitting week of which a bill is proposed to be introduced; or
2. to the Clerk in the Chamber during a sitting the day before the bill is scheduled for presentation.

The bill will appear in the Notice Paper the day after the notice of presentation is delivered. When the Clerk calls on the notice, the responsible Minister presents the bill together with the explanatory statement and human rights compatibility statement. The Minister hands the Clerk two signed copies of the presentation copy of the bill. A copy of the bill is then circulated to each MLA. The Minister then moves 'that the bill be agreed to in-principle' and immediately delivers the presentation speech. A copy of the presentation speech is then given to each MLA.

## ASSEMBLY BILLS LIST

Once presented in the Assembly, a bill is added to the Bills List. The Bills List is a record of all legislation introduced into the Assembly by Members. The Bills List includes information on bills including the date of introduction, date passed, Act number and date listed on the legislation register. The Bills List can be accessed on the [Assembly's website](#).

## SCRUTINY COMMITTEE

The Assembly's Standing Committee on Justice and Community Safety, in its Legislative Scrutiny Role, examines all bills and subordinate legislation presented to the Assembly. This committee is referred to as the Scrutiny Committee. In examining presented bills and where required, proposed government amendments, the Scrutiny Committee considers whether clauses of bills:

- unduly trespass on personal rights and liberties;
- make rights, liberties and/or obligations unduly dependent on insufficiently defined administrative powers;
- make rights, liberties and/or obligations unduly dependent on non-reviewable decisions;
- inappropriately delegate legislative powers; or
- insufficiently subject the exercise of legislative power to parliamentary scrutiny.

Generally a report on a bill will be released Tuesday afternoon the week prior to a sitting week, on the [Assembly website](#). The Chair of the Scrutiny Committee will also table the report in the next available sitting week.

AGBC distribute the report to directorate ALOs when released and identify where a Ministerial response is required. Where a response or further advice is requested from the Minister, a response should be prepared to the Chair of the Scrutiny Committee as a priority and provided prior to debate or ultimately within four months of the release of the report (in accordance with Standing Order 254B). Depending on the nature of the comments it may be necessary to further brief the responsible Minister.

All responses to the Scrutiny Committee are to be addressed to the Chair of the Scrutiny Committee. The signed pdf letter and unsigned Microsoft Word version should be sent to [scrutiny@parliament.act.gov.au](mailto:scrutiny@parliament.act.gov.au); and delivered to the Scrutiny Committee Assistant Secretary who sits in the Chamber Support Office. This allows responses to be uploaded onto the Scrutiny Committee's page on the [Assembly website](#). Examples of previous responses can also be found on the Committee's webpage.

Under s 38 of the HRA, the Scrutiny Committee also has a statutory obligation to report to the Assembly on the consistency of bills with fundamental human rights principles. The HRA strengthens the Scrutiny Committee's role under the existing Resolution of Appointment. Policy officers should expect a high level of scrutiny on civil and political rights issues. The scrutiny function of the Scrutiny Committee is to test legislation by reference to standards protected under the HRA seeking to ensure that proposed bills meet these standards.

The responsibility for ensuring compliance with the HRA rests with each Minister. It is not the function of the Scrutiny Committee to comment on the policy of the legislation.

Nevertheless, the Government will be open to criticism if a bill unnecessarily imposes limits on rights or is not consistent with human rights without strong policy reasons for justifying a departure from basic standards.

Guidance on how these principles have been applied can be found in the Scrutiny Committee's reports to the Assembly, available via the 'Committees' link on the [Assembly website](#).

### REFERENCE TO A LEGISLATIVE ASSEMBLY COMMITTEE

In accordance with the resolution establishing the Standing Committee's for the Tenth Assembly, all bills presented to the Assembly stand referred to the relevant standing committee for inquiry and report within two months from the presentation of the bill. Should the standing committee resolve not to undertake an inquiry, the chair shall advise the Assembly and the responsible minister within 14 days of the presentation of the bill in the Assembly.

The Government should prepare its response to the committee report before bringing the bill on for debate. Ultimately however, a Government Response must be tabled within four months of the presentation of the report, or provided to the Speaker for out-of-session circulation to Members within four months of the presentation of the report and tabled by the Minister on the next day of sitting (Standing Order 254A). A Government response to the committee report will need to be considered by Cabinet before presentation in the Assembly.

## DEBATE

### TIMING OF DEBATE BILLS

The Manager of Government Business coordinates the Government's Assembly Business Program in consultation with other Ministers. The program includes the order of Government bills for debate. Agencies should advise Ministers of any urgency or impediment to a bill being scheduled for debate. Unless declared as urgent (see Standing Order 192) bills will not be debated by the Assembly in the same sitting period as their introduction (see Standing Order 172).

The Assembly notice paper lists Executive Business in the order in which the Government wishes it to be debated in the Assembly. The notice paper is printed each sitting day under the authority of the Clerk and distributed in the Assembly before the beginning of the sitting day.

For Private Members' bills, the Standing Committee on Administration and Procedure determines the order of debate, which is also listed on the notice paper. Non-Executive Members are informed of the Government bills listed for debate at the Manager of Government Business Meeting, which is held the week prior to each sitting week. This allows non-Executive Members to prepare for the debate.

### DEBATE REQUIREMENTS

Debates are scheduled under Executive Business and can be scheduled on either a Tuesday or a Thursday. Directorates should liaise with their Minister's Office to confirm their Minister's requirements for debate packs.

At a minimum, directorates should include:

- debate speech/dot points addressing the bill clause by clause or as a whole (check with your Minister's office if the bill is to be debated as a whole or clause by clause as this impacts your speech/dot points);
- a copy of the bill as presented;
- a copy of the explanatory statement;
- a copy of the original presentation speech;
- a copy of Scrutiny Committee comments (also provide a copy of the Scrutiny Report and the Minister's response); and
- planned media coverage, or any significant media coverage since the bill was introduced.

It is usual practice for the responsible Government official who took carriage of the bill to be present in the chamber during debate to advise the Minister, unless the Minister's Office instructs otherwise. The DLO in the relevant Minister's Office is responsible for keeping agency contact officers up-to-date on timing of debates. Standing Order 69 outlines the relevant time limits for the debate of bills including the 'in principle' and 'detail stage'.

## **MOVING GOVERNMENT AMENDMENTS**

After a bill is presented (by the government, a private member or crossbench executive member), it may be necessary for amendments to be presented during the detail stage. The need for amendments may arise, for example, to deal with urgent, essential changes or because of negotiations with other members to ensure the passage of the bill or in response to comments from the Scrutiny Committee. Amendments may be moved to any part of a bill as long as they are within the long title or relevant to the subject matter of the bill and conform with the Standing Orders (see Standing Order 181).

Generally, only essential amendments should be proposed. The option of dealing with a matter by a later bill or regulation developed in accordance with the legislation program should be considered instead. If a large number of essential amendments are contemplated, you should consider withdrawing the bill and representing it in consolidated form. This can often save time and allow better consideration of the issues.

Proposed amendments to any Bill must be forwarded in writing from the relevant Minister to the Scrutiny Committee Chair at least 14 days prior to the Tuesday of the sitting week in which the amendments are proposed to be moved. For example, an amendment would need to be provided to the Scrutiny Committee Chair by COB on the Monday, two weeks prior to the sitting week. If there is a public holiday on the Monday, they must then be provided by COB on the Friday prior to the Monday. However, the Assembly may agree to dispense with this rule if the amendment is urgent, minor or technical in nature, or in response to comment made by the Scrutiny Committee (see Standing Order 182A).

There is no requirement under the HRA to obtain a compatibility statement in relation to amendments that are proposed during the passage of a bill. However, as a matter of policy every attempt should be made to ensure that amendments are consistent with the HRA.

## Supplementary Explanatory Statements

All proposed government amendments must be accompanied by a supplementary explanatory statement to describe the government amendments. A supplementary explanatory statement should be prepared using the same template as the original explanatory statement. However, the Attorney-General **does not** need to re-issue a Human Rights compatibility statement, this page can be removed from the template. The title page of the statement should be edited to remove the Human Rights inclusion text and 'Supplementary Explanatory Statement' should be added underneath the title of the bill.

## Revised Explanatory Statements

In some circumstances, a revised explanatory statement may also need to be prepared. For example, where the Scrutiny Committee provide comment that the explanatory statement could be enhanced, a Directorate may decide to update the explanatory statement. The revised explanatory statement replaces the original explanatory statement tabled at the introduction of the bill. A revised explanatory statement should be prepared using the same template to the original explanatory statement. However, the Attorney-General **does not** need to re-issue a Human Rights compatibility statement, so this page can be removed from the template. The title page of the statement should be edited to remove the Human Rights inclusion text and 'Revised Explanatory Statement' should be added underneath the title of the bill. Directorates must advise the AGBC team if there are government amendments with an accompanying supplementary explanatory statement and/or a revised explanatory statement.

## AMENDMENTS TO BE CIRCULATED

Government amendments to government, private member or crossbench executive member bills must be circulated in advance of being moved. Ministers are required to sign the cover page of government amendments; and the original signed copy must be delivered to the Clerk's office by 12 noon on the day prior to the sitting day at which the amendment is proposed to be moved. Chamber Support will then circulate the amendments to members of the Assembly.

## COGNATE DEBATES

Where two or more related bills are before the Assembly, the Government may propose the bills be debated cognately. Cognate debates facilitate the debate of two or more related bills at the same time; and save the time of the Assembly. Related bills must be presented to the Assembly separately, and the motion 'that this bill be agreed to in-principle' moved separately. A separate presentation speech and explanatory statement is required for each bill, though it can be very brief for all but the major bill, which should be presented first.

However, the Minister may suggest, at the resumption stage of the agreement in-principle debate on the first bill of a group, that the Speaker ask the Assembly that debate on all of the bills be undertaken cognately (together). If agreed, a substantive debate will follow, technically on the first bill, but in reality on the package of bills. When debate of the first bill is concluded, the subsequent bills will be called on sequentially and dealt with, usually without further debate taking place.

## IN-PRINCIPLE STAGE DEBATE

Typically, following the presentation of a bill, the motion is moved that ‘the bill be agree to in-principle’, the presentation speech is then read out and then debate is adjourned to a future date. This allows the non-Executive Members, community interest groups and interested members of the public an opportunity to examine the bill in some detail before debate. In exceptional circumstances, or where there has been consultation on the bill at the draft stage, there are procedures to enable the debate to proceed immediately following presentation of the bill. The agreement in-principle debate relates to the general principles of the bill.

## DETAIL STAGE DEBATE

Once a bill has been agreed to in-principle and has been reported on by a Standing Committee, the Assembly may proceed to the detail stage of the debate. In the detail stage, the Assembly considers the bill clause by clause in numerical order, and either agrees to each or considers permissible amendments.

Alternatively, the Assembly may consider clauses in groups, rather than individually. The long title is the last part of the bill to be considered. The process continues until all clauses, any schedules and the title of the bill have been agreed. The Assembly may also agree to bypass the detail stage and move immediately to the question that the bill is agreed to as a whole.

## NOTIFICATION OF ACTS

A bill becomes an Act when it has been notified on the ACT Legislation Register. After passage of a bill, the Clerk of the Assembly arranges the checking of the bill to ensure that any amendments made during passage are properly reflected in the text. During this process, the Clerk of the Assembly, acting with the Speaker’s authority, may correct clerical, grammatical or typographical errors, in any part of a bill (see Standing Order 191). The Speaker will table a list of amendments to bills made under Standing Order 191 at the next available sitting. Unless otherwise provided in the Act, the Act commences on the day after its notification day (*Legislation Act 2001*, section 73).

## CERTIFICATE OF BILL HAVING PASSED

After a bill has been passed by the Assembly and thoroughly checked, the Clerk of the Assembly shall certify a copy as a true copy of the bill passed by the Assembly, and the Speaker will ask PCO to notify the making of the proposed law (see Standing Order 193). Under section 28 of the *Legislation Act 2001*, the Speaker must ask PCO to notify a proposed law passed by the Assembly.

An original signed physical copy, and an electronic copy of both the Speaker’s request for notification and the proposed law certified by the Clerk of the Assembly, is sent to PCO. The original signed physical copy of the Speaker’s request and the proposed law is the primary method of notification.

## PRIVATE MEMBERS AND CROSSBENCH EXECUTIVE MEMBERS BILLS

The Government must be in a position to debate all Private Members'/Crossbench Executive Members' bills as soon as possible after presentation. Government readiness to respond to Private Members'/Crossbench Executive Members' bills is dependent on agreement of a Government position and preparation of appropriate documentation for use by the relevant Minister during debate.

A Government position on each Private Members'/Crossbench Executive Members' bill must be prepared for Cabinet consideration as a matter of priority. This should canvass the operational impact of the proposed legislation and details such as commencement provisions.

In-principle agreement to any proposed Government amendments may be sought as part of the response to a Private Members'/Crossbench Executive Members' bill. Agencies are responsible for instructing PCO in formulating such amendments in accordance with the requirements for Government amendments. AGBC must be informed of all proposed Government amendments to Private Members'/Crossbench Executive Members' bills to allow for advice to be provided to the Assembly Secretariat in its procedural preparation for debates.

Government positions on a Private Members'/Crossbench Executive Members' bill should be considered by Cabinet. In responding to a Private Members'/Crossbench Executive Members' bill in the Assembly, there are four broad options:

- i. **Oppose the bill** – this may be the appropriate course of action if it becomes clear that the substance of the bill is against Government policy and there is little or no merit in pursuing options (iii) or (iv);
- ii. **Support the bill** – this is only appropriate if the substance of the bill is consistent with Government policy or acceptable to the Government;
- iii. **Move Government amendments when the bill comes up for debate** – this is the preferred course of action for effecting amendments of the bill noting that any amendments would require consideration by the Scrutiny Committee at least 14 days prior to the Tuesday of the sitting week in which the amendments are proposed to be moved unless the amendment is urgent, minor or technical in nature, or in response to comment made by the Scrutiny Committee (see Standing Order 182A). For example, an amendment would need to be provided to the Scrutiny Committee Chair by COB on the Monday, two weeks prior to the sitting week. If there is a public holiday on the Monday, they must then be provided by COB on the Friday prior to the Monday.
- iv. **Introduce the Government's own bill before the Private Member's bill comes up for debate** – this is a last resort measure to be adopted in exceptional circumstances, such as when option (i) is not appropriate/feasible and there are fundamental or substantial difficulties with the Private Member's bill which cannot be resolved through Government amendments.

# STATUTORY INSTRUMENTS IN THE ASSEMBLY

## PRESENTATION IN THE LEGISLATIVE ASSEMBLY

A statutory instrument refers to any instrument made under an Act or another statutory instrument. Common types of statutory instruments are legislative instruments (such as disallowable or notifiable instruments) or subordinate laws. After a subordinate law (regulation or rule) or disallowable instrument is notified on the Legislation Register under the *Legislation Act 2001*, it must be presented to the Assembly within six sitting days. If not, it is taken to have been repealed (see section 64 of the *Legislation Act 2001*).

Following notification of a statutory instrument, PCO liaises with Chamber Support to facilitate presentation on the next available sitting within six sitting days. The explanatory statement and regulatory impact statement (RIS) (if required) for each subordinate law is also presented to the Assembly to facilitate consideration of the subordinate law or disallowable instrument. On the first day of each sitting week, the Manager of Government Business will table all subordinate legislation requiring presentation during presentation of papers.

For further information on creating and notifying statutory instruments, see PCO's [ACT Legislation – Legislation Basics](#). See also the Scrutiny Committee's [Guide to writing an explanatory statement](#), guide to [Subordinate Legislation – Technical and Stylistic standards](#) and [Henry VIII clauses fact sheet](#). All guidance material can be accessed on the Scrutiny Committee's page on the [Assembly website](#).

### SCRUTINY COMMITTEE REVIEW

After presentation the Scrutiny Committee considers the presented statutory instruments to examine whether each instrument:

- meets the objective of the Act under which it is made;
- unduly trespasses on rights previously established by law;
- makes rights, liberties and/or obligations unduly dependent on non-reviewable decisions;
- contains matter that should properly be dealt with in an Act of the Legislative Assembly; or
- complies with the Scrutiny Committee's standards as outlined in the guide to [Subordinate Legislation – Technical and Stylistic standards](#).

The Scrutiny Committee will report on its considerations and may make comments on presented statutory instruments that require a response from the responsible Minister. As mentioned, generally the Scrutiny report will be released Tuesday afternoon the week prior to a sitting week, on the [Assembly website](#). The Scrutiny Committee Chair will also table the report in the next available sitting week.

AGBC distribute the report to directorate ALOs when released and identify where a Ministerial response is required. Where a response is required to comment on statutory

instruments, a response should be prepared to the Chair of the Scrutiny Committee and provided within six sitting days of the instrument being presented. Depending on the nature of the comments it may be necessary to further brief the responsible Minister.

All responses to the Scrutiny Committee are to be addressed to the Chair of the Scrutiny Committee. The signed pdf letter and unsigned Microsoft Word version should be sent to [scrutiny@parliament.act.gov.au](mailto:scrutiny@parliament.act.gov.au); and delivered to the Scrutiny Committee Assistant Secretary who sits in the Chamber Support Office. This allows responses to be uploaded onto the Scrutiny Committee's page on the [Assembly website](#). Examples of previous responses can also be found on the Committee's webpage.

## DISALLOWANCE

Once presented, statutory instruments are not debated like bills, but can be disallowed by the Assembly. Under s 65 of the *Legislation Act 2001*, the Assembly may pass a disallowance motion within six sitting days of a statutory instrument being presented in the Assembly.

MLAs have up to six sitting days, after the statutory instrument is presented in the Assembly to lodge a motion to disallow the instrument. The six sitting day period commences the day after presentation. The motion to disallow is effected by the member listing a notice of motion on the notice paper. If lodged, the Assembly must deal with the disallowance motion within six sitting days. It is important that the Government seeks debate of the motion to disallow, even where the matter has not been listed for debate prior to the expiration of the six sitting days. Where the motion is not dealt with by the end of the day on the sixth sitting day, the Member shall move the notice on the next sitting day and such business shall take precedence over other business (Standing Order 77(j)).

It should be noted under the *Planning and Development Act 2007*, statutory instruments relating to Territory Plan Variations have a disallowance of only five sitting days (see section 79, *Planning and Development Act 2007*).

If a motion to disallow a subordinate law or disallowable instrument is given and then passed by the Assembly, the law is considered repealed. Under s 65(3) of the *Legislation Act 2001*, the motion is taken as passed if at the end of six sitting days, the notice is given:

- that the motion has not been withdrawn and has not been called on for debate; or
- that the motion has been called on for debate and moved, but has not been withdrawn by the Member or disposed of through a vote of the Assembly.

## NOTIFICATION OF DISALLOWANCE OR AMENDMENT

If a statutory instrument is disallowed, or taken to have been disallowed, the Speaker must ask PCO to notify the disallowance. Under the *Legislation Act 2001* PCO notifies the making of the proposed amendment or disallowance on the Legislation Register by entering on the register:

- a statement that the subordinate law or disallowable instrument has been disallowed;

- the text of the resolution passed, or taken to have been passed, by the Legislative Assembly;
- the day when the resolution was passed or taken to have been passed; and
- the day when the subordinate law or disallowable instrument is taken to be repealed because of the resolution.

# PAPERS FOR TABLING

## TYPES OF PAPERS

Ministers table documents in the Assembly that relate to activities within their portfolio responsibilities. These can be presented pursuant to legislation, at the Government's initiative, pursuant to Assembly Standing Orders and by order or resolution of the Assembly. These papers can include but are not limited to:

- Government Responses to Auditor-General or Assembly Committee Reports
- Reports providing updates or progress on Government Commitments
- Annual Reports
- Directorate Half Yearly Reports
- Relevant Quarterly Reports
- Financial Reports
- Business Plans

If it is not known if the tabling of a document is required, initial informal advice should be sought from the directorate ALO or DLO. In any case, every document to be presented will require prior Ministerial agreement.

## CABINET AGREEMENT

It should be assumed that all government responses, policies, legislation reviews, positions and plans are to be brought to Cabinet for consideration before tabling in the Assembly, implementation, or public announcement unless express approval is given by the Chief Minister. Ministers should not make public announcements that raise community expectations of a future course of action by the government unless the action has been previously approved by Cabinet.

In addition to Cabinet approval for legislation, it should also be presumed items for presentation in the Assembly require Cabinet agreement prior to tabling, unless otherwise advised (see the [Cabinet Handbook](#) for further information). Common types of documents for tabling and associated Cabinet papers are summarised in the table below.

Where it is unclear if an item for tabling requires Cabinet agreement, please contact the directorates Cabinet Liaison Officer (CLO) or ALO.

Document Requiring Tabling	Cabinet Paper Type	Purpose
Ministerial Statement	Assembly Business Paper (ABP) or Cabinet Submission	<ul style="list-style-type: none"> <li>• Seeking agreement to present the Statement in the Assembly.</li> <li>• It should be noted that if a Ministerial Statement includes an attached paper or report for tabling, consideration should be given as to</li> </ul>

Document Requiring Tabling	Cabinet Paper Type	Purpose
		whether this may require full Cabinet consideration in the form of a submission.
Government Response to Auditor-General Reports	Cabinet Submission	<ul style="list-style-type: none"> <li>Cabinet Submission seeking agreement to provide the Government Response.</li> </ul>
Government Response to Assembly Committee Reports	Cabinet Submission	<ul style="list-style-type: none"> <li>Cabinet Submission seeking agreement to provide the Government Response.</li> </ul>
Government Response to Assembly Resolution OR Petition	Assembly Business Paper (ABP) or Cabinet Submission	<ul style="list-style-type: none"> <li>Assembly Business Paper or Cabinet Submission seeking agreement to provide the Government Response.</li> <li>Depending on the nature of the Government Response, consideration should be given as to whether this may require full Cabinet consideration in the form of a submission.</li> </ul>

## PREPARING PAPERS FOR TABLING

Papers scheduled for tabling under presentation of papers are tabled in a bundle by the Manager of Government Business (MGB). Presentation of papers in the Assembly (excluding formal Ministerial Statements) may take place in one of three ways:

- tabling of documents without any statement made by the Minister; or
- tabling of documents with an accompanying statement made by the Minister to highlight particular areas of interest, without a copy of the speech provided to other Members; or
- tabling of documents and the accompanying statement made by the Minister to highlight particular areas of interest, with a copy of the statement from the Minister also provided to Members (tabling statement).

Directorates should seek advice from Ministers' offices through their DLOs to determine if a tabling statement is required to accompany a tabling paper.

On the Tuesday and Thursday of a sitting week, the MGB must circulate a schedule of all papers proposed to be tabled to the Whips by 12 noon on the sitting day the papers are proposed to be tabled. Before question time, Members will then indicate to the MGB which papers should be subject to a motion that 'the Assembly take note of the paper'. Moving this motion will give the opportunity for any member to speak to the applicable paper; for example for a Minister to deliver and table a prepared tabling statement or for a private member to speak on the paper.

Directorates must indicate to AGBC whether a Minister wishes to make a tabling statement or not. Where a tabling statement is to be delivered, the MGB will move the motion that ‘the Assembly take note of the paper’ and the Minister will then deliver the tabling statement.

### FORMATTING REQUIREMENTS

All papers (including Ministerial Statements and tabling statements) require a covering page containing the title of paper being tabled; the responsible Minister’s name and portfolio and date (see example at [Appendix 2](#)). Where papers are being tabled pursuant to statutory requirements, details of the authorising provision and legislation under which the papers are being tabled should also be shown on the covering page. If a paper for tabling already contains a formal cover page with a clear title, an additional cover page does not need to be added.

Unless otherwise ordered, all papers tabled by Minister are authorised for publication and will be uploaded onto the [Assembly website](#). A key rule to note is that all documents for tabling are under embargo until they have been presented in the Assembly.

Copies of documents for presentation are to be embargoed with AGBC the day prior to presentation. [Appendix 3](#) outlines the number of copies required for the embargo of different paper types. AGBC will advise directorate ALO and DLO’s of embargo times at the Assembly via email.

### NON-SITTING CIRCULATION

In some circumstances, there may be provision for a paper to be distributed for non-sitting circulation. Note non-sitting circulation can only occur where there is a legislative or Standing Order provision that authorises it.

## GOVERNMENT RESPONSES

### ASSEMBLY COMMITTEES

When an Assembly committee inquiry is finalised, the Chair of the committee will either table the committee report in the Assembly if it is sitting; or may provide the final report to the Speaker for non-sitting circulation if the Assembly is not sitting. A committee report may contain a number of recommendations for Government to consider and respond to. When a committee report is released, AGBC will prepare correspondence to the responsible Director-General advising on the relevant timelines and request the preparation of the Government's response. A government response must be prepared and provided within four months from the date of tabling of the Committee report as required by Standing Order 254A.

If the Assembly is not sitting when the government response is due, the responsible Minister may present the response to the Speaker for non-sitting circulation, with the response to be tabled in the Assembly on the next available day of sitting. A government response that has been circulated when the Assembly is not sitting is taken to have been tabled and authorised for publication.

If a government response is at risk of not meeting the four-month timeframe, the relevant Minister should write to the relevant committee Chair providing an explanation for the potential delay, and a date by which the response will be provided.

### AUDITOR-GENERAL REPORTS

Once an audit report is finalised, the Auditor-General forwards the report to the Speaker of the Assembly for presentation to the Assembly. If the Assembly is not sitting, under section 17 of the *Auditor-General Act 1996*, an audit report is deemed to have been presented to the Assembly on the date provided to the Speaker. A media release will generally accompany the presentation of the report. The report is then tabled by the Speaker in the next available sitting.

### Government Response

Under section 21 of the *Auditor-General Act 1996*, the timeframe for the preparation and tabling of a government response to an audit report is four months. If the Assembly is not sitting when the government response is due, the responsible Minister may present the response to the Speaker for out-of-session circulation, with the response to be tabled in the Assembly on the next day of sitting.

Following the presentation of an Auditor-General's report, AGBC will prepare correspondence to the responsible Director-General requesting the preparation of a Government response and advising on relevant timelines. Government responses to Auditor-General reports are to be agreed by Cabinet before being presented to the Assembly. Further information on responding to Auditor-General reports can be found in the [Guidelines for Responding to Performance Audit Reports by the Auditor-General](#).

## Referral of Auditor-General's Reports to Assembly Standing Committee

Once presented in the Assembly by the Speaker, Auditor-General's Reports are automatically referred to the Standing Committee on Public Accounts (PAC Committee). The PAC Committee terms of reference states that the PAC Committee is to examine all Auditor-General Reports which have been presented to the Assembly. After considering the Auditor-General's Report and the Government Response the PAC Committee Chair will advise the Assembly if the PAC Committee has determined to inquire.

If the PAC Committee has determined to inquire, the PAC Committee will undertake an inquiry then present a Report to the Assembly, which will then require a Government Response to the PAC Committee Report. The Government then has four months to respond as outlined above under '[Government Responses](#)'.

## APPEARING BEFORE ASSEMBLY COMMITTEES

In the event that public servants are asked to appear before a Committee inquiry, they should follow the processes outlined in the [Guidelines for Officials Participation in Legislative Assembly and Other Inquiries](#); and be cognisant of the [Protocol for the ACT Public Service when interacting with non-Executive Members](#).

## ACCESSABILITY REQUIREMENTS

Section 23 of the [Freedom of Information Act 2016](#) (the FOI Act) requires 'information about the agency or the work of the agency contained in any document tabled in the Assembly by or for the agency' to be published as open access information.

The process for tabling documents in the Assembly outlined above requires agencies to provide the AGBC with a hard and digital copy of the document. Chamber Support publish the digital copy of a tabled paper within 15 business days of the completion of a sitting period on the Tabled Papers page of the [Assembly Website](#). When submitting the digital version of a document to be tabled in the Assembly, the responsible area must:

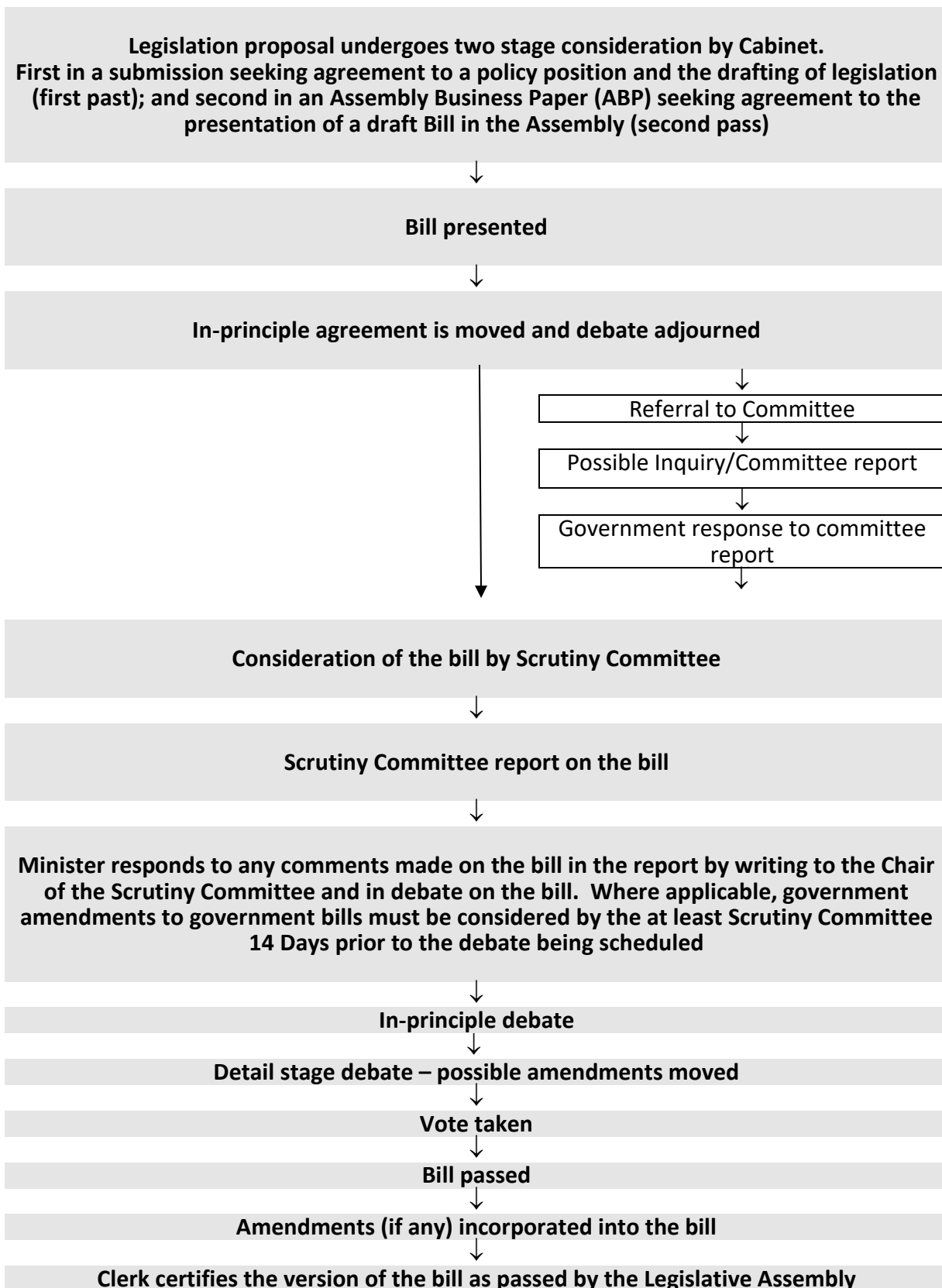
- clearly identify which agency or directorate is responsible for the document; and
- ensure that the digital copy of the document:
  - is an accurate reproduction of the hardcopy paper provided for tabling;
  - complies with the web content accessibility guidelines (WCAG) level AA as far as practicable; and
  - is sanitised of any hidden or extraneous material that is not intended for publication such as track changes, metadata or password protection.

These accessibility requirements also apply to digital copies of responses to questions on notice and taken on notice; and correspondence to Assembly committee's such as the Scrutiny Committee.

## CONTACT DETAILS

Who	Oversight
Mary Toohey Parliamentary Counsel E: mary.toohey@act.gov.au P: 6205 3490	General oversight of legislative drafting and publishing services.
Chamber Support P: 6205 0557	Chamber support provides administrative and procedural advice and support to the operation of the chamber.
Assembly and Government Business Coordination E: cmtedd.gbc@act.gov.au P: 6207 0148 P: 6205 0543	Coordinates and/or develops the: <ul style="list-style-type: none"> <li>• Legislation Program;</li> <li>• Assembly Program;</li> <li>• Embargo of documents;</li> <li>• Government business; and</li> <li>• Whole of government reporting.</li> </ul>
Cabinet Office E: cabinetoffice@act.gov.au	Support to Cabinet and the Cabinet process is provided by the Cabinet Office through: <ul style="list-style-type: none"> <li>• providing administrative support to the Chief Minister and Cabinet;</li> <li>• providing advice and training to officials on Cabinet processes;</li> <li>• monitoring and enforcing compliance with the Cabinet Handbook and the Cabinet Paper Drafting Guide; and</li> <li>• coordinating the Cabinet Liaison Officer (CLO) Network.</li> </ul>

## APPENDIX 1 – PASSAGE OF A BILL



## APPENDIX 2 – COVERPAGE EXAMPLE

**[Year Presented]**

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

**[NAME OF BILL] OR [NAME OF PAPER]**

**Presented by  
[Minister's Name]  
[Ministers Portfolio]  
[Month Year]**

## APPENDIX 3 – NUMBER OF COPIES REQUIRED

Document	Number of Copies Required
<b>Papers</b>	
Ministerial Statements	5 paper copies PDF
Tabled papers (with electronic copy supplied)	5 paper copies PDF
Tabled papers (Only Paper copy supplied)	40 paper copies
Out of Session papers (E copy supplied)	5 paper copies PDF
Out of Session papers (Only Paper copy supplied)	40 paper copies
Annual Reports	35 paper copies
Corrigendum to Annual Reports	35 paper copies PDF
Budget Papers	35 paper copies
<b>Legislation</b>	
Bills	20 paper copies PDF
Explanatory statements	15 paper copies PDF
Presentation Speech	15 paper copies PDF
Supplementary or Revised Explanatory Statements	15 paper copies PDF
Amendments to Bills	15 paper copies PDF



**ACT**  
Government

**CHIEF MINISTER, TREASURY AND ECONOMIC  
DEVELOPMENT DIRECTORATE**