

Australian Capital Territory

Subject: ACT legislation—technical amendments program—practice note

Purpose

1 This practice note is to help agencies decide whether an amendment or repeal is suitable for inclusion in the technical amendments program. It should be read with the technical amendments program guidelines and the Legislation Handbook.

Issues

2 The technical amendments program is only for minor or technical amendments (or repeals) that are not controversial.

3 The Parliamentary Counsel's Office will prepare the legislation proposal form for the inclusion of a statute law amendment bill in the Government's legislation program for each sittings of the Legislative Assembly.

4 Minor policy changes (schedule 1) and proposed repeals (schedule 4) will not be made under the program without, at least, the Chief Minister's in principle agreement.

Initial consultation

5 Before briefing the responsible Minister about a proposed minor policy change, agencies should consult the Parliamentary Counsel's Office and Executive and Cabinet Support in the Chief Minister's Department. The Parliamentary Counsel's Office will assess whether the proposed amendment is suitable for inclusion in the technical amendments program and will consult Executive and Cabinet Support as necessary. Agencies may be asked to provide additional information about proposed amendments.

6 The Parliamentary Counsel's office will consult with the sponsoring agency about the proposed inclusion of a technical amendments schedule in a non-statute law amendment bill being prepared for the agency for other reasons.

Briefing and agreement of Minister

7 Agencies are responsible for briefing their Ministers and seeking the Minister's agreement to inclusion of minor policy changes and proposed repeals initiated by them under the technical amendments program. The brief to the Minister should confirm that the Parliamentary Counsel has agreed that each proposed amendment or repeal is suitable for the technical amendments program. A copy of the drafting instructions, confirming that the amendment is not controversial, should be attached.

Chief Minister's approval

8 The responsible Minister should seek the Chief Minister's in principle agreement, in writing, to the making of minor policy changes (schedule 1) and proposed repeals (schedule 4) initiated by agencies under the technical amendments program. The Parliamentary Counsel's Office will seek the Chief Minister's in principle agreement for proposed repeals initiated by it under the technical

amendments program. Requests should be made in accordance with the Legislation Handbook.

9 If the Parliamentary Counsel's Office initiates a repeal, it will consult with the responsible agency before seeking the Chief Minister's approval.

Drafting instructions

10 For amendments and repeals initiated by agencies, instructions should be given to the Parliamentary Counsel's Office as soon as possible after the Chief Minister's agreement is received.

11 Drafting instructions for amendments to be included in the statute law amendment bill for a particular sitting period of the Legislative Assembly (ie Spring or Autumn) should be provided to the Parliamentary Counsel's Office before the end of the previous sitting period. If instructions are received after this deadline, it may not be possible to include the amendments in the next statute law amendment bill and they may have to be deferred until a future sitting period.

Cabinet consideration

Statute law amendment bills

12 The Parliamentary Counsel's Office will prepare the Cabinet submission, explanatory memorandum and presentation speech for each statute law amendment bill. The Attorney-General will sponsor the submission in Cabinet.

Technical amendments in other bills

13 The Parliamentary Counsel's Office will consult the sponsoring agency about the inclusion of any technical amendments schedule in a non-statute law amendment bill being prepared for the agency for other reasons. A schedule will only be included if appropriate, and the inclusion will be noted in the Parliamentary Counsel's Office memorandum for the bill.

14 The Parliamentary Counsel's Office will include explanatory notes in technical amendments schedules to explain the effect of the amendments.

Presentation and debate in the Legislative Assembly

Statute law amendment bills

15 The Attorney-General will present each statute law amendment bill. The Minister administering particular legislation is responsible for handling the debate on any minor policy changes to that legislation.

Technical amendments in other bills

16 The Minister who presents the bill is responsible for handling the debate on the bill. The schedule of technical amendments will contain explanatory notes (included by the Parliamentary Counsel's Office) about particular technical amendments.

Further Information

17 For further information about the technical amendments program, contact the Parliamentary Counsel's Office on 6207 0620 or Executive and Cabinet Support on 6205 0543.

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