



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT AND CITY SERVICES
Ms Tara Cheyne MLA (Chair), Miss Candice Burch MLA (Deputy Chair),
Mr James Milligan MLA

Hon. Matthew Swinbourn MLC, Chair
Standing Committee on Environment and Public Affairs
Legislative Council
Parliament House
4 Harvest Terrace
West Perth WA 6005
Via e-mail: env@parliament.wa.gov.au

Dear Mr Swinbourn,

I write on behalf of the Standing Committee on Environment and Transport and City Services (the Committee) in response to the invitation by the Standing Committee on Environment and Public Affairs to provide a submission to its inquiry into its functions, processes and procedures. As per your request, this submission provides brief information on the history and operation of the Committee and on the practices and procedures used by the Committee in undertaking its function to inquire into matters in the environment portfolio.

HISTORY AND OPERATION OF THE STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT AND CITY SERVICES

The Standing Committee on Environment and Transport and City Services was established on 13 December 2016 when the Legislative Assembly of the ACT resolved to create:

A Standing Committee on Environment and Transport and City Services to examine matters related to city and transport services, public infrastructure, heritage, and sport and recreation and matters related to all aspects of climate change policy and programs, water and energy policy and programs, provision of water and energy services, conservation, environment and ecological sustainability.¹

Since its creation, the Committee has completed nine inquiries, four being self-referred under Standing Order 216 and five being referred to it by the Assembly.² Additionally, the Committee is currently considering three other inquiries, one being self-referred and two being referred by the Assembly.³

Of these inquiries, two have been directly related to the Committee's function to inquire into matters related to the environment portfolio (inquiries into the *Draft Lower Cotter Catchment Reserve Management Plan 2017* and *Nature in Our City*), while four have included general oversight of Government policy concerning the

¹ *Minutes of Proceedings*, No. 2, 13 December 2016, https://www.parliament.act.gov.au/_data/assets/pdf_file/0008/1017980/MoP002F1.pdf, viewed 8 Jan 2020.

² Legislative Assembly for the Australian Capital Territory, *Standing Orders and continuing resolutions of the Assembly*, 2019, https://www.parliament.act.gov.au/_data/assets/pdf_file/0010/1351468/Standing-Orders-as-at-22-August-2019.pdf, viewed 14 January 2020.

³ Standing Committee on Environment and Transport and City Services, <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-environment-and-transport-and-city-services>, viewed 8 Jan 2020.

environment (inquiries into the *Annual and Financial Reports, 2015-2016, 2016-2017, 2017-2018, and 2018-2019*). The other six inquiries have related to other portfolio areas under the Committee's remit. The inquiry into the *Draft Lower Cotter Catchment Reserve Management Plan 2017* was referred to the Committee as a statutory requirement of the *Nature Conservation Act 2014*, while the inquiry into *Nature in Our City* was self-referred by the Committee.

In addition to the traditional methods used by parliamentary committees to engage with the community, such as the acceptance of submissions and the holding of public hearings, committees of the Legislative Assembly for the ACT have made innovative use of on-line surveys to gauge the opinions of ACT residents on matters under inquiry. The Committee, for example, recently used Survey Monkey to determine public support for shortlisted animals to be used as the Territory's Mammal Emblem. The survey results directly informed the recommendations the Committee made to the ACT Government and the subsequent decision by the Government to adopt a Mammal Emblem for the Territory.⁴ If required, the Committee would use similar community engagement techniques in undertaking inquiries into environmental matters also.

All previous Legislative Assemblies for the ACT have also had a general-purpose standing committee to deal with environmental matters.⁵

PETITIONS

As in other parliaments modelled on the Westminster system, the Legislative Assembly for the ACT has robust procedures in place to manage petitions. The Standing Orders of the Assembly require that a petition:

- is legible—fairly written, typewritten, printed or reproduced by mechanical process without interlineation or erasure;
- does not contain any indication that it has been sponsored by a Member;
- must be addressed to the Speaker and Members of the Legislative Assembly;
- contains a request for action or remedy and for that request to be printed on every page;
- is in English or be accompanied by a translation certified to be correct by a person whose name and address appear on the translation;
- contains at least the signature and address of at least one person on the sheet on which the petition is written;
- contains the names and addresses of the petitioners and their own signatures;
- is signed only by ACT residents;
- does not include attachments;
- does not attack a named person or use intemperate or offensive language;
- is not lodged by a Member who has signed the petition as a petitioner;

⁴ Standing Committee on Environment and Transport and City Services, *Inquiry into a Proposal for a Mammal Emblem for the ACT*, <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-environment-and-transport-and-city-services/inquiry-for-a-mammal-emblem-for-the-act>, viewed 8 Jan 2020.

⁵ Legislative Assembly for the Australian Capital Territory, *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory*, Mark McRae (ed), 2009, Canberra, p. 282.

- does not contain signatures pasted or otherwise transferred to the petition;
- if from a corporation, is made under its common seal; and
- relates to a matter within the jurisdiction of the Territory and within ministerial responsibility of the Territory.⁶

In the ACT, petitions that conform to Standing Orders (as outlined above) and have at least 500 signatures from residents/citizens of the ACT are referred to the relevant general-purpose standing committee under Standing Order 99A. Petitions that do not conform to Standing Orders can still be referred to a committee through a resolution of the Assembly.

Once a petition has been referred to a standing committee, the committee will consider the matter at hand and decide on what action to take. As per Standing Order 100, all petitions received by the Assembly are referred by the Clerk to the Minister responsible for the administration of the matter which is the subject of the petition. Ministers are required to lodge a response to a petition with the Clerk for presentation to the Assembly within three months of the tabling of the petition. Often, standing committees will wait until this Ministerial Response has been presented before deciding on what action it will take in relation to a petition.

Where warranted, a committee can commence a formal inquiry into matters raised in a petition referred by the Assembly. Recently, the Standing Committee on Education, Employment and Youth Affairs, for example, undertook a self-referred inquiry into the Music for Colleges course based on a petition referred to that Committee calling for the reinstatement of funding for the said music course.⁷

During the current Assembly, the Ninth (2016-2020), the Environment and Transport and City Services Committee has been referred 23 petitions (including paper petitions and e-petitions). Three of these have been out-of-order petitions referred by resolution of the Assembly while the rest were referred under Standing Order 99A. Of these petitions, four have related to environmental issues, two of which were received and referred together as they pertained to the same matter. Following consideration of the petitions and the relevant Ministerial Responses, the Committee has responded to these petitions through a statement made to the Assembly under Standing Order 246A.

RESERVE MANAGEMENT PLANS

In the ACT, under section 177 of the *Nature Conservation Act 2014*, a custodian of a reserve must prepare a reserve management plan for the reserve. For public land reserves in the ACT, the custodian is the ACT Parks and Conservation Service within the Environment, Planning and Sustainable Development Directorate.

According to the ACT Government, a reserve management plan:

...identifies what is important about an area (its value), what is hoped to be achieved in the management of the area (objectives) and the means by which the objectives will be achieved (policies and actions). A reserve management plan provides direction and guidance to the land custodian, visitors, neighbours, volunteers, and others with an interest in the area. Preparation of a reserve management plan includes extensive

⁶ Legislative Assembly for the Australian Capital Territory, *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory*, Mark McRae (ed), 2009, Canberra, pp. 268-269.

⁷ Standing Committee on Education, Employment and Youth Affairs, *Inquiry into the cessation of the Music for Colleges course*, <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-education,-employment-and-youth-affairs/inquiry-into-the-cessation-of-the-music-for-colleges-course>, viewed 8 Jan 2020.

consultation with key stakeholders and a statutory requirement to consult members of the public.⁸

Section 181 of the Act requires that draft management plans be referred to an appropriate committee of the Legislative Assembly for the ACT. In the Ninth Assembly, the appropriate committee is the Environment and Transport and City Services Committee. Under the Act, upon referral of a draft reserve management plan and accompanying Government report on the public consultation process, the Committee must:

...consider the draft and report and either—

- a) recommend that the Minister approves the draft plan; or
- b) make another recommendation about the draft plan.⁹

The Committee must then 'tell the Minister about the recommendation and refer the matter back to the Minister'.¹⁰ When a draft management plan is referred to the Committee, the Minister must not take action until the Committee refers the draft management plan back to the Minister or six months have elapsed from the initial referral of the draft management plan to the Committee (s. 182). Section 183 requires the Minister to consider any recommendation made by the Committee on a draft management plan.¹¹

If warranted, the Committee can initiate a self-referred inquiry to examine a draft management plan. In September 2017, the Committee undertook such an inquiry into the *Draft Lower Cotter Catchment Reserve Management Plan 2017*. Following consultation with relevant stakeholders and the receipt of public submissions, the Committee reported on the draft management plan in November 2017, recommending that the Minister approve the plan.¹²

Thank you for the opportunity to provide a submission to this inquiry. The Committee hopes that this information is of assistance.



Tara Cheyne MLA
Chair
Standing Committee on Environment and Transport and City Services
15 January 2020

⁸ Environment, Planning and Sustainable Development Directorate, 'Reserve Management Plans', <https://www.environment.act.gov.au/cpr/reserve-management-plans>, viewed 8 Jan 2020.

⁹ *Nature Conservation Act 2014* (ACT), s. 181(3).

¹⁰ *Nature Conservation Act 2014* (ACT), s. 181(4).

¹¹ *Nature Conservation Act 2014* (ACT), ss. 182-183.

¹² Standing Committee on Environment and Transport and City Services, *Inquiry into the Draft Lower Cotter Catchment Reserve Management Plan 2017*, https://www.parliament.act.gov.au/_data/assets/pdf_file/0004/1133797/Report-3-Lower-Cotter-Catchment-Reserve-Draft-Management-Plan-2017.pdf, viewed 8 Jan 2020.