

Parliamentary Agreement

For the 7th Legislative Assembly for the ACT

THIS AGREEMENT is made on the 31st day of October 2008

BETWEEN Mr Jon Stanhope, Leader of the Australian Labor Party, ACT Branch

AND Ms Meredith Hunter, Parliamentary Convenor of the ACT Greens

ACT Labor and the Greens

Declaring their joint determination and commitment to work together in a spirit of co-operation in the best interests of the citizens of the ACT;

Affirming that the success of this agreement will depend on developing and maintaining a relationship characterised by mutual trust and respect, including frank and full disclosure of relevant information;

Sharing a joint vision of a sustainable and productive private-sector economy with a compassionate, prosperous, well-governed and vibrant community in the ACT, that can lead the nation on key policy areas;

Recognising the need for the ACT to accelerate its evolution towards becoming a socially and environmentally responsible and sustainable city, with reduced greenhouse gas emissions and a growing green-collar economy;

Undertaking to ensure an accountable and transparent government, public service and parliament that are responsive to the community;

AGREE to the following for the term of the 7th Legislative Assembly for the ACT

1) Election of Chief Minister

Subject to this agreement, the Greens will support Mr Jon Stanhope as Chief Minister of the ACT.

2) Commitment to Stable Government

The Greens pledge, subject to the conditions set out below in this agreement to:

- i) Following detailed pre-budget discussions, guarantee their support for the passage of Appropriation Bills for ordinary annual services of the government:
- ii) Not to support any other party's no-confidence motions;
- iii) Maintain confidence in Chief Minister Mr Jon Stanhope and his Ministers except in instances of proven corruption or gross negligence; or for significant non-adherence to this agreement.

The Greens' opposition to a specific Government bill, motion or other parliamentary initiative does not equate to a lack of confidence.

3) Commitment to fiscal responsibility

The parties confirm their commitment to fiscal responsibility and the maintenance of a balanced budget through the economic cycle.

4) Commitment to Parliamentary Reform

The parties to this agreement confirm their commitment to the Agenda for Parliamentary Reform as outlined in Appendix 1 of this agreement.

5) Commitment to Policy Programme

ACT Labor agrees to deliver the Policy Programme as outlined in Appendix 2 of this agreement.

6) Review of this Agreement

The parties shall meet every four months to review the implementation of this Agreement.

7) Parliamentary Staffing and Resources

ACT Labor will ensure that the Greens MLAs are accorded party status, including formal recognition of the roles of the Greens' Parliamentary Convenor and Whip.

ACT Labor agrees that it shall commit to provide the Greens with staffing resources for three cross-bench Members and staffing equivalent to 1.5 of a cross-bench Member for the Greens' parliamentary convenor.

8) Committees and Other Roles in the Assembly

ACT Labor will support the Greens' nominations for Chairs of the following Committees:

- i) Public Accounts Committee
- ii) Health, Community and Social Services
- iii) Climate Change, Environment and Water
- iv) Select Committee on Ecological Carrying Capacity for the ACT and region

9) Amendment

- a) This agreement may be amended by agreement between the parties.
- b) Any proposed amendments shall be put in writing by the party making the proposal.
- c) The parties will undertake discussions of amendments in good faith.

10) Dispute Resolution

The parties will, in the event of a perceived non-adherence to this agreement, notify the other party in writing immediately with a view to the Chief Minister and Parliamentary Convenor agreeing to a mechanism to resolve the dispute.

.....
Mr Jon Stanhope, MLA
Leader of the Australian Labor Party, ACT Branch
in the presence of:

In the presence of:

.....
Full name: Katy Gallagher
Title: Deputy Chief Minister

.....
Ms Meredith Hunter, MLA
Parliamentary Convenor of the ACT Greens
In the presence of:

In the presence of:

.....
Full name: Shane Rattenbury
Title: ACT Greens MLA for Molonglo

Appendix 1: Agenda for Parliamentary Reform

The Parties commit to:

1. Accountability and Collaboration

The purpose being to improve accountability and practice in the relationship between the Executive, Parliament and the Judiciary in the ACT, and improve the involvement of non- executive Assembly Members in the development of legislation, policy and service delivery to the people of the ACT.

1.1 Endorse the Commonwealth (Latimer House) Principles on the Three Branches of Government, in particular that;

*“Each Commonwealth country’s Parliaments, Executives and Judiciaries are the guarantor in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honest probity and accountability”
(Commonwealth Principles on Accountability of and the Relationship Between the Three Branches of Government (Latimer House) Principles 2004)*

1.2 Pursue measures which will ensure:

- (a) Parliamentary procedures which enforce the accountability of the Executive to Parliament and ensure effective law making;
- (b) Greater collaboration between the Executive and parliament in the development of legislation, policy and service delivery to people of the ACT;
- (c) Higher standards of accountability, transparency and responsibility in the conduct of all public business;
- (d) Effective and responsible use of the forum of the Legislative Assembly;
- (d) Strong oversight institutions – as the emerging fourth branch of government;
- (e) Meaningful engagement with civil society;
- (f) Eligibility to Public Office determined only on merit and integrity;
- (g) Independence of the Judiciary; and
- (h) Independence of parliamentarians.

2. Committees of the Legislative Assembly

To bring about a new role for Committees and Committee Chairpersons, recognising that the Committee system of the Legislative Assembly is a vital tool in providing oversight and scrutiny of Executive Government. This function to be strengthened, to provide through Assembly Committees opportunities for non-executive Members to be more involved in the development of Executive legislation, policy setting, and service delivery decisions.

- 2.1 Assembly Committees to perform a dual role, being scrutiny of Executive decision making, and collaboration with the Executive in informing decision making on legislative reform, policy setting and service delivery.
- 2.2 Under this model Assembly Committees would perform two roles:
 - (a) The traditional scrutiny and oversight role, questioning of Ministers and officials, inquiries into matters of public interest and proposed legislation, and
 - (b) A new collaborative role, where Committees would meet at regular intervals with Ministers and officials, to be briefed on the activities of the portfolio, and to be consulted on new legislative proposals in the early stages, prior to Cabinet decision-making. The Committees would also be briefed on emerging portfolio issues, provide feedback on possible policy responses, and advise the Minister of issues needing to be addressed.
- 2.3 Committees to therefore meet in one of two modes. Collaborative meetings to provide a new and innovative approach to information sharing, discussion and policy development, and to be collaborative rather than adversarial in their conduct and processes.
- 2.4 Scrutiny meetings to provide the important scrutiny and oversight functions of the traditional committee structure. These meetings to be conducted in the conventional adversarial/ inquisitorial manner. In their scrutiny role, Committees to have the additional task of commenting upon the adequacy of community consultation engaged in on a particular issue.
- 2.5 Standing Orders to be amended as necessary to provide for meetings to take place in the collaborative role, requiring all participants to engage collaboratively, not adversarially. These are to allow Committee Chairs to ensure meetings are conducted collaboratively, and to direct other Members accordingly. Protocols are to be established to determine whether, in very limited circumstances, meetings might need to be private, as opposed to public, depending on the issues being discussed.

- 2.6 Ministers and the respective Committee Chairs are to meet regularly for more detailed discussions and consultation on issues and activities within the portfolio. This is to allow non-executive MLAs to be more intimately informed on decision-making on policy and legislation. This is to help develop Members' knowledge and understanding of governance and lead to better policy and decision-making by all sides.
- 2.7 Committee Chairs and Cabinet are also to meet at regular intervals to discuss whole-of-Government issues and possible directions. The purpose of these meetings is to be consultative and advisory in nature.
- 2.8 All Parties in the Assembly to have a Member on the Administration and Procedure Committee.
- 2.9 The Standing Committee on Administration and Procedure is to review and administer the parliamentary budget, which is not to be subject to amendment by the Executive, recognising that decisions on the amount appropriated would be decided by Cabinet in consultation with the Speaker and the Committee.
- 2.10 A non-Government Member to chair the Standing Committee on Public Accounts and the Select Committee on Estimates.
- 2.11 Senior public servants to be seconded to the Assembly to assist with Committee work when requested by the Committee, recognising the unique role of the public service in supporting the Executive arm of Government and ensuring that potential secondees are not placed in situations of conflict or in positions where their role as public servants is undermined and also recognising the enhanced opportunities available for access to senior public servants through the collaborative committee model.
- 2.12 The Standing Committee on Administration and Procedures is to establish an inquiry within six months into the merit of appointing a Parliamentary Budget Officer, as has recently occurred in Canada, to strengthen the capacity of the Assembly to better hold government to account by increasing transparency in its fiscal planning framework and improving scrutiny of the Estimates process.
- 2.13 The Committee structure to provide for Standing Committees on:
 - (a) Public Accounts
 - (b) Education, Training and Youth Affairs
 - (c) Health, Community and Social Services
 - (d) Justice and Community Safety (Incorporating Scrutiny of Bills)

(e) Climate Change, Environment and Water

(f) Planning, Territory and Municipal Services

2.14 Maintain the “house committee” the Standing Committee on Administration and Procedure, and the Select Committee on Estimates.

3. Work of the Legislative Assembly

To improve the functioning of meetings of the Legislative Assembly, to ensure a balance between the work of the Executive and non – executive Members, scrutiny of Executive decisions and policy, the responsible and effective use of time provided for Assembly sittings, and improving the involvement of the community in the Assembly’s work.

3.1 Continuation of a full Private Members’ Business day.

3.2 One sitting evening each sitting week, between the hours of 7.30pm-9.30pm, to provide better opportunities for members of the public to view important Assembly debates.

3.3 Exposure Drafts of all major pieces of reform legislation to be made available in a timely manner for community comment and consideration, recognising the new opportunities available to achieve this through the collaborative committee approach.

3.4 A new Standing Order requiring that all Government amendments to Bills will not be able to be debated unless a scrutiny report from the Scrutiny of Bills Committee has been provided unless the Assembly agrees the amendment is of an urgent, minor or merely technical nature.

3.5 A new Standing Order to resolve disputes for Orders for Papers through the provision of an independent arbiter to determine if a claim of Executive Privilege is legitimate, such as that provided for in the NSW Upper House.

3.6 A new Standing Order requiring that no Bill be tabled and debated in the same sitting period unless the Assembly agrees there are exigent circumstances.

3.7 Amendments to the Human Rights Act 2004 requiring all Private Members’ Bills to be assessed for compliance with the Act

3.8 Statements of compliance with the Human Rights Act 2004 to include a detailed Statement of Reasons, recognising more detailed consideration of the resource implications.

- 3.9 Final Impact Analyses of Bills and reports on consultation, as provided to government, to be tabled with the Explanatory Statement (barring legitimate commercial-in-confidence requirements)
- 3.10 The provision of Climate Change Impact Analysis to be required for all Government Bills and major policy proposals.
- 3.11 Introduction of Triple Bottom Line annual reporting to be required through the Chief Minister's Annual Report Directions.
- 3.12 A new Standing Order to require that answers to questions during Question Time be "directly" relevant to the question.
- 3.13 A new Standing Order to allow the Speaker to grant leave for a response at the conclusion of Question Time where the Speaker considers an answer to a question by a Minister is a Ministerial Statement.
- 3.14 That the Government be required to respond to all Committee reports within 3 months.
- 3.15 Provision of more productive Assembly sittings with the Assembly meeting at 10am each sitting day, Question Time to occur at 2pm and the suspension for Lunch to occur between 12.30pm and 2 pm.
- 3.16 A new Standing Order ensuring that discussion on Matters of Public Importance only occurs on days allocated to Executive Business.
- 3.17 New Standing Orders to allow the first Opposition and cross bench members speaking equal time in responding to the Main Appropriation Bill, other Bills, and other Debates not otherwise provided for.
- 3.18 A request for observer status for the Greens at COAG meetings to be made by the Chief Minister to the Prime Minister.

4. Resources of the Assembly

- 4.1 Ensure that resources for the Assembly Secretariat and the Assembly Library to facilitate assistance for Members are improved, and the Assembly Library to become part of the Legislative Assembly secretariat, with its transfer to occur within six months of the first sitting of the Assembly.
- 4.2 Ensure consistent and regular access to senior public servants for briefings through the introduction of the collaborative committee process and as otherwise requested.

- 4.3 Ensure access for Members to Parliamentary Counsel Office staff to assist Private Members in the preparation of Explanatory Statements, recognising the resource implications of this measure.
- 4.4 Each Committee shall have a secretary. There will be one additional secretary position responsible for all other Committees, including the Estimates Committee and Select Committees.

5. Integrity

- 5.1 Endorsement of the Latimer Principles through the passage of a Standing Resolution of the Assembly.^{1[2]}
- 5.2 Demonstration of Government leadership in enhancing Integrity in Government by working with Oversight Institutions to establish the concept of an Integrity Branch of Government - comprising all those Oversight Institutions, in recognition of their joint interests and their separation from the Executive, Parliament and the Judiciary.
- 5.3 Completion of Inquiries within 12 months into reform of the Public Interest Disclosure Law and Freedom of Information Legislation (including the appointment of an independent Information Commissioner)
- 5.4 Removal of provisions in the FOI Act which currently allow for conclusive certificates, except where they provide for the protection of national security information held by the Territory.
- 5.5 Passage of legislation which will require all political donations to be disclosed within one month of receipt and in an election period, on a weekly basis.

6. Miscellaneous

- 6.1 Comprehensive and timely reporting of interstate agreements.

^{1[2]} Commonwealth Principles on Accountability of and the Relationship Between the Three Branches of Government. (Latimer House) Principles 2004. As agreed to by Law Ministers and endorsed by the Commonwealth Heads of Government Meeting Abuja 2003.

Appendix 2 – Policy Programme

ACT Labor, once elected to government, commits to:

1. Climate Change and Energy

1.1 Legislate a greenhouse gas reduction target for the ACT. The target will be the subject of an inquiry of the Legislative Assembly Climate Change Committee. The Committee shall report by the end of July 2009. The terms of reference for the inquiry will have particular reference to the United Nations Framework Convention on Climate Change meeting in Bali in December 2007, which recognised the need for ambitious reduction targets by industrialised countries in the range of 25-40% below 1990 levels by 2020, and triple bottom line implications of potential new targets.

1.2 Call for Expressions of Interest by the end of 2008 for the development of a renewable energy plant capable of producing sufficient power for at least 10,000 Canberra homes. Provide at least \$30 million in assistance in 2009/10 budget to ensure the development of the plant.

1.3 An Energy Efficient makeover for Canberra households, with the aim that within 10 years all houses rated lower than 3 stars for energy efficiency should have improved energy efficiency to move them up to at least 3 stars.

\$500,000 to assist leveraging Commonwealth funding and facilitating participation by ACT house owners in energy efficiency improvements. This could include, but not be limited to one stop shop information provision and bulk purchasing arrangements. In addition, the funding for energy efficiency improvements in ACT Housing properties would be doubled to \$4 million per annum. The parties agree that further initiatives will be necessary to achieve the program aims

1.4 A timetable for the purchase of 100% renewable electricity by the ACT Government. The percentage purchased will increase from the present level of 23% to 30% immediately, and will then increase by 10% each subsequent year.

1.5 Development of an energy policy for the ACT that is consistent with the legislated greenhouse gas emissions target. It will include a renewable energy target of at least 15% by 2012 and 25% by 2020.

A Draft Interim Energy Policy will be issued in December 2008, and a Final Policy should be completed by December 2009, allowing time for community input and to take account of the legislated greenhouse target.

1.6 Mandating passive solar orientation for all new residential homes and sub-divisions, and legislating for improved solar access rights

1.7 Ensuring that the Solar Feed-in Tariff is implemented as fast as possible in advance of the legislated timetable, and by 1 March 2009 at the latest.

2. Transport

2.1 Increase recurrent funding for cycling infrastructure to \$3.6 million per annum from 2009-10, and provide \$2.5 million to address the maintenance backlog and implementation of signage on the cycling network.

2.2. An additional \$500,000 per annum recurrent above current levels for footpath upgrades and maintenance, starting in 2009-2010.

2.3 Undertaking consultation on implementing 40km/hr speed limits around shopping and community centres.

2.4 Adopting a goal of guaranteed bus frequency of 30 minutes. The first stage of the proposal, considering time periods and appropriate locations should begin implementation by the middle of 2009.

2.5 Conducting a trial by December 2010 of demand responsive transport, developed in consultation with taxi companies, taxi hire car and bus companies.

2.6 Working immediately for the removal of Monash Drive from the National Capital Plan.

2.7 Reviewing of the current Integrated Transport Framework, with the aim of producing new targets which meet our legislated greenhouse target.

2.8 Completing three new Park and Ride and Bike and Ride facilities at Southlands, Erindale, and Mitchell by the end of 2010. New ACTION bus maps should be printed with Park and Ride and Bike and Ride facilities marked.

3. Waste

3.1 Introducing a levy on plastic bags in supermarkets and other retailers. This will be a 12-month trial, and will be implemented in the first half of 2009.

3.2 Installing street-level recycling bins in town centres within 12 months.

3.3 After consultation with all stakeholders, introducing a commercial waste scheme under which each building will be provided with access to four hoppers – one each for landfill, glass and plastic containers, paper and cardboard, and organic waste. This may involve cost-recovery and will start within two years.

3.4 Conducting a trial of organic waste recycling at six high-density residential developments during 2009-10, and reporting to the Legislative Assembly by August 2010.

4. Water

4.1 Implementing the 'Plumber Visit' program, where a qualified plumber visits houses and undertakes maintenance and repairs such as fixing or replacing leaking hot water systems and pipes, installing dual flush toilet systems, fitting low flow taps, shower heads and other water-saving devices. This should be delivered to at least 25,000 houses over four years. This program would concentrate on government houses and other low-income households.

4.2 Establishing a Legislative Assembly Inquiry to consider the best options for ensuring a sustainable water supply in the ACT.

4.3 Accelerating the program of replacing stormwater drains with urban creek and wetland systems, beginning with the completion of the Sullivans Creek wetland network.

5. Planning

5.1 Requiring a minimum 6 star rating for new residential housing by 2010

5.2 Immediately reinstating the 2001-04 Neighbourhood Planning process and integrate the resulting Master plans into the Territory Plan.

5.3 Immediately incorporating the principles of child-friendly planning promoted by UNICEF into ACT planning guidelines.

5.4 Undertaking a 3-year project to implement in child-friendly planning principles into the development of Wright, Sulman and Coombes.

5.5 Incorporating excellence in sustainable design in the Molonglo development, including: inclusion of a third pipeline for non-potable water, construction of public transport infrastructure from the outset of the development; mandatory solar passivity; and pedestrian friendly design.

6. Housing

6.1 Mandating Universal Design criteria in all new social housing, and 15% of houses in englobo developments, will meet Universal Design criteria. This will be implement after a consultation process with industry and user groups which will be completed during 2010.

6.2 Develop a land tax concession scheme for rental properties housing low income families by 2010.

6.3 Adopt a goal of 10% public housing stock. In the short term fund an additional \$10m over 4 years for purchase of public housing will be committed by the ACT government. The ACT government will pursue matched funding from the Commonwealth government.

7. Small Business

7.1 As part of the ACTPLA commercial development assessment process, undertake small business impact statements for large new commercial developments

7.2 Establish a Small Business Roundtable in 2009

7.3 Require all ACT government agencies to pay invoices for small businesses within 30 days, and pay commercial interest on late payments.

8. Justice

8.1 Consult with and provide additional resources for the ACT Magistrates Court Forensic Mental Health Team by 2009-2010 financial year.

8.2 Establish a free legal service for homeless people by no later than 1 July 2010

9. Education

9.1 An inquiry into programs designed to close the achievement gap, and address unmet needs for students with a disability. This should be completed within 12 months.

9.2 Providing space for all playschools and playgroups in ACT government facilities by February 2009.

9.3 Provide adequate funds to ensure that all primary school students have access to swimming and water survival skills by July 2009.

10. Health

10.1 Recurrent funding for mental health training for emergency services workers and teachers, commencing in 2009-10.

10.2 Commit to continuing to increase the proportion of the health budget spent on mental health, with a goal of reaching 12% of overall health funding. By 2012, 30% of mental health funding should be allocated to the community sector for the delivery of services.

10.3 Reconsider the option of the CMP midwives attending home births by the end of 2009.

10.4 Addressing indoor air quality with additional funding to ACT Health for a monitoring and awareness program.

10.5 Providing space in community health centres for GPs to provide services

11. Other

11.1 Undertake an independent review of the Government's current investment practices by the end of 2009, to determine how the UN Principles of Responsible Investment are being addressed. Subject to the outcome of the review, develop a timeline for staged implementation of the review's recommendations.

11.2 Reconsider the issue of voting for 16 and 17 year olds, by supporting a Legislative Assembly Inquiry before the end of 2010 to consider the issue and look at other models of participatory democracy for young people.

11.3 Re-establish the Community Engagement Unit in CMD by June 2009.

11.4 Establish a Government Shopfront in Gungahlin in 2009, and ensure shopfront services in Civic are adequate to service community needs.

11.5 Re-establish a Library Service in the inner south, and as an immediate interim measure examine options including possible links to existing infrastructure. Ensure the library has good access to public transport.

11.6 Phase in the publication of gender impact statements and gender disaggregated data associated with ACT Government legislation, policies, budget and annual reports by 2010.

11.7 Review community sector contracts over the next 18 months to ensure staff wages and conditions are adequate, and develop a funding strategy to address identified needs.

11.8 Conduct an Assembly Committee inquiry into the ecological 'carrying capacity' for the ACT and region.

11.9 Undertake an independent review of the Airservices Australia aircraft noise monitoring study and continue to monitor impact on residents of aircraft noise.

11.10 Develop a detailed government strategy, with appropriate incentives, that supports the ongoing growth of the 'green economy' in the ACT.

11.11 Work with owners and stakeholders on outstanding issues in the Unit Titles Act during development of regulations.

11.12 Urgently identify a range of sites for the establishment of data centres within the ACT.