



PREFACE

I am pleased to be able to introduce the first edition of the *Companion to the standing orders of the Legislative Assembly for the Australian Capital Territory*. This publication incorporates close to 20 years of parliamentary practice of the Legislative Assembly and was produced to assist the Speaker, Members and others with an interest in understanding the workings of the Assembly and its practices and procedures.

Since the establishment of the Assembly in 1989, where the standing orders have been silent on various procedural issues that have arisen, Members and officers of the Assembly have relied upon a variety of authoritative works to consider precedent and seek clarity. As the Assembly standing orders are largely based on those of the Commonwealth Parliament's House of Representatives, *House of Representatives Practice* has been heavily used, as has *Erskine May Parliamentary Practice*.

With six out of seven Assemblies elected having had minority governments formed, increasing reference has also been made of *Odgers' Australian Senate Practice* which reflects that legislature's familiarity with non-government majorities and the substantial body of practice and procedure that has evolved to meet its distinct needs.

The purpose of the Companion is to detail both the Assembly Standing Orders as well as the procedures and practices that are not necessarily covered by those standing orders.

The Companion will be of primary interest to ACT MLAs, their staff and Secretariat staff involved in the conduct of Assembly business. As a reference, it sheds light on the specific procedural issues that have arisen in the Assembly since its inception and provides insights into the thinking behind major developments in Assembly practice and procedure.

The Companion may also be of interest to parliaments of a similar size to the Legislative Assembly, particularly where they find themselves in the situation of having a minority government.

As a relatively young legislature the Legislative Assembly has been able to rely on other parliamentary reference materials to assist in developing an understanding of its own practices and procedures. These publications are referred to throughout the text and include *House of Representatives Practice*, *Odgers' Australian Senate Practice*, *Erskine May Parliamentary Practice* and *Parliamentary Practice in New Zealand*.

This publication has been under preparation for some four years, and would not have come to fruition without the dedication of many people.

The principal person lending his considerable expertise and knowledge to the development of this publication is Mark McRae OAM. As a former Clerk of the Legislative Assembly, Mark's knowledge of its practice and procedure is invaluable and I am extremely grateful for the pivotal role he has played in the drafting and editing of this important work. His previous role in assisting with the drafting of the first edition of *House of Representatives Practice* was put to good use on this publication. As Assistant Editor of the Companion, Derek Abbott was also instrumental in ensuring that the publication that has been produced is of a high quality.

I must also thank Secretariat colleagues who have made important contributions throughout the drafting of the Companion, especially Max Kiermaier, Janice Rafferty and Anne Shannon.

I would also like to thank Phillip Green, the ACT Electoral Commissioner, as well as Stephen Argument, the Legal Advisor to the Standing Committee on Justice and Community Safety, for reviewing the chapters relating to elections and subordinate legislation respectively.

I would also like to thank the many proof readers of the edition, especially Russell Lutton and Keith Ryder (both former Editors-of Debates for the Assembly), as well as David Skinner, Sue Matthews and Julie Gilbertson.

Finally I would like to make particular mention of the contribution Celeste Italiano, the Assembly Secretariat's Notice Paper and Projects Officer, has made to the project. Her research, professional management of the publication, and dedication ensured that it met the required deadlines, and was able to be brought to fruition.

This publication would not have been produced without the support of the former Speaker, Mr Wayne Berry, MLA, and the current Speaker, Mr Shane Rattenbury, MLA, both of whom are strong believers in the institution of parliament.

I am certain that the *Companion to the standing orders of the Legislative Assembly for the Australian Capital Territory* will become the definitive reference on the Assembly's practice and procedure and will evolve to incorporate new developments over time.

Tom Duncan
Clerk of the Legislative Assembly

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