



**Legislative Assembly for the
Australian Capital Territory**

Standing Committee on Administration
and Procedure

Standing order amendments for the 11th Assembly

Legislative Assembly for the Australian Capital Territory
Standing Committee on Administration and Procedure

Approved for publication

Report 2
11th Assembly
August 2025

About the committee

The Standing Committee on Administration and Procedure Committee is established pursuant to Standing Order 16:

16. (a) A Standing Committee on Administration and Procedure is established at the commencement of each Assembly to:
 - (i) undertake self-referred inquiries or inquiries referred by the Assembly and, in addition, the committee shall inquire into and report on the operation of the standing orders and continuing resolutions of the Assembly by the end of the third year of an Assembly term, with a view to ensuring that the practices and procedures of the Assembly remain relevant and reflect best practice;
 - (ii) advise the Speaker on:
 - (A) Members' services and facilities;
 - (B) the operation of the transcription service (*Hansard*);
 - (C) the availability to the public of Assembly documents; and
 - (D) management of the Assembly precincts including Work Health;
 - (iia) develop a guidance note for all Members outlining who is responsible for the various undertakings and activities of the Legislative Assembly, recognising the unique working environment of the Legislative Assembly, within 6 months of the commencement of a new term;
 - (iii) arrange the order of private Members' business and Assembly business; and
 - (iv) as required by continuing resolutions of the Assembly, consider, inquire and report on matters relating to citizen's right of reply, claims of parliamentary privilege, reports of the Commissioner for Standards and the Ethics and Integrity Adviser and the implementation of Latimer House Principles.
- (b) the Committee shall consist of:
 - (i) the Speaker;
 - (ii) the Government whip;
 - (iii) the Opposition whip; and
 - (iv) a representative of the crossbench (or if a single party, the whip of that party);
- (ba) Should a whip be unable to attend a meeting, the Party nominated deputy whip may attend in their place;

- (c) the Speaker shall be the Chair of the Committee; and
- (d) the Committee shall have the power to consider and make use of the evidence and records of the Standing Committee on Administration and Procedure appointed during the previous Assemblies.

Committee members

Mr Mark Parton MLA, Chair

Ms Caitlin Tough MLA, Deputy Chair

Mr Ed Cocks MLA

Miss Laura Nuttall MLA

Secretariat

Tom Duncan, Committee Secretary

Janice Rafferty, Assistant Secretary

Contact us

Mail Standing Committee on Administration and Procedure
Legislative Assembly for the Australian Capital Territory
GPO Box 1020
CANBERRA ACT 2601

Phone (02) 6205 0173

Email LACommitteeAPC@parliament.act.gov.au

Website parliament.act.gov.au/parliamentary-business/in-committees

Contents

About the committee	1
Committee members	2
Secretariat	2
Contact us	2
Recommendations	4
1. Introduction	5
2. Changes to standing orders	6
Standing order 8—Assistant Speakers	6
Standing order 69—Time limits for debates and speeches	6
Standing order 73A—Dissent from Chair’s ruling	6
Standing order 77—Business – precedence over	7
Standing order 84—Time for presenting certain petition	7
New standing order 98B—Confidentiality of personal information	7
Standing order 99B—Advice on decision to inquire	8
Standing order 101—Notice of motion—how given	8
Standing order 106A—Length of notices	8
Proposed new standing order 118AA—content of answers	9
Standing order 139—Amendments - proposed	10
Proceedings following in principle agreement (SO 174)	10
Standing order 212 – Papers and documents may be inspected and copied	11
Standing order 213A – Order for the production of documents held by the Executive and proposed new standing order 213B – Request to vary terms of a production order	11
New standing order 229D – Previous committees	16
Standing order 264B – Adverse mention procedures	16

Recommendations

Recommendation 1

The Committee recommends that the Assembly adopt proposed amendments 1 to 19.

1. Introduction

- 1.1. At its first meeting of the 11th Assembly on 25 November 2024 the Standing Committee on Administration and Procedure agreed to discuss possible amendments to the standing orders to reflect changes in the composition of the Assembly and other orders. The Committee, at that meeting, agreed to propose one amendment at the first opportunity to enable use of the Parliamentary Portal to submit answers to Questions on Notice.
- 1.2. The Committee was advised that there were a number of matters that needed to be considered in the short term with some other issues requiring more detailed review.
- 1.3. This Report details the Committee's proposed changes to the standing orders.

2. Changes to standing orders

- 2.1. The Committee deliberated on the amendments proposed by Members and the Clerk and recommends that the following changes to the standing orders be made.

Standing order 8—Assistant Speakers

- 2.2. Standing order 8 outlines the process for the appointing of Assistant Speakers at the commencement of each new Assembly. It also details how the Speaker may revoke a nomination and how an Assistant Speaker may resign. It does not include the process for the appointment of an Assistant Speaker during the Assembly term.

Recommended amendment 1

Standing order 8—

Omit: “An Assistant Speaker may resign in writing to the Speaker.”

and substitute: “An Assistant Speaker may resign in writing to the Speaker and the Speaker may nominate a replacement.”

Standing order 69—Time limits for debates and speeches

- 2.3. To provide more clarity in time limits for speeches, the Committee proposes to include the time allocation for a member closing debate on a motion.

Recommended amendment 2

Standing order 69 (i)

Omit the standing order and substitute:

“(i)	Motions or debates not otherwise provided for	
	Mover	15 minutes
	First Member speaking from each party	15 minutes
	Any other Member	10 minutes
	Member closing debate	10 minutes”

Standing order 73A—Dissent from Chair’s ruling

- 2.4. This standing order was introduced in August 2023 and while not often used, was found to create some confusion. To clarify the process, the Committee recommends that the standing order be changed to remove the requirement that the motion be in writing and that the ruling being questioned be specified.

Recommended amendment 3

Standing Order 73A

*Omit: "The motion must be in writing and relate specifically to the matter raised."
and substitute "The motion must relate specifically to the ruling."*

Standing order 77—Business – precedence over

- 2.5. The amendment to this standing order inserts an additional definition of Assembly Business. With increased use of standing order 213A, which relates to the order for the production of documents, it has become clear that the current definition did not accurately capture this category of business.

Recommended amendment 4

Standing Order 77

Insert new paragraph (l)

"(l) any notice of motion relating to the order for the production of documents held by the Executive under standing order 213A."

Standing order 84—Time for presenting certain petition

- 2.6. This proposed amendment seeks to bring the certification of a petition as being in order into line with standing order 83.

Recommended amendment 5

Standing Order 84

Omit "certification from" and substitute "the signature of"

New standing order 98B—Confidentiality of personal information

- 2.7. This proposed new standing order seeks to address concerns relating to privacy of the personal data contained in e-petitions, paper petition and out-of-order petitions. While the signatures contained on e-petitions are removed from the website after 6 months, there is some doubt as to whether those on paper petitions and out-of-order petitions are appropriately protected.

Recommended amendment 6

New standing order 98B

Insert:

“Confidentiality of personal information

98B The terms of petitions (grievance and request) are available in the *Hansard* and online. The personal information of signatories to any petition (paper, e-petition and out-of-order) remains confidential.”

Standing order 99B—Advice on decision to inquire

- 2.8. The proposed amendment facilitates advice to Members as to whether or not a committee has elected to inquire into a petition. The process is similar to that for committee inquiries into bills.

Recommended amendment 7

Standing order 99B

Add: “When the Committee’s response is received by the Speaker, the Speaker shall circulate to all Members.”

Standing order 101—Notice of motion—how given

- 2.9. Under the current arrangement, the Executive may only lodge a notice of motion with the Clerk in the Chamber when the Assembly is sitting. The outcome of this is that a Minister would need leave of the Assembly to move an Executive motion on a Tuesday as they would have been unable to lodge it in the Chamber with the Clerk. This proposed amendment seeks to facilitate the lodging of notice either with the Clerk in the Chamber or by 12 noon on a sitting Monday, thus bringing all notices under the same regime.

Recommended amendment 8

Standing order 101

After “sitting” insert “or to the Clerk by 12 noon on the Monday of a sitting week”

Standing order 106A—Length of notices

- 2.10. The Committee noted that, on occasion, the Assembly considered motions that relate to the administration of the Assembly, including continuing resolutions which are often lengthy. To overcome the 500 word limit, the Committee discussed adding a new category of exemption for the word limit for Assembly administration matters.

Recommended amendment 9

Standing order 106A

Insert new (d)

“(d) A Member giving notice of a matter relating to the administration of the Assembly.”

Proposed new standing order 118AA—content of answers

- 2.11. The Committee discussed at length a proposal relating to the answering of questions in Question Time that gives the Speaker the authority, under standing orders, to require Ministers to provide written responses to questions in circumstances where, in the Speaker’s opinion, the answer is not responsive to the question. The Speaker, at the end of Question Time would advise the Assembly if any responses are required under this standing order, and such responses are required from the Minister to the Clerk by 13:45 the next business day.
- 2.12. The response, if considered to fulfill the requirements, is to be provided to the Member, who asked the question and the Speaker, and published on the Assembly website.
- 2.13. If the Speaker determines that the response from the Minister remains inadequate there is a mechanism for the matter to be returned to the Minister.
- 2.14. The Committee was of the view that the proposed new standing order would see an improvement in the quality of both answers and questions and would not often be used.

Recommended amendment 10

Proposed new standing order 118AA

Insert

“118A—Content of answers

- (a) The Speaker may determine that an answer to a question without notice or a supplementary question is not responsive to the question, and may direct the Minister to provide a written response to the question and lodge it with the Clerk by 1:45pm the next business day.
- (b) Upon receipt of a written response, the Clerk must provide the response to the member who asked the question and to the Speaker and publish the response on the Assembly website.

The Speaker may review a written response and determine that it does not appropriately answer the question and may direct the Minister to provide another written response and lodge it with the Clerk.”

Standing order 139—Amendments - proposed

- 2.15. In August 2023, the Assembly inserted standing order 106A which introduced a word limit for motions. The Committee was of the view that this limit should also apply to proposed amendments to motions to encourage brevity and succinctness.

Recommended amendment 11

Standing order 139

Omit the standing order and substitute

“139. A proposed amendment to any motion before the Assembly must:

- (a) not exceed 500 words;
- (b) for purposes of record, be in writing and be signed by the mover. Where applicable an electronic copy is also to be provided to the Office of the Legislative Assembly; and
- (c) be circulated to Members prior to being moved.”

Proceedings following in principle agreement (SO 174)

- 2.16. Following the August 2023 review of standing orders which ensured all Bills presented in the Assembly are automatically referred to the relevant standing or select committee, the heading of this section (standing order 174) need to be amended to better reflect current practice.

Recommended amendment 12

Heading – Proceedings following in principle agreement (standing order 174)

Omit “in principle agreement” and substitute “presentation”

- 2.17. Similarly, standing orders 175 and 176 relate to the process following the referral of a bill to committee. SO 175 does not refer to a bill being referred to a select committee and SO 176 appears redundant.

Recommended amendment 13

Standing order 175 – Bill debate suspended until committee reports

After “bill” insert “, or a bill has been referred to a select committee,”

Recommended amendment 14

Standing order 176 – Proceedings following reference to committee

Omit the standing order

Standing order 212 – Papers and documents may be inspected and copied

- 2.18. In line with the recommended amendment which seeks to protect the personal information of members of the public lodging and signing petitions, this proposed amendment makes it clear that this information remains confidential.

Recommended amendment 15

Standing order 212 – Papers and documents may be inspected and copied

After “Assembly” insert “(excluding paper, electronic and out-of-order petitions)”

Standing order 213A – Order for the production of documents held by the Executive and proposed new standing order 213B – Request to vary terms of a production order

- 2.19. The proposed changes to SO213A:
- Replicate the NSW standing orders (which had been fine tuned by NSW since we copied their standing order in 2013).
 - Allows the Speaker to appoint a Senior Counsel or King’s Counsel in addition to retired judges as the independent legal arbiter.
 - Allows the Head of Service to redact personal information (e.g. mobile phone numbers, private email addresses etc) rather than make a claim of privilege, although that redaction may also be disputed by Members.
 - Allow for a regime to vary the scope of the order for production of documents, and when the Assembly is not sitting that function can be performed by the Standing Committee on Administration and Procedure.
 - Makes other technical changes clarifying timelines and making it clearer when and who authorises documents for publication.
 - In line with the recommended amendment which seeks to protect the personal information of members of the public, this proposed amendment makes it clear that this information remains confidential.
- 2.20. Proposed new standing order 213B provides a mechanism for the Chief Minister to request an extension of time for the provision of documents requested under standing order 213A. It enables the Assembly, or if the Assembly is not sitting, the Standing Committee on Administration and Procedure to consider the request and how the decision is communicated to Members.

Recommended amendment 16

Standing order 213A

Omit the standing order and substitute

“Order for the production of Executive documents

213A

- (a) To seek an Assembly order to table in the Assembly any document held by the Executive, its agencies, or entities that are subject to ministerial direction or control, a Member must lodge a notice of motion.
- (b) If the Executive or an agency or entity under the direction or control of a Minister holds certain information or has the means of producing certain information that falls within the terms of a production order but that information is not held in the form of a document, it may be necessary for the Executive, agency or entity to create a document to comply with an order.
- (c) The Chief Minister is entitled, in accordance with this standing order, to make a claim of privilege in relation to any document.
- (d) When an order for documents is made by the Assembly, the Clerk shall communicate the order to the Head of Service who shall cause any document, falling within the scope of the order, to be compiled and shall prepare an indexed listing that shows for each document—
 - (i) the date of its creation;
 - (ii) a description of its content;
 - (iii) its author;
 - (iv) any claim of privilege and a statement of reasons for each claim; and
 - (v) details of any redaction of personal information made pursuant to paragraph (r).
- (e) Wherever practicable, the documents and indexed listing shall be prepared and provided in an accessible electronic format and in a manner by which documents that are not subject to a claim of privilege may be readily separated for circulation to Members.
- (f) The indexed listing and all documents the subject of an order shall be provided to the Clerk by the Head of Service within 15 business days, unless an alternative timeframe is specified by the Assembly.
- (g) The Clerk shall arrange for secure storage of any document that is the subject of a claim of privilege.

- (h) If the Assembly is sitting upon receipt, the Clerk shall table the indexed listing and any document that is not subject to a claim of privilege as soon as practicable.
- (i) If the Assembly is not sitting upon receipt, the Clerk shall circulate to Members the indexed listing and any document over which no claim of privilege has been made at which time they will be taken for all purposes to have been presented to the Assembly and publication will be taken to have been ordered by the Assembly. The Clerk shall table the indexed listing and the documents over which no claim of privilege has been made on the next sitting day.

Claims of privilege

- (j) If a claim of privilege is made by the Chief Minister in relation to a document, any Member may, within 5 business days of the tabling or circulation of the indexed listing to Members, dispute the claim by writing to the Clerk.
- k) Upon receipt of a written dispute, the Clerk shall advise the Speaker who must appoint an Independent Legal Arbiter (the Arbiter) to evaluate and report on the validity of the claim. For this standing order, the Speaker must only appoint a King's Counsel, a Senior Counsel or a retired judge of a Supreme Court, the Federal Court, or the High Court as Independent Legal Arbiter.
- (l) The Clerk shall provide the Arbiter with any disputed document, the indexed listing and any submission that has been made as to the validity of a claim.
- (m) Through the Clerk, the Arbiter will invite additional submissions from Members about privilege claims. The Clerk shall circulate any submission to Members as soon as practicable.
- (n) The Arbiter shall evaluate privilege claims and prepare a report stating whether a privilege claim is upheld in relation to a given document and the reasons for the decision.
- (o) The Arbiter is to lodge their report with the Clerk within 10 business days of the disputed documents having been provided, unless an alternative timeframe is specified by the Assembly or the Speaker.
- (p) If the Arbiter upholds a claim of privilege in relation to a document, or the claim of privilege is not disputed, the Clerk shall return that document to the Head of Service and delete any electronic copies that have been provided.
- (q) When the report is provided to the Clerk:
 - (i) the Clerk shall circulate to all Members the report and any documents over which a claim of privilege has not been upheld;

- (ii) the Clerk shall, at the first opportunity, table in the Assembly the report and any documents over which a claim of privilege has not been upheld;
- (iii) if a claim of privilege is upheld only in relation to a portion of a document, then the Head of Service shall prepare a revised version of the document in accordance with the Arbiter's determination as provided by the Clerk and return the revised document to the Clerk within 3 business days for circulation to Members and tabling;
- (iv) if the report is received when the Assembly is sitting, and notwithstanding standing order 212A(c), a resolution of the Assembly is required to authorise the publication of the Arbiter's report and the documents over which no claim of privilege has been upheld.
- (v) if the report is received when the Assembly is not sitting, the Standing Committee on Administration and Procedure may authorise for publication the Arbiter's report and the documents over which no claim of privilege has been upheld.

Personal information

- (r) The Head of Service may redact the following personal information from a document:
 - (i) mobile telephone numbers;
 - (ii) private email addresses;
 - (iii) home addresses;
 - (iv) bank account details;
 - (v) signatures;
 - (vi) tax file numbers; or
 - (vii) similar personal information.
- (s) Any Member may, by communication in writing to the Clerk within 5 business days of the tabling or circulation of the indexed listing and documents to Members, dispute the redaction of personal information listed at paragraph (r) if the Member considers that it is in the public interest for the redacted information to be provided.
- (t) Upon receipt of a dispute concerning the redaction of personal information, the Clerk shall advise:
 - (i) the Speaker who must appoint an Independent Legal Arbiter to evaluate and report on whether it is in the public interest for unredacted versions of the documents to be produced to the Assembly; and

- (ii) the Head of Service who must supply unredacted copies of the disputed documents to the Clerk for provision to the Arbitrator.
- (u) The process for determining and reporting if the redacted information should be released is the same as that set out for privilege claims under this standing order.

Recommended amendment 17

Proposed new standing order 213B

Insert

“Request to vary terms of a production order

213B

- (a) The Chief Minister may, by communication in writing to the Clerk at any time before the date for the return of documents the subject of a production order, request that the timeframe for the production of documents be extended or that the scope of an order to produce documents be varied.
- (b) A request to vary the scope or extend the timeframe of an order must include:
 - (i) reasons why the timeframe for the production of the documents cannot be met; and/or
 - (ii) reasons why the terms of the order are likely to result in the production of a large number of documents reasonably believed to be irrelevant to the Assembly’s intent in ordering the papers.
- (c) If the Assembly is sitting, the Clerk is to report the request to the Assembly as soon as practicable.
- (d) The Assembly shall then decide on a motion put by the Speaker “That the request, as reported by the Clerk to vary the terms of the order be agreed to”.
- (e) If the motion is resolved in the affirmative, the order is varied accordingly.
- (f) If the question is resolved in the negative, the original order remains in force, but if the original due date has passed, documents are to be provided within 5 business days.
- (g) If the Assembly is not sitting, the Standing Committee on Administration and Procedure may consider any request for a variation of terms of the order and may decide the matter in the same manner as the Assembly. The Chair of the Committee shall advise Members in writing of the Committee’s decision as soon as practicable and shall advise the Assembly at the next sitting.”

New standing order 229D – Previous committees

- 2.21. To reflect standing order 16 relating to the Standing Committee on Administration and Procedure, which authorises that committee to consider and use evidence and records of previous committees, this proposed new standing order allows all standing committees to do the same. This authority is included in the resolution of appointment of the general purpose standing committees but the Committee felt the standing orders was a more appropriate place.

Recommended amendment 18

Proposed new standing order 229D – Previous committees

Insert

“Previous committees

229D. Committees shall have the power to consider and make use of the evidence and records of the relevant standing committees appointed during the previous Assemblies.”

Standing order 264B – Adverse mention procedures

- 2.22. This proposed amendment is to correct a cross-reference in standing order 264B relating to adverse mention procedures.

Recommended amendment 19

Standing order 264B - Adverse mention procedures

In 264B(c) omit “264A(a)” and substitute “264B(b)”

Recommendation 1

The Committee recommends that the Assembly adopt proposed amendments 1 to 19.



Caitlin Tough MLA

Deputy Chair, Standing Committee on Administration and Procedure

14 August 2025