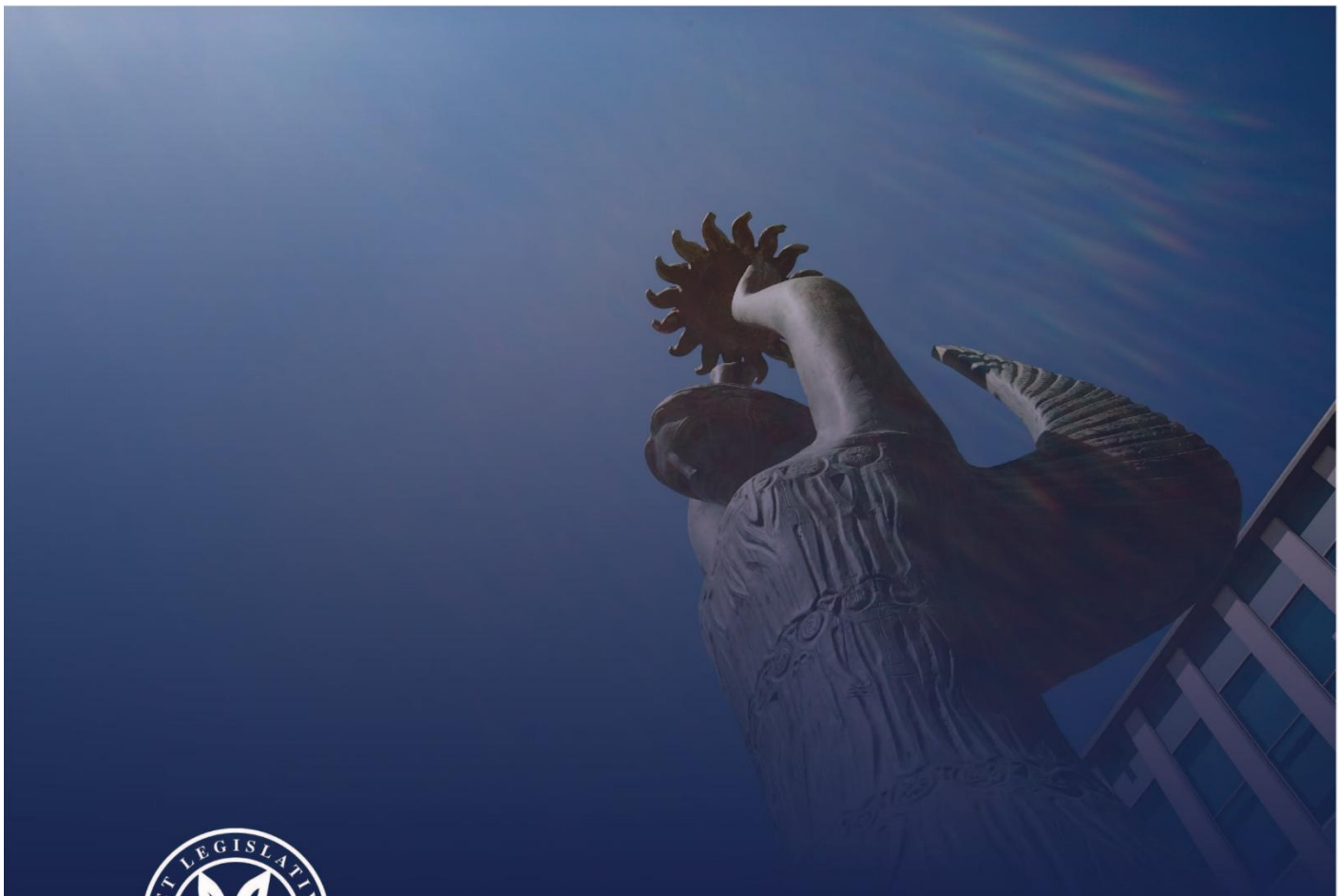


Standing orders and continuing resolutions of the Legislative Assembly for the Australian Capital Territory

As at 27 October 2026

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Standing orders and continuing resolutions of the Legislative Assembly for the Australian Capital Territory

As at 27 October 2026

Being the standing orders adopted on 11 May 1989.

Amended on 11 May 1989; 7 June 1990; 21 June 1991; 18 August 1993; 16 June 1994; 15 September 1994; 9 March 1995; 4 May 1995; 1 June 1995; 11 December 1996; 30 April 1998; 28 May 1998; 27 August 1998; 10 March 1999; 30 August 2001; 28 August 2002; 18 February 2003; 20 February 2003; 13 March 2003; 18 November 2003; and 7 December 2004.

A major review of Standing Orders was conducted throughout 2007 and revised Standing Orders and Continuing Resolutions were adopted by the Assembly on 6 March 2008. Significant amendments are indicated throughout the document. There are also a number of minor amendments which are not flagged. Details of all amendments can be found in Report 2 of the Standing Committee on Administration and Procedure[1], dated December 2007.

Amended 10 April 2008, 21 August 2008, 9 December 2008, 12 February 2009, 26 February 2009, 2 April 2009, 27 August 2009, 10 December 2009, 11 February 2010, 6 May 2010, 26 August 2010, 30 June 2011, 25 August 2011, 8 December 2011, 23 February 2012, 22 March 2012, 29 March 2012, 3 May 2012, 23 August 2012, 27 November 2012, 14 February 2013, 28 February 2013, 24 October 2013, 31 October 2013, 28 November 2013, 20 March 2014, 10 April 2014, 5 August 2014, 25 September 2014, 4 June 2015, 29 October 2015, 19 November 2015, 10 March 2016, 7 April 2016, 9 June 2016, 13 December 2016, 15 December 2016, 3 August 2017, 21 September 2017 and 10 May 2018.

A major review of Standing Orders was conducted throughout 2018 and revised Standing Orders and Continuing Resolutions were adopted by the Assembly on 29 November 2018, to commence 1 January 2019. Significant amendments are indicated throughout the document. Details of all amendments can be found in Report 8 of the Standing Committee on Administration and Procedure[2], dated October 2018.

Amended 21 March 2019, 30 July 2019, 22 August 2019, 2 April 2020, 21 May 2020, 30 March 2021, 10 February 2022, 2 June 2022 and 1 December 2022.

A major review of Standing Orders was conducted throughout 2022-2023 and revised Standing Orders and Continuing Resolutions were adopted by the Assembly on 31 August 2023, to commence 9 October 2023. Significant amendments are indicated throughout the document. Details of all amendments can be found in Report 10 of the Standing Committee on Administration and Procedure[3], dated August 2023.

Amended 6 February 2024, 21 March 2024, 14 May 2024, 6 June 2024, 5 December 2024, 6 February 2025, 2 September 2025 and 27 October 2026.

[1] http://www.parliament.act.gov.au/committees/index1.asp?committee=52&inquiry=232&category=19
[2] https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-administration-and-procedure/inquiries/review-of-standing-orders
[3] https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-administration-and-procedure/inquiries/review-of-standing-orders

Contents

Proceedings for the meeting of Assembly 1

Speaker, Chief Minister, Deputy Speaker, Leader of the Opposition and Officers 3

Administration and Procedure Committee 11

Administration 13

Sitting and adjournment of the Assembly 15

Rules of debate 18

Business 27

Petitions 31

Notices of motion 37

Questions seeking information 40

Motions, questions, votes and resolutions 45

Amendments 48

Orders of the day 50

Voting/divisions 52

Bills 54

Financial procedures 61

Disorder 62

Strangers 64

Papers and documents 65

Committees 71

Witnesses 83

Balloting 87

Addresses to the Sovereign or the Governor-General 88

Standing orders 89

General rule for conduct of business 90

Privilege and contempt 91

Authority to publish *Hansard* 97

Authority for legislative assembly information to be migrated to, and stored and processed by, a cloud service provider 98

Authority to receive resignations of members 100

Broadcasting guidelines 101

Citizen's right of reply **103**

Claims of parliamentary privilege that arise during the exercise of the ACT Integrity Commission's powers and functions **106**

Code of conduct for all members of the Legislative Assembly for the Australian Capital Territory **114**

Commissioner for Standards **119**

Consideration of statutory appointments **122**

Declaration of private interests of Members **123**

Ethics and Integrity Adviser **124**

Freedom of speech **126**

Implementation of Committee recommendations in annual reports **127**

Independence of the Assembly from religious faith **128**

Latimer House Principles **129**

Lobbyist Register— ACT Lobbying Code of Conduct **134**

Lobbyist Register— ACT Lobbyist Regulation Guidelines **137**

Public interest immunity **145**

Senator for the Australian Capital Territory— Procedures for election **147**

Sub judice **149**

Title of presiding officer **151**

Chapter 1

Proceedings for the meeting of Assembly

1 **This Chapter sets out the procedures for the first meeting of the Assembly following an election, including the swearing-in of Members.**

Meeting of a new Assembly

1. When the Assembly first meets after an election, the procedure shall be as follows:

(a) Traditional custodians shall be invited to conduct a ceremony of welcome prior to Members assembling in the Chamber; and Members shall then assemble in the Legislative Assembly Chamber at the time appointed by the Speaker in the notice calling the Assembly together in accordance with section 17 of the *Australian Capital Territory (Self-Government) Act 1988*. *(Amended 6 March 2008 and 29 November 2018)*

Clerk reads instrument

(b) The Clerk shall read the notice convening the meeting of the Assembly.[4] *(Amended 6 March 2008)*

Admission of Chief Justice

(c) The Chief Justice of the Supreme Court of the Australian Capital Territory or a person authorised by the Chief Justice for the purpose shall enter the Chamber for the purpose of Members making an oath or affirmation.[5]

Election notification and Members sworn

(d) The official notification of the election of each Member shall be presented by the Clerk, and the Members shall then make and subscribe an oath or affirmation as prescribed by the *Australian Capital Territory (Self-Government) Act 1988*.[6]

[4] See section 17 of the *Australian Capital Territory (Self-Government) Act 1988*.
[5] See section 9 of the *Australian Capital Territory (Self-Government) Act 1988* and section 10A of the *Oaths and Affirmations Act 1984.*
[6] See section 6A of the *Oaths and Affirmations Act 1984.*

Speaker to be elected

(e) The Assembly shall then proceed to elect a Speaker. [7]

Clerk chairs Assembly

(f) Until a Speaker is elected the Clerk shall chair the Assembly.

Chief Minister to be elected

(g) The Assembly shall next proceed to the election of a Chief Minister for the Territory.[8]

[7] See section 11 of the *Australian Capital Territory (Self-Government) Act 1988*.
[8] See section 40 of the *Australian Capital Territory (Self-Government) Act 1988.*

Chapter 2

Speaker, Chief Minister, Deputy Speaker, Leader of the Opposition and Officers

2

This Chapter sets out the procedures for the election of the Speaker, the Chief Minister and the Deputy Speaker, confirmation of the Leader of the Opposition, and processes to deal with absences and vacancies in the offices of the Chief Minister, Speaker, Deputy Speaker and Clerk.

Election of Speaker

2. The election of the Speaker shall be conducted in the following manner:

A Member proposed as Speaker

(a) At the first meeting of an Assembly after a general election, after the Members present have been sworn, or whenever the office of Speaker becomes vacant, a Member, addressing the Clerk, shall propose a Member who is present, to the Assembly for its Speaker and move that such Member take the Chair of the Assembly as Speaker. A Member when proposed shall inform the Assembly whether the nomination is accepted. *(Amended 6 March 2008)*

If unopposed, elected

(b) The Clerk shall then ask if there is any further proposal and, if there is not, shall say that the time for proposals has expired. No Member may then address the Assembly or propose any other Member, and the Clerk shall declare the Member so proposed to have been elected as Speaker, and such Member shall take the Chair of the Assembly as Speaker. *(Amended 6 March 2008)*

When two or more Members proposed

(c) If more than one Member is proposed as Speaker, the Clerk shall, after the second proposal, and after each subsequent proposal (if any), is made, ask if there is any further proposal and, if there is not, the Clerk shall say that the time for proposals has expired.

Debate and speech limitation

(d) When the time for proposals has expired, debate may ensue, but it shall be relevant to the election.

(e) A Member may not speak for more than 5 minutes.

Election to be proceeded with

(f) If all Members are not present, the bells shall be rung as in a vote and the election shall then proceed as provided in this standing order. *(Amended 6 March 2008)*

Mode of decision between candidates

(g) When only two candidates are proposed as Speaker, each Member shall deliver to the Clerk a ballot-paper in writing, containing the name of the candidate for whom that Member votes. The votes shall be counted by the Clerk and the candidate who has the greater number of votes shall be the Speaker, and take the Chair, provided the candidate also has a majority of the votes of the Members present and voting; if no candidate has such a majority a fresh ballot shall take place. If, after the counting of votes, neither candidate has the required majority the Clerk shall so declare. Thereupon the sitting shall be suspended for 30 minutes and when the Assembly reassembles the votes shall be taken again, unless this is rendered unnecessary by a withdrawal.

Mode of decision when more than two candidates

(h) When more than two candidates are proposed, the votes shall be taken in like manner. The candidate who has the greatest number of votes shall be the Speaker, provided the candidate also has a majority of the votes of the Members present and voting; if no candidate has such majority, the name of the candidate having the smallest number of votes shall be excluded from subsequent ballots, and a fresh ballot shall take place. This shall be done as often as necessary, until one candidate is declared to be elected as Speaker by such majority, when that candidate shall take the Chair.

Withdrawal of candidate

(i) At any time after the result of the first ballot is declared, but before the commencement of the second or subsequent ballot, a candidate may withdraw from the election which shall then proceed as if that candidate had not been proposed.

Equality of votes

(j) If at any ballot it is impossible by reason of the equality of votes to determine which name shall be excluded from subsequent ballots, a special ballot shall take place at which there shall be submitted only the names of those candidates who have received equal votes. At such special ballot each Member shall write on a ballot-paper only the name of the candidate that Member wishes to retain. The candidate whose name appears upon the smallest number of ballot-papers shall then be excluded from subsequent ballots.

(k) If by reason of equality of votes a ballot or special ballot is rendered inconclusive, the Clerk shall so declare and, unless by a withdrawal another ballot or (as the case may be) another special ballot is rendered unnecessary, another ballot or special ballot shall be taken. If, after the counting of votes, the equality continues the Clerk shall so declare. Thereupon the sitting shall be suspended for 30 minutes and when the Assembly reassembles the votes shall be taken again, unless this is rendered unnecessary by a withdrawal.

One candidate remaining

(l) Whenever at any stage a withdrawal leaves only one candidate remaining that candidate shall, without further voting, be declared elected as Speaker and shall then take the Chair.

Speaker takes Chair

(m) Having moved to the Chair, the Member elected returns acknowledgments to the Assembly for the honour conferred, and then sits in the Chair.

Election of Chief Minister

3. The election of the Chief Minister shall be conducted in the following manner:

Member proposed by motion

(a) At the first meeting of an Assembly after a general election and after the Speaker has been elected, or whenever the office of Chief Minister becomes vacant, or immediately following the agreement of a motion of want of confidence in a Chief Minister in accordance with standing order 81, a Member shall propose a Member as Chief Minister, and move that such Member be elected Chief Minister for the Territory.

A Member when proposed shall inform the Assembly whether the nomination is accepted. *(Amended 6 March 2008)*

If unopposed, elected

(b) The Speaker shall then ask if there is any further proposal and, if there is not, shall say that the time for proposals has expired. No Member may then address the Assembly or propose any other Member as Chief Minister. The Speaker shall then declare the Member proposed to have been elected as Chief Minister. *(Amended 6 March 2008)*

When two or more Members proposed

(c) If more than one Member is proposed as Chief Minister, the Speaker shall, after the second proposal and after each subsequent proposal (if any), ask if there is any further proposal and, if there is no further proposal, the Speaker shall say that the time for proposals has expired.

Debate and speech limitation

(d) When the time for proposals has expired, debate may ensue, but it shall be relevant to the election.

(e) A Member may not speak for more than 5 minutes.

Election to be proceeded with

(f) If all Members are not present, the bells shall be rung as in a vote and the election shall then proceed as provided in this standing order. *(Amended 6 March 2008)*

Mode of decision between candidates

(g) When only two Members are proposed as Chief Minister, each Member shall deliver to the Clerk a ballot-paper in writing, containing the name of the candidate for whom that Member votes. The votes shall be counted by the Clerk and the candidate who has the greater number of votes shall be declared by the Speaker to be the Chief Minister, provided the candidate also has a majority of the votes of the Members present and voting; if no candidate has such a majority a fresh ballot shall take place. If, after the counting of votes, neither candidate has the required majority the Speaker shall so declare. Thereupon the sitting shall be suspended for 30 minutes and when the Assembly reassembles the votes shall be taken again, unless this is rendered unnecessary by a withdrawal.

Mode of decision when more than two candidates

(h) When more than two Members are proposed as Chief Minister, the votes shall be taken in like manner. The candidate who has the greatest number of votes shall be the Chief Minister, provided the candidate also has a majority of the votes of the Members present and voting; if no candidate has such majority, the name of the

candidate having the smallest number of votes shall be excluded from subsequent ballots, and a fresh ballot shall take place. This shall be done as often as necessary until one candidate is declared to be elected as Chief Minister by such majority.

Withdrawal of candidate

(i) At any time after the result of the first ballot is declared, but before the commencement of the second or subsequent ballot, a candidate may withdraw from the election which shall then proceed as if that candidate had not been proposed.

Equality of votes

(j) If at any ballot it is impossible by reason of the equality of votes to determine which name shall be excluded from subsequent ballots, a special ballot shall take place at which there shall be submitted only the names of those candidates who have received equal votes. At such special ballot each Member shall write on a ballot-paper only the name of the candidate that Member wishes to retain. The candidate whose name appears upon the smallest number of ballot-papers shall then be excluded from subsequent ballots.

(k) If by reason of equality of votes a ballot or special ballot is rendered inconclusive, the Speaker shall so declare and, unless by a withdrawal another ballot or (as the case may be) another special ballot is rendered unnecessary, another ballot or special ballot shall be taken. If, after the counting of votes, the equality continues the Speaker shall so declare. Thereupon the sitting shall be suspended for 30 minutes and when the Assembly reassembles the votes shall be taken again, unless this is rendered unnecessary by a withdrawal.

One candidate remaining

(l) Whenever at any stage a withdrawal leaves only one candidate remaining, that candidate shall, without further voting, be declared elected as Chief Minister.

Election of Deputy Speaker

4. On the first day of meeting of the Assembly after an election, or whenever the office becomes vacant, a Member, not being a Minister, shall be elected by the Assembly to be Deputy Speaker.

5. The election of the Deputy Speaker shall be conducted by the Speaker in a similar manner to the election of the Speaker.

Leader of the Opposition

5A. The Leader of the Opposition of the Legislative Assembly for the Australian Capital Territory shall be the Leader of the largest non-government party with the consent of that Member. *(Inserted 11 May 1989. Amended 21 June 1991)*

5B. In the event that the two largest non-government parties are of equal size, the Assembly may elect a Leader of the Opposition and the election shall be conducted by the Speaker in a similar manner to the election of Chief Minister. *(Inserted 11 May 1989. Amended 21 June 1991)*

Absence of Speaker and Deputy Speaker

Absence of Speaker

6. Whenever the Assembly is meeting and is informed by the Clerk of the absence or impending absence of the Speaker, the Deputy Speaker, as Acting Speaker, shall perform the duties and have the powers of the Speaker as specified in the standing orders and continuing resolutions of the Assembly and in enactments. *(Amended 6 March 2008)*

6A. Whenever the Assembly is not meeting Members will be informed in writing by the Clerk of the absence or impending absence of the Speaker, and the Deputy Speaker, as Acting Speaker, shall perform the duties and have the powers of the Speaker as specified in the standing orders and continuing resolutions of the Assembly and in enactments.

In the event that both the Speaker and Deputy Speaker are absent, Members will be informed in writing by the Clerk of those absences, and an Assistant Speaker, on the Speaker's appointment, shall perform the duties and have the powers of the Speaker as specified above. *(Inserted 6 March 2008. Amended 10 April 2014)*

Speaker relieved by Deputy

7. The Deputy Speaker shall take the Chair whenever requested to do so by the Speaker during a sitting of the Assembly.

Assistant Speakers

8. The Speaker shall nominate at the commencement of every Assembly not more than 4 Members, not being Ministers, any one of whom shall act as Assistant Speaker. The Speaker may revoke the nomination of any Member. An Assistant Speaker may resign in writing to the Speaker and the Speaker may nominate a replacement. *(Amended 6 March 2008, 13 December 2016 and 2 September 2025)*

Absence of Speaker and Deputy Speaker

9. Whenever the Assembly is meeting and is informed by the Clerk of the absence of both the Speaker and the Deputy Speaker, the Members present may at once proceed to elect in the manner provided in standing order 2 one of their number who shall, subject to any other order of the Assembly, perform the duties of the Speaker during that absence. Otherwise the Assembly stands adjourned to the next sitting day. *(Amended 29 November 2018)*

Speaker relieved by Assistant Speaker

10. The Speaker, or Deputy Speaker, may call on any of the Assistant Speakers to take the Chair.

Vacancy in office of Speaker

11. When a vacancy has occurred in the office of the Speaker the Clerk shall report this to the Assembly as soon as possible, and the Assembly shall forthwith proceed to the election of a Speaker using the manner provided for in standing order 2. *(Amended 6 March 2008)*

Resignation of the Speaker

11A. A Member may resign from the position of Speaker, in writing, to the Clerk, and the resignation shall take effect upon receipt by the Clerk. If the Assembly is meeting when the Clerk receives the written notice of the resignation of the Speaker, the Clerk shall take action in accordance with standing order 11. If the Assembly is not meeting when the Clerk receives a written notice of resignation from the Speaker, the Clerk shall inform all Members in writing of the resignation, and the election of the Speaker shall take precedence over all other business at the next meeting of the Assembly. *(Inserted 6 March 2008)*

Vacancy in office of Chief Minister

12. When a vacancy has occurred in the office of the Chief Minister the Speaker shall report this to the Assembly as soon as possible, and the Assembly shall forthwith proceed to the election of a Chief Minister in the manner provided for in standing order 3. *(Amended 6 March 2008)*

Vacancy in office of Deputy Speaker

13. The Deputy Speaker may resign office by writing to the Speaker. When a vacancy has occurred in the office of the Deputy Speaker the Speaker shall report this to the Assembly as soon as possible, and the Assembly shall forthwith proceed to the election of a Deputy Speaker in the manner provided for in standing order 5. *(Amended 6 March 2008)*

14. *(Standing order omitted 29 November 2018).*

15. *(Standing order omitted 29 November 2018).*

Chapter 3

Administration and Procedure Committee

3 **This chapter sets out the procedures for the establishment, membership and role of the Standing Committee on Administration and Procedure.**

Administration and Procedure Committee

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; *(Amended 29 November 2018 and 31 August 2023)*

(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 and Safety obligations; *(Amended 31 August 2023)*

(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; *(Amended 31 August 2023)*

(iii) arrange the order of private Members' business and Assembly business; and *(Amended 27 November 2012, 29 November 2018 and 30 March 2021)*

(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. *(Inserted 30 March 2021)*

(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. *(Amended 9 March 1995 and 4 May 1995; further amended 28 May 1998, 6 March 2008, 8 December 2011, 13 December 2016 and 29 November 2018)*

17. *(Standing order omitted 9 March 1995).*

18. *(Standing order omitted 9 March 1995).*

19. *(Standing order omitted 9 March 1995).*

Chapter 4

Administration

4

This chapter sets out the procedures relating to the Members' roll, record of attendance, leave of absence, resignation of a Member and *Minutes of Proceedings*, including custody of records.

Members' roll kept by Clerk

20. A roll of Members shall be kept by the Clerk, showing the names of the Members elected, the dates of that election, of making an oath or affirmation and of ceasing to be Members and the reason. *(Amended 6 March 2008)*

Record of attendance

21. The attendance of Members at each sitting of the Assembly shall be recorded in the *Minutes of Proceedings*.

Leave of absence

22. A Member may be granted leave of absence from the Assembly, on motion moved without notice, stating the reason for leave and the period of absence. Except that a Member who shall be entitled, without a vote of the Assembly, to a leave of absence for primary or secondary care giver or adoption leave entitlements in line with the provision of the ACT Public Service, and that leave shall commence at a time notified by the Member to the Speaker who, in turn, shall notify the Assembly. *(Amended 6 March 2008, 29 November 2018, 21 March 2019 and 31 August 2023)*

Leave of absence excuses from service

23. A Member shall be excused from service in the Assembly, or any committee, as long as the Member has leave of absence.

Leave of absence forfeited

24. A Member who has been granted leave of absence shall forfeit the leave if the Member attends the Chamber of the Assembly before the end of the period of leave. *(Amended 6 March 2008)*

Resignation of Member

24A. A Member may resign as a Member of the Assembly by written notice to the Speaker or, in the absence of the Speaker from the Territory or from duty, the Deputy Speaker.[9] *(Inserted 6 March 2008)*

Minutes of Proceedings

25. All proceedings of the Assembly shall be recorded by the Clerk, and such records shall constitute the *Minutes of Proceedings* of the Assembly and shall be signed by the Clerk.

Custody of records

26. Subject to standing order 212 under the direction of the Speaker, the Clerk shall have custody of the *Minutes of Proceedings*, and all documents presented to the Assembly. *(Amended 6 March 2008)*

[9] Pursuant to section 13 of the *Australian Capital Territory (Self-Government) Act 1988.*

Chapter 5

Sitting and adjournment of the Assembly

5 **This chapter sets out procedures relating to hours of meeting, quorums and adjournment.**

Hour of meeting

27. Unless otherwise ordered, the Assembly shall meet at 10 am. *(Amended 4 May 1995, 7 December 2004 and 6 March 2008) (Temporary order 9 December 2008. Adopted 22 March 2012)*

Quorum[10] at time of meeting

Chair taken, or Assembly adjourned

28. The Chair shall be taken at the time appointed on every day fixed for the meeting of the Assembly, but if a quorum is not present and if within 5 minutes, the bells having been rung, a quorum is still not present, the Speaker shall adjourn the Assembly.

If the Speaker is satisfied there is likely to be a quorum within a reasonable time, it shall be announced that the Chair will be taken at a stated time; if at that time there is not a quorum the Speaker shall adjourn the Assembly until the next sitting day.

Members not to leave before quorum present

29. A Member shall not be permitted to withdraw from the Chamber within 5 minutes after the time appointed for the meeting of the Assembly unless a quorum is obtained.

Acknowledgement and Prayer or Reflection

30. Upon the Speaker taking the Chair at the commencement of each sitting, and a quorum of Members being present, the Speaker shall acknowledge in the Ngunnawal language followed by an English translation that the Assembly is meeting on the lands of the traditional custodians; and then the following shall be read by the Speaker:

[10] Subsection 18(1) of the *Australian Capital Territory (Self-Government) Act 1988* provides that a quorum is an absolute majority of the Members (i.e. 13 Members).

Members, at the beginning of this sitting of the Assembly, I would ask you to stand in silence and pray or reflect on our responsibilities to the people of the Australian Capital Territory. *(Amended 1 June 1995)*

(Amended 6 March 2008, 2 April 2009, 10 May 2018 and 31 August 2023)

Quorum during sitting

Vote indicating lack of a quorum

31. If it appears from the result of a vote or ballot of the Assembly that a quorum is not present, the Speaker shall adjourn the Assembly; and no decision of the Assembly shall be considered to have been arrived at by such vote or ballot. *(Amended 6 March 2008)*

If the Speaker is satisfied there is likely to be a quorum within a reasonable time, it shall be announced that the Chair will be taken at a stated time; if at that time there is not a quorum the Speaker shall adjourn the Assembly until the next sitting day.

Lack of quorum noticed

32. If any Member takes notice that a quorum is not present the Speaker shall count the Assembly; if a quorum is not present within 4 minutes the Assembly shall be adjourned.

If the Speaker is satisfied there is likely to be a quorum within a reasonable time, the Speaker shall announce that the Chair will be taken at a stated time; if at that time there is not a quorum the Speaker shall adjourn the Assembly until the next sitting day.

All Members to remain while bells rung

33. When the attention of the Speaker has been called to the fact that there is not a quorum present and the bells are rung as in a vote, no Member shall leave the area within the seats allotted to Members until a quorum is present or 4 minutes have elapsed. *(Amended 6 March 2008)*

90 second Member statements

33A. Immediately prior to the adjournment debate, the Speaker shall ask whether any Member wishes to make a 90 second statement, for a period of no more than 10 minutes. This will not occur on sitting days where the automatic adjournment question is put at 6.30 pm. *(Inserted 31 August 2023)*

Adjournment and next meeting

Adjournment of Assembly

34. Unless otherwise ordered, at 6:30 pm on each sitting day, the Speaker shall propose the question – That the Assembly do now adjourn – which question shall be open to debate. No amendment may be moved to this question:

provided that:

(a) if a vote is in progress at the time for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced;

(b) if, on the question – That the Assembly do now adjourn – being proposed, a Minister requires the question to be put forthwith without debate, the Speaker shall forthwith put the question;

(c) a motion for the adjournment of the Assembly may be moved by a Minister at an earlier hour;

(d) any business under discussion and not disposed of at the time of the adjournment shall be set down on the *Notice Paper* for the next sitting;

(e) if the question – That the Assembly do now adjourn – is negatived, the Assembly shall resume the proceedings at the point at which they had been interrupted; and

(f) at the conclusion of the time allotted for the adjournment, the Speaker shall forthwith adjourn the Assembly until the time of its next meeting. *(Amended 7 December 2004, 6 March 2008 and 29 November 2018)*

Minister may move adjournment

35. A motion for the adjournment of the Assembly may be moved only by a Minister. An amendment may not be moved to this motion.

Motion to fix next meeting

36. A motion for the purpose of fixing the next meeting of the Assembly may be moved by a Minister at any time without notice.

Fixing an alternative day or hour to sit

36A. The Speaker may fix an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members. *(Amended 31 August 2023)*

Chapter 6

Rules of debate

6

This chapter sets out the procedures relating to the rules of debate, including time limits.

Order

Order maintained by Speaker

37. Order shall be maintained in the Assembly by the Speaker.

When Speaker rises

38. Whenever the Speaker rises during proceedings, Members shall be silent and be seated, so that the Speaker may be heard without interruption.

Member speaking not to be interrupted

39. When a Member is speaking, no other Member may converse or make any noise or disturbance to interrupt that Member.

Members to acknowledge the Chair

40. Members shall acknowledge the Chair when entering or leaving the Chamber. *(Amended 6 March 2008)*

Members passing through Assembly

41. A Member may not pass between the Chair and any Member who is speaking, unless taking their seat at the central table. *(Amended 13 December 2016)*

Manner and right of speech

Members rise to address Speaker

42. Every Member desiring to speak shall rise and address the Speaker with the exception of standing order 43.

Speaking in a language other than English

42A. A Member may, when called by the Chair, rise and speak in any language other than English so long as:

(a) an oral translation is provided in the English language by the same Member immediately prior to the words spoken in the language other than English; and

(b) a written translation in both English and the language used is provided to the Clerk within one hour following the contribution by the Member speaking. This does not apply to the acknowledgement made by the Speaker under standing order 30. *(Inserted 29 November 2018. Amended 31 August 2023)*

Indulgence to Members unable to stand

43. If a Member is unable to rise, they will be permitted to speak while sitting. *(Amended 29 November 2018 and 31 August 2023)*

Speaker calls on Members to speak

44. When two or more Members seek to speak the Speaker shall call on the Member who, in the Speaker's opinion, was first. *(Amended 6 March 2008 and 29 November 2018)*

When Member may speak

45. A Member may speak to any question before the Chair that is open to debate, when moving a motion that is open to debate, when moving an amendment, to ask or answer a question seeking information, when rising to order, or upon a matter submitted under standing orders, but not otherwise.[11]

Personal explanations

46. Having obtained leave from the Chair, a Member may explain matters of a personal nature, although there is no question before the Assembly; such matters may not be debated.

Except to explain words

47. A Member who has spoken to a question may again be heard to explain where some material part of that Member's speech has been misquoted or misunderstood, but shall not introduce any new matter, nor interrupt a Member speaking, and no debatable matter may be brought forward nor may any debate arise upon such explanation.

[11] For those questions not open to debate see standing order 63

Right of reply

48. A reply shall be allowed to a Member who has moved a substantive motion or that a bill be agreed to in principle, and the reply shall be confined to matters raised during the debate.

Reply closes debate

49. In all cases the reply of the mover of the original motion closes the debate.

Member may not speak after question put

50. A Member may not speak to any question after it has been put by the Speaker and the voices have been given in the affirmative. *(Amended 6 March 2008)*

51. *(Standing order omitted 29 November 2018)*

Reflections upon votes

52. A Member may not reflect adversely upon any vote of the Assembly, except upon a motion that the vote be rescinded. *(Amended 6 March 2008)*

Use of the Sovereign's, Governor-General's or Governor's name

53. A Member may not use the name of the Sovereign or their representatives in Australia disrespectfully in debate, nor for the purpose of influencing the Assembly in its deliberations. *(Amended 31 August 2023)*

Offensive words

54. A Member may not use offensive words against the Assembly or any Member thereof or against any member of the judiciary.[12]

Personal reflections

55. All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

[12] Section 14 of the *Judicial Commissions Act 1994* states that: A Member of the Legislative Assembly must not raise in the Assembly a matter that relates or may relate to the behaviour or physical or mental capacity of a judicial officer:- (a) except by way of a motion to have a specific allegation made in precise terms in respect of the judicial officer examined by a commission; and (b) unless that Member has given the Attorney-General not less than 6 sitting days notice of the motion and the Member has not been notified by the Attorney-General or the council within that period a recommendation that the Executive appoint a judicial commission in relation to the allegation.

Speaker to intervene

56. When any offensive or disorderly words are used, whether by a Member who is addressing the Chair or by a Member who is present, the Speaker shall intervene.

Speaker to determine offensive words

57. When the attention of the Speaker is drawn to words used, the Speaker shall determine whether or not they are offensive or disorderly.

Members not to digress

58. A Member shall not digress from the subject matter of any question under discussion:

provided that:

(a) on a motion to adjourn the Assembly, irrelevant matters may be debated; and

(b) on the motion for agreement in principle to appropriation bills for the ordinary annual services of the Executive, matters relating to public affairs may be debated.

Anticipating discussion

59. A Member may not anticipate the discussion of any subject which appears on the *Notice Paper*: provided that, in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

Question may be required to be read

60. Any Member may require the question or matter in discussion to be read by the Speaker at any time during the debate, but not so as to interrupt a Member speaking: provided that this standing order shall not apply when the terms of the question or matter have been circulated among Members.

Interruptions not allowed – exceptions

61. A Member may not interrupt another Member whilst speaking, unless:

(a) to call attention to a point of order;

(b) to call attention to the want of a quorum; or

(c) to move a closure motion.

Irrelevance or tedious repetition

62. Having called the attention of the Assembly to the conduct of a Member who persists in irrelevance or tedious repetition of the Member's own arguments or of the arguments used by other Members in debate, the Speaker may direct the Member to cease speaking.

Matters not open to debate

63. The following matters are not open to debate, shall be moved without argument or opinion offered, and shall be put forthwith from the Chair without amendment:

(a) motion for adjournment of debate (standing order 65);

(b) motion to extend time for debate or speech (standing order 69);

(c) motion that the question be now put (standing order 70);

(d) motion that the bill (as amended) be agreed to (standing order 189); and

(e) motion that a Member be suspended from the service of the Assembly (standing order 203).

Not to obstruct business

64. Should any of the questions in standing order 63 be negatived, no similar proposal shall be received if the Speaker is of opinion that it is an abuse of the orders or forms of the Assembly or is moved for the purpose of obstructing business.

Adjournment of debate

65. Except for a Member who has spoken to the question, or who has the right of reply, any Member may move the adjournment of the debate, which question shall be put forthwith and determined without amendment or debate. If the question is resolved in the affirmative, the Speaker shall then put a question to fix the time for the resumption of the debate.

Member moving adjournment entitled to call

66. The Member, upon whose motion any debate is adjourned by the Assembly, shall be entitled to speak first on the resumption of the debate.

If motion is negatived, mover may speak later

67. In the event of a motion for the adjournment of the debate upon any question being negatived, the Member moving the motion for such adjournment may address the Assembly later in the debate.

Resumption of interrupted proceedings

68. If the proceedings are interrupted by failure to obtain a quorum, the Speaker shall fix the time for the resumption of the debate on any business under discussion and not disposed of at the time of interruption. *(Amended 6 March 2008)*

Time limits for debates and speeches

(Temporary order 9 December 2008. Adopted 22 March 2012. Amended 29 November 2018 and 31 August 2023)

69. The maximum period for which a Member may speak on any subject indicated in this standing order, and the maximum period for any debate, shall not, unless otherwise ordered, exceed the period specified opposite to that subject in the following schedule. The Speaker may at their discretion direct the clock to be stopped. *(Amended 6 March 2008 and 31 August 2023)*

(a) Election of Speaker, Chief Minister, Deputy Speaker or Leader of the Opposition *(Amended 11 May 1989)*

Each Member.....5 minutes

(b) Motion for adjournment of the Assembly to terminate sitting *(Amended 4 May 1995)*

Whole debate.....no more than 30 minutes
Each Member .....5 minutes

(ba) 90 second Member statements

Whole debate.....no more than 10 minutes
Each Member .....90 seconds
(inserted 31 August 2023)

(c) Want of confidence motion provided under standing order 81

Mover.....20 minutes
Chief Minister or a Minister delegated.....20 minutes
Any other Member.....15 minutes

(d) Bill be agreed to in principle

Main Appropriation Bill for year

Mover ..... not specified
First Member speaking from each party ..... not specified
Any other Member ..... 15 minutes

Other bills

Mover ..... 20 minutes
First Member speaking from each party ..... 20 minutes
Any other Member ..... 15 minutes

Co-sponsored bills

Each Co-sponsor ..... 20 minutes
First Member speaking from each party ..... 20 minutes
Any other Member ..... 15 minutes
Each Co-sponsor closing debate ..... 15 minutes
(Amended 10 March 2016, 29 November 2018 and 30 March 2021)

(e) Detail stage of bill – each question before the Chair

Executive bills

Minister in charge ..... periods not specified
Any other Member – 2 periods each not exceeding ..... 10 minutes

An appropriation bill for the ordinary annual services of the year

Minister in Charge or Minister responsible for a
department or appropriation unit ..... periods not specified
Any other Member – 2 periods each not exceeding ..... 10 minutes
(Amended 6 March 2008)

Other bills

Member in charge ..... periods not specified
Any other Member – 2 periods each not exceeding ..... 10 minutes

Co-sponsored bills

Each Co-sponsor ..... periods not specified
Any other Member – two periods not exceeding ..... 10 minutes
(Amended 10 March 2016 and 29 November 2018)

(f) Urgent bills (under standing order 192) – Bill be declared urgent

Whole debate.....15 minutes
Each Member .....5 minutes

Allotment of time

Whole debate.....15 minutes
Each Member .....5 minutes
(Amended 10 March 2016)

(g) *(Amended 27 November 2012 and 13 December 2016, omitted 30 March 2021)*

(ga) Co-sponsored motions

Each Co-sponsor.....15 minutes
First Member speaking from each party.....15 minutes
Any other Member.....10 minutes
Each Co-sponsor closing debate .....10 minutes
(Inserted 29 November 2018, amended 30 March 2021)

(gb) Petition statements (under standing order 98A)

Whole debate.....30 minutes
Each Member .....5 minutes
(Inserted 29 November 2018)

(h) Suspension of standing orders (under standing order 272)

Whole debate.....15 minutes
Each Member .....5 minutes
(Amended 6 March 2008)

(ha) Dissent from Chair's ruling

Whole debate.....no more than 30 minutes
Each Member .....5 minutes
(inserted 31 August 2023)

(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
(Amended 2 September 2025)

(j) Extension of time – A Member may, by leave, be given an extension of time for one period which is half of the original period allotted. *(Amended 6 March 2008)*

Closure

70. After any question has been proposed from the Chair, a motion may be made by any Member, without notice, and whether any other Member is speaking or not, "That the question be now put", and, unless it shall appear to the Speaker that such motion is an abuse of the rules of the Assembly, or an infringement of Members' rights, the question "That the question be now put", shall be put forthwith and determined without amendment or debate.

Privilege

71. See standing order 276 *(standing order renumbered 6 March 2008)*

Point of order and Speaker's ruling

Point of order

72. A Member may at any time raise a point of order which shall, until disposed of, suspend the consideration and decision of every other question.

Proceedings on question of order

73. Upon a question of order being raised, the Member called to order shall cease speaking and sit and, after the question of order has been stated to the Speaker by the Member raising it, the Speaker shall rule on the matter. The Speaker may at their discretion direct the clock to be stopped. *(Amended 6 March 2008 and 31 August 2023)*

Dissent from Chair's Ruling

73A. A motion of dissent from the Chair's ruling may be made, without notice, as soon as practical following the ruling. The motion must relate specifically to the ruling. The time allocated for the debate shall be 30 minutes with each Member speaking for not more than 5 minutes. *(Inserted 31 August 2023.and amended 2 September 2025*)

Chapter 7

Business

7 This chapter sets out the procedures relating to business of the Assembly, including the routine of business and want of confidence in the Chief Minister.

Routine of business

74. The Assembly shall proceed each day with its ordinary business in the following routine:

Acknowledgement and Prayer or reflection
Presentation of petitions
Take note of petitions
Ministerial statements
Assembly/Committee Business
Notices and orders of the day
Questions without notice
Presentation of papers
Private Members' business
Take note of papers
Ministerial statements
Notices and orders of the day
Member 90 second statements
Adjournment:

provided that at 2 pm on each day the Speaker shall interrupt the business before the Assembly in order that questions without notice shall be called on, and *(Temporary order 9 December 2008. Adopted 3 May 2012. Amended 27 November 2012, 4 June 2015, 29 November 2018, 30 March 2021 and 31 August 2023)*

(a) if a vote is in progress at the time fixed for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced; and

(b) the Speaker shall fix a later hour for the resumption of the debate on any business under discussion and not disposed of at the time of interruption; *(Amended 4 May 1995, 1 June 1995 and 2 April 2009)*

provided further that, in relation to ministerial statements, copies shall be provided to the Speaker for circulation to all Members two hours prior to the time at which the statement

is proposed to be made; and that Ministers shall table a copy of the statement and move that the paper be noted. *(Adopted 27 November 2012. Amended 4 June 2015)*

Presentation of committee papers and reports

75. Papers and reports of standing and select committees may be presented at any time when other business is not before the Assembly. *(Amended 31 August 2023)*

New business

76. New business may not be taken after 10 pm unless otherwise ordered prior to 9 pm. *(Amended 6 March 2008 and 29 November 2018)*

Business – precedence over

77. Executive business shall, on each day of sitting, have precedence over all private Members' and Assembly business, except that:

(a) On each sitting day, private Members business (as ordered by the Standing Committee on Administration and Procedure) shall have precedence over Executive business immediately after the presentation of papers; *(Amended 11 December 1996 and 30 March 2021).*

(b) *(Omitted 31 August 2023);*

(c) *(Adopted 27 November 2012. Amended 29 November 2018, omitted 30 March 2021)*

provided further that:

(d) *(Omitted 31 August 2023)*;

(e) when there is no question before the Chair during private Members' business and at any time during the consideration of Assembly business any Member may move that Executive business be called on and the question on such motion shall be put forthwith without amendment or debate; *(Amended 11 December 1996, 31 October 2013, 29 November 2018 and 30 March 2021)*

(f) *(Amended 27 November 2012, 29 November 2018 and 30 March 2021, omitted 31 August 2023)*;

(g) *(Amended 27 November 2012; 29 November 2018 and 30 March 2021, omitted 31 August 2023)*;

For the purpose of this standing order and standing order 16, Assembly business is:

(h) any notice of a motion or order of the day relating to the establishment or membership of a committee; the referral of a matter to a committee; or the presentation of a committee report ordered by the Assembly; *(Amended 31 August 2023)*

(i) any order of the day for the consideration of a motion moved upon the presentation of a committee discussion paper, committee report or the Government response to a committee report;

(j) any notice of motion or order of the day to amend, disallow, disapprove or declare void and of no effect any instrument made under any Act of the Assembly which provides for the instrument to be subject to amendment, disallowance or

disapproval of the Assembly or subject to a resolution of the Assembly declaring the instrument to be amended or void and of no effect or any other order of the day to consider such a motion, and, if such a notice has not been called on by the end of the day before the stipulated period ends, the Member shall move the notice on the next sitting day and such business shall take precedence over other business; *(Amended 4 May 1995 and 29 November 2018)*

(k) any notice of motion, notice to present a bill or order of the day which deals with the administration of the Assembly or the manner in which the Assembly conducts its proceedings; and *(Amended 6 March 2008 and 31 August 2023)*

(l) any notice of motion relating to the order for the production of documents held by the Executive under standing order 213A. *(Inserted 2 September 2025)*

Order of private Members' business

77A. *(Standing order omitted 30 March 2021)*

Order of Executive business

78. Subject to standing order 77, the Manager of Government Business may arrange the order of Executive business notices and orders of the day on the *Notice Paper*. *(Amended 4 May 1995)*

79. *(Standing order omitted 30 March 2021)*

Ministers to act for each other

80. A Minister, in the absence of another Minister, may act for and on behalf of that Minister in relation to any business before the Assembly of which that other Minister has charge.

Precedence to want of confidence motion

81. A motion of no confidence in the Chief Minister, of which at least one week's notice has been given, shall, until it is disposed of, take precedence over all other business. Such motion must be carried by an absolute majority of the Members.[13]

[13] See section 19 of the *Australian Capital Territory (Self-Government) Act 1988.*

Censure motions and Privileges Committee proposals

81A. In relation to proposed motions of censure, motions of no confidence, the proposed establishment of a new privileges committee and the referral of additional matters to an existing privileges committee, copies of the relevant motions shall be provided to the Speaker for circulation to all Members 90 minutes prior to the time at which the motion is proposed to be moved. *(Inserted 29 November 2018, amended 31 August 2023)*

In addition, upon completion of a privileges committee's inquiry, the Chair shall provide to the Speaker a copy of the Committee's report for circulation to all Members 90 minutes prior to the time at which the report is expected to be presented. *(*Inserted *31 August 2023)*

Leave of the Assembly

82. Leave of the Assembly may only be granted if no Member present objects. *(Amended 6 March 2008 and 29 November 2018)*

Chapter 8

Petitions

8

This chapter sets out the procedures relating to petitions.

Petitions to be lodged with Clerk and to bear certification

83. Every petition shall be lodged with the Clerk by 5 pm on the day previous to the meeting of the Assembly at which it is proposed that it be presented; when presented the petition must bear a signature by the Clerk or the Deputy Clerk, to certify that it conforms with the standing orders. *(Amended 31 August 2023)*

Petitions which do not conform with the Standing Orders

83A. Petitions which do not conform with the standing orders, as determined by the Clerk, may be presented, by leave, by a Member in the 30-minute debate on the motion that petitions and responses so lodged be noted. The Member must indicate the intention to table an out-of-order petition to the Clerk by 5 pm on the day previous to the meeting of the Assembly at which it is proposed that the out-of-order petition is to be presented, and provide the subject matter and the number of signatories. *(Adopted 4 May 1995. Amended 6 March 2008 and 31 August 2023)*

Time for presenting certain petitions

84. A petition referring to a motion or an order of the day may be presented when such motion or order of the day is called on. A petition presented in this manner must contain the signature of the Clerk or Deputy Clerk that it is in order. *(Amended 6 March 2008 and 2 September 2025)*

To be addressed to the Assembly and legible

85. Every petition shall be addressed to the Assembly, shall refer to a matter within the power of the Assembly, shall request action by the Assembly, and shall be fairly written, typewritten, printed or reproduced by mechanical process, without insertions or deletions. *(Amended 6 March 2008, 29 November 2018 and 31 August 2023)*

To be from residents/citizens of the Australian Capital Territory

86. Petitions must only contain signatures of residents/citizens of the Australian Capital Territory. *(Amended 6 March 2008)*

To be in English or accompanied by translation

87. Every petition shall be in the English language or be accompanied by a translation certified to be correct. A person certifying a translation to be correct shall affix their name and address to the translation. *(Amended 31 August 2023)*

To be signed on the same sheet

88. Every petition shall contain the signature and address of at least one person on the sheet on which the petition is inscribed.

To be signed by persons themselves

89. Each signature must be made by the person signing in their own handwriting: provided that persons unable to write shall affix their marks in the presence of a witness, who shall, as such, also affix their signature and address, and the address of the petitioner. *(Amended 6 March 2008 and 31 August 2023)*

Signatures not to be transferred

90. Every signature must be written on a page bearing the terms of the petition, or the action asked for by the petition. Signatures must not be copied, pasted or transferred on to the petition or placed on a blank page on the reverse of a sheet containing the terms of the petition. *(Amended 6 March 2008)*

To be received only as from persons signing

91. All petitions shall be received only as the petitions of the parties signing the same.

From corporations

92. Corporations may make a petition by executing the documents by any method that would be lawful for the purposes of the execution of a deed. *(Amended 6 March 2008 and 31 August 2023)*

Documents not to be attached

93. Letters, affidavits, or other documents, may not be attached to a petition.

Must be respectful and within ministerial responsibility

94. Every petition shall be respectful, decorous and temperate in its language, and shall not contain irrelevant statements. If, in the opinion of the Speaker, the subject matter is not

within the ministerial responsibility of the Territory or is critical of the character or conduct of a person, contains unbecoming expressions, is not respectful, decorous or temperate in its language or offends any standing order other than those relating to petitions, the paper shall be returned to the Member who lodged it. *(Amended 6 March 2008 and 29 November 2018)*

Must be lodged by a Member

95. Petitions for presentation to the Assembly can be lodged with the Clerk only by Members, but Members cannot lodge petitions from themselves. *(Amended 6 March 2008, 29 March 2012 and 31 August 2023)*

Members to sign and indicate number of petitioners

96. Every Member lodging a petition with the Clerk for presentation to the Assembly shall sign the beginning of that petition and indicate the number of eligible petitioners. *(Amended 6 March 2008)*

Standing orders to be observed

97. Every Member lodging a petition shall take care that the petition conforms to these standing orders. *(Amended 6 March 2008)*

Clerk to announce particulars of petitions lodged

98. The Clerk shall make an announcement as to the petitions lodged for presentation to the Assembly, indicating in the case of each petition the Member who lodged it, the identity and number of the eligible petitioners and the subject matter of the petition, and any Ministerial responses to petitions previously presented. *(Amended 6 March 2008 and 29 November 2018)*

Motion to note petitions and responses

98A. Following the Clerk's announcement of petitions and petition responses, the Speaker shall propose the question—That the petitions and responses so lodged be noted. The time allocated for the debate shall be 30 minutes with each Member speaking for not more than 5 minutes. A Member may, by leave, table out-of-order petitions during the debate on the motion to note petitions and responses. *(Inserted 29 November 2018 and 31 August 2023)*

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. *(Inserted 2 September 2025)*

Question on presentation

99. Upon the presentation of a petition to the Assembly, or on that sitting day, a Member may move without notice that a particular petition be referred to a committee. *(Amended 6 March 2008 and 31 August 2023)*

Referred to committee

99A. Petitions and/or e-petitions in similar terms with at least 500 signatories in total from residents/citizens of the Australian Capital Territory presented to the Assembly on the same day shall be referred to the relevant Assembly standing committee for consideration. In the event that the subject matter of the petition makes it unclear which committee it should be referred to, the Speaker will determine the appropriate committee. *(Adopted 19 November 2015. Amended 29 November 2018 and 22 August 2019)*

Advice on decision to inquire

99B. The relevant Assembly Standing Committee should provide advice on their decision to inquire, or not, into a petition to the Speaker within 28 days of the Minister's response to the petition being tabled in the Assembly. When the Committee's response is received by the Speaker, the Speaker shall circulate to all Members. *(Inserted 31 August 2023 and amended 2 September 2025)*

Referred to Ministers – Minister's response

100. A copy of every petition and/or e-petition lodged with the Clerk and received by the Assembly shall be referred by the Clerk to the Minister responsible for the administration of the matter which is the subject of the petition. A Minister must respond to that petition within 3 months of the tabling of the petition by lodging a response with the Clerk for presentation to the Assembly, such response being announced at the end of the petitions announcement. When the Minister's response is received by the Clerk, the Clerk shall circulate to all Members, and the response is deemed to be authorised for publication. *(Amended 6 March 2008, 29 November 2018 and 31 August 2023)*

Electronic petitions ("e-petitions")

100A. (a) An e-petition is a petition:

(i) in the correct form, stating a grievance and containing a request for action by the Assembly;

(ii) sponsored by a Member and lodged with the Clerk for publication on the Assembly's website for a nominated period ("posted period"); and

(iii) in which persons elect to indicate their support ("join the petition") by electronically providing their name, address (including postcode), email address and signifying their intention to join the petition.

(b) The posted period for an e-petition is to be a minimum of one week and a maximum of six months from the date of publication on the Assembly's website.

(c) *(Omitted 31 August 2023)*

(d) *(Omitted 31 August 2023)*

(e) Only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the Assembly shall be published on the Assembly's website at the same time.

(f) Once the posted period for an e-petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Assembly.

(g) An e-petition published on the Assembly's website, but not presented to the Assembly prior to the expiration of an Assembly, may be presented to the subsequent Assembly to become a petition of the subsequent Assembly.

(h) An e-petition cannot be sponsored after the expiration of an Assembly and until the new Assembly has met and Members sworn.

(i) Persons may join an e-petition themselves and not on behalf of others, except in the case of a person who is not able to join due to an incapacity, in which case, with the agreement of that person, another person may join on behalf of that person.

(j) A person cannot sign or join the same e-petition more than once. *(Adopted 29 March 2012. Amended 29 November 2018)*

Duties and powers of the Clerk and Speaker regarding e-petitions

100B. (a) The Clerk may decline to publish an e-petition on the Assembly's website not in conformity with these standing orders and advise the sponsoring Member accordingly.

(b) The Clerk or a Member may seek a ruling from the Speaker about the conformity of any petition with these standing orders.

(c) The Clerk is authorised to create and maintain an appropriate website on which to publish electronic petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these standing orders.

(d) The Clerk must dispose of all electronic personal data related to the posting and joining of an e-petition within six months after an electronic petition is printed and presented to the Assembly. *(Adopted 29 March 2012)*

Application of standing orders to e-petitions

100C. The standing orders relating to petitions apply to e-petitions insofar as they can be applied. *(Adopted 29 March 2012)*

Chapter 9

Notices of motion

9

This chapter sets out the procedures relating to notices of motion.

Notice of motion – how given

101. Notice of motion shall be given by delivering a copy of its terms to the Clerk in the Chamber during a sitting or to the Clerk by 12 noon on the Monday of a sitting week. The notice must be signed by the Member, (if a co-sponsored motion, by all Members whose names are on the notice). *(Amended 2 September 2025)*

Except that a proposed notice of motion to be considered by the Standing Committee on Administration and Procedure under standing order 16(a)(iii) must be delivered to the Clerk, either in signed hard copy or signed electronic copy, no later than 12 noon on the Monday of the sitting week at which it is proposed to be moved. In instances where the Monday is a public holiday, no later than 12 noon on the Tuesday of the sitting week at which it is proposed to be moved. *(Amended 6 March 2008, 13 December 2016, 29 November 2018 and 31 August 2023)*

102. A notice of motion shall be entered by the Clerk on the *Notice Paper* at the first convenient opportunity.

103. A notice of motion given by a Member in accordance with standing order 81 shall be reported to the Assembly by the Clerk at the first convenient opportunity and shall not be entered by the Clerk on the *Notice Paper* until so reported.

Given for absent Member

104. A Member, in the absence of another Member, (if a co-sponsored motion, the co-sponsor/s) and at that Member's (or co-sponsor/s) request, may give a notice of motion for that Member and shall put that Member's name on the notice. The Member giving the notice shall also sign the notice. *(Amended 29 November 2018 and 31 August 2023)*

Order of notices

105. Subject to the provisions of standing orders 16 (a) (iii) and 78, notices shall be entered by the Clerk on the *Notice Paper*, in priority of orders of the day, in the order in which they were given. *(Amended 27 August 1998)*

May be divided

106. If a notice of motion is given which contains matters not relevant to each other, the Speaker may instruct the Clerk to divide the notice into two or more notices. The Member lodging the notice shall be notified of the revision. *(Amended 6 March 2008)*

Length of notices

106A. No Member may give a notice in excess of 500 words, except that the Speaker may accept a notice in excess of 500 words in length from:

(a) a Minister, provided such a motion is required by statute; or

(b) a Member giving notice to establish a committee or refer a matter to a committee;

(c) a Member giving notice of a want of confidence in the Chief Minister or a Minister; or *(Inserted 31 August 2023)*

(d) a Member giving notice of a matter relating to the administration of the Assembly. *(Inserted 2 September 2025)*

Unbecoming notice amended

107. A notice of motion which, in the opinion of the Speaker, is too long, contains unbecoming expressions, or offends against any standing order, shall be referred back to the Member for clarification before it appears on the *Notice Paper*. *(Amended 6 March 2008 and 29 November 2018)*

No contingent notice

108. A Member shall not give a contingent notice of motion.

109. *(Standing order omitted 6 March 2008)*

Terms altered

110. A Member (or if a co-sponsored motion, the co-sponsor/s) who has given a notice of motion may alter its terms by notifying the Clerk in writing within such time as will enable the alteration to be made on the *Notice Paper.* *(Amended 29 November 2018 and 31 August 2023)*

Withdrawal of notice

111. A Member (or if a co-sponsored motion, the co-sponsor/s) who has given a notice of motion may withdraw the notice by notifying the Clerk in writing at any time prior to that proposed for moving the motion. *(Amended 29 November 2018 and 31 August 2023)*

Operation of notice

112. A notice of motion becomes effective only when it appears on the *Notice Paper*.

Chapter 10

Questions seeking information

10

This chapter sets out the procedures for questions seeking information, including the answers to questions without notice.

Questions without notice and questions on notice

113. (a) A Member may ask a question in writing to be placed on the *Questions on Notice Paper* for written reply. Such questions shall be lodged with the Clerk through the Parliament Portal, by 12 noon of a sitting day. *(Amended 29 November 2018, 1 December 2022)*

(b) During question time, a Member may ask a question without notice for immediate answer. *(Amended 6 March 2008 and 13 December 2016)*

Questions without notice – number of questions

113A. Questions without notice shall not be concluded until non-Executive Members seeking to ask a question have asked at least the number of questions equivalent to the number of non-Executive Members present in the chamber from either party or group represented in the Assembly. *(Adopted 15 September 1994. Amended 29 November 2018 and 2 June 2022)*

Supplementary questions

113B. Immediately following the answer to a question, one supplementary question may be asked by the Member who asked the original question: provided that the supplementary question is relevant to the original question or arises out of the answer given, contains no preamble, introduces no new matter and is put in precise and direct terms. The Speaker may allow one further supplementary question from other non-Executive Members, provided that the questions are relevant to the original question or the answers given. *(Inserted 6 March 2008. Amended 27 August 2009, 13 December 2016)*

113C. *(Temporary order omitted 23 February 2012)*

Questions to Ministers

114. Questions may be put to a Minister relating to public affairs with which that Minister is officially connected, to proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

Questions to Speaker

115. Questions may be put to the Speaker relating to any matter of administration for which the Speaker is responsible.

Questions to other Members

116. Questions may be put to a Member, not being a Minister, relating to any bill, motion, or other public matter connected with the business of the Assembly, of which the Member has charge.

Rules for all questions

117. The following general rules shall apply to questions:

(a) questions shall be brief and relate to a single issue;

(b) questions shall not contain:

(i) statements of fact or names of persons unless they are strictly necessary to render the question intelligible and the facts can be authenticated;

(ii) arguments;

(iii) inferences;

(iv) imputations;

(v) ironical expressions; or

(vi) hypothetical matters;

(c) questions shall not ask Ministers:

(i) for an expression of opinion;

(ii) to announce Executive policy, but may seek an explanation regarding the policy of the Executive and its application, and may ask the Chief Minister whether a Minister's statement represents Executive policy; or

(iii) for a legal opinion;

(d) questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion;

(da) notice must be given of questions critical of the character or conduct of other persons; *(amended 31 August 2023)*

(e) questions shall not refer to proceedings in committee not yet published or anticipate the outcome of a committee inquiry;

(f) the Speaker may direct that the language of a question be changed, if, in the opinion of the Speaker, it is unbecoming or does not conform with the standing order;

(g) a question fully answered cannot be re-asked. *(Amended 6 March 2008 and 29 November 2018)*

Answers to questions without notice

118. The answer to a question without notice:

(a) shall be concise and directly relevant to the subject matter of the question; and *(Temporary order 9 December 2008. Adopted 22 March 2012)*

(b) shall not debate the subject to which the question refers;

(c) shall, in the case of the original question, be not longer than two minutes in length, and in the case of any supplementary question asked, not longer than two minutes in length. The Speaker may, at their discretion, order the clock to be stopped; and *(Adopted 18 November 2003. Amended 27 August 2009, 13 December 2016 and 31 August 2023)*

(d) shall not contain:

(i) statements of fact or names of persons unless they are strictly necessary to render the answer intelligible and the facts can be authenticated;

(ii) inferences;

(iii) imputations;

(iv) ironical expressions; or

(v) hypothetical matters, but may provide explanation regarding the policy of the Executive and its application. *(Inserted 31 August 2023)*

And the Speaker may direct a Member to terminate an answer if of the opinion that these provisions are being contravened or that the Member has had a sufficient opportunity to answer the question. *(Amended 6 March 2008) (Temporary order 9 December 2008. Adopted 22 March 2012, paragraph omitted 29 November 2018)*

Content of answers

118AA.(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. *(Inserted 2 September 2025)*

Request for explanation concerning unanswered question

118A. If a Minister does not answer a question on notice (including a question taken on notice during questions without notice) asked by a Member, within 30 days of the asking of that question, and does not, within that period, provide to the Member who asked the question an explanation or statement satisfactory to that Member of why an answer has not yet been provided, then:

(a) at the conclusion of questions without notice on any day after that period, that Member may ask the relevant Minister for such an explanation or a statement in relation to the question; and

(b) the Member may, at the conclusion of the explanation or statement, move without notice "That the Assembly takes note of the explanation"; or

(c) in the event that the Minister does not provide an explanation or statement to the satisfaction of the Member, that Member may, without notice, move a motion with regard to the Minister's failure to provide an answer, or an explanation or a statement. *(Adopted 4 May 1995. Amended 6 March 2008)*

119. *(Standing order omitted 6 March 2008)*

Questions on Notice

120. Questions on Notice shall be given through the Parliament Portal within such time as, in the opinion of the Speaker, will enable the question to be fairly published. The question shall be authorised by the Member. *(Amended 6 March 2008; 1 December 2022)*

121. *(Standing order omitted 6 March 2008)*

Answers to questions on notice

122. The answer to a question on notice shall be given through the Parliamentary Portal and shall be signed by the answering Member. The asking Member shall be notified of the receipt of the answer.

Questions may be redirected within 15 days, and the Member receiving the redirected question has 30 days to answer once the redirection has been published through the Parliamentary Portal. *(Amended 29 November 2018, 31 August 2023, 5 December 2024 and 27 October 2026)*

Chapter 11

Motions, questions, votes and resolutions

11

This chapter sets out the procedures when dealing with motions, questions before the Assembly, votes and the rescinding of votes or resolutions.

No motion without previous notice

123. A Member may not, except by leave of the Assembly, or unless it is otherwise provided by the standing orders, move any motion except pursuant to a notice appearing on the *Notice Paper.*

Precedence of motions

124. Motions shall have precedence over each other according to the order in which they appear on the *Notice Paper*. A motion may be postponed on motion without notice moved by the Member who gave notice of the motion.

Motions not called on

125. Subject to the provisions of standing order 78 if, at the adjournment of the Assembly, any motions on the *Notice Paper* have not been called on, such motions shall be set down on the *Notice Paper* for the next sitting day, after the motions of which notice for that day have been given.

Removal of notices from the *Notice Paper*

125A. After notifying the mover, the Clerk shall remove from the *Notice Paper* any notice of motion which has not been called on for four sitting weeks. *(Inserted 6 March 2008. Amended 13 December 2016)*

Precedence to vote of thanks or condolence

126. As a courtesy, the Assembly will ordinarily grant precedence to a motion moved without notice for a vote of condolence or thanks of the Assembly. *(Amended 6 March 2008)*

Request for no condolence motion

126A. A Member or former Member may notify the Clerk that they do not want a condolence motion to be moved in the event of their death. On the occasion of their death the Clerk

will advise the Speaker, Chief Minister, Leader of the Opposition and any other minor party and independent of their wishes. *(Inserted 31 August 2023)*

Member absent when notice called on

127. If a Member is not present in the Chamber when a notice of motion given by that Member is called on, it shall be withdrawn from the *Notice Paper*, unless another Member, at the request of the proposer, thereupon fixes a future time for moving the motion.

Member fails to move

128. If a Member, when the notice of motion given by the Member is called on, fails to move the motion, it shall be withdrawn from the *Notice Paper* unless the Member thereupon fixes a future time for moving the motion.

Question proposed by Speaker

129. When a motion has been moved, a question thereupon shall be proposed to the Assembly by the Speaker, and the motion shall be in the possession of the Assembly, and cannot be withdrawn without leave.

Anticipation of business

130. A matter on the *Notice Paper* must not be anticipated by an amendment or other less effective form of proceeding such as a speech in the adjournment debate, question on notice or an amendment. *(Amended 6 March 2008 and 30 March 2021)*

Motion superseded or withdrawn, again moved

131. A motion which has been superseded or, by leave of the Assembly withdrawn, may be moved again.

Question put

132. As soon as the debate upon a question has been concluded, the Speaker shall put the question to the Assembly.

Question divided

133. The Assembly may order a question to be divided and may order reports of committees and other matters be considered by parts. *(Amended 6 March 2008)*

Question determined by majority of voices

134. A question being put shall be resolved in the affirmative or negative, by the majority of voices, “Aye” or “No”.

Speaker states result

135. The Speaker shall state whether, in the Chair's opinion, the "Ayes" or the "Noes" are in the majority; if the opinion is challenged the question shall be decided by vote.

Same question may be disallowed

136. The Speaker may disallow any motion or amendment which is the same in substance as any question, which, in the previous 12 months, has been resolved in the affirmative or negative, unless the order, resolution or vote on such question or amendment has been rescinded. *(Amended 31 August 2023)*

Resolution or vote rescinded

137. A resolution or other vote of the Assembly, may be read and rescinded; no such resolution or other vote may be rescinded within the previous 12 months, unless 3 days' notice is given: provided that to correct irregularities or mistakes one day's notice shall be sufficient, or the corrections may be made at once by leave of the Assembly. *(Amended 31 August 2023)*

Assembly resolutions

137A. Where the Assembly passes a resolution requiring the Government or a Minister to undertake certain action and report back to the Assembly by a specified date, and the Government or the Minister is unable to meet the deadline, the Government or Minister shall write to all Members of the Assembly directly informing them that the deadline will not be met and including the reasons for the delay. The Minister must then table the correspondence. *(Inserted 31 August 2023)*

Chapter 12

Amendments

12

This chapter sets out the procedures relating to amendments.

Different forms of amendments

138. A question having been proposed may be amended by:

(a) omitting certain words only;

(b) omitting certain words in order to substitute other words; or

(c) inserting or adding words.

Amendments – proposed

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. *(Amended 29 November 2018, 31 August 2023 and 2 September 2025)*

Relevancy of amendment

140. Every amendment must be relevant to the question which it is proposed to amend.

Inconsistent amendment not to be moved

141. An amendment shall not be moved if it is inconsistent with a previous decision on the question.

No amendment of earlier part

142. An amendment may not be moved to any part of a question after a later part has been amended, or after a question has been proposed on an amendment to a later part. *(Amended 30 March 2021)*

Order of moving amendments

143. An amendment proposed shall be disposed of before another amendment to the original question can be moved.

Proposed amendment withdrawn

144. A proposed amendment may, by leave, be withdrawn.

Amendments to proposed amendments

145. Amendments may be moved to a proposed amendment as if such proposed amendment were an original question.

Question as amended put

146. When amendments have been made, the main question shall be put as amended.

When amendments moved but not made

147. When amendments have been moved but not made, the question shall be put as originally proposed.

Clerk to correct minor errors in motions and amendments

147A. The Clerk may correct typographical, clerical and grammatical errors contained in motions and amendments that have passed the Assembly. *(Inserted 29 November 2018)*

Chapter 13

Orders of the day

13

This chapter sets out the procedures relating to orders of the day.

Order of the day defined

148. An order of the day is a bill or any other matter which the Assembly has ordered to be taken into consideration on a particular day.

Precedence over orders of the day

149. Subject to standing orders 16 (a) (iii) and 78, orders of the day shall have precedence over each other according to the order in which they appear on the *Notice Paper*. *(Amended 27 August 1998 and 6 March 2008)*

Order postponed

150. An order of the day may be postponed on motion without notice by any Member. *(Amended 6 March 2008)*

Orders of the day not called on

151. If, at the adjournment of the Assembly, any orders of the day on the *Notice Paper* have not been called on, such orders of the day shall be set down on the *Notice Paper* for the next sitting day.

Order discharged

152. When an order of the day is reached, it may, on motion without notice moved by the Member in charge of it, be discharged.

Removal of certain orders of the day from the *Notice Paper*

152A. After notifying the Member in charge, the Clerk shall remove from the *Notice Paper* any:

(a) private Members' business order of the day, excluding bills;

(b) Assembly business order of the day to take note of a paper or report; and

(c) Executive business order of the day to take note of a paper;

which has not been called on for four sitting weeks. *(Amended 26 August 2010, 13 December 2016 and 31 August 2023)*

Chapter 14

Voting/divisions

14

This chapter sets out the procedures relating to voting in the Assembly.

Vote called for

153. Whenever the Speaker states, on putting a question, that the "Ayes" or the "Noes" (as the case may be) are in the majority, that opinion may be challenged by a Member requesting a call of the Assembly. *(Amended 6 March 2008)*

Member to vote in accordance with voice

154. Members shall vote in accordance with their voices (either "Aye" or "No") and their votes shall be so recorded.

Member calling for vote

155. A Member calling for a vote shall remain seated until after the Assembly is called and shall vote with those who, in the opinion of the Speaker, were in the minority when the voices were taken.

Conflict of interest

156. A Member who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Territory or a Territory authority shall not take part in a discussion of a matter, or vote on a question, in a meeting of the Assembly where the matter or question relates directly or indirectly to that contract. Any question concerning the application of this standing order shall be decided by the Assembly.[14]

Member not to vote unless present when call taken

157. A Member shall not be entitled to vote unless, when the call of the Assembly is taken, that Member is in the Member's allotted seat. A Member wishing to abstain from voting must absent themselves from the Chamber. *(Amended 6 March 2008)*

[14] See section 15 of the *Australian Capital Territory (Self-Government) Act 1988.*

Bells rung – sand-glass turned

158. Before a vote is taken, the Clerk shall ring the voting bells and turn a 4-minute sand-glass and the vote shall not be proceeded with until after the lapse of 4 minutes, as indicated by the sand-glass.

Standing order may be waived

159. The Speaker may dispense with the requirement of standing order 158 if it is apparent that all Members who can be present are in the Chamber.

Question stated – call of Assembly

160. When Members are in their places, the Speaker shall state the question and then direct the Clerk to call the Assembly. The Clerk shall then call the first name and surname of the Members in alphabetical order and each Member on being called shall signify "Yes" or "No" accordingly. *(Amended 29 November 2018 and 31 August 2023)*

Members present must vote
Member presiding has deliberative vote

161. On the call of the Assembly being commenced, every Member within the seats allotted to Members shall vote and Members may not move from their places until the result is announced. The Member presiding has a deliberative vote only.

Speaker declares result
Votes equal – question negatived

162. The Clerk shall then present the list to the Speaker who will declare the result to the Assembly. When the votes are equal, the question shall be resolved in the negative.

Point of order during vote

163. Should a point of order arise during a vote, it shall be decided by the Speaker.

Votes lists recorded

164. The Clerk shall record lists of votes in the *Minutes of Proceedings*.

In case of error Assembly again votes

165. In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected, the Assembly shall proceed to another vote.

Record corrected

166. If a complaint is made to the Assembly that a vote has been inaccurately reported, the Speaker may cause the record to be corrected.

Chapter 15

Bills

15 This chapter sets out the procedures relating to the initiation and passage of Bills in the Assembly.

Initiation

How initiated

167. A bill shall be initiated by the calling on of a notice of presentation; or in accordance with the provisions of standing order 200. *(Amended 6 March 2008)*

Notice of presentation

168. (a) Notice of intention to present a bill shall be given by a Member by delivering a copy of its terms either:

(i) to the Clerk's Office, either in hard copy or signed electronic copy, by 12 noon on a Monday of the sitting week of which a bill is proposed to be introduced or, in instances where the Monday is a public holiday, no later than 12 noon on the Tuesday of the sitting week at which it is proposed to be moved; or *(Amended 31 August 2023)*

(ii) to the Clerk in the Chamber during a sitting; *(Amended 29 November 2018)*

(b) a notice of intention to present a bill shall specify the long title of the bill, and shall be signed by the Member and, if a co-sponsored bill, by any Member whose name is on the bill; *(Amended 6 March 2008, 10 March 2016 and 31 August 2023)*

(c) on the calling on of the notice a Member (or in the case of a co-sponsored bill, one of the co-sponsors) shall present to the Assembly two printed copies of the bill signed by that Member (or in the case of a co-sponsored bill, the co-sponsors) and an explanatory statement to the bill; and *(Amended 20 February 2003, 30 June 2011 and 10 March 2016)*

(d) the standing orders shall, to the necessary extent, be applied and read as if a notice of intention to present a bill were a notice of motion. *(Amended 4 May 1995)*

Title – clauses to come within title

169. The long title of a bill must agree with the notice of intention to present it, and every component of the bill must come within the long title. *(Amended 6 March 2008)*

Irregular bill to be withdrawn

170. Every bill not prepared according to the standing orders shall be ruled out of order by the Speaker and withdrawn from the *Notice Paper.* *(Amended 6 March 2008)*

In principle agreement

Motion for in principle agreement

171. When a bill has been presented, the Member shall move, "That this bill be agreed to in principle" and the debate on the question shall then be adjourned to a future day on the motion of another Member.

Agreement in principle to be determined at a later meeting

172. The question "That this bill be agreed to in principle" shall not be determined by the Assembly during the sitting period at which the bill is first introduced, except in the case of a bill declared to be an urgent bill. *(Temporary order 9 December 2008. Adopted 22 March 2012)*

Amendments to be relevant

173. An amendment may be moved to the question "That this bill be agreed to in principle". The amendment must be relevant to the bill, must not anticipate an amendment which may be moved at the detail stage, and must make clear whether or not the bill will proceed to further stages of passage. *(Amended 6 March 2008)*

Proceedings following presentation

Reference to select or standing committee

174. Upon a Bill being presented to the Assembly, the bill stands referred to the relevant Assembly standing or select committee for consideration, and:

(a) if the subject matter of the bill makes it unclear which committee it should be referred to, the Speaker will determine the appropriate committee;

(b) the committee must advise the Speaker of its decision to inquire into the bill within three weeks of its presentation, or one week after the relevant scrutiny report is tabled, whichever is later;

(c) the Speaker must arrange for all Members to be notified; and

(d) the committee must complete its report within three months of the bill's presentation, with the exception of the last sitting period of the year where the committee must report within four months of the bill's presentation. *(Amended 6 March 2008, 29 November 2018, 30 March 2021 and 31 August 2023)*

Bill debate suspended until committee reports

175. When the Assembly has been informed that the relevant standing committee will inquire into and report on a bill, or a bill has been referred to a select committee, that bill cannot be dealt with by the Assembly until the committee has reported. *(Amended 30 March 2021 and 2 September 2025)*

176. *(Standing order omitted 2 September 2025)*

177. *(Standing order omitted 6 March 2008)*

Detail stage of bill

Leave to dispense with detail stage

178. After a bill has been agreed to in principle, and there are no proceedings under standing order 174, the Assembly shall forthwith proceed to the detail stage unless the Assembly grants leave to dispense with the detail stage.

Amendments to be circulated

178A. If there is an amendment to be moved at the detail stage, a signed copy of the amendment shall be delivered to the Clerk's office by 12 noon on the day prior to the sitting at which the amendment is proposed to be moved. The Clerk shall arrange for its circulation to Members as soon as practicable. *(Adopted 27 November 2012; Amended 28 February 2013 and 29 November 2018)*

Title and preamble stand postponed

Clauses considered

179. At the detail stage, the title and any preamble stand postponed without question proposed, and the clauses (including the headings) shall be considered in their order, a question being proposed by the Speaker on each clause "That the clause be agreed to". *(Amended 6 March 2008 and 31 August 2023)*

Order in considering bill

180. Unless the Assembly otherwise orders, the following order shall be observed in considering the components of a bill:

(a) clauses as printed and new clauses (including their headings), in their numerical order;

(b) schedules as printed and new schedules, in their numerical order;

(c) postponed clauses (not having been specifically postponed until after certain other clauses);

(d) dictionary;

(e) preamble; and

(f) long title.

In considering the main appropriation bill for the year, any schedule expressing the services for which the appropriation is to be made shall be considered before the clauses and, unless the Assembly otherwise orders, the schedule shall be considered by proposed expenditures in the order in which they are shown.

In reconsidering a bill, the same order shall be followed as far as possible. *(Amended 6 March 2008)*

Admissible amendments

181. An amendment may be moved to any part of the bill, provided it is within the long title and relevant to the subject matter of the bill, and otherwise conforms with the standing orders. *(Amended 6 March 2008)*

Amendments in writing and circulated

182. An amendment can only be proposed if:

(a) it is in writing and is signed by the mover; and

(b) copies of the amendment have been circulated to Members. *(Amended 6 March 2008 and 27 November 2012)*

182A. An amendment to be proposed by any Member to any bill must be considered and reported on by the Scrutiny Committee before it can be moved.

By leave of the Assembly, this standing order may be dispensed with on the grounds that an amendment is:

(a) urgent; or

(b) minor or technical in nature; or

(c) in response to comment made by the Scrutiny Committee. *(Temporary order adopted 26 February 2009. Adopted 22 March 2012. Amended 29 November 2018)*

Relevancy of debate

183. The debate shall be confined to the components of the bill (as set out in standing order 180) or amendment before the Assembly. *(Amended 6 March 2008)*

Clause or other component of the bill put as amended

184. If any clause or other component of the bill is amended, a further question shall be proposed, "That the clause (or other component), as amended, be agreed to". *(Amended 6 March 2008)*

Clause or other component may be postponed

185. A clause (or other component) of a bill or a clause (or other component) which has been amended may be postponed. *(Amended 6 March 2008)*

Amendment of title

186. If any amendment has been made in the bill, necessitating an amendment to the long title, such title shall be amended, and a question proposed, "That the title, as amended, be agreed to". *(Amended 6 March 2008)*

Reconsideration of bill

187. At the conclusion of consideration of the detail stage of a bill, a Member may move that the bill be reconsidered either in whole or in part.

Inadmissible amendments

188. An amendment or new clause or other component of a bill (see standing order 180) shall not be moved if it is substantially the same as one already negatived or, if it is inconsistent with one that has been already agreed to, unless the bill has been reconsidered. *(Amended 6 March 2008)*

Bill agreed to

189. When the detail stage has been completed, the question "That this bill (as amended) be agreed to" shall be put forthwith and determined without amendment or debate.

Bill passed – no further question

190. After the bill has been agreed to pursuant to standing order 189, no further question on the bill shall be put, and the bill shall have passed the Assembly.

Corrections to a bill

191. (a) Under the authority of the Speaker, the Clerk may make the following formal amendments to a bill passed by the Assembly before the bill is presented to the Speaker to request notification:

(i) amendments to correct clerical, grammatical or typographical errors;

(ii) amendments consequential on the passage of the bill, including:

(A) amendments necessary or desirable to the title, long title or method of citation;

(B) amendments to correct the citation of an Act;

(C) renumbering of provisions and updating of cross-references.

(b) The Speaker must advise the Assembly when the amendments are made. *(Amended 6 March 2008 and 2 April 2009)*

Urgent bills

192. If a Member in charge of a bill, or a Member acting on behalf of that Member, declares that a bill is urgent, the question "That this bill be considered an urgent bill" shall be put. If the question is agreed to, the Member may forthwith move a motion specifying the time which shall be allotted to the various stages of the bill. Debate on any question shall be subject to standing order 69(f) – Allotment of time. *(Amended 6 March 2008)*

Certificate of bill having passed

193. After a Bill has been passed, the Clerk shall certify a copy as a true copy of the Bill passed by the Assembly, and the Speaker shall then ask the Parliamentary Counsel to notify the making of the proposed law.[15] *(Amended 30 August 2001)*

Bills for entrenching laws

194. Whenever a bill for an entrenching law has been passed by the Assembly and approved by a majority of the electors of the Territory at a referendum, it shall be so certified by the Clerk and the Speaker shall then ask Parliamentary Counsel to notify the making of the proposed law. *(Amended 6 March 2008)*

195. *(Standing order omitted 29 November 2018)*

[15] The amendment took effect from the commencement of Section 28 of the Legislation Act 2001, 12 September 2001.

196. *(Standing order omitted 29 November 2018)*

197. *(Standing order omitted 29 November 2018)*

198. *(Standing order omitted 29 November 2018)*

199. *(Standing order omitted 29 November 2018)*

Chapter 16

Financial procedures

16 This chapter sets out the procedures relating to the appropriation of public money of the Territory.

Money proposals submitted – without notice

200. An enactment, vote or resolution for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister. Such proposals may be introduced by a Minister without notice. [16] *(Amended 16 June 1994)*

Limitations on amendments

201. A Member, other than a Minister, may not move an amendment to a money proposal, as specified in standing order 200, if that amendment would increase the amount of public money of the Territory to be appropriated. [17] *(Amended 16 June 1994)*

201A. An amendment in accordance with standing order 201 must be in accordance with the resolution agreed to on 23 November 1995 – i.e. "That this Assembly reaffirms the principles of the Westminster system embodied in the 'financial initiative of the Crown' and the limits that that initiative places on non-executive Members in moving amendments other than those to reduce items of proposed expenditure.". *(Inserted 6 March 2008)*

[16] See section 65 of the *Australian Capital Territory (Self-Government) Act 1988*
[17] ibid

Chapter 17

Disorder

17 This chapter sets out the procedures relating to disorder in the Assembly and in committees

Disorder by Member

202. If any Member has:

(a) persistently and willfully obstructed the business of the Assembly; or

(b) been guilty of disorderly conduct; or

(c) used offensive words, which the Member has refused to withdraw; or

(d) persistently and willfully refused to conform to any standing order; or

(e) persistently and willfully disregarded the authority of the Chair –

that Member may be named by the Speaker.

Proceedings following naming

203. Upon naming a Member the Speaker shall forthwith put the question, no amendment, adjournment or debate being allowed, "That such Member be suspended from the service of the Assembly". *(Amended 6 March 2008)*

Period of suspension

204. If any Member is suspended under standing order 203, that Member's suspension on the first occasion shall be for 3 sitting hours; on the second occasion during a 12-month period for 2 sitting days excluding the day of suspension; and on the third or any subsequent occasion during a 12-month period for 3 sitting days excluding the day of suspension. *(Amended 31 August 2023)*

Speaker may order disorderly Member to withdraw

Member named

205. When the conduct of a Member is of such a grossly disorderly nature that the procedures provided in standing order 203 would be inadequate to ensure the urgent protection of the dignity of the Assembly, the Speaker shall order the Member to withdraw immediately from the Chamber and the officers of the Assembly shall act on such orders as they receive from the Chair in pursuance of this standing order. When the Member has withdrawn, that Member shall forthwith be named by the Speaker and the proceedings shall then be as provided in standing orders 203 and 204, except that the question for the suspension of the Member shall be put by the Chair without a motion being necessary.

If the question for the suspension is resolved in the negative, the Member may return forthwith to the Chamber.

Member suspended excluded from Chamber and other activities

206. A Member who has been suspended from the service of the Assembly shall be excluded from the Chamber and the gallery. During a period of suspension, a Member may participate in committee proceedings but may not lodge notices, questions or petitions. *(Amended 6 March 2008)*

Removal of a Member

206A. If a Member refuses to follow the Speaker's direction, the Speaker may order the Serjeant-at-Arms to remove the Member from the Chamber. *(Inserted 6 March 2008)*

Speaker may adjourn Assembly or suspend sitting

207. In the case of grave disorder arising in the Assembly, the Speaker may adjourn the Assembly without any question being put, or suspend any sitting to a time to be named by the Speaker. *(Amended 6 March 2008)*

Member ordered to attend the Assembly

208. If any Member willfully disobeys any order of the Assembly, that Member may be ordered to attend the Assembly to answer for that conduct.

Disorderly person may be removed

209. Where, in the opinion of the Speaker or the Chair of any committee, a person other than a Member behaves in an offensive or disorderly manner or otherwise disrupts the proceedings of the Assembly or any of its committees, the Speaker or the Chair of the committee, as the case may be, may require the person to leave the Chamber and its precincts or the place of meeting of the committee and may authorise the removal of the person. *(Amended 6 March 2008)*

Chapter 18

Strangers

18

This chapter sets out the procedures relating to strangers in the Chamber when the Assembly is sitting.

Strangers not admitted into body of Chamber

210. Except with the permission of the Speaker, who may exercise discretion for a short period in the case of Members caring for infants, or for an Auslan interpreter, only Members are permitted on the floor of the Chamber during meetings of the Assembly. *(Amended 6 March 2008, 29 October 2015 and 29 November 2018)*

Chapter 19

Papers and documents

19 This chapter sets out the procedures relating to the presentation of papers and quoting of documents in the Assembly.

Papers presented

211. Papers may be presented to the Assembly by a Minister or the Speaker and be made available to all Members upon presentation. *(Amended 29 November 2018 and 31 August 2023)*

Take note of papers presented

211A. At the conclusion of Private Members' business, the Speaker shall propose the question—That the papers presented under standing order 211 during presentation of papers in the routine of business, be noted. The time allocated for the debate shall be 30 minutes with each Member speaking for not more than 5 minutes after which time the motion be agreed to. *(Inserted 31 August 2023)*

Papers and documents may be inspected and copied

212. All papers and documents presented to the Assembly (excluding paper, electronic and out-of-order petitions) and not authorised for publication may be made available to Members and, with the permission of the Speaker, may be inspected by other persons or copies may be made unless otherwise ordered. *(Amended 6 March 2008 and 2 September 2025)*

Publication of certain documents authorised

212A. Unless otherwise ordered, the following papers are authorised for publication when presented to the Assembly:

(a) papers presented by the Speaker;

(b) reports, minutes of proceedings, extracts of minutes of proceedings and discussion papers of standing or select committees of the Assembly or government responses to committee reports presented in the Assembly or, if the Assembly is not sitting, provided to the Speaker in electronic and paper format;

(c) papers presented pursuant to standing orders or resolutions of the Assembly;

(d) papers presented pursuant to statute; and

(e) papers presented by Ministers. *(Inserted 6 March 2008. Amended 26 August 2010, 4 June 2015 and 29 November 2018)*

Quoting documents

213. A document quoted from by a Member may be ordered by the Assembly to be presented; the order may be made without notice immediately upon the conclusion of the speech of the Member who has quoted from the document.

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 Arbiter.

(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. *(Amended 21 September 2017 and 2 September 2025)*

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. *(Inserted 2 September 2025)*

Motion to take note

214. On any paper being presented to the Assembly as provided in this chapter, a Minister may move without notice that the Assembly takes note of the paper provided that, if such a motion is not moved at the time of the presentation of the paper, it may be moved subsequently, on notice or by leave. *(Amended 31 August 2023)*

Chapter 20

Committees

20

This chapter sets out the procedures relating to committees of the Assembly.

Standing committees

215. Standing committees shall be established and Members appointed as soon as practicable after the commencement of each Assembly. *(Amended 6 March 2008)*

216. Within the terms of the resolution of establishment agreed to by the Assembly and subject to any direction of the Assembly, any standing committee may inquire into and report on any matter it considers merits investigation or which the Assembly refers to it. Where a committee self-refers a matter, the Chair, or in the absence of the Chair, the Deputy Chair, shall inform the Assembly of the inquiry at the next meeting after the matter has been referred, such statement being made in accordance with standing order 246A. *(Amended 6 March 2008)*

Select committees

217. The Assembly may establish select committees. A standing committee shall take care not to inquire into any matters which are being examined by a select committee and any question arising in this connection may be referred to the Assembly for resolution. *(Amended 6 March 2008)*

Report from select committee

218. On the establishment of a select committee, a day shall be fixed for the reporting of its proceedings to the Assembly, by which day the report of the committee shall be presented by the Chair, unless further time is granted; the Assembly may at any time prior to such day receive the report of the committee. *(Amended 6 March 2008)*

First meeting

219. The time and date for the first meeting of a committee shall be fixed by the secretary of the committee, under the general direction of the Speaker, and shall be held within seven days of the establishment of a committee. *(Amended 6 March 2008)*

219A. Notice of meetings subsequent to the first meeting shall be given by the secretary attending the committee:

(a) pursuant to resolution of the committee;

(b) on instruction of the Chair; or

(c) upon a request by a quorum of Members of the committee. *(Inserted 6 March 2008)*

Membership

220. A committee shall consist of not more than 5 Members unless otherwise ordered. Overall membership of committees shall comprise Members of all genders as nearly as practicable proportional to their representation in the Assembly. *(Amended 6 March 2008 and 31 August 2023)*

221. Overall membership of committees shall comprise representatives of all groups and parties in the Assembly as nearly as practicable proportional to their representation in the Assembly. *(Amended 6 March 2008)*

Membership reported

222. Nominations for membership of each committee shall be notified in writing to the Speaker who shall report nominations to the Assembly and those Members so nominated shall be appointed to the committee on motion without notice moved by a Minister as soon as practicable. If more nominations are received than there are places, the Assembly shall proceed to a ballot to determine the committee membership.

Discharge of Members and replacement

223. Members may be discharged from a committee and other Members appointed on motion without notice.

When a change to committee membership is required and the Assembly is not due to meet for two weeks, the relevant Whip or crossbench Member may write to the Speaker suggesting any appointment or discharge of a Member of a committee. The Speaker may approve the change if they consider it necessary to the functioning of the committee, and the change in membership shall take effect from the time the Speaker responds to the Member that proposed the change. At the next sitting of the Assembly, the Speaker shall report the change of membership of the committee to the Assembly who shall resolve the membership of the committee. *(Amended 6 March 2008)*

Pecuniary interest

224. A Member may not sit on a committee if that Member has any direct pecuniary interest in the inquiry before such committee.

Election of Chair and Deputy Chair

225. Every committee, before proceeding to other business, shall elect a Chair and a Deputy Chair. *(Amended 6 March 2008)*

225A. *(Standing order omitted 6 March 2008)*

Resignation of Chair and Deputy Chair

225B. A Chair of a committee may resign in writing to the secretary of that committee, and the election of a new Chair shall be the first item of business at the next meeting of the committee. Until a new Chair is elected the Deputy Chair shall be acting Chair. A Deputy Chair of the committee may resign in writing to the Chair of the committee, and the election of a new Deputy Chair shall be the first item of business at the next meeting. *(Inserted 29 November 2018)*

Powers of Deputy Chair

226. Whenever a committee is informed by the secretary to the committee of the absence of the Chair, the Deputy Chair shall perform the duties of the Chair during that absence. *(Amended 6 March 2008)*

Absence of Chair and Deputy Chair

227. Whenever a committee is informed by the secretary to the committee of the absence of both the Chair and the Deputy Chair, the Members present may at once proceed to elect one of their number who shall perform the duties of the Chair during that absence. *(Amended 6 March 2008)*

Chair's voting rights

228. The Chair, the Deputy Chair acting as Chair, or any other Member acting as Chair shall have a deliberative vote only. All Members, including the Chair shall have only a deliberative vote. *(Amended 6 March 2008)*

Committee of chairs

228A. A committee of chairs shall be established at the commencement of each Assembly following the election of chairs for each committee to advise the Speaker on matters relating to the operation of Assembly committees. The committee shall consist of every chair of a standing and select committee and the Speaker shall be the chair of the committee. *(Inserted 29 November 2018)*

Adjournment and sitting of committee

229. A committee may adjourn from time to time, move from place to place and may sit during any adjournment or suspension of the proceedings of the Assembly. *(Amended 7 June 1990 and 6 March 2008)*

Chair may adjourn or suspend sitting of committee

229A. In the case of grave disorder arising when a committee is taking evidence or deliberating, the Chair may adjourn the committee without the question being put or may suspend the committee. The committee shall reconvene at a time to be named by the Chair or at a time to be fixed by the Speaker or, in the absence of the Speaker, the Deputy Speaker, on receipt of a request in writing from an absolute majority of Members of the committee. *(Adopted 10 March 1999. Amended 6 March 2008)*

Use of audio visual or audio links

229B. A committee may conduct proceedings using audio visual or audio links with Members of the committee or witnesses not present in one place. If an audio visual or audio link is used, committee Members and witnesses must be able to speak to and hear each other at the same time regardless of location. *(Inserted 6 March 2008. Amended 2 April 2020, 21 May 2020 and 31 August 2023)*

Proceedings and sittings of committees

229C. A committee may conduct proceedings in any of the following ways:

(a) in private meeting;

(b) by the hearing of witnesses (for the taking of evidence), either in public or in private; and

(c) in any other form in accordance with the standing orders and practices relating to the conduct of committees of the Assembly. *(Inserted 30 June 2011)*

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. *(Inserted 2 September 2025)*

Quorum

230. A majority of the Members of a committee shall constitute a quorum when that committee is deliberating, with the exception of taking and authorising publication of evidence as described in standing order 231. *(Amended 6 March 2008)*

Quorum for taking of evidence

231. For the purposes of taking and authorising the publication of evidence, 2 Members shall constitute a quorum of a committee.

Want of quorum

232. If after the lapse of 15 minutes from the time appointed for the meeting of a committee there is not a quorum the Members present may retire and their names shall be entered in the minutes. The secretary shall notify in writing all Members of the time set down for the next meeting.

Lapse of quorum

233. If any Member of the committee takes notice that a quorum of Members is not present the Chair shall count the committee and, if a quorum is not present, the committee shall suspend until a quorum is present. If in the opinion of the Chair a quorum cannot be obtained, the committee shall adjourn to a date and time to be fixed. *(Amended 6 March 2008)*

Admission of other Members

234. Members of the Assembly may be present when a committee is examining witnesses, but shall withdraw if requested by the Chair or any Member of the committee, and shall always withdraw when the committee is deliberating. *(Amended 6 March 2008)*

Other Member's right to question witnesses

235. When a committee is examining witnesses, Members of the Assembly not being Members of the committee may, by leave of the committee, question witnesses.

Admission of visitors

236. When a committee is examining witnesses, visitors may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chair of the committee, and shall always be excluded when the committee is deliberating. *(Amended 6 March 2008)*

Minutes of proceedings

237. All proceedings of a committee shall be recorded by the secretary to the committee. Such records shall constitute the minutes of proceedings of the committee and shall be signed by the Chair after confirmation by the committee. *(Amended 6 March 2008)*

Specialist advisers

238. The Speaker may appoint persons with specialist knowledge (either to supply information which is not readily available or to explain matters of complexity within the committee's inquiry) upon such terms and conditions as the Speaker may determine. *(Amended 6 March 2008)*

Power to send for persons, papers and records

239. A committee shall have power to send for persons, papers and records.

240. A committee may direct the secretary to the committee to summon witnesses to be examined before the committee. *(Amended 6 March 2008)*

Disclosure of proceedings, evidence and documents

241. (a) A committee may receive and authorise publication of evidence given before it or documents presented to it;

(b) a committee's evidence, documents, proceedings and reports may not be disclosed or published to a person (other than a Member of the committee or Assembly employee if necessary in the course of their duties) unless they have been:

(i) reported to the Assembly; or

(ii) authorised by the Assembly or the committee;

(ba) Members of the committee may discuss a committee report with other Members on a confidential basis in the time between the substantial conclusion of the committee's deliberations on the report and its presentation to the Assembly; *(Inserted 25 September 2014)*

(c) a committee may resolve to:

(i) publish press releases, discussion or other papers or preliminary findings; or

(ii) divulge evidence, documents, proceedings or reports on a confidential basis to persons for comment where it is clearly necessary to assist the committee in its inquiry;

(d) a committee may resolve to authorise a Member of the committee to give public briefings on matters related to an inquiry. An authorised Member may not disclose evidence, documents, proceedings or reports which have not been authorised for publication. The committee shall determine the limits of the authorisation. *(Amended 6 March 2008 and 25 September 2014)*

Unauthorised disclosure of proceedings, documents or evidence

242. The Assembly adopts the following procedures to be followed by committees in respect of matters on which such committees may wish action to be taken:

(a) (i) a committee affected by any unauthorised disclosure of proceedings or documents of, or evidence before, that committee shall seek to discover the source of the disclosure, including by the Chair of the committee writing to all Members and staff asking them if they can explain the disclosure;

(ii) the committee concerned should come to a conclusion as to whether the disclosure had a tendency substantially to interfere with the work of the committee or of the Assembly, or actually caused substantial interference;

(iii) if the committee concludes that there has been potential or actual substantial interference it shall present a special report to the Assembly, detailing:

(A) the nature of the alleged disclosure;

(B) the action it has taken to discover the source of the unauthorized disclosure and the conclusion it has reached;

(C) how it has arrived at the conclusion that the disclosure has had a tendency to substantially interfere with the work of the Committee or of the Assembly, or actually caused substantial interference; and

(D) any other relevant matter.

The issues raised in the special report may be raised with the Speaker by the Chair of the committee, in accordance with standing order 276; *(Amended 22 August 2019)*

(b) nothing in this resolution affects the right of a Member to raise a matter of privilege under standing order 276. *(Amended 6 March 2008)*

Disclosure of documents of the Assembly and its committees

243. That, unless otherwise ordered, the Speaker is authorised to permit any person to examine and copy evidence submitted to, or documents of, committees which are in the custody of the Assembly, which have not already been published by the Assembly or its committees, and which have been in the custody of the Assembly for at least 10 years:

(a) provided that if such evidence or documents were taken in camera or submitted on a confidential or restricted basis, disclosure shall not take place unless the evidence or documents have been in the custody of the Assembly for at least 15 years and, in

the opinion of the Speaker, it is appropriate that such evidence or documents be disclosed;

(b) provided further that the Speaker report to the Assembly the nature of any evidence or documents made available under this resolution and the person or persons to whom they have been made available;

(c) witnesses who have given evidence *in camera*, either written or oral, as far as practicable, shall be given opportunity to comment on the proposal for the release of that evidence, before a decision is made. If a witness does not respond to the invitation to comment after reasonable effort has been made to contact them, the Speaker may decide whether or not to authorise disclosure in the absence of the witness's views being made known. In making a decision, the Speaker will take into account any public or parliamentary interest and the interests of the witness. *(Amended 6 March 2008 and 29 November 2018)*

244. A document received by a committee shall not be withdrawn or altered without the approval of the committee.

Examination of witnesses

245. The examination of witnesses before every committee shall be conducted as follows: the Chair shall first put to the witness all such questions as that Member may deem essential, according to the mode of procedure agreed on by the committee and then call on each of the other Members to put any other questions. In asking questions of witnesses Members should be mindful of the provisions of Chapter 10 – Questions seeking information. *(Amended 6 March 2008 and 31 August 2023)*

Witnesses' right to advice

246. Witnesses before a committee may not be represented by legal counsel unless so ordered by the Assembly but a witness may consult with legal counsel or advisers while giving evidence. *(Amended 6 March 2008)*

Statement and discussion paper

246A. A committee may resolve to make a statement to the Assembly or to release a discussion paper generally on matters within a committee's resolution of establishment or which relates to a particular inquiry being undertaken by the committee.

If the committee resolves that a statement should be made to the Assembly or a discussion paper released concerning an inquiry under consideration or a matter within its terms of reference, the Chair may make such a statement to the Assembly. The committee is authorised to release a discussion paper when the Assembly is not sitting, but must

present the discussion paper at the next meeting of the Assembly. The discussion paper must be signed by the Chair. *(Amended 6 March 2008).*

246B. *(Standing order omitted 6 March 2008)*

Draft report

247. It shall be the duty of the Chair of every committee to prepare a draft report. *(Amended 6 March 2008)*

Consideration of draft report

248. At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once. Copies shall be circulated in advance to each Member of the Committee. The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. The Chair shall propose the question "That the paragraph(s) or appendix be agreed to" and a Member objecting to any portion of the report may vote against it or move an amendment at the time the paragraph or appendix to be amended is under consideration. *(Amended 6 March 2008 and 28 November 2013)*

Alternative draft report

249. If any Member, other than the Chair, submits a draft report to the committee, the committee shall first decide upon which report it will consider. If the Committee cannot agree on which draft report to consider the Chair's draft will have precedence. *(Amended 6 March 2008 and 20 March 2014)*

Reconsideration of draft report

250. After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.

Final consideration of draft report

250A. At the conclusion of the consideration and any reconsideration of the draft report selected by the committee, the Chair shall move "That the report (as amended) be agreed to. *(Inserted 20 March 2014)*

Unable to agree on a report

250B. If the committee is unable to agree upon a report, the Chair of the committee must present to the Assembly a written statement to that effect, along with the minutes of proceedings. *(Inserted 20 March 2014, amended 29 November 2018)*

Dissenting report

251. If any Member dissents from part or all of the draft report under consideration, that Member may present a dissenting report or additional comments which shall be added to the report agreed to by the committee. *(Amended 6 March 2008)*

Signing of report

252. Every report of a committee shall be signed by the Chair, and any dissenting report or additional comments shall be signed by the relevant Member or Members. *(Amended 6 March 2008)*

Presentation of report

253. The report of a committee shall be presented to the Assembly by the Chair or, in the absence of the Chair, by the Deputy Chair, together with the minutes of proceedings or extracts of the relevant minutes of proceedings. *(Amended 6 March 2008 and 29 November 2018)*

253A. When presenting its report, the Chair of the Select Committee on Estimates will present to the Assembly a schedule listing questions on notice for which answers were not provided during the annual estimates inquiry. Outstanding questions on notice will be provided to the Clerk within 30 days from the tabling of the estimates report. The Speaker will present to the Assembly the answers received after the report has been tabled and a schedule of questions on notice outstanding after the 30-day period.

Consideration of report by Assembly

254. Upon the presentation of a report to the Assembly, the Chair or, in the absence of the Chair, the Deputy Chair may move without notice:

(a) that the report be noted;

(b) that the recommendation(s) be adopted (or agreed to);

(c) that the report be adopted; or

(d) that consideration of the report be made an order of the day for the next sitting (when a specific motion without notice in connection therewith may be moved). *(Amended 6 March 2008)*

Request for explanation concerning government response to Committee report

254A. If a government response has not been tabled in line with standing order 254B within four months of presentation of the report, any Member may without notice:

(a) ask the relevant Minister for such an explanation or a statement in relation to the government response to the committee report; and

(b) the Member may, at the conclusion of the explanation or statement, move without notice "That the Assembly takes note of the explanation".

In the event that the Minister does not provide an explanation or statement to the satisfaction of the Member, that Member may, without notice, move a motion with regard to the Minister's failure to provide a government response, or an explanation or a statement. *(Temporary order 9 December 2008. Adopted 22 March 2012. Amended 7 April 2016, 15 December 2016 and 29 November 2018)*

Tabling of a government response to Committee report

254B. A government response to a Committee report must, within four months of presentation of the report, be:

(a) tabled in the Legislative Assembly if the Legislative Assembly is sitting; or

(b) provided to the Speaker for non-sitting circulation to Members and be tabled on the next available sitting day.

A government response that has been circulated when the Assembly is not sitting is taken to have been tabled and authorised for publication. *(Inserted 29 November 2018)*

A government response is not required to a Committee report which does not contain specific recommendations directed to the Government. This standing order does not apply to government responses to Legislative Scrutiny Committee reports. *(Inserted 30 March 2021 and 31 August 2023)*

Non-sitting circulation of report

254C. If the Legislative Assembly is not sitting when a Select or Standing Committee has finalised the report:

(a) the Chair of a Committee may provide the report electronically to the Speaker to authorise the report for circulation and publication; and

(b) the report is taken for all purposes to have been presented to the Legislative Assembly on the day the Chair receives authorisation from the Speaker (the report day); and

(c) publication of the report is taken to have been ordered by the Legislative Assembly on the report day; and

(d) the Chair must present the report to the Legislative Assembly on the next sitting day. *(Inserted 29 November 2018. Amended 31 August 2023)*

Questions arising from committee hearings

254D. (a) A Member must lodge a question on notice with the Committee, through the questions module on the Parliament Portal, within 5 business days following the conclusion of a Committee hearing. A response is due 5 business days of the answering entity receiving the question.

(b) An answering entity must respond to a question taken on notice in the course of a Committee hearing within 5 business days of the answering entity receiving the uncorrected proof Hansard. *(Inserted 29 November 2018. Amended 31 August 2023)*

Chapter 21

Witnesses

21 This chapter sets out the procedures relating to witnesses before the Assembly and its committees.

Summoning of witnesses

255. Witnesses, not being Members, may be ordered to attend before the Assembly by summons under the hand of the Clerk of the Assembly, or before a committee of the Assembly under the hand of the secretary to the committee.

Recusant witness

256. If a witness fails or refuses to attend or give evidence, the Assembly, on being so advised, shall deal with the matter. *(Amended 6 March 2008)*

Summoning of Members

257. When the attendance of a Member is ordered by the Assembly for examination by the Assembly, that Member shall be summoned by the Speaker to attend in the Member's place.

Member requested to attend committee as witness
Member refuses

258. If a committee desires the attendance of a Member as a witness, the Chair of the committee shall, in writing, request that Member to attend. Should the Member refuse to attend or to give evidence, the committee shall advise the Assembly. The Assembly may order a Member to attend a committee and to give evidence to the committee. *(Amended 6 March 2008 and 6 February 2025)*

Committee not to entertain allegations against Members

259. If any information comes before any committee that makes allegations against the conduct of any Member of the Assembly, the committee ought only direct that the Assembly be acquainted with the matter of the information, without proceeding further. *(Amended 6 March 2008)*

260. *(Standing order omitted 6 March 2008)*

Witnesses entitled to protection

261. All witnesses examined before the Assembly, or any of its committees, are entitled to the protection of the Assembly in respect of anything that may be said by them in their evidence.

Witnesses before Assembly examined by Speaker

262. When a witness appears before the Assembly, that witness shall be examined by the Speaker, and any questions addressed by the Members are taken to be put through the Speaker.

Witness withdraws if question objected to

263. If any question is objected to, or other matter arises, the witness shall withdraw while the same is under discussion.

Officers not to give evidence without leave

264. An officer of the Assembly, or person employed by the Assembly, may not give evidence elsewhere in respect of any proceedings or examination of any witness without the special leave of the Assembly.

Dealing with witnesses

264A. In their dealings with witnesses, all committees of the Assembly shall observe the following procedures:

(a) A witness shall be invited to attend a committee meeting to give evidence. A witness shall be summoned to appear (whether or not the witness was previously invited to appear) only where the committee has made a decision that the circumstances warrant the issue of a summons.

(b) Where a committee desires that a witness produce documents relevant to the committee's inquiry, the witness shall be invited to do so, and an order that documents be produced shall be made (whether or not an invitation to produce documents has previously been made) only where the committee has made a decision that the circumstances warrant such an order.

(c) A witness shall be given reasonable notice of a meeting at which the witness is to appear, and shall be supplied with a copy of the committee's terms of reference, a statement of the matters expected to be dealt with during the witness's appearance, and a copy of these procedures. Where appropriate a witness shall be supplied with relevant evidence. *(Amended 31 August 2023)*

(d) A witness shall be given opportunity to make a submission in writing before appearing to give oral evidence.

(e) Where appropriate, reasonable opportunity shall be given for a witness to raise any matters of concern to the witness relating to the witness's submission or the evidence the witness is to give before the witness appears at a meeting.

(f) A witness shall be given reasonable access to any documents that the witness has produced to a committee.

(g) A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard in private session, and shall be invited to give reasons for any such application. If the application is not granted, the witness shall be notified of reasons for that decision.

(h) Before giving any evidence in private session a witness shall be informed whether it is the intention of the committee to publish or present to the Assembly all or part of that evidence, that it is within the power of the committee to do so, and that the Assembly has the authority to order the production and publication of undisclosed evidence.

(i) A chair of a committee shall take care to ensure that all questions put to a witness are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a Member of a committee requests discussion of a ruling of the Chair on this matter, the committee shall deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted.

(j) Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which objection to answering the question is taken. Unless the committee determines immediately that the question should not be pressed, the committee shall then consider in private session whether it will insist upon an answer to the question, having regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination and the reasons for the determination, and shall be required to answer the question only in private session unless the committee determines that it is essential to the committee's inquiry that the question be answered in public session. Where a witness declines to answer a question to which

a committee has required an answer, the committee shall report the facts to the Assembly.

(k) A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears.

(l) An officer of a department of the Territory or the Commonwealth or a state shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.

(m) Reasonable opportunity shall be afforded to a witness to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.

(n) Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the Assembly. *(Inserted 6 March 2008. Amended 29 November 2018)*

Adverse mention procedures

264B. (a) Where a committee has reason to believe that evidence about to be given may reflect adversely on a person, the committee shall give consideration to hearing that evidence in private session.

(b) Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that that evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence, and to forbidding the publication of that evidence.

(c) Where evidence is given which reflects adversely on a person and action of the kind referred to in 264B(b) is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee. *(Inserted 29 November 2018 and amended 2 September 2025)*

Chapter 22

Balloting

22

This chapter sets out the procedures relating to ballots taken in the Assembly.

When ballot taken

265. A ballot shall be taken whenever the Assembly thinks fit.

Bells rung before ballot

266. Before the Assembly proceeds to any ballot the bells shall be rung for 4 minutes as in a vote.

Manner of taking ballot

267. Unless otherwise expressly provided, a ballot shall be taken in the following manner: each Member present shall give to the Clerk a list of the names of such Members as the Member thinks fit and proper to be chosen at such ballot; if any list contains a larger or lesser number of names than are to be chosen it shall be void and rejected.

When all the lists are collected, the Clerk shall ascertain and report to the Speaker the names of the Members having the greatest number of votes, such Members shall be declared by the Speaker to be chosen. In the event of an equality of votes, the names of the Members concerned shall be submitted to a further ballot or ballots until the necessary number of Members has been chosen. Further ballots may be deferred until a later hour or to the next sitting. *(Amended 6 March 2008)*

Chapter 23

Addresses to the Sovereign or the Governor-General

23

This chapter sets out the procedures relating to addresses to the Sovereign or the Governor-General and responses from the Governor-General.

How moved

268. Subject to standing order 126, whenever it is deemed proper to present an address to the Sovereign or the Governor-General, a motion on notice stating the terms of the proposed address shall be moved. *(Amended 31 August 2023)*

Addresses to the Sovereign sent to Governor-General by Speaker

269. Addresses to the Sovereign shall be transmitted to the Governor-General of Australia by the Speaker, who shall request the representative to cause them to be forwarded for presentation. *(Amended 31 August 2023)*

Presentation of addresses to Governor-General

270. Addresses to the Governor-General shall be presented by the Speaker.

Governor-General's response

271. The response to any address shall be reported to the Assembly by the Speaker.

Chapter 24

Standing orders

24

This chapter sets out the procedures relating to the suspension and duration of standing orders of the Assembly.

Suspension

Motion to suspend without notice

272. In cases of necessity, any standing order or orders of the Assembly may be suspended on motion, duly moved, without notice: provided that such motion is carried by an absolute majority of Members. *(Amended 9 March 1995)*

Limitation of suspension

273. The suspension of standing orders is limited in its operation to the particular purpose for which the suspension has been sought.

Duration

In force until altered

274. These standing orders shall continue in force until altered, amended or repealed.

Chapter 25

General rule for conduct of business

25 This chapter sets out the general rule for conduct of business that the standing orders of the Assembly do not provide for.

Practice of House of Representatives to be observed, unless other provision is made

275. Any question relating to procedure or the conduct of business of the Assembly not provided for in these standing orders or practices of the Assembly, shall be decided according to the practice at the time prevailing in the House of Representatives in the Parliament of the Commonwealth of Australia.

Chapter 26

Privilege and contempt

26 This chapter sets out the general rules and guidelines for dealing with matters of privilege and contempt.

Privilege and contempt

276. Upon a matter of privilege or contempt arising:

(a) a Member shall give written notice of the alleged breach to the Speaker as soon as reasonably practicable after the matter has come to that Member's attention;

(b) if the matter arises from a statement published in a newspaper, book or other publication, the Member shall provide the Speaker with a copy of the newspaper, book or publication;

(c) the Speaker will determine as soon as practicable whether or not the matter merits precedence over other business;

(d) if, in the opinion of the Speaker, the matter does not merit precedence, the Speaker will inform the Member, in writing, accordingly, and may also inform the Assembly of the decision; and

(e) if, in the opinion of the Speaker, the matter merits precedence, the Speaker will inform the Member who raised the matter and the Assembly of the decision, and the Member who raised the matter may move a motion without notice forthwith to refer the matter to a select committee appointed by the Assembly for that purpose or, in the case of the unauthorized disclosure of proceedings of a committee, that committee. *(Amended 9 March 1995, 6 March 2008, 29 November 2018 and 22 August 2019).*

Contempt – Matters constituting contempt

277. Without derogating from its power to determine that particular acts constitute a contempt, the Assembly declares, as a matter of general guidance, that breaches of the following prohibitions, and attempts or conspiracies to do the prohibited acts, may be treated by the Assembly as a contempt.

(a) Interference with the Assembly

A person shall not improperly interfere with the free exercise by the Assembly or a committee of its authority, or with the free performance by a Member of the Member's duties as a Member.

(b) Improper influence of Member

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member's conduct as a Member or induce a Member to be absent from the Assembly or a committee.

(c) Members seeking benefits etc

A Member shall not ask for, receive or obtain, any property or benefit for the Member, or another person, on any understanding that the Member will be influenced in the discharge of the Member's duties, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the Member's independence or freedom of action as a Member, or pursuant to which the Member is in any way to act as the representative of any outside body in the discharge of the Member's duties.

(d) Interference with Members

A person shall not inflict any punishment, penalty or injury upon, or deprive of any benefit, on a Member on account of the Member's conduct as a Member. *(Amended 30 March 2021)*

(e) Disturbance of the Assembly

A person shall not willfully disturb the Assembly or a committee while it is meeting, or willfully engage in any disorderly conduct in the precincts of the Assembly or a committee tending to disturb its proceedings.

(f) Service of writs etc

A person shall not serve or execute any criminal or civil process in the precincts of the Assembly on a day on which the Assembly meets except with the consent of the Assembly or of a person authorised by the Assembly to give such consent.

(g) False reports of proceedings

A person shall not willfully publish any false or misleading report of the proceedings of the Assembly or of a committee.

(h) Disobedience of orders

A person shall not, without reasonable excuse, disobey a lawful order of the Assembly or of a committee.

(i) Obstruction of orders

A person shall not interfere with or obstruct another person who is carrying out a lawful order of the Assembly or of a committee.

(j) Interference with witnesses

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Assembly or a committee, or induce another person to refrain from giving such evidence.

(k) *(Heading omitted 31 August 2023)*

A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Assembly or a committee. *(Amended 30 March 2021)*

(l) Offences by witnesses etc

A witness before the Assembly or a committee shall not:

(i) without reasonable excuse, refuse to make an oath or affirmation or give some similar undertaking to tell the truth when required to do so;

(ii) without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or

(iii) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

(m) A person shall not, without reasonable excuse:

(i) refuse or fail to attend before the Assembly or a committee when ordered to do so; or

(ii) refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Assembly or of a committee.

(n) A person shall not willfully avoid service of an order of the Assembly or of a committee.

(o) A person shall not destroy, damage, forge or falsify any document required to be produced by the Assembly or by a committee.

(p) Unauthorised disclosure of evidence etc

A person shall not, without the authority of the Assembly or a committee, publish or disclose:

(i) a document that has been prepared for the purpose of submission, and submitted, to the Assembly or a committee and has been directed by the Assembly or a committee to be treated as evidence taken in private session or as a document confidential to the Assembly or the committee;

(ii) any oral evidence taken by the Assembly or a committee in private session, or a report of any such oral evidence; or

(iii) any proceedings in private session of the Assembly or a committee or any report of such proceedings;

unless the Assembly or a committee has published, or authorised the publication of, that document, that oral evidence or a report of those proceedings. *(Inserted 6 March 2008)*

Contempt – Criteria to be taken into account when dealing with matters of contempt

278. The Assembly will take into account the following criteria when determining whether matters possibly involving contempt should be referred to a Select Committee on Privilege and whether a contempt has been committed, and requires the committee to take these criteria into account when inquiring into any matter referred to it:

(a) the principle that the Assembly's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Assembly and its committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Assembly;

(b) the existence of any remedy other than that power for any act which may be held to be a contempt; and

(c) whether a person who committed any act which may be held to be a contempt:

(i) knowingly committed that act, or

(ii) had any reasonable excuse for the commission of that act. *(Inserted 6 March 2008)*

Privilege – Criteria to be taken into account by the Speaker in determining whether a matter of privilege should be given precedence over other business

279. In determining whether a matter of privilege merits precedence over other business the Speaker shall have regard only to the following criteria:

(a) the principle that the Assembly's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Assembly and its committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Assembly; and

(b) the existence of any remedy other than that power for any act which may be held to be a contempt. *(Inserted 6 March 2008)*

Procedures for the protection of witnesses before a Privileges Committee

280. In considering any matter referred to it which may involve, or gives rise to any allegation of, a contempt, a committee dealing with a matter of privilege that has been referred to it by the Assembly shall observe these procedures, in addition to the procedures set out in standing order 264A. Where this standing order is inconsistent with the procedures in standing order 264A this standing order shall prevail to the extent of the inconsistency.

(a) A person shall, as soon as practicable, be informed, in writing, of the nature of any allegations, known to the committee and relevant to the committee's inquiry, against the person, and of the particulars of any evidence which has been given in respect of the person.

(b) The committee shall extend to that person all reasonable opportunity to respond to such allegations and evidence by:

(i) making written submission to the committee;

(ii) giving evidence before the committee;

(iii) having other evidence placed before the committee; and

(iv) having witnesses examined before the committee.

(c) Where oral evidence is given containing any allegation against, or reflecting adversely on, a person, the committee shall ensure as far as possible that that

person is present during the hearing of that evidence, and shall afford all reasonable opportunity for that person to examine witnesses in relation to that evidence.

(d) A person appearing before the committee may be accompanied by counsel, and shall be given all reasonable opportunity to consult counsel during that appearance.

(e) A witness shall not be required to answer in public session any question where the committee has reason to believe that the answer may incriminate the witness.

(f) Hearing of evidence by the committee shall be conducted in public session, except where:

(i) the committee accedes to a request by a witness that the evidence of that witness be heard in private session;

(ii) the committee determines that the interests of a witness would best be protected by hearing evidence in private session; or

(iii) the committee considers that circumstances are otherwise such as to warrant the hearing of evidence in private session.

(g) As soon as practicable after the committee has determined findings to be included in the committee's report to the Assembly, and prior to the presentation of the report, a person affected by those findings shall be acquainted with the findings and afforded all reasonable opportunity to make submissions to the committee, in writing and orally, on those findings. The committee shall take such submissions into account before making its report to the Assembly.

(h) Before appearing before the committee a witness shall be given a copy of this standing order. *(Inserted 6 March 2008)*

Continuing resolution 1

Authority to publish *Hansard*

1

This resolution specifies that the Assembly authorises the preparation and publication of *Hansard* transcripts and extracts of transcripts of Assembly and committee proceedings.

Resolution agreed by the Assembly

27 March 1992

That—

(1) The Assembly:

(a) authorises the preparation and publication of transcripts of debates and proceedings *(Hansard)* of the Assembly and its committees; and

(b) authorises the publication, by the Clerk, of extracts of transcripts of debates and proceedings (*Hansard*) of the Assembly and its committees.

(2) This resolution has effect from the commencement of the Second Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Continuing resolution 1A

Authority for legislative assembly information to be migrated to, and stored and processed by, a cloud service provider

1A

This resolution specifies that the Assembly authorises its information, including information captured by standing order 277(p), to be migrated to, and stored and processed by, a cloud service provider

Resolution agreed by the Assembly

1 November 2018

(1) The Assembly authorises its information, including information captured by standing order 277(p), to be migrated to, and stored and processed by, a cloud service provider (provider), on the following provisos:

(a) a contract has been entered into between the Territory and the provider ensuring any access to the Assembly's information is limited to the sole purpose of providing the service. This should include ensuring any subcontractors engaged by the provider are subject to the same terms and conditions as the provider;

(b) the provider has been certified by the Australian Signals Directorate as suitable for the hosting of data up to the classification of PROTECTED and hosts all ACT Government data in Australia; and

(c) a security risk assessment has been conducted by the Territory to identify relevant security controls to be applied.

(2) In relation to lawful requests for disclosure by the provider of the Assembly's information—

(a) the Clerk will be notified by the Territory's information and communications technology agency (the agency) of any warrant or subpoena received by the provider or the agency unless legally prohibited from doing so;

(b) the agency will request the Clerk to authorise any lawful release of Assembly information unless legally prohibited from doing so;

(c) the Clerk will be notified by the agency of any suspected or actual unauthorised access or disclosure of Assembly information managed by the provider or the agency; and

(d) the Clerk will be notified by the agency of any significant changes to the Assembly's data storage, including hosting arrangements.

(3) This resolution has effect from the date of its passage in the Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Continuing resolution 2

Authority to receive resignations of members

2

This resolution specifies that the Speaker may receive written notice of a resignation from office by a Member of the Legislative Assembly, in accordance with subsection 13(1) of the *Australian Capital Territory (Self-Government) Act 1988*.

Resolution agreed by the Assembly

27 March 1992 (amended 6 March 2008)

That—

(1) Pursuant to section 13 of the *Australian Capital Territory (Self-Government) Act 1988*, this Assembly authorises the Speaker, or during the absence of the Speaker from the Territory or from duty the Deputy Speaker, to receive the written notice of resignation of a Member as a Member of the Assembly.

(2) This resolution has effect from the commencement of the Second Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Continuing resolution 3

Broadcasting guidelines

3

This resolution provides guidelines for the broadcasting of Legislative Assembly and committee proceedings in accordance with subsection 5(2) of the *Legislative Assembly (Broadcasting) Act 2001.*

Resolution agreed by the Assembly

7 March 2002 (amended 17 March 2005, 23 June 2005, 11 February 2010, 29 November 2018 and 21 March 2024)

That—

(1) pursuant to subsection 5(2) of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly agrees to the Speaker of the Legislative Assembly making guidelines for the broadcasting of Assembly and committee proceedings that include as a minimum the following requirements:

(a) persons or organisations intending to record for broadcast proceedings in the Legislative Assembly or its committees must seek the approval of the Speaker each calendar year;

(b) persons or organisations that have been granted permission to record for broadcast the proceedings of the Legislative Assembly or its committees will acknowledge in writing and abide by the broadcasting guidelines laid down by the Speaker from time to time;

(c) persons or organisations that have been granted permission to record for broadcast committee proceedings will be able to do so, unless a Member of the committee objects;

(d) witnesses at public hearings of committees will be advised in advance that the proceedings may be recorded for broadcast and that they may lodge an objection to such recording with the committee for consideration; and

(e) persons or organisations that wish to rebroadcast from the audio-visual material available on the Assembly's website, must acknowledge and abide by the conditions of use laid down by the Speaker from time to time;

(2) pursuant to section 6 of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly:

(a) delegates to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly; and

(b) delegates to each committee formed by resolution or standing order of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of that committee; and

(3) pursuant to subsection 6(4) of the *Legislative Assembly (Broadcasting) Act 2001*, the Speaker or a committee chair may withdraw from a person or organisation the right to broadcast, or record for broadcast, public proceedings of the Assembly or the relevant committee if that person or organisation does not abide by any guidelines issued by the Speaker to give effect to this resolution or to relevant provisions of the *Legislative Assembly (Broadcasting) Act 2001*. *(amended 21 March 2024)*

Continuing resolution 4

Citizen's right of reply

4

This resolution provides for a citizen's right of reply for persons or corporations who have been referred to by name or in such a way as to be readily identified in the Assembly, subject to meeting identified criteria.

Resolution agreed by the Assembly

4 May 1995 (amended 6 March 2008 and 31 August 2023)

Protection of persons and corporations referred to in the Legislative Assembly

(1) Where a person or corporation who has been referred to by name, or in such a way as to be readily identified in the Assembly, makes a submission in writing to the Speaker:

(a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and

(b) requesting that the person or corporation be able to incorporate an appropriate response in the parliamentary record;

if the Speaker is satisfied:

(c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Committee on Administration and Procedure; and

(d) that it is practicable for the Standing Committee on Administration and Procedure to consider the submission under this resolution;

(e) that the submission has been received within three months of the making of the statement, unless there are exceptional circumstances in which case the Speaker may allow the submission to be received; *(Inserted 6 March 2008)*

the Speaker shall refer the submission to that Committee.

(2) The Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Assembly.

(3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person or corporation who made the submission and any Member who referred in the Assembly to that person or corporation.

(4) In considering a submission under this resolution, the Committee shall meet in private session.

(5) The Committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Assembly.

(6) In considering a submission under this resolution and reporting to the Assembly the Committee shall not consider or judge the truth of any statements made in the Assembly or of the submission.

(7) In its report to the Assembly on a submission under this resolution, the Committee may make one of the following recommendations:

(a) that no further action be taken by the Assembly or by the Committee in relation to the submission; or

(b) that the written response by the person or corporation who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Assembly or incorporated in *Hansard* (noting that there is no provision for a verbal response);

and shall not make any other recommendations.

(8) A document presented to the Assembly under paragraph (5) or (7):

(a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and

(b) shall not contain any matter the publication of which would have the effect of:

(i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or

(ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person or corporation.

(9) A corporation making a submission under this resolution is required to make it under their common seal.

(10) This resolution has effect from the commencement of the Third Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Continuing resolution 4A

Claims of parliamentary privilege that arise during the exercise of the ACT Integrity Commission's powers and functions

4A

This resolution provides for dealing with claims of parliamentary privilege that arise during the exercise of the ACT Integrity Commission's powers and functions.

Resolution agreed by the Assembly

29 November 2018 (Amended 30 March 2021)

Preamble

(1) The Assembly:

(a) reserves all its powers, privileges and immunities, and those of its Members, derived from all sources of law;

(b) affirms that parliamentary privilege attaches to all words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee, including to documents and information falling within the scope of "proceedings in Parliament" as provided for in article 9 of the Bill of Rights 1689 and section 16 of the *Parliamentary Privileges Act 1987* (Cth);

(c) acknowledges that, pursuant to the *Integrity Commission Act 2018*, statutory powers and functions have been vested in the ACT Integrity Commission to investigate and report on corruption in the ACT and that the Commission is empowered, subject to that Act, to investigate allegations of corrupt conduct involving a Member of the Legislative Assembly;

(d) notes that section 7 the Integrity Commission Act does not affect the law relating to the privileges of the Legislative Assembly;

(e) notes that section 177 of the Integrity Commission Act provides that claims of parliamentary privilege that are made in the exercise of the Integrity Commission's functions must be dealt with by the Assembly;

(f) declares, for the avoidance of doubt, the right of the Assembly to determine claims of parliamentary privilege over material sought to be seized or accessed by the Integrity Commission regardless of the form of the material or, the means by which the Commission seeks seizure or access;

(g) acknowledges that there may be occasions where the exercise of the Commission's powers and functions gives rise to a claim of parliamentary privilege; and

(h) resolves that where such a claim is made, it will be addressed and resolved in accordance with the arrangements and principles provided for in this continuing resolution.

Seeking Assembly information

(2) Where the Integrity Commission or a person acting under the direction of the Commission seeks to exercise a power to inspect, examine, make a record of, copy, or take possession of "Assembly information" that is held by the Assembly, an Assembly committee, a Member or a former Member, or that is held by another person or entity on behalf of the Assembly, an Assembly committee, a Member or a former Member, an "affected Member" is entitled to claim that parliamentary privilege applies to the information.

(3) An "affected Member" is a Member about whom Assembly information relates or to whom the Commission addresses an inquiry pursuant to the exercise of a power or function by the Commission.

(4) "Assembly information" includes all information, data, records and "documents" that have been prepared or received by the Assembly, its members, staff of Members or the Office of the Legislative Assembly in connection with the roles and functions of the Assembly, its committees and its Members.

(5) "Document" means any record of information, and includes—

(a) anything on which there is writing; or

(b) anything on which there are figures, marks, numbers, perforations, symbols or anything else having a meaning for people qualified to interpret them; or

(c) anything from which images, sounds, messages or writings can be produced or reproduced, whether with or without the aid of anything else; or

(d) a drawing, map, photograph or plan.

(6) Where Assembly information is sought by the Commission that relates to a former Member's time as a Member, the Commission must notify the Speaker of the Assembly who shall consider whether issues of parliamentary privilege arise.

(7) In order to protect the powers, privileges and immunities of the Assembly, its committees, its Members (including former Members in relation to their time as a Member), the Speaker may seek to make a claim in relation to parliamentary privilege in the same way as an affected Member.

(8) The Commission must advise an affected Member that they are entitled to make a claim relating to parliamentary privilege prior to the purported exercise of a compulsory power to inspect, examine, make a record of, copy, or take possession of Assembly information that is held by the Assembly, an Assembly committee or a Member, or that is held by another person or entity on behalf of the Assembly, an Assembly committee or a Member. Where a claim is to be made, it must be notified by the affected Member to:

(a) the Commission or a person acting under the direction of the Commission in writing; and

(b) the Speaker in writing.

(9) In the first instance, a claim may be made in general terms and verbally.

(10) Where an affected Member makes a claim in relation to parliamentary privilege, the Commission or a person acting under the direction of the Commission must not inspect, examine, access, make a record of, copy, or take possession of Assembly information over which a claim has been made until such time as parliamentary privilege has been determined not to apply pursuant to this resolution or a claim has been withdrawn. Any Assembly information that is the subject of a claim must be placed in the secure custody of the Clerk of the Legislative Assembly.

(11) Where an item of Assembly information is held in a digital form, either within the Assembly precincts or by a third-party such as on a computer network or storage device that is administered by the ACT Government or a person or firm contracted on behalf of the Territory by the ACT Government, steps must be taken to secure the information via suitable encryption technology with access being granted solely to the Clerk until such time as it is made available to an Independent Arbiter.

(12) Within five calendar days of a claim having been made by an affected Member that parliamentary privilege applies to a document, the affected Member must write to the Speaker and the Commissioner advising of the scope and basis of the claim. The Speaker must provide the affected Member's written advice of a claim to the Standing Committee on Administration and Procedure within five calendar days of its receipt.

(13) Where an affected Member makes a claim in relation to parliamentary privilege over a document, the Commissioner must notify the affected Member and the Speaker whether or not the Commission intends to dispute the claim. The notification may be given verbally in the first instance. Where no such notification is given, any item of Assembly information the subject of the claim will be returned to the affected Member and may not be inspected, examined, or copied by the Commission.

(14) Within five calendar days of the receipt of the affected Member's written advice outlining the scope and basis of the claim, the Commissioner must either give notification that the claim is not disputed or write to the Speaker and the affected Member advising of the scope and basis of the dispute of the claim. The Speaker must provide the Commissioner's written advice of a dispute to the Standing Committee on Administration and Procedure within five calendar days of receipt.

(15) The Speaker must appoint an Independent Legal Arbiter to adjudicate any claim that is disputed by the Commissioner. Upon the appointment of an Arbiter, the Clerk must hand over custody to the Arbiter any item of Assembly information that is the subject of the disputed claim. The Clerk must return any item of Assembly information to the affected Member over which there is an undisputed claim. The Speaker may make available to the Arbiter a secure space within the Legislative Assembly precincts to facilitate examination of any document that is the subject of a claim.

(16) Upon appointment, the Speaker must make the affected Member's and the Commissioner's written advices available to the Arbiter. The Arbiter may seek written submissions from the affected Member and the Commissioner in which any additional reasons for or against a claim or related information may be stated.

(17) The Arbiter must review each item of Assembly information that is the subject of a claim and determine whether or not the item falls within the scope of the "proceedings in Parliament". Where there is a large volume of material that is the subject of a claim, the Arbiter may receive assistance from a person, or persons, acting under the direction of the Arbiter to review the material.

(18) Where the Arbiter determines that an item of information does fall within the scope of "proceedings in Parliament", it is protected by parliamentary privilege and it will be returned to the affected Member and may not be inspected, accessed, examined, or copied by the Commission.

(19) Where the Arbiter determines that an item of information does not fall within the scope "proceedings in Parliament", it is not protected by parliamentary privilege and it will be provided to the Commissioner (subject to any other lawful requirement that may have been imposed).

(20) The Arbiter's determination must: be in writing; include reasons; and be transmitted by the Arbiter to the affected Member, the Commissioner, and the Speaker. The Speaker is required to provide a copy of the Arbiter's determination to the Standing Committee on Administration and Procedure within five calendar days of its receipt.

Examination or questioning

(21) Where a Member (an affected Member) appears under summons to give evidence before the Commission, they are entitled to decline to answer a question on the basis that the information in answer to the question is protected by parliamentary privilege.

(22) Where a claim is made by an affected Member that the information in answer to a question is protected by parliamentary privilege, it is open to the Commissioner to:

(a) withdraw the question; or

(b) advise the affected Member that the Commissioner intends to dispute the claim of parliamentary privilege.

(23) Where an affected Member makes a claim relating to parliamentary privilege under examination, the affected Member must advise the Speaker and the Commissioner in writing as to the scope and basis of the claim within five calendar days of the claim being made. The Speaker must provide the affected Member's written advice to the Standing Committee on Administration and Procedure within five calendar days of its receipt.

(24) Where the Commissioner disputes a claim made by an affected Member under examination, the Commissioner must advise the Speaker and the affected Member in writing as to the scope and basis of the dispute of the claim within five calendar days of the receipt of the affected Member's written advice of a claim. The Speaker must provide the Commissioner's written advice to the Standing Committee on Administration and Procedure within five calendar days of its receipt.

(25) Where the Speaker receives advice from the Commissioner that a disputed claim of parliamentary privilege has arisen in the course of an examination, the Speaker must appoint an Independent Legal Arbiter to adjudicate the claim. The Speaker must provide to the Arbiter the affected Member's written claim and the Commissioner's written dispute of the claim.

(26) The Arbiter may seek written submissions from the affected Member and the Commissioner in which any additional reasons for or against a claim or related information may be stated.

(27) Where the Arbiter determines that the information sought by the Commissioner, by way of a question asked under examination, does fall within the scope of "proceedings in Parliament", an immunity from the provision of that information to the Commission will operate by reason of parliamentary privilege.

(28) Where the Arbiter determines that the information sought by the Commissioner, by way of a question asked under examination, does not fall within the scope of "proceedings in Parliament", no immunity by reason of parliamentary privilege will operate.

(29) The Arbiter's determination must: be in writing; include reasons; and be transmitted by the Arbiter to the affected Member, the Commissioner, and the Speaker. The Speaker is required to provide a copy of the Arbiter's determination to the Standing Committee on Administration and Procedure within five calendar days of its receipt.

(30) In determining a question of parliamentary privilege in relation to a question that is posed or information that is sought during an examination, the Arbiter may express the determination:

- by way of specific questions that, if asked, would or would not engage the privilege;
- by way of more general areas of inquiry that, if explored, would or would not engage the privilege; or
- in some other way that clarifies the limits of the operation of parliamentary privilege.

Making a determination

(31) The Arbiter may, but is not bound to, apply the following test to determine whether or not Assembly information that is sought pursuant to a compulsory production power or information that is sought pursuant to a compulsory examination falls within "proceedings in Parliament".

STEP 1: Was the Assembly information that is sought by the Commission ***brought into existence*** in the course of, or for purposes of or incidental to, the transacting of business of the Assembly or an Assembly committee?

YES → Falls within the scope of "proceedings in Parliament" and parliamentary privilege applies.

NO → Move to step 2.

STEP 2: Has the Assembly information that is sought by the Commission been ***subsequently used*** in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee?

YES → Falls within the scope of "proceedings in Parliament" and parliamentary privilege applies.

NO → Move to step 3.

STEP 3: Is there any contemporary or contextual evidence that the Assembly information that is sought by the Commission was ***retained or intended*** for use in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee?

YES → Falls within the scope of "proceedings in Parliament" and parliamentary privilege applies.

NO → The Assembly information does not fall within the scope of "proceedings in Parliament" and is not immune from production / the information sought by the Commissioner in the course of an examination is not covered by parliamentary privilege.

(32) In determining whether or not parliamentary privilege applies to an item of Assembly information , the Arbiter must have regard to:

- the written claim made by the affected Member;
- the written dispute of the claim by the Commissioner;
- any transcript of an examination of the affected Member in which a claim relating to parliament privilege has arisen;
- any written submission made by the affected Member or by the Commissioner;
- applicable law relating to parliamentary privilege;
- the Assembly's standing orders and continuing resolutions;
- reports of an Assembly committee or of a committee of either House of the Commonwealth Parliament relating to parliamentary privilege; and
- any other matter that the Arbiter considers to be relevant.

(33) Assembly information that may fall within the scope of "proceedings in Parliament" may include (but is not confined to):

(a) notes, draft speeches and questions prepared by a Member for use in the Assembly or an Assembly committee;

(b) correspondence received by a Member from a constituent where the Member has raised or is intending to raise a matter in the Assembly or an Assembly committee;

(c) correspondence prepared by a Member where the Member has raised or intends to raise a matter in the Assembly or an Assembly committee;

(d) information as it relates to words said or actions done in the course of a proceeding of the Assembly or an Assembly committee; and

(e) submissions and other material provided to a Member as part of a Member's participation in an Assembly committee.

(34) In some cases the question will turn on what has been done with an item of information or document, or what a Member intends to do with the document or information, rather than what is contained in the document or the substance of the information, or where the document or information is held.

(35) Documents or information that are unlikely to be within the scope of "proceedings in Parliament" include material relating to a Member's travel or entitlements, or party-political material.

(36) In determining a claim, the Arbiter may speak with the affected Member who has made a claim or with the Commissioner. The Arbiter may permit the affected Member to view a document in the presence of the Arbiter.

(37) The Arbiter must only determine the question of whether an item of Assembly information sought by the Commission is protected by parliamentary privilege and no other question.

(38) The Arbiter must consider, determine and report on a determination relating to a claim of parliamentary privilege in a timely manner.

Requirements for appointing an Arbiter

(39) The Independent Legal Arbiter must be a King's Counsel, Senior Counsel, or a retired judge or justice of the Supreme, Federal or High Court and the Speaker must consult with the Standing Committee on Administration and Procedure prior to making an appointment. The Arbiter will be paid a fee approved by the Speaker.

Memorandum of understanding

(40) For the purposes of facilitating the effective administration of this resolution, the Speaker may enter into a memorandum of understanding with the Integrity Commissioner in relation to parliamentary privilege and the exercise of the Commission's powers. A memorandum of understanding must not be inconsistent with this resolution and must be tabled in the Assembly on the first available sitting day following its finalisation.

Recusal of the Speaker or a member of the Standing Committee

(41) Where the Speaker makes a claim of parliamentary privilege in relation to the exercise of a power or function by the Commission (except where the Speaker is making a claim pursuant to paragraph (7) of this resolution), the Speaker must recuse themselves from the exercise of the Speaker's functions pursuant to this resolution and the Deputy Speaker will instead perform the functions.

(42) Where a member of the Standing Committee on Administration and Procedure makes a claim of parliamentary privilege in relation to the exercise of a power or function by the Commissioner, the Member must recuse themselves from any consideration by the committee of the matter."

Continuing resolution 5

Code of conduct for all members of the Legislative Assembly for the Australian Capital Territory

5

This resolution provides for a code of conduct for Members of the Legislative Assembly.

Resolution agreed by the Assembly

25 August 2005 (amended 16 August 2006, 24 October 2013, 3 August 2017, 30 July 2019, 30 March 2021, 31 August 2023, 6 February 2024 and 14 May 2024)

(A) The Members of the Legislative Assembly for the Australian Capital Territory acknowledge that, in a parliamentary democracy they cannot command, but must constantly strive to earn and maintain, the respect and support of those who have elected them to their positions of honour and privilege as Members.

(B) In committing to this Code of Conduct, Members undertake, to the community and to one another, that they shall not act in a manner inconsistent with their duties and obligations as Members and that the following principles shall guide their conduct as Members in all matters:

(1) Members should at all times act with integrity, honesty and diligence.

(2) Members should act only in the interests of, and with respect for, the people of the Australian Capital Territory and in conformity with all laws applicable in the Territory.

(3) Members should uphold the separation of powers and the rule of law

(4) Members should always act in the public interest, make decisions and choices on merit, and not seek to gain financial or other benefit for themselves, their family or friends.

(5) Members should be reasonably accessible to the people of the electorate they have been elected to serve, and should represent their interests conscientiously.

(6) Members should be transparent in, and accountable for, their decisions and actions and should submit themselves to appropriate scrutiny.

(7) Members should make only proper use of those public resources to which they have access and should do so in a manner designed to make effective and efficient use of those resources.

(8) Members should respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as required by law.

(9) Members should treat each other with courtesy and propriety, observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.

(10) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.

(C) Consistent with the above principles, Members further undertake that they should:

(1) Treat all people with courtesy, and respect the diversity of their backgrounds, experiences and views. In particular, Members should by their words and actions demonstrate, and by their example and leadership encourage and foster others to show, respect for the peaceful, temperate and lawful exercise by all members of the community of their shared and individual rights and entitlements, including freedom of religion, freedom of association and freedom of speech.

(2) Actively seek to avoid or prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise, and:

(a) comply with section 15 of the *Australian Capital Territory (Self-Government) Act 1988* (Cth);

(b) declare their private interests and those of their immediate family and ensure that their declaration is kept up to date, as required by Continuing Resolution 6 (as amended or replaced from time to time); and

(c) disclose at a time and in a manner appropriate to the circumstances any financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) and any friendship, relationship or other circumstance which a reasonable observer, informed of that matter, might perceive as giving rise to a conflict of interest with the performance of the Member's duty as a Member.

(3) Ensure that outside occupational or other pursuits do not unreasonably impact on their duties as a Member.

(4) Not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person, and not accept any inappropriate benefit in connection with their activity as a Member.

(5) Take care to consider the rights and reputations of others before making use of their unique protection of parliamentary privilege consistent with the resolution of the Assembly 'Exercise of freedom of speech' agreed to on 4 May 1995 (as amended or replaced from time to time).

(6) Not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information unless required by law, or improperly for the private benefit of themselves or another person.

(7) In their capacity as an employer on behalf of the Territory under the *Legislative Assembly (Members' Staff) Act 1989*:

(a) seek to promote, and by their conduct reflect, an Assembly workplace that is collegiate, inclusive and diverse and in which health and safety risks are eliminated or minimised;

(b) familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology);

(c) not employ a family member as defined in that Act;

(d) take all reasonable steps to ensure that, as far as practicable, their personal staff are mindful of the Member's commitment to this Code of Conduct and, in the course of their duties, take no action for or on behalf of the Member or the Member's Office which, if taken by the Member personally, would be contrary to this Code of Conduct; and *(amended 6 February 2024 and 14 May 2024)*

(e) not seek to require or encourage their personal staff to engage in any conduct that may amount to a breach of any code of conduct applicable to those staff from time to time.

(8) In all their dealings with staff of the Assembly, staff of other Members and members of the ACT Public Sector:

(a) extend professional courtesy and respect;

(b) act consistently with accepted workplace conduct standards; and

(c) recognise the unique position of impartiality and the obligations of public sector officials, including members of the ACT Public Service .

(9) Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexatious or only for political advantage.

(10) Cooperate fully with any official inquiry that may be commenced in connection with their compliance with this Code of Conduct, or that of another Member.

(D) Through this Code of Conduct, Members express that they have zero tolerance for bullying, sexual and other harassment, sexual assault and discrimination [1] and pledge that they will not themselves engage in such conduct. Consistently with this, Members undertake that, in the course of their duties and activities as a Member, they will:

(1) offer and provide support to a person who indicate they were making (or may wish to make) a complaint alleging bullying, sexual and other harassment, sexual assault or discrimination;

(2) seek to be sensitive to the needs and feelings of any such complainant and to recognise their possible need for trauma-informed care;

(3) as appropriate, seek expert advice and assistance as to the manner in which the Member should act in such circumstances;

(4) recognise and respect that it is the right of a complainant as to whether and how they seek and pursue official investigation of their complaint;

(5) respect the confidentiality of personal information concerning a complainant;

(6) not imply, threaten or take detrimental action against a person because they are, or have indicated that they may become a complainant;

(7) not offer any improper inducement to a person to not make, or to withdraw, such a complaint;

(8) seek to preserve any evidence that may be relevant to the investigation of such a complaint;

(9) fully cooperate with any official inquiry in connection with a complaint; and

(10) take appropriate action if they observe another person engaging in bullying, sexual and other harassment, sexual assault or discrimination.

(E) Within the first six months after an election for the Assembly, the Assembly shall reaffirm its commitment to the principles, obligations and aspirations of this Code of Conduct.

(F) Where a Member who had not voted on the most recent reaffirmation required under clause (21) is elected to the Assembly, that Member shall, before they make an inaugural speech or otherwise participates in parliamentary processes, affirm that they will abide by this Code of Conduct.

(G) At the end of each Assembly the Code of Conduct shall be reviewed by a suitably qualified person, appointed by the Speaker, in consultation with the Standing Committee on Administration and Procedure.

1—In this Code "discrimination" means differential treatment of a person based on personal attributes such as gender; family responsibilities, parental status (having or not having children); marital status or relationship status; pregnancy; breastfeeding; sexual orientation; gender identity; religious belief; affiliation or activity; industrial activity; disability (including temporary disability); race; age; association with someone who has one of these attributes; or other attributes unrelated to the person's education, qualifications. experience, capacity or performance.

Continuing resolution 5AA

Commissioner for Standards

5AA

This resolution provides for the appointment of a Legislative Assembly Commissioner for Standards.

Resolution agreed by the Assembly

31 October 2013 (amended 3 August 2017, 22 August 2019, 10 February 2022 and 31 August 2023)

Commissioner for standards

That this Assembly requests the Speaker to appoint a Legislative Assembly Commissioner for Standards on the following terms:

(1) The Speaker must, after each Assembly is elected or whenever the office becomes vacant, appoint a Commissioner for the life of that Assembly and the period of six months after each election. The appointment is for the term of the Assembly and the period of six months after the election at the conclusion of that term. The Speaker may decide not to seek expressions of interest if only one term has been served by the Commissioner.

(2) Before appointing a Commissioner, the Speaker must consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.

(3) The Commissioner may be dismissed only following a resolution of the Legislative Assembly resolving to require the Speaker to end the Commissioner's appointment—

(a) for misbehaviour; or

(b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the Commissioner's functions.

However, a motion for such a resolution may only be debated after the Standing Committee on Administration and Procedure ('the Committee') has reported to the Assembly that it is satisfied that the Commissioner is unfit for the office or unable to fulfil the Commissioner's functions.

(4) The functions of the Commissioner are to:

(a) investigate complaints about Members lodged via the Clerk to the Commissioner;

(b) report to the Standing Committee on Administration and Procedure; and

(4A) The Committee will inquire into and report on any report provided to it by the Commissioner pursuant to subparagraph 4(b) of this resolution.

(5) Anyone may make a complaint to the Commissioner via the Clerk of the Legislative Assembly about a Member's compliance with the Members' Code of Conduct or the rules relating to the registration or declaration of interests. The Integrity Commissioner established pursuant to the *Integrity Commission Act 2018* may also refer matters to the Commissioner for Standards for consideration via the Clerk of the Legislative Assembly about matters the Integrity Commissioner considers should be referred. *(Amended 22 August 2019)*

(6) If the Commissioner receives a complaint about a Member pursuant to paragraph (5) and the Commissioner believes on reasonable grounds that—

(a) there is sufficient evidence as to justify investigating the matter; and

(b) the complaint is not frivolous, vexatious or only for political advantage;

the Commissioner may investigate the matter and report to the Committee. If the Commissioner considers that the complaint is more properly the purview of the Integrity Commissioner, the Commissioner shall refer the matter to the Integrity Commissioner.

(7) In exercising the functions of Commissioner the following must be observed:

(a) The Commissioner must not make a report to the Committee if the Member about whom the complaint was made has agreed that they have failed to register or declare an interest if —

(i) in the Commissioner's opinion the interest involved is minor or the failure was inadvertent; and

(ii) the Member concerned has taken such action to rectify the failure as the Commissioner may have required within any procedure approved by the Committee for this purpose.

(b) The Commissioner must not make a report to the Committee unless the Commissioner has—

(i) given a copy of the proposed report to the Member who is the subject of the complaint under investigation;

(ii) the Member has had a reasonable time to provide comments on the proposed report; and

(iii) the Commissioner has considered any comments provided by the Member.

(c) If the Commissioner receives a complaint and the Commissioner believes on reasonable grounds that there is insufficient evidence to justify an investigation or that the complaint is frivolous, vexatious or only for political advantage, the Commissioner will inform the complainant that the matter will not be further investigated. The Commissioner will also inform (without revealing the complainant's identity or the nature of the complaint) both the committee and the Member the subject of the complaint that a complaint has been received but not further investigated. *(Inserted 10 February 2022)*

(d) The Commissioner must report by 31 August each year to the Speaker on the exercise of the functions of the Commissioner.

Continuing resolution 5A

Consideration of statutory appointments

5A

This resolution provides guidelines in relation to the consideration of statutory appointments by relevant Legislative Assembly committees.

Resolution agreed by the Assembly

23 August 2012

That—

(1) recognising that the Executive has a role in making appointments to statutory positions, and that the Legislature has a role in being consulted and, in one case, having a veto over an appointment, both individual members of the Executive and the relevant committee of the Legislative Assembly shall ensure that details of proposed appointments remain confidential until the appointment is made;

(2) to promote accountability and transparency, the relevant standing committees that consider statutory appointments shall, on a six monthly basis (that is, for the periods 1 January to 30 June and from 1 July to 31 December), make a statement to the Assembly in accordance with standing order 246A and present a schedule listing appointments considered during the relevant period; and

(3) the list shall include the statutory appointment considered, the date the request for consultation was received and the date the committee's feedback was provided.

Continuing resolution 6

Declaration of private interests of Members

6

This resolution provides that Members shall, within 28 days of taking their seats, declare their private interests. The resolution also sets out how those interests may be accessed.

Resolution agreed by the Assembly

7 April 1992 (amended 27 August 1998, 17 March 2005, 6 March 2008, 10 December 2009, 30 November 2017; 30 March 2021 and 31 August 2023)

That—

(1) within 28 days of the making and subscribing of an oath or affirmation as a Member of the Legislative Assembly for the Australian Capital Territory each Member of the Legislative Assembly shall provide to the Clerk of the Legislative Assembly a declaration of the private interests of themselves and their immediate family in the form as presented to the Assembly by the Speaker from time to time and shall notify any alteration of those interests to the Clerk within 28 days of that alteration occurring;

(2) under the general direction of the Speaker, the Clerk shall store the declarations of private interests made by each Member and arrange for the declarations and updates for that Assembly to be placed on the Legislative Assembly website on the internet. When a Member vacates their seat or is not re-elected at the next general election for the Assembly, the Clerk shall retain those declarations for seven years, after which the Clerk shall destroy all declarations made by that Member in their custody and remove those declarations from the Legislative Assembly website on the internet;

(3) any declaration stored by the Clerk be made available for perusal to any person on request; and

(4) this resolution has effect from the commencement of the Second Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Continuing resolution 6A

Ethics and Integrity Adviser

6A

This resolution allows the Speaker to appoint an Ethics and Integrity Adviser.

Resolution agreed by the Assembly

10 April 2008 (amended 21 August 2008, 31 August 2023 and 6 June 2024)

That this Assembly requests the Speaker to appoint an Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory with the following functions:

Provision of advice

(1) Advise Members of the Legislative Assembly, when asked to do so by that Member, on ethical issues concerning the exercise of their role as a Member (including the use of entitlements and potential conflicts of interest).

(2) Giving advice that is consistent with any code of conduct or other guidelines adopted by the Assembly, but does not include the provision of any legal advice.

Records

(1) The Ethics and Integrity Adviser shall be required to keep records of advice given and the factual information upon which it is based.

(2) The Ethics and Integrity Adviser shall be under a duty to maintain the confidentiality of information provided to them in exercising the function and any advice given, but may make public any advice if the person who requested the advice gives permission for it to be made public.

(3) The Assembly shall only call for the production of records of the Ethics and Integrity Adviser if the person to which the records relate has sought to rely on the advice given in relation to paragraph (1) or given permission for the records to be produced to the Assembly.

(4) The Ethics and Integrity Adviser is to meet at least annually with the Standing Committee on Administration and Procedure for a discussion on matters raised and possible proposals to address them.

(5) The Ethics and Integrity Adviser shall report to the Assembly on an annual basis detailing the number of ethical matters raised with them and the number of Members who sought advice on any issues concerning Members' entitlements that have given rise to requests for ethics advice and suggest proposals to address these issues.

(6) The Speaker shall, after each Assembly is elected or whenever the office becomes vacant, appoint an Ethics and Integrity Adviser for the life of that Assembly and the period of six months after each election. *(Amended 6 June 2024)*

(7) Before appointing an Adviser, the Speaker shall consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.

(8) The Ethics and Integrity Adviser may resign in writing to the Speaker, or may be removed from office for proved misbehaviour or mental incapacity on a resolution agreed to by the Assembly.

This resolution has effect from the date of its agreement by the Legislative Assembly and continues in force unless amended or repealed by this or a subsequent Assembly.

Continuing resolution 7

Freedom of speech

7

This resolution provides a guide to Members in exercising their freedom of speech in the Assembly.

Resolution agreed by the Assembly

4 May 1995

Exercise of freedom of speech

(1) That the Legislative Assembly considers that, in speaking in the Assembly or in a committee, Members should take the following matters into account:

(a) the need to exercise their valuable right of freedom of speech in a responsible manner;

(b) the damage that may be done by allegations made in the Assembly to those who are the subject of such allegations and to the standing of the Assembly;

(c) the limited opportunities for persons other than Members of the Assembly to respond to allegations made in the Assembly;

(d) the need for Members, while fearlessly performing their duties, to have regard to the rights of others; and

(e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.

(2) That the Speaker, whenever the Speaker considers that it is desirable to do so, may draw the attention of the Assembly to the spirit and the letter of this resolution.

(3) That this resolution has effect from the commencement of the Third Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Continuing resolution 8

Implementation of Committee recommendations in annual reports

8

This resolution calls on the Chief Minister to include information in annual reports relating to responses to recommendations of Assembly committees.

Resolution agreed by the Assembly

10 April 2002 (amended 6 March 2008)

That—

(1) this Assembly calls upon the Chief Minister to include in any relevant instrument relating to the information to be included in annual reports made pursuant to the provisions of the *Annual Reports (Government Agencies) Act 2004* directions to include a schedule outlining action that has been achieved and is in progress on the implementation of recommendations of Assembly standing and select committees that have been accepted by the Government of the day in any response to those committee reports;

(2) this provision commence in relation to the current Government's responses to committee reports of the Fourth Assembly, and, after initial publication, the schedules included in subsequent annual reports only need include information required on achievements in the relevant period and action that remains outstanding; and

(3) this resolution has effect from the commencement of the Fifth Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly or the relevant provisions of the legislation are amended by an Assembly.

Continuing resolution 8AA

Independence of the Assembly from religious faith

8AA

This resolution states that the Assembly shall not endorse or be affiliated with any ceremony that involves adherence or affiliation with any religious faith.

Resolution agreed by the Assembly

14 February 2013

That this Assembly:

(1) has an obligation to represent the interests, views and values of all citizens of the Australian Capital Territory;

(2) is an institution separate from adherence or affiliation to any religious faith;

(3) recognises the right of Members to profess their own personal religious faith or philosophical perspective and to organise activities which reflect or honour their religious belief or philosophical perspective separate from the institution of the legislature; and

(4) shall not in any way endorse or be affiliated with any ceremony that involves adherence or affiliation with any religious faith.

This resolution has effect from the date of its agreement by the Legislative Assembly and continues in force unless amended or repealed by this or a subsequent Assembly.

Continuing resolution 8A

Latimer House Principles

8A Endorsement of the Commonwealth (Latimer) House Principles on the Three Branches of Government

Resolution agreed by the Assembly

11 December 2008 (amended 23 February 2012 and 30 March 2021)

That:

(1) Preamble

Members of the Legislative Assembly endorse and adopt the Commonwealth (Latimer) House Principles on the Three Branches of Government as agreed by Law Ministers and endorsed by the Commonwealth Heads of Government Meeting, Abuja, Nigeria, 2003.

Members do so in acknowledgment that the principles express the fundamental values they believe should govern the relationship between the three branches of government in the Australian Capital Territory.

The Principles

(2) Objective

The objective of these Principles is to provide, in accordance with the laws and customs of each Commonwealth country, an effective framework for the implementation by governments, parliaments and judiciaries of the Commonwealth's fundamental values.

(a) The Three Branches of Government

Each Commonwealth country's parliaments, executives and judiciaries are the guarantors 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 honesty, probity and accountability.

(b) Parliament and the Judiciary

(i) Relations between parliament and the judiciary should be governed by respect for parliament's primary responsibility for law making on the one hand and for the judiciary's responsibility for the interpretation and application of the law on the other hand.

(ii) Judiciaries and parliaments should fulfil their respective but critical roles in the promotion of the rule of law in a complementary and constructive manner.

(c) Independence of Parliamentarians

(i) Parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from unlawful interference.

(ii) Criminal and defamation laws should not be used to restrict legitimate criticism of parliament; the offence of contempt of parliament should be narrowly drawn and reporting of the proceedings of parliament should not be unduly restricted by narrow application of the defence of qualified privilege.

(d) Independence of the Judiciary

An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice. The function of the judiciary is to interpret and apply national constitutions and legislation, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country.

To secure these aims:

(i) Judicial appointments should be made on the basis of clearly defined criteria and by a publicly declared process. The process should ensure:

(A) equality of opportunity for all who are eligible for judicial office;

(B) appointment on merit; and

(C) that appropriate consideration is given to the need for the progressive attainment of gender equity and the removal of other historic factors of discrimination.

(ii) Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place.

(iii) Adequate resources should be provided for the judicial system to operate effectively without any undue constraints which may hamper the independence sought.

(iv) Interaction, if any, between the executive and the judiciary should not compromise judicial independence. Judges should be subject to suspension or removal only for reasons of incapacity or misbehaviour that clearly renders them unfit to discharge their duties. Court proceedings should, unless the law or overriding public interest otherwise dictates, be open to the public. Superior Court decisions should be published and accessible to the public and be given in a timely manner. An independent, effective and competent legal profession is fundamental to the upholding of the rule of law and the independence of the judiciary.

(e) Public Office Holders

(i) Merit and proven integrity, should be the criteria of eligibility for appointment to public office.

(ii) Subject to (i), measures may be taken, where possible and appropriate, to ensure that the holders of all public offices generally reflect the composition of the community in terms of gender, ethnicity, social and religious groups and regional balance.

(f) Ethical Governance

Ministers, members of parliament, judicial officers and public office holders in each jurisdiction should respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issue of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence.

(g) Accountability Mechanisms

(i) Executive Accountability to Parliament

Parliaments and governments should maintain high standards of accountability, transparency and responsibility in the conduct of all public business. Parliamentary procedures should provide adequate mechanisms to enforce the accountability of the executive to parliament.

(ii) Judicial Accountability

Judges are accountable to the Constitution and to the law which they must apply honestly, independently and with integrity. The principles of judicial

accountability and independence underpin public confidence in the judicial system and the importance of the judiciary as one of the three pillars upon which a responsible government relies. In addition to providing proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered. Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness. The criminal law and contempt proceedings should not be used to restrict legitimate criticism of the performance of judicial functions.

(iii) Judicial review

Best democratic principles require that the actions of governments are open to scrutiny by the courts, to ensure that decisions taken comply with the Constitution, with relevant statutes and other law, including the law relating to the principles of natural justice.

(h) The law-making process

In order to enhance the effectiveness of law making as an essential element of the good governance agenda:

(i) there should be adequate parliamentary examination of proposed legislation;

(ii) where appropriate, opportunity should be given for public input into the legislative process; and

(iii) parliaments should, where relevant, be given the opportunity to consider international instruments or regional conventions agreed to by governments.

(i) Oversight of Government

The promotion of zero-tolerance for corruption is vital to good governance. A transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process. Steps which may be taken to encourage public sector accountability include:

(i) The establishment of scrutiny bodies and mechanisms to oversee government, enhances public confidence in the integrity and acceptability of government's activities. Independent bodies such as public accounts committees, ombudsmen, human rights commissions, auditors-general, anti-corruption commissions, information commissioners and similar oversight institutions can play a key role in enhancing public awareness of good governance and rule of

law issues. Governments are encouraged to establish or enhance appropriate oversight bodies in accordance with national circumstances.

(ii) Government's transparency and accountability is promoted by an independent and vibrant media which is responsible, objective and impartial and which is protected by law in its freedom to report and comment upon public affairs.

(j) Civil Society

Parliaments and governments should recognise the role that civil society plays in the implementation of the Commonwealth's fundamental values and should strive for a constructive relationship with civil society to ensure that there is broader opportunity for lawful participation in the democratic process.

(2A) In the second year after a general election for each alternate Assembly, following consultation with the Standing Committee on Administration and Procedure, the Speaker shall appoint a suitably qualified person to conduct an assessment of the implementation of the Latimer House Principles in the governance of the ACT with the resultant report:

(a) to be tabled in the Legislative Assembly by the Speaker; and

(b) to be referred to the Standing Committee on Administration and Procedure for inquiry and report.

(2B) For paragraph (2A), the Assembly in which the Speaker shall next appoint a suitably qualified person is the 11th Assembly.

(3) This resolution has effect from the commencement of the Seventh Assembly and continues in force unless and until amended or repealed by this or subsequent Assembly.

Continuing resolution 8AB

Lobbyist Register—

ACT Lobbying Code of Conduct

8AB

Resolution agreed by the Assembly

5 August 2014

(1) Preamble:

(a) Free and open access to the institutions of government is a vital element of our democracy.

(b) Ethical lobbying is a legitimate activity and an important part of the democratic process.

(c) Lobbyists can enhance the strength of our democracy by assisting individuals and organisations with advice on public policy processes and facilitating contact with public officials.

(d) In performing this role, there is a public expectation that lobbyists will be individuals of strong moral calibre who operate according to the highest standards of professional conduct.

(e) This Code of Conduct is designed to ensure that contact between lobbyists and public officials is conducted in accordance with public expectations of transparency, integrity and honesty.

(2) When making initial contact with public officials with the intention of conducting lobbying activities, a lobbyist who is proposing to conduct lobbying activities must inform the public official:

(a) that they are a lobbyist or a person engaged by a lobbyist to conduct lobbying activities;

(b) whether or not they are currently listed on the ACT Register of Lobbyists;

(c) the name of the person(s) on whose behalf they seek to conduct those lobbying activities; and

(d) the nature of the matters that they wish to raise in those lobbying activities.

(3) When engaging with a public official, a lobbyist must observe the following principles:

(a) a lobbyist shall conduct their business to the highest professional and ethical standards, and in accordance with all relevant requirements with respect to lobbying activities;

(b) a lobbyist shall act with honesty, integrity and good faith and avoid conduct or practices likely to bring discredit upon themselves, public officials or those whose interests they represent;

(c) a lobbyist shall not engage in any conduct that is corrupt, dishonest or illegal, or unlawfully cause or threaten any detriment;

(d) a lobbyist shall use all reasonable endeavours to satisfy themselves of the truth and accuracy of all statements and information provided by them to clients whom they represent, to the wider public, or to public officials;

(e) a lobbyist who becomes aware that information they have previously provided to a public official was or is now inaccurate shall provide accurate and updated information to that public official if they believe that the official may be relying on the accuracy of the information previously provided;

(f) a lobbyist shall not make misleading, exaggerated or extravagant claims about, or otherwise misrepresent, the nature and extent of their access to public officials, members of political parties or any other person;

(g) a lobbyist shall keep strictly separate from their duties and activities as lobbyists any personal activity or involvement as a Member of or on behalf of a political party;

(h) a lobbyist shall not disclose confidential information of another party unless they have obtained the informed consent of that party, or they are required to do so by law;

(i) a lobbyist shall not represent conflicting or competing interests without having obtained the informed consent of the parties whose interests are involved;

(j) a lobbyist shall take all reasonable steps to ensure that their details as recorded on the ACT Register of Lobbyists are and remain correct from time to time;

(k) a lobbyist who was previously a Member of the ACT Legislative Assembly shall not, within 18 months of ceasing to hold that office, engage in lobbying activities relating to any matter that they had official dealings with in their last 18 months in office;

(l) a lobbyist who was previously employed under the *Legislative Assembly (Members' Staff) Act 1989* shall not, within 12 months of ceasing to be so employed, engage in lobbying activities relating to any matter that they had official dealings with in their last 12 months in such employment;

(m) a lobbyist who was previously employed under the *Public Sector Management Act 1994* as a Head of Service, Director-General or Executive shall not, within 12 months of ceasing to be so employed, engage in lobbying activities relating to any matter that they had official dealings with in their last 12 months in such employment;

(n) a lobbyist who is appointed to a Government board, committee or other entity must not represent the interests of a third party to a public official in relation to any matter that relates to the functions of entity and must, where they have made such representations prior to that appointment, ensure that they comply with all honesty, integrity and conflict of interest provisions and procedures applicable to appointees to that entity;

(o) a lobbyist who:

(i) is sentenced to a term of imprisonment of 30 months or more;

(ii) is convicted of an offence, one element of which involves dishonesty, such as theft or fraud; or

(iii) becomes or commences to act as a member of a federal, state or territory political party executive or administrative committee, or similar;

shall thereupon cease to engage in lobbying activities and shall so advise the Clerk of the ACT Legislative Assembly; and

(p) a lobbyist shall ensure that any owner, partner, shareholder or other individual involved in the management of the business of the lobbyist does not occupy or act as a member of a federal, state or territory political party executive or administrative committee, or similar.

Continuing resolution 8AC

Lobbyist Register—

ACT Lobbyist Regulation Guidelines

8AC

Resolution agreed by the Assembly

25 September 2014 (amended 21 March 2019 and 31 August 2023)

Persons/Entities required to be registered

(1) A "lobbyist" is defined as:

Any person, company or organisation who conducts lobbying activities on behalf of a third party, or whose employees or other personnel conduct lobbying activities on behalf of a third party, where such lobbying activities are ordinarily carried out in the expectation of receiving direct or indirect financial reward or other valuable consideration whether or not the amount thereof is ascertainable at the time such activities are conducted.

(2) In relation to part (1), "lobbying activities" are defined as:

Any oral or written (including electronic) communication with a public official to influence legislation or policy, regulatory or administrative decisions of the public official or another public official other than a communication:

(a) with a committee of the Assembly;

(b) with a Minister in their capacity as a local Member and in relation to matters falling outside their ministerial responsibilities;

(c) in response to a coercive requirement by a public official for information;

(d) in response to a request by a public official for information or the submission of view;

(e) in response to a request for tender, expression of interest, etc;

(f) protected by a government-endorsed whistle-blower regime;

(g) that is only an approach to a public official for publicly available information without any attempt to influence;

(h) as part of a grassroots campaign;

(i) made in a public forum; or

(j) for the avoidance of doubt:

(i) by one government to another government; or

(ii) by one government official to another government official in the course of the official duties of the former.

(3) A "public official" means:

(a) a Member of the Legislative Assembly;

(b) any person employed by such a person under the *Legislative Assembly (Members' Staff) Act 1989*; and

(c) any person employed under the *Public Sector Management Act 1994*.

Persons/Entities ineligible to be registered

The following persons are ineligible to be registered as a lobbyist or authorised person:

(1) a person who has ever been sentenced to a term of imprisonment of 30 months or more;

(2) a person who has been convicted, as an adult, in the last 10 years, of an offence, one element of which involves dishonesty, such as theft or fraud;

(3) a person who is, or acts as, a member of a federal, state or territory political party executive or administrative committee, or similar;

(4) a person whose name has been previously removed from the Register because of a contravention of the ACT Lobbying Code of Conduct; and

(5) a person who, in the opinion of the Clerk, has not acted, or cannot be relied upon to act, in a manner consistent with general standards of ethical behaviour.

Persons/Entities not required to be registered

The following categories of persons/entities are not required to be registered before conducting defined lobbying activities even though they might otherwise fall within the definition of lobbyist:

(1) religious bodies;

(2) charities;

(3) not-for-profit organisations that represent the interests of their members, such as trade unions, trade and industry associations, etc;

(4) members of foreign trade delegations;

(5) persons/bodies registered under government laws where dealings with government are part of the normal day-to-day work of people in their profession, for example, architects, customs brokers, etc;

(6) members of professions who make occasional representations to government on behalf of others in a way that is incidental to the provision of their professional services, for example, doctors, accountants, lawyers; and

(7) persons who conduct lobbying activities only for relatives or friends provided that such are only in respect of the personal rather than business or commercial affairs of such persons.

Prohibition on contact with unregistered Lobbyists

Members/Ministers agree, and their personal staff and all ACT public service officers shall be directed, not to knowingly or intentionally entertain any non-exempted communication from:

- a lobbyist not registered on the ACT Register of Lobbyists;
- an employee, contractor or other person authorised to carry out lobbying activities on behalf of a registered lobbyist where that person's name does not appear on the Register in the details recorded for that registered lobbyist; or
- any registered lobbyist or employee, contractor or other person authorised to carry out lobbying activities on behalf of that registered lobbyist who in their opinion has failed to comply with the Lobbying Code of Conduct;

and shall immediately advise the Registrar if they became aware or reasonably suspected that a registered lobbyist or authorised person had contravened the ACT Lobbying Code of Conduct.

Public content of the ACT Register of Lobbyists

The public section of the Register is to contain the following detail for each registrant:

(1) For a natural person:

(a) full name;

(b) trading name, if applicable;

(c) business address;

(d) contact details;

(e) ABN, if applicable;

(f) full name and address of any other person authorised to conduct lobbying activity on behalf of the registrant;

(g) for the registrant and any other named person, place of and title in previous public sector employment and date of separation; and

(h) name and address of each client on whose behalf lobbying activity is or may be conducted.

(2) For a partnership:

(a) full name of each partner;

(b) trading name of partnership, if applicable;

(c) business address of partnership;

(d) name and contact details for partner principally responsible for registration;

(e) ABN of partnership, if applicable;

(f) full name of any person authorised to conduct lobbying activity on behalf of the partnership;

(g) for each partner and any other named person, place of and title in previous public sector employment and date of separation; and

(h) name and address of each client on whose behalf lobbying activity is, or may be, conducted.

(3) For a company:

(a) registered company name;

(b) trading name of company, if applicable;

(c) business address of company;

(d) name and address of each director of the company;

(e) name and address of any entity or other person holding 10% or more of the issued capital of the company;

(f) name and contact details for company officer principally responsible for registration;

(g) ACN/ABN of company;

(h) full name of any person authorised to conduct lobbying activity on behalf of the company;

(i) for each director and any other named person, place of and title in previous public sector employment and date of separation; and

(j) name and address of each client on whose behalf lobbying activity is, or may be, conducted.

Registration Forms

In addition to providing the information required to be shown on the public ACT Register of Lobbyists, applications for registration must declare on the Registration Form that they:

(1) has never been sentenced to a term of imprisonment of 30 months or more;

(2) has not been convicted, as an adult, in the last 10 years, of an offence, one element of which involves dishonesty, such as theft or fraud;

(3) is not and does not act as a member of a federal, state or territory political party executive or administrative committee, or similar; and

(4) gives an undertaking to comply with the ACT Lobbying Code of Conduct, separately signed by each person whose name will appear on the Register.

Changes to registered details

(1) A registered lobbyist is required to advise the Clerk of any change to any detail appearing on the public register within 10 days of that change occurring.

(2) A registered lobbyist is additionally required to advise the Clerk within 10 days of becoming aware that any person named on the Register has:

(a) been sentenced to a term of imprisonment of 30 months or more;

(b) been convicted of an offence, one element of which involves dishonesty, such as theft or fraud; or

(c) become or is acting as a member of a federal, state or territory political party executive or administrative committee, or similar.

Maintaining accuracy of the Register

In addition to providing notification of changes in registered details, a registered lobbyist is required to provide the Clerk with a six monthly return, within 15 working days of 30 June and 31 December in each year, which return is required to:

(1) confirm that their registered details are accurate; and

(2) update the listing of each person or entity on whose behalf lobbying has been conducted in the preceding 12 months, whether or not for reward.

Registration decisions

(1) The Clerk is precluded from placing on the Register a lobbyist or authorised person who has not provided all required documents.

(2) The Clerk is also:

(a) empowered to deny registration where they believe that registration documents provided are false or misleading;

(b) empowered to remove from the Register any currently registered lobbyist or authorised person who the Clerk considers has since become ineligible for registration;

(c) empowered to remove from the Register any lobbyist or authorised person who the Clerk considers has acted in contravention of the ACT Lobbying Code of Conduct unless satisfied that the contravention was unintentional and that adequate steps have been implemented to render any further contravention unlikely;

(d) required to remove from the Register any lobbyist or authorised person who, once registered, does not provide all required change notification or confirmation documents; and

(e) has a general discretion to refuse (or remove) registration of an otherwise eligible lobbyist or person authorised to lobby on their behalf where the registering authority considers that there are reasonable grounds to believe that that lobbyist or person has acted, or cannot be relied upon to act, in a manner consistent with general standards of ethical behaviour.

(3) Before exercising any of these listed powers, the Clerk is required to offer the lobbyist and any authorised person in question a reasonable opportunity to make a submission in relation to the proposed decision and should be required to have regard to any submission made before taking a final decision.

Access to the Register

Internet access to the Register is to be available to the public free of any charge.

Timing of entries on or changes to the Register

To avoid any unwarranted delay in the conduct of the business of a lobbyist, new entries or changes to existing entries should be available on the Register webpage on average within two (2) business days of the receipt of properly completed registration forms.

Handling of Complaints

(1) If the Clerk receives a complaint that lobbying activities have been conducted by a person required to be registered but not registered on the Register, they are to contact that person and ensure that they are aware of the registration requirements. If that person does not become registered within a reasonable period, the Clerk is to advise all Members and the Head of Service that the person in question is not registered and that Members, their staff, consultants and contractors and persons employed under the *Public Sector Management Act 1994* are not permitted to knowingly entertain lobbying activities from that person.

(2) If the Clerk receives a complaint that a person registered on the Register has breached the ACT Lobbying Code of Conduct, the Clerk is to consider whether or not that person should be removed from the Register. Before taking any such action the Clerk is required to offer the lobbyist or authorised person in question a reasonable opportunity to make a submission in relation to the proposed decision.

(3) If the Clerk receives a complaint that a Member has entertained lobbying activities by a person required to be but not registered on the Register, the Clerk should refer that matter to the Member in question for their consideration, and copy that referral to the Speaker.

(4) If the Clerk receives a complaint that a staff member of or contractor or consultant to a Member has entertained lobbying activities by a person required to be but not registered on the Register, the Clerk should refer that matter to the Member in question for their consideration of any necessary further direction to or other action in respect of that staff member or contractor or consultant, and copy that referral to the Speaker.

(5) If the Clerk receives a complaint that a person employed under the *Public Sector Management Act 1994* has entertained lobbying activities by a person required to be but not registered on the Register, the Clerk should refer that matter to the Head of Service for their consideration of any necessary further direction to or other action in respect of that person, and copy that referral to the Chief Minister.

This resolution has effect from 1 January 2015 and continues in force unless amended or repealed by this or a subsequent Assembly.

Continuing resolution 8B

Public interest immunity

8B

This resolution provides guidance to Ministers and public officials as to the process for raising public interest immunity claims during committee proceedings

Resolution agreed by the Assembly

30 June 2011 (amended 31 August 2023)

In order to provide Ministers and public officials with guidance as to the proper process for raising public interest immunity claims in the course of a proceeding of a committee, this Assembly adopts the following procedure:

(1) If:

(a) an Assembly committee requests information from a directorate, agency or Territory-owned corporation; and

(b) an officer of the directorate, agency or Territory-owned corporation to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer will be given reasonable opportunity to refer the request to a superior officer or to a Minister, in accordance with standing order 264A (l).

(2) If a Minister, on a reference by an officer under paragraph (1), concludes that it would not be in the public interest to disclose the information or document to the committee, the Minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.

(3) A Minister, in a statement under paragraph (2), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as confidential evidence.

(4) If, after considering a statement by a Minister provided under paragraph (2), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Assembly.

(5) A decision by a committee not to report a matter to the Assembly under paragraph (4) does not prevent a Member from raising the matter in the Assembly in accordance with other procedures of the Assembly.

(6) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraphs (2) or (3).

(7) If a Minister concludes that a statement under paragraph (2) should more appropriately be made by the head of an agency or Territory-owned corporation, by reason of the independence of that agency or Territory-owned corporation from ministerial direction or control, the Minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraphs (2) and (3).

(8) This resolution has effect from the date of its passage in the Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Continuing resolution 9

Senator for the Australian Capital Territory—
Procedures for election

9

This resolution provides for the election of a senator for the Australian Capital Territory when there is a vacancy in that office.

Resolution agreed by the Assembly

18 February 2003 (amended 31 August 2023)

That—

(1) in accordance with the provisions of section 44 of the *Commonwealth Electoral Act 1918*, should the Chief Minister advise the Assembly of the receipt of a notification from the President of the Senate that the place of a senator for the Australian Capital Territory has become vacant before the expiration of their term of service, the Chief Minister shall present to the Assembly the notification from the President of the Senate or a copy of the notification and, notwithstanding the provisions of standing order 123, shall, unless the Assembly otherwise orders, move either:

> That consideration of the choice of a person to hold the vacant place of a senator for the Australian Capital Territory shall proceed forthwith; or
>
> That consideration of the choice of a person to hold the vacant place of a senator for the Australian Capital Territory shall be set down for a future day; and

should consideration be set down for a future day, notwithstanding the provisions of standing order 77, it shall have precedence of all Executive, private Members' and Assembly business on that day;

(2) the choice of a person to hold the place of the senator shall be conducted as follows:

(a) a Member shall propose the name of a person and move that such person be chosen to hold the place of the senator whose place has become vacant until the expiration of their term;

(b) the Member proposing the name of a person must, notwithstanding the provisions of standing order 211, present a statutory declaration from the person proposed declaring that the person is eligible to be chosen as a senator and that, where relevant, they are a member of the same party as the senator whose place has become vacant as required by section 44 (3) of the *Commonwealth Electoral Act 1918* unless there is no member of that party available;

(c) the Member proposing the name of a person [the candidate] to move that:

> that [the candidate], a person who is eligible to be a senator and is of the same party of [the senator] whose place has become vacant, be chosen to fill the casual vacancy for senator for the Australian Capital Territory until the expiration of the term of the outgoing senator and the question shall be proposed forthwith;

(d) this resolution has effect from the commencement of the Fifth Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly or the relevant provisions of the legislation are amended by an Assembly.

Continuing resolution 10

Sub judice

10

This resolution provides for *sub judice* principles, based on the House of Commons resolution, and sets out guidelines on what matters would be subject to the *sub judice* convention.

Resolution agreed by the Assembly

6 March 2008

Subject to the discretion of the Chair, and to the right of the Assembly to legislate on any matter or to discuss any matter, the Assembly in all its proceedings (including proceedings of committees of the Assembly) shall apply the following rules on matters *sub judice*:

(1) Cases in which proceedings are active in the courts shall not be referred to in any motion, debate or question.

(a) (i) Criminal proceedings are active when a charge has been made or a summons to appear has been issued.

(ii) Criminal proceedings cease to be active when they are concluded by verdict and sentence or discontinuance, or in cases dealt with by courts martial, after the conclusion of the mandatory post-trial review.

(b) (i) Civil proceedings are active when arrangements for the hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance.

(ii) Any application made for the purposes of any civil proceedings shall be treated as a distinct proceeding.

(c) Appellate proceedings, whether criminal or civil, are active from the time when they are commenced by application for leave to appeal or by notice of appeal until ended by judgment or discontinuance.

(d) For the purposes of this resolution matters before a Coroner's court shall be treated as matters within paragraph (1) (a):

But where a ministerial decision is in question, or in the opinion of the Speaker a case concerns issues of national importance such as the economy, public order or the essential services, reference to the issues or the case may be made in motions, debates or questions.

(2) Specific matters which the Assembly has expressly referred to any judicial body for decision and report shall not be referred to in any motion, debate or question, from the time when the resolution of the Assembly is passed until the report is laid before the Assembly.

(3) This resolution has effect unless amended or repealed by this or any subsequent Assembly.

Continuing resolution 11

Title of presiding officer

11

This resolution provides in accordance with subsection 11(2) of the *Australian Capital Territory (Self-Government) Act 1988* that the title of the Presiding Officer of the Assembly shall be “Speaker”.

Resolution agreed by the Assembly

27 March 1992

That pursuant to subsection 11(2) of the *Australian Capital Territory (Self-Government) Act 1988*, the title of the Presiding Officer of this Assembly be "Speaker" and that this resolution has effect from the commencement of the Second Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

Glossary

Term	Definition
30 days	30 calendar days
Absolute majority	Half the number of elected Members rounded up to the nearest whole number (in a 25 Member Assembly this equals 13 Members)
Answering entity	A Minister, Member, directorate, business or organisation
Electronic copy	Word version of a document
Monday of the sitting week	If Monday is a public holiday, substitute Tuesday of the sitting week
Month	Pursuant to the Legislation Act 2001, month means a period beginning at the start of any day of one of the calendar months and ending— (a) Immediately before the corresponding day of the next calendar month; or (b) If there is no such corresponding day—at the end of the next calendar month. For example, the period beginning at the start of 8 May and ending at midnight on 7 June is a month
Non-executive government Member	Is a Member who is not a Minister but who belongs to a party which includes a Member who is a Minister
Non-government Member	Is a Member who is not a minister but who does not belongs to a party which has a Member who is a Minister
Scrutiny committee	Standing Committee on Justice and Community Safety (performing in its legislative scrutiny role)
Signed electronic copy	A scanned pdf of a signed original document (may include e-signature) from the Member

Sitting day (of the Legislative Assembly)	A period that commences on a day the Assembly meets and continues until the Assembly next adjourns Note: a sitting day may continue 1 or more days
Special majority	Two thirds of the number of elected Members rounded up to the nearest whole number (in a 25 Member Assembly this equals 17 Members)
Written notice (in relation to SO 24A)	Signed hardcopy

Index to standing orders and continuing resolutions

A

Absence –

Deputy Speaker, 9

Member, 22

Speaker, 6, 9

Absolute majority, 28, 81, 272

Acknowledgement traditional custodians, 30

Acting Speaker, 6, 6A

Addresses to –

Governor-General, 268, 270

presentation, 270

reply, 271

The Sovereign, 268, 269

Adjournment –

Assembly, 9, 28, 31, 32, 33A, 34, 35, 58, 207

Automatic, 34

committees, 229, 229A

debate, 65, 171

grave disorder, in case of, 207, 229A

time for, 69(b)

See also sitting and adjournment

Administration and Procedure Committee, 16

Advisers, 238

Affirmations, 1(c), 1(d), 20

Agreement in principle, bill, 171–3

Allotment of time, 69

Amendments –

admissible, 181

agreed to, 142, 184

agreed to, in principle, 173

amendments to proposed, 145

anticipation of other business, 130

circulation, 139, 182

corrected, 147A

disallowed, 136

earlier part of question, 142

forms of, 138

inadmissible, 188

inconsistent, 141

long title, 186

money proposal, 201, 201A

moving of, 138

order of moving, 143

question when made, 146

question when not made, 147

relevancy, 140, 173, 181

same question, 188

Scrutiny Committee, 182A

signed, 139

time for, 142, 143

withdrawal of, 144

writing, in, 139, 182

Answers to questions, 118, 122

Anticipation of business on the *Notice Paper*, 59, 130

Appropriation bills, 58, 69(d), 69(e), 180, 200, 201, 201A

Assembly –

adjournment through lack of quorum, 28, 31, 32

alter day or hour of meeting, 36A

annual estimates of expenditure, 16

hour of meeting, 27

offensive words against, 54

Assembly business –

Definition, 77(h-k)

Order of, 16

Precedence, 77

Assistant Speakers, 8, 10

Attendance of Members –

Assembly **–**

ordered, 205, 257

recorded, 21

committees **–**

requested, 258

when examining witnesses, 234, 235

Australian Capital Territory (Self-Government) Act 1988, 1(a–d), 28, 81, 156, 200

Automatic adjournment of Assembly, 34

B

Ballot –

bells to be rung, 266

Chief Minister, election, 3

Deputy Speaker, election, 5

Lack of quorum, 31

Ballot – continued

Leader of the Opposition, election, 5B

manner of, 267

Speaker, election, 2

time, 265

Bells rung, 2(f), 3(f), 28, 33, 158, 266

Bills –

agreed to, 189, 190

agreed to in principle –

adjournment of, 171, 172

amendments to, 173

determined at later sitting, 172

moving of, 171

proceedings following, 174

questions on, 171, 173

time for debate, 69(d)

amendments –

agreed to, 184

agreed to in principle, 173

public money, 201, 201A

appropriation, 58(b), 180, 200

certification of, 193, 194

clauses and components, 180

Clerk, duties in relation to, 191, 193, 194

Clerk's certification, 193, 194

committee –

proceedings not to be noticed, 175

referral to, 174

co-sponsored, 69, 168

Bills – continued

detail stage –

amendments –

admissible, 181, 182, 182A

copies available for circulation, 178A, 182

inadmissible, 188

inconsistent, 188

money bills, 201, 201A

question on, 184

relevancy of, 181

Scrutiny Committee, 182A

signed, 182

title, 186

clauses, 180(a), 183, 184, 185

commencement, 178

dictionary, 180(d)

dispensed with, 178

new clause, 180(a)

new schedules, 180(b)

order of consideration, 180

postponed clauses, 180(c)

preamble, 179, 180(e)

questions on clauses, 179, 184

relevancy of debate, 183

schedules, 180(b)

title, 179, 180(f), 186

time for debate, 69(e)

entrenching laws, 194

explanatory statements, 168(c)

Bills – continued

financial, 180, 200, 201, 201A

guillotine, 192

initiation, 167, 168, 200

introduction, 167

irregular, 170

leave to bring in, 167

money, 200

money clauses, amendment, 201, 201A

motion, notice of, 167

notification on Legislation Register, 193, 194

passed, 190

preamble, 179, 180

presentation –

bill, of, 167, 168

notice, of, 168

printing, 168

reconsideration, 187

reference to committee, 174, 175

relevancy of debate, 183

report, committee, 175

schedules, 180(b)

signed, 168(c)

time limits, 69

title, 169, 179, 180(f), 186

urgent (guillotine), 192

allotment of time, 69(f), 192

Broadcasting, guidelines, continuing resolution 3

Business –

anticipation of, 59, 130

arrangement of items, of, 16, 74–8

Assembly, 16, 77

consideration of committee reports, 75, 254

conduct of –

detail stage, in, 180

general rule, 275

Executive –

order, 78

precedence, 77

general rule, 275

interruption of, 61, 68

new, 76

obstruction of, 64

order of, 16, 74, 77, 78

precedence or priority to –

Assembly, 77, 78

condolence, 126

Executive, 77

leave of absence motion, 22

notices of motion, 105

orders of the day, 149

point of order, 72

private Members', 77

want of confidence, motion, 81

private Members' order, 16

private Members', precedence, 77

routine of, 74

C

Call of Assembly, 160

Censure, 81A

Certificate, Clerk's, 83, 84, 193, 194

Chair, dissent from ruling, 69(ha), 73A

Chamber –

disorder in, 209

Members **–**

excluded from, 206

movements in, 40, 41

to remain in, 29, 33, 155

strangers excluded from, 210

Chief Justice of the Supreme Court of the ACT –

Members make oath or affirmation before, 1(c)

Chief Minister –

election of **–**

new Assembly, 1(g)

procedure, 3

time for, 69(a)

want of confidence in, 3(a), 69(c), 81, 81A, 103

Chief Minister – continued

vacancy in office, 12

Citizen's Right of Reply, 16(a)(iv), continuing resolution 4

Clerk –

calls Assembly, 160

certifies bills, 193, 194

certifies petitions, 83

chairs Assembly, 1(f)

Clerk – continued

corrections to Bills, 191

custody of records, 26

duties in relation to –

absence of Speaker, 6A

absence of Deputy Speaker, 9

election notification, 1(b)

motions, notices of, 101–3, 105, 106, 110–11, 147A

notice convening meeting, 1(b)

Notice Paper, 102, 103, 105, 110, 151

petitions, 96, 98, 100B

questions on notice, 120

resignation of Speaker, 11A

roll of Members, 20

vacancy, Office of the Speaker, 11

voting, 158, 160, 162, 164

election of Speaker, 1(f), 2

Members' roll, 20

Minutes of Proceedings, 25, 26

records votes in *Minutes of Proceedings*, 164

Clocks, order to stop, 69, 73, 118(c)

Closure (gag) –

debate of, by reply, 49

interruption of debate, 61

question, of, 70

Code of Conduct for Members, continuing resolution 5

Commissioner for Standards, 16(a)(iv), continuing resolution 5AA

Committee, Privilege, 81A, 276(e)

Committees – select and standing

adjournment, 229, 229A

appointment, 215, 217

Administration and Procedure, 16

bills, referred to, 174

Chair, 225–8, 229A, 242, 247, 248, 252–4, 254C

Committee of Chairs, 228A

Deputy Chair, 225, 226, 227, 228

Discussion paper, 246A

disorder in, 209, 229A

documents received by, 241, 244

electronic communications, 229B

evidence –

by officers, 264

disclosure, 243

of previous committees, 229D

protection of witnesses, 261

quorum for, 231

unauthorised disclosure, 242

implementation of recommendations, annual report, continuing resolution 8

meetings and sittings, 219, 219A, 229, 229A, 229C, 230

members –

appointment of, 16(b), 16(ba), 77, 220–3

discharge, 223

names recorded, 232

pecuniary interest, 224

presence of other, 234

minutes of proceedings and extracts, 237, 241, 253

petitions, referred to, 99, 99A, 99B

Committees – select and standing – continued

power to send for persons, papers etc. 239, 240

press release, 241

privileges, 81A

proceedings, premature publication of, 241, 242

quorum, 230, 231

record of proceedings, 237, 241

references to, 99, 99A, 174, 216

reports –

alternative draft, 249

circulation, non-sitting, 254C

consideration by Assembly, 254

day fixed for, 218

dissent, 251

draft –

alternative, 249

amendment, 248

consideration, 248

dissent, 251

premature publication of, 241

preparation, 247

reconsideration, 250

unable to agree, 250B

final, 250A

Government response, 77, 254A, 254B

presentation, 75, 253

publication of evidence, 241, 243

questions, 254D

reconsideration, 250

Committees – select and standing – continued

signing, 252

secretary, 219, 219A, 232, 237, 255

specialist advisers, 238

Statement **–**

Chair to make, 246A

statutory appointments, continuing resolution 5A

submissions, 241**–**4

visitors, admission of, 236

votes and voting, 228

See also individual committees by name, and witnesses

Condolences, 126, 126A

Confidence, want of, in Chief Minister, 81, 69(c)

Confidentiality of private information, 98B

Conflict of interest, 156, 224

Contempt, 277, 278

Contingent notices of motion not allowed, 108

Convening of first meeting of Assembly, 1

Crossbench Executive Members' business –

Order of, 16

precedence, 77

Custody, *Minutes of Proceedings*, records, etc., 26

D

Debate –

abuse of orders or forms of Assembly, 64

addressed to Speaker, 42

adjournment of, 65–7

answer to question without notice, not to be debated, 118(b)

anticipation, 59

call of chair, 44

closure of (gag), 49, 70

conclusion of, question put, 50, 132

disorderly words, 56

documents quoted from, 213

explanation –

personal, 46

speech, 47

Governor–General, references to, 53

Governors, references to, 53

imputations, 55

interrupted, resumption, 32, 68

interruption of, 39, 56, 61, 68

irrelevance, 58, 62

judiciary, references to, 54

matters not open to, 63

Members –

references to, 54, 55

seeking to speak, 42, 44

unable to rise, 43

misquoted or misunderstood, 47

Debate – continued

obstruction of business, 64

offensive words, 54, 56, 57

order –

Member rising may speak to, 45

point of order –

Member called, ceases speaking, 73

Member may be interrupted to raise, 61(a)

precedence to, 72

Speaker gives ruling, 73, 73A

order in, rules, 37–41

order maintained by Speaker, 37

personal explanation, 46

personal reflections, 55

petitions, 98, 98A

point of order, 45, 61(a), 72, 73, 73A

privilege matter, 276(e)

question under discussion, reading of, 60

reflections on –

Members, 55

vote of Assembly, 52

relevance, 58

repetition, tedious, 62

reply –

closes, 49

right of, 48

resumption of, 66, 68

right to speak, 45

Sovereign, references to, 53

Debate – continued

speeches, manner and right of, 42–62

subject matter, 58–60

tedious repetition, 62

time limits, 69

vote of Assembly (division), reflections on, 52

Declaration of Private Interests of Members, continuing resolution 6

Deliberative vote –

Chair of committee, 228

Speaker, 161

Deputy Clerk, 83

Deputy Chair, 225–8, 229B

Deputy Speaker –

absence of, 9

absence of Speaker, 6, 6A

Assistant Speakers, 8

duties, 6, 6A, 7

election of, 4, 5, 13, 69(a)

Deputy Speaker – continued

vacancy in office, 13

Disallowance motion, 77(j)

Disallowed motion or amendment, 136

Discharge of orders, 152

Discussion papers by committees, 246A

Disobedience to orders of Assembly, 208

Disorder –

committee, in, 209, 229A

grave –

in Assembly, 207

Disorder – continued

in Committee, 229A

Member, by, 202

other person, by, 209

Dissent –

Chair's ruling, 73A

report of committee, 251

Division *See* Votes and voting

Documents *See* Papers and documents

E

E-petitions, *see* petitions

Election of –

Chief Minister, 1(g), 3, 69(a)

Deputy Speaker, 4, 5, 69(a)

Leader of the Opposition, 5A, 5B, 69(a)

Speaker, 1(e), 2, 69(a)

Entrenching laws, 194

Ethics and Integrity Advisor, continuing resolution 6A

Evidence, premature publication of, 241

Executive business –

order, 78

precedence, 77

Explanation –

personal, 46

words of, 47

Explanatory statements, 168(c)

Extensions of time for speeches, 69(j)

F

Freedom of Speech, continuing resolution 7

Financial procedures, 200, 201, 201A

G

Gag (Closure), 67, 70

General rule for conduct of business, 275

Governor-General –

addresses to, 268, 270

addresses to Sovereign, 269

Governor-General – continued

presentation of addresses, 270

references to, 53

response to address, 271

Governors, references to, 53

Grave disorder, 207, 229A

Grossly disorderly conduct, 202, 209

H

Hansard or transcription service –

Authority to publish, continuing resolution 1

operation, 16

replies to questions printed in, 122

Hour of meeting, 27

House of Representatives practice to be observed, 275

I

'In camera' evidence, 241

Irrelevance in debate, 58, 62

J

Judiciary, reference to, 54

L

Lack of quorum noticed, 32, 233

Language other than English, 42A

Latimer House Principles, 16(a)(iv), continuing resolution 8A

Leader of the Opposition, election of, 5A, 5B

Leave of absence, 22–4

See also ACT (Self–Government) Act 1988 s14

Leave of Assembly, 82

Legislation Register, bills notified in, 193, 194

Library for Assembly, 16

Limitation of debate or speeches, 69

Lobbyist Register, continuing resolutions 8AB and 8AC

M

Majority, absolute, 28, 81, 272

Meeting of Assembly –

adjournment, 34, 35, 207

Meeting of Assembly – continued

alternate day or hour, 36A

convened, 1

first of new Assembly, 1

motion by Minister, 35, 36

quorum at time of, 28

time of, 27

Members –

90 second statements, 33A, 69(ba)

absence, leave of, 22–4

acknowledgement of Chair, 40

addressing the Chair, 42

affirmations by, 1(c)

allegations against, before committee, 259

attendance –

ordered by Assembly, 208, 257

recorded, 21

requested by committee, 258

Code of Conduct for Members, continuing resolution 5

Commissioner for Standards, continuing resolution 5AA

committees, admission to, 234

conflict of interest, 156, 224

declaration of private interests, continuing resolution 6

disobedience, wilful, 202, 208

disorderly conduct, 202, 205

Ethics and Integrity Advisor, continuing resolution 6

grossly disorderly conduct, 205

imputations of improper motives, 55

leave of absence, 22–4

Members – continued

naming of, 202, 205

oaths by, 1(c)

offences by, 202

offensive references to, 54

officers of Assembly to remove, 205, 206A

ordered to attend Assembly, 208, 257

pecuniary interest, 224

personal explanation, 46

personal reflections on, 55

questions to, 116

removal from Chamber, 206A

requested to attend committee, 258

resignation, 24A, continuing resolution 2

roll, 20

selection by ballot –

Committee, 222

manner, 267

services and facilities, 16

statements, 90 second, 33A, 69(ba)

suspension of standing orders, 272

suspension, period of, 204

sworn in, 1(d)

voting (division), rights and obligations during, 154–7, 161

withdrawal from Chamber, 29, 33, 205

witnesses, as, 257, 258

Ministerial statements, 74

Minister –

act for other Minister, 80

Minister – continued

fixes next meeting, 36

money proposals, 200, 201, 201A

moves adjournment of Assembly, 35

moves motion relating to papers, 214

papers presented by, 211

petitions referred to, 100

questions to, 114

response to petition, 98, 98A, 100

Minutes of Proceedings, 21, 25, 26, 164, 237

Misrepresentation of speech, 47

Money proposals, 200, 201, 201A

Motions –

absence, for leave of, 22

absence of Member in charge of, 127

adjournment of debate, 65–7

adjournment of Assembly, 34, 35

anticipation of other business, 130

called on and not moved, 128

censure, 81A

closure, debate of, 70

committee reports, 254

complicated, divided, 133

condolence, vote of, 126

co-sponsored, 69(ga), 101, 104

debate on, not allowed, 63

disallowance, 77(j)

disallowed, 136

dissent from Chair's ruling, 69(ha), 73A

Motions – continued

leave of absence, for, 22

leave to withdraw, 131

meeting of Assembly, for next, 36

Member giving notice, absent, 127

Member failing to move, 128

moving of –

again, 131

without argument or opinion, 63

not called on, 125

not moved, 127

notices of –

anticipation of other business, 59, 130

alteration of, 110

amendment by Speaker, 107

censure, 81A

contingent, not allowed, 108

dissent from Chair's ruling, 73A

division of, 106

giving of, 101–4

irregular, 107

length of, 106A

mover absent, 104, 127

no-confidence, 81A

not required, when, 123

operation of, 112

order on *Notice Paper*, 16, 78, 105

precedence to, 124

removal from *Notice Paper*, 125A

Motions – continued

signature required, 101

terms of reported, 103

time for dealing with, 74

unbecoming or offensive, 107

want of confidence in Chief Minister, 81, 81A, 103

withdrawal of, 111, 128

papers and documents –

take note, 211A, 214(a)

petition relating to, 84

petition, take note, 98A

postponement of, 124

precedence of, 77, 105, 124

privilege, matter of, 276(e)

procedural, debate not allowed, 63

question from Chair, 129, 132

questions concerning, 114

requiring notice, 123

same question, 136

substantive, reply allowed, 48

superseded, 131

suspension of standing orders, 272

vote of thanks, 126

withdrawal of, 131

without notice, 22, 36, 126, 152, 200, 223, 254

N

Naming of Member, 202–206

New business, 76

Newspapers, complaint of breach of privilege founded on, 276(b)

***Notice Paper* –**

business arranged by Committee, 16

notice of motion **–**

amendment of, 107, 110

less effective form, 130

not called on, 125

not moved, 127, 128

order of, on, 16, 78, 105

publication of, 102, 112

withdrawal from, 111

order of business, 16, 78

orders of the day **–**

discharged, 152

not called on, 151

precedence of, 149

removal from Notice Paper, 152A

question on notice, 113

Notices of motion *See* Motions – notices of

O

Oaths, 1(c), 1(d), 20

Obstruction of business –

certain proposals, by, 64

Member, by, 202(a)

Offences by Members, 202

Offensive words, 54, 56, 57, 202(c)

Officers of the Assembly *See* Clerk, Deputy Clerk, Witnesses

Opening of new Assembly, 1

Opposition, Leader, election of, 5A, 5B

Orders of the Assembly –

abuse of, 70

disobedience to, 202

suspension of, 272

Orders of the day –

anticipation of discussion of, 59, 117(f), 130

Assembly business, order of, 16, 77

definition of, 148

discharge of, 152

Executive business, order of, 77, 78

not called on, 151

order of, 16, 78

petition relating to, 84

postponement, 150

precedence, 149

private Members' business, order of, 16, 77, 77A

removal from *Notice Paper*, 152A

time for dealing with, 74

P

Papers and documents –

availability, 16, 212, 212A

copies and extracts, 16, 212

custody, 26

inspection of, 212

motion to take note of, 211A, 214

ordered, 213A, 213B

presentation of, 74, 75, 211

publication, 212, 212A

quoted from, 213

storage, continuing resolution 1A

vary terms of a production order, 213B

Parliamentary Privilege, Integrity Commission, continuing resolution 4A

Pecuniary interest, 156, 224

Personal –

explanation, 46

interest, in committee inquiry, 224

reflections, 55

Petitions –

announcement, 98

certificate by Clerk or Deputy Clerk, 83

e–petitions, 99A, 100, 100A, 100B, 100C

general rules, 83–100

motion to note, 98A

motion to note, time for, 69(gb)

presentation, time for, 74, 84

out of order, 83A

Petitions – continued

reference –

by Clerk to Minister responsible, 100

to committee, 99, 99A

response by Minister, 98, 98A, 100

Point of order, 61(a), 72, 73, 163

Postponement of –

clauses, 180(c), 185

motion, 124

notice of motion, 124

order of the day, 150

title and preamble of bill, 179

Practice of House of Representatives, resort to, 275

Presiding Officer, Speaker, continuing resolution 11

Prayer, 30, 74

Private Members' business –

order of, 16, 77A

precedence, 77

Private Interests of Members, continuing resolution 6

Privilege –

complaint of breach of, written notice, 276

criteria, 279

matters –

precedence to, 276(e)

raising of, 276(a)

newspaper, book, etc., complaint against, 276(b)

reference of matter to select committee, 81A, 276(e)

procedures for protection of witnesses, 280

Public Interest Immunity, continuing resolution 8B

Public money, proposals, 200, 201, 201A

Q

Question on Notice, 120

Questions proposed by Chair –

be now put (closure "gag"), 70

debate not allowed, 50, 63

decided **–**

by voices, 134

by vote, 135

when debate concluded, 132

declaration of urgency (guillotine), 192

negatived, if numbers equal, 162

petition be noted, 98A

papers be noted, 211A

put **–**

forthwith, 63

when debate concluded, 132

question, division of, 133

read if required, 60

same question, 136

similar proposal, 64

voted upon, 135

Questions seeking information –

answers to, 118, 118AA, 118A, 122

answers, redirected, 122

anticipating discussion, 117(e)

content of answers, 118AA

explanation on unanswered questions, 118A

Questions seeking information – continued

form and content rules, 117

Hansard, answers, printed in, 122

inadmissible, 117

Members, to, 116

Ministers, to, 114

notice of, 113, 120

number of questions, 113A

persons regarding, 117(d)

renewal of, 117(g)

Speaker, to, 115

supplementary, 113B

time for, 74

without notice, 74, 113

written answers, 122

Quorum –

Debate interrupted by want of, 32

Member speaking interrupted, 61(b)

Members not to leave Assembly, 29, 33

number required –

Assembly, 28

committees, 230, 231

want of –

Assembly –

noticed by Member, 32

Speaker, action by, 28, 31, 32

time of meeting, at, 28

vote in, 31

Quorum – continued

before –

prayer or reflection, 28

sitting, 28

bells rung, 28

committee –

deliberating, 230

suspension of meeting, 233

taking evidence, 231

R

Reconsideration of bill, 187

Records, 26, continuing resolution 1A

Reflection, 30, 74

Relevancy of –

amendments, 140

amendments in bills, 173, 181

debate, 58

notices of motion, parts of, 106

Religious faith, independence of the Assembly from, continuing resolution 8AA

Reply –

closes debate, 49

right of, 48

Reports of committees –

day fixed for presenting, 218

motions moved, 254

presentation, 75, 253

Resignation of Member, 24A, continuing resolution 2

Resignation of Speaker, 11A

Resolution rescinded, 137

See also Motions

Resolution, response required, 137A

Roll of Members, 20

Routine of business, 74

Rules of the Assembly, abuse, 70

Rulings of Speaker, 73, 73A

S

Same question, 136

Sand-glass, 158

Schedules *See* Bills

Secretary to committee – duties relating to –

evidence, etc., 241

first meeting, 219, 219A

minutes of proceedings, 237

summoning of witnesses, 240, 255

Select committees *See* Committees – select and standing

Similar proposal, 64

Sitting and adjournment of –

Assembly **–**

adjournment **–**

by resolution, 34

grave disorder, 207

want of quorum, 28, 31, 32

alternate day or hour of meeting, 36A

Sitting and adjournment of – continued

hour of meeting, 27

next meeting, motion to fix, 36

suspended, 2, 3, 28, 31, 32

grave disorder, 207

See also Meetings of Assembly

committees, 229, 229A, 229C

Sovereign, The –

addresses to, 268, 269

references to, 53

Speaker –

absence of, 6, 6A, 9

acting Speaker, 6

adjourns Assembly, 28, 31, 32, 207

answers to questions, direct Member to terminate, 118

Assistant Speakers, 8, 10

bills to Parliamentary Counsel, 193, 194

calls Member to speak, 44

clocks, order to stop, 69, 73, 118(c)

committee, member of, 16

deliberative vote, 161

Deputy Speaker, takes Chair, 7

determines questions on –

answer to question, 118

anticipation, 59

closure, 70

language of question, 117(f)

obstructive motions, 64

offensive or disorderly words, 57

Speaker – continued

privilege, 276(c)

same question, 136

tedious repetition, 62

election of –

in new Assembly, 1(e)

procedure, 2

time for, (69(a)

vacancy, 11

Governor–General –

presentation of addresses to, 270

responses from reported, 271

transmission of addresses to, 269

heard without interruption, 38

intervenes in debate, 56

Member –

discontinues speech, direct to, 62

names, 202, 205

orders withdrawal, 205

personal explanation, 46

resignation of, 24A, continuing resolution 2

notices of motion, 106, 107

order maintained by, 37

papers, 211, 212A

papers, take note, 211A

petition, take note, 98A

prayer read by, 30

question –

decision on, announces, 135

Speaker – continued

put by, 132

read by, 60

stated by, 160

questions seeking information –

alteration, 117(g)

directed to, 115

quorums, want of, action by, 28, 31, 32

reflection read by, 30

resignation of, 11A

ruling of, after point of order, 73

ruling, dissent from, 73A

sitting suspended by, 207

title of Presiding Officer, continuing resolution 11

vacancy in office, 11

visitors, orders withdrawal, 209

votes (division), duties, 31, 135, 153, 160, 161–3

waives ringing of bells, 159

witnesses, 257, 262

Specialist advisers to committees, 238

Speeches –

contents of and rules *See* Debate

extension of time, 69(j)

time limits, 69

Standing committees *See* Committees – select and standing

Standing orders –

duration, 274

House of Representatives practice to be observed, 275

suspension of, 69(h), 272, 273

Statements –

90 second Member statements, 33A

ministerial, 74

Chair, committee, 246A

Statutory appointments, consideration of, continuing resolution 5A

Strangers, 210

Supplementary questions, 113B

Sub Judice, continuing resolution 10

Suspension of –

Members, 203

sitting, 2, 3, 28, 31, 32, 207

standing and other orders, 69(h), 272, 273

Swearing in of Members, 1(d)

T

Tedious repetition, 62

Thanks, vote of, 126

Time –

allotment of, 69, 192

extension of, for speeches, 69

limits –

debates and speeches, 69

election of –

Chief Minister, 3(b), 3(e), 69(a)

Deputy Speaker, 4, 5, 69(a)

Speaker, 2(b), 2(e), 69(a)

meeting of Assembly, for, 27, 36, 36A

quorum in committee, for, 232

Traditional custodians, acknowledgement, 30

Transcription service *see* Hansard

U

Urgent bills *See* Bills

V

Vacancy in office of –

Chief Minister, 12

Deputy Speaker, 13

Speaker, 11

Vacancy, Senator for the ACT, continuing resolution 9

Visitors/Strangers, 209, 210, 236

Vote of Assembly (division) –

condolence, 126

reflection on, 52

rescission of, 137

same, 136

thanks, 126

bells rung, 158, 159

called for, 135, 153

call of Assembly, 160

Clerk calls Assembly, 160

committees, 228

conflict of interest, 156

confusion in, 165

Vote of Assembly (division) – continued

equal, question negatived, 162

errors in, 165

Members –

calling for, 135, 153, 155

names called in alphabetical order, 160

seats –

to be within, 157

to remain in and vote, 161

mistakes in, 166

no further debate following, 50

point of ordering during, 163

question decided by, 134

question stated, 160

quorum, want of, 31

recorded in *Minutes of Proceedings*, 164

reflections upon, 52

required, 135

rescission, 137

result declared, 162

sand–glass turned, 158

Speaker –

deliberative vote, 161

opinion challenged, 135

voice, voting in agreement with, 154

W

Want of confidence in Chief Minister, 3(a), 69(c), 81, 81A, 103

Whips, Committee membership, 16

Withdrawal of –

amendments, 144

Member from –

Assembly, 205

committee, 23

motions, 127, 131

notice of motion, 111, 128

visitors, 210, 236

Witnesses –

Adverse mention procedures, 264B

allegations against Members, 259

dealing with witnesses, 264A

evidence, premature publication of, 241, 242

examination of, 235, 245, 246, 262

Members or officers of Assembly, as, 257, 258, 264

protection of, 261, 280

recusant, 256

refusal of Members to attend when summoned, 258

specialist advisers, 238

summons of, 240, 255

withdrawal of, 263



Legislative Assembly for the
Australian Capital Territory