



**Office of the
Legislative Assembly**

Office of the Clerk

Ms Sharon Claydon MP
Chair
Standing Committee on Procedure
Department of the House of Representatives
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Dear Ms Claydon

Inquiry into disrespectful behaviour towards other members in the Chamber

Thank you for the invitation to provide a submission to the Committee's inquiry. I would like to cover some of the Assembly's provisions in relation to members' conduct and then some wider issues about the Assembly's operation.

The key message of this submission is that Members' behaviour in the chamber is not only driven by procedures specific to the chamber. Their conduct in the chamber is also influenced by their interactions in committees, how positions are allocated, and how debate is conducted outside the Assembly, including election campaigns. Measures that encourage Members to work together and focus on policy, and avoid personal commentary, will also encourage constructive behaviour in the chamber.

Standing orders

The Assembly has the usual [standing orders](#) in relation to the conduct of debate (Chapter 6) and disorder (Chapter 17). These include provisions around offensive words (s.o. 54) and personal reflections (s.o. 55). Where the occupant of the chair considers that words said offend those standing orders, a withdrawal is required. A list of those words and expressions that have been withdrawn in the period of 2014-2024 has been compiled and is available upon request.

Code of conduct

The Assembly has had a code of conduct in place for over 20 years; it is a continuing resolution in the standing orders. The code places positive expectations on behaviours of members generally. Clauses relevant to this inquiry are:

- 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. (B9)
- ... Members further undertake that they should ... 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. (C9)

- Through this Code of Conduct, Members express that they have zero tolerance for bullying, sexual and other harassment, sexual assault and discrimination and pledge that they will not themselves engage in such conduct... (D)
- ... Members undertake that, in the course of their duties and activities as a Member, they will ... as appropriate, seek expert advice and assistance as to the manner in which the Member should act in such circumstances ... (D3)
- [and] ... take appropriate action if they observe another person engaging in bullying, sexual and other harassment, sexual assault or discrimination. (D10)

In April 2019 following comments made by an Australian Senator in relation to terrorist attacks in Christchurch, the Assembly referred to the Standing Committee on Administration and Procedure a review of the code of conduct to see whether it should be enhanced.

In a report entitled “Respectful Dialogue”, the Committee recommended to the Assembly that the Code of Conduct be amended so that it read as follows:

“(C1) Treat all citizens of the Australian Capital Territory 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.”

On 30 July 2019 the Assembly adopted the Committee’s report, and the Code of Conduct was amended accordingly.

Ethics and Integrity Adviser

The Assembly supports compliance with the code through the establishment of an Ethics and Integrity Adviser, which commenced in 2008 (continuing resolution 6A). Members can approach the Adviser for confidential advice consistent with the Code or any other guidelines adopted by the Assembly. Legal advice is excluded. The advice remains confidential unless the Member approves release. The Assembly can also call for the Adviser’s records under certain circumstances.

In 2024-2025, the Adviser provided advice to 15 Members on 28 issues with multiple occurrences for advice on election campaigning (an election was held in October 2024).

Commissioner for Standards

The Assembly enforces the code through its Commissioner for Standards, which it established in 2013 (continuing resolution 5AA).

Any person may make a complaint about a Member to the Clerk, who then passes it on to the Commissioner. If certain requirements are met (for example there is sufficient evidence to justify an investigation and the complaint is not frivolous or vexatious), the Commissioner can investigate the matter and, after they have consulted with the relevant Member, report to the Standing Committee on Administration and Procedure. This Committee then enquires into and reports on the Commissioner’s report, and makes a recommendation to the Assembly as to what further action (if any) should be taken. There have been several breaches of the code by Members since 2013, and in each case the Member has been required by the Assembly to apologise.

This process is prompt and fair. It is also conducted in a low-key but transparent way that allows the Assembly to enforce the code without the formality of a privilege inquiry. Most recent investigations have covered Members' promotional activities in the community. Members' behaviour in the Assembly or committees are not covered by the Commissioner as this is governed by the Speaker/Committee chair.

Latimer House Principles

The Assembly adopted the Latimer House Principles (continuing resolution 8A) in 2008 as a suitable framework to govern the relationship between the three branches of government and to set a basis for the Assembly's operations. Some of the Assembly's procedures can be found in the Principles and associated Guidelines, including committee inquiries into bills, the code of conduct and the Ethics Advisor.

The continuing resolution provides that the Speaker shall appoint a suitably qualified person in each alternate Assembly to assess the Assembly's implementation of the Principles. The Assembly has been subject to three external reviews and implemented reforms on each occasion. I am making preparations for the fourth review.

The Principles support a constructive culture in the Assembly because they define its relationship with the Executive in a structured way and make clear that the Executive is accountable to the Assembly. Principle (2)(g)(i) states that:

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.

Thus, matters relating to questions without notice, bill referrals to committees, ministers appearing before committees, allocating some committee chair positions to the Opposition, and a reduced number of questions without notice being put by Government Members have been considered as part of reviews.

I acknowledge the contribution of Members of successive Assemblies who have shown a readiness to engage with the Principles and the external reviews.

Other avenues and approaches

Your letter to me also asked me to address other avenues to address disrespectful behaviour in the Chamber, including approaches taken in other parliaments.

The culture within a parliament affects the way in which it operates. In 1992 it was determined (at a referendum) that there be a proportional representation electoral system in the ACT, namely the Hare-Clark model (which also operates in Tasmania). This has meant that, apart from the Sixth Assembly (2004-2008)¹, no single party has been able to command a majority in the Assembly, which is in stark contrast to the House of Representatives.

¹ Even when the Assembly did have a majority government, the Deputy Speaker was an opposition Member, two of the committees were chaired by non-government Members, and five of the committees had a non-government majority.

In the *Set the Standard: Report on the Independent Review into Workplaces* by the Australian Human Rights Commission in November 2021, it was noted:

Consistent with wider evidence, the Commission heard that power, including power imbalances and the misuse of power, is one of the primary drivers of misconduct in CPWs. While participants reflected on the inherent role of power in parliamentary workplaces, they observed that it is the misuse of power, fear of those who hold power, and a sense of entitlement that are particularly problematic. As one participant reflected, just because ‘it’s a culture which is all about power though, doesn’t mean it has to be a culture which is about abuse of power’.

While this comment relates primarily to workplace culture, I think it also plays a role in the overall culture of the parliament. Because there have been a succession of minority governments, I believe that this has set a different and positive culture within the ACT legislature that means that instances of disrespectful behaviour are rare. The Executive does not dominate the Legislative Assembly in the same way that it does in the House of Representatives. All members of the legislature have very meaningful opportunities to participate in all activities of the parliament, as can be seen from the table below:

Procedural arrangements in the ACT and the House since their last elections

| | ACT Legislative Assembly | House of Representatives |
|--|--|--|
| Proportion of questions asked by non-government Members each sitting day | 45/51 (88%) | 15/30 (50%) |
| Members are able to require a Minister provide a written response if they consider a question without notice has not been answered adequately | Yes see s.o. 118AA ² | No |
| Ability to move Private Members’ motions and have them be voted on | Yes 2 opportunities/sitting day | No |
| Ability to introduce private Members’ bills and have them voted on | Yes 7 introduced 1 negatived 3 passed | Doubtful 12 introduced 1 debated 0 voted on |

² s.o. 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.

| | | |
|--|-------------------------------|--|
| Motions expediting the passage of bills | 0 | 6 |
| Self-referral of matters for inquiry by standing committees | Yes 6 self-referred | No Inquiries must be referred by a Minister or the House |
| Committees chaired by non-government Members | Yes 6 out of 7 | No |
| Deputy Speaker position held by a Government Member | No³ | Yes |

Note: The periods cover the Eleventh Assembly (after the October 2024 election) and the 48th Parliament (after the May 2025 election).

It is my contention that, because all members of the legislature are able to participate and have significant roles and opportunities in the legislature's work, it has led to there being fewer instances of disrespectful behaviour in the chamber.

Reviews of Standing Orders

One of the CPA Benchmarks for Democratic Legislatures states that:

2.1.3 The Legislature's rules, procedures and practice shall be reviewed regularly to enhance parliamentary effectiveness and relevance.

The Legislative Assembly's Standing Committee on Administration and Procedure is required, by virtue of standing order 16 to:

...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;

The usual practice is that once an Assembly, a comprehensive review of all standing orders is undertaken, with the majority of changes recommended adopted by the Assembly.

I note that in relation to the many criticisms levelled at Question Time in the House of Representatives, the Standing Committee on Procedure conducted an inquiry in 2020-21 and presented its report, *A window on the House: practices and procedure relating to Question Time*, with the Committee making 12 recommendations. In that report it was noted:

Many submitters considered contemporary Question Time in the House to be ineffective at achieving ministerial accountability. Some considered that Question Time contributed to public disillusionment with Australian politics, and/or that opportunities existed to improve Question Time's effectiveness and therefore build people's trust in their elected

³ All Deputy Speaker positions since self-government in 1989 have been held by a Member from a different party to the Speaker.

representatives. A key theme in comments provided to the public survey was that Question Time in its current form was not fulfilling its purpose and/or was a waste of time.⁴

The recommendations do not appear to have been acted upon, and the Government response to nine of the eleven recommendations tabled in the House in March 2022 stated for each recommendation:

The Government does not support the recommendation, considering the current arrangements for question time are working well.⁵

Recommendation No 1 of the Committee stated that the House amend standing orders to provide that questions during Question Time cannot ask about alternative approaches. It is suggested that, had that recommendation been implemented, the level of disrespectful behaviour towards Ministers who use their answer to criticise policies of other Members represented in the Chamber may have decreased, along with the level of disrespectful behaviour.

I trust that this information assists the Committee and would be more than happy to elaborate on any of the above.

Yours sincerely

Tom Duncan
Clerk

14 November 2025

⁴ House of Representatives Standing Committee on Procedure, *A window on the House: practices and procedures relating to question time*, March 2021, p 35.

⁵ Australian Government, *Australian Government response to the House of Representatives Standing Committee on Procedure report: A window on the House: practices and procedures relating to Question Time*, March 2022.