



## LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

### Decision-making when Speaker Excludes a Person from the Precincts of the Assembly

#### Background

The Speaker of the Legislative Assembly in the Northern Territory has specific powers that are given by the Members of the Legislative Assembly. These powers protect the precincts of the Assembly, that is Parliament House and the controlled land surrounding the building, from outside interference and preserve the Parliament (Legislative Assembly) as a place where Members are free to go about their business on behalf of all Territorians without improper or undue interference.

#### What the law says

##### ***Legislative Assembly (Powers and Privileges) Act 1992***

###### Section 14(3):

*Subject to the directions, if any, of the Assembly, the Speaker has the control and management of the precincts of the Assembly.*

###### Section 16—Removal of persons from the precincts:

- (2) *The Speaker may, at any time whether the Assembly is sitting or not, direct that a person who is not a member be removed from, or be prohibited from entering, the precincts of the Assembly.*
- (3) *In the exercise of his or her powers under subsections (1) and (2) the Speaker may require a person to exclude or remove by force the member or other person whom the Speaker has directed be excluded or removed, or prohibited from entering the precincts.*
- (4) *Neither the Speaker nor a person acting under his or her directions is liable in civil or criminal proceedings for an act done, or purported to be done, in good faith, in pursuance of this section.*

##### ***Legislative Assembly (Security) Act 1998***

###### Section 3(2):

*Except as provided in this Act, a person has a right to enter and remain on the Assembly precincts, where there is room for the person on the precincts, if the person:*

- (a) *has a proper reason for being on or about the precincts or has indicated that he or she wishes to see the proceedings of the Assembly; and*
- (b) *has complied with the requirements, if any, of the Speaker or an authorised person.*

Note that Section 3 of the *Legislative Assembly (Security) Act 1998* does not impede the Speaker's powers under section 16 of the *Legislative Assembly (Powers and Privileges) Act 1992* or any other power, privilege or immunity of the Assembly and of its members, committees and persons in relation to the regulation of the conduct of persons on the precincts of the Assembly.

## **How the Speaker applies the law on behalf of Territorians**

The Speaker determines whether to exclude a person from the precincts of the Assembly. When making an assessment, and determining to exclude a person, the Speaker may rely upon available advice, but the decision is a matter for the Speaker. A Speaker's decision to exclude a person is made in good faith to protect the Legislative Assembly.

In some instances, it would be available for the Legislative Assembly to review a Speaker's decision pursuant to a section 14(3) direction, which the Assembly may give the Speaker under the *Legislative Assembly (Powers and Privileges) Act 1992*.

### Section 14(3):

*Subject to the directions, if any, of the Assembly, the Speaker has the control and management of the precincts of the Assembly.*

## **Persons excluded are excluded to protect the Assembly and Territorians**

If a person has been excluded from the precincts of the Assembly by the Speaker for a specified period of time, the exclusion may have been because:

- It is for that person's own protection (including factors such as mental health and wellbeing) so they do not come into contact with a Member or a person working in the precincts of the Assembly who they may be in conflict with
- It protects Members against undue interference when going about their business on behalf of Territorians
- It protects visitors and workers in the precincts of the Assembly from a disruptive person who has demonstrated through past behaviour that they may be disruptive
- Of other reasons considered relevant by the Speaker to protect the Assembly.

The Legislative Assembly works for all Territorians. A decision to exclude a person is not taken lightly, but will from time to time be necessary.

This explanatory document is available for any excluded person or any other person to assist in understanding the law in place and the decision-making which occurs when a person has been excluded.

This document should not be taken to suggest that a Speaker's decision to exclude a person is subject to external review or a civil or criminal remedy.

The Speaker will not respond to questions about individual matters. If a person has been excluded, the Speaker has applied the necessary decision-making. Assembly decision-making is a matter for the Legislative Assembly.



**Hon Mark Monaghan MLA**  
Speaker

20 October 2022