

Submission
No 1

**INQUIRY INTO PROCEDURES FOR DEALING WITH
DISORDER BY MEMBERS DURING COMMITTEE
PROCEEDINGS**

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Dear Mr Blunt

Submission to the Procedure Committee's inquiry into dealing with disorder by members during committee proceedings

Thank you for the opportunity to contribute to this inquiry.

Issues around maintaining order in committee proceedings at the ACT Assembly have usually arisen in the hearings of estimates committees and annual reports inquiries (a broad scrutiny process similar to an estimates inquiry).

The main procedure governing disorder in committee proceedings is standing order 229A, which states:

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.

This standing order was adopted 1999 in response to conduct by a committee member in an estimates committee hearing. Use of the standing order has been limited.

Chairs typically have responsibility for maintaining order in committee proceedings, which raises the question of how a chair should fulfil this role when a claim is made against them. This was raised in an annual reports inquiry in 2017. The secretariat advice at the time stated, 'When in the role of Chair, and ruling on your own conduct, erring on the side of caution is generally preferred.'

The standing orders also allow for Members of the Assembly who are not members of a relevant committee to attend hearings and participate in questioning as visitors. This is facilitated through standing orders 234 and 235, which state:

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.

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.

Other Members commonly attend annual reports hearings and the hearings of estimates committees. Being able to request that a visiting Member withdraw has been raised as a warning in estimates hearings in 2010, 2012, and 2016. In 2023, a Member was asked to leave during the estimates hearings and another Member was asked to leave in the annual reports hearings.

The 2016 Estimates Committee considered the operation of standing order 234 in its report. The Committee took the view that it would be helpful if the standing order had more detail about how it operated. The Committee put the example of how long a visiting Member had to wait before rejoining the Committee, following an earlier use of the standing order in relation to them. This matter was not canvassed in the review of standing orders in 2018.

The Senior Director of Committee Support, Dr David Monk, is available to respond to queries at committees@parliament.act.gov.au.

Hamish Finlay
Acting Clerk

19 April 2024