

Submission
No 4

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

Organisation: Department of the House of Representatives, Parliament of
Australia

Date Received: 9 May 2024



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Secretary
Procedure Committee
Legislative Council
NSW Parliament

By email: procedurecommittee@parliament.nsw.gov.au

Dear Committee Secretary

Inquiry into disorder by members during parliamentary committee proceedings

Thank you for the opportunity to contribute to the Legislative Council Procedure Committee's inquiry.

House of Representatives committee proceedings operate on the basis that the responsibility to maintain order lies with the committee chair, replicating the arrangements in the House.¹ While the standing orders do not provide explicit guidance in managing disorder by members during committee proceedings, there are a range of avenues available to chairs in the event of disorderly conduct by members.

As set out in *House of Representatives Practice*, the powers of a committee chair have largely been interpreted to be identical to those of a chair of the whole House.² Accordingly, chairs may open and close proceedings, allocate the call, intervene in personal quarrels or disorder, take points of order, and make rulings. Committee members may also dissent from the chair's ruling on procedural matters.

The rules of debate contained in the standing orders of the House are also applicable to committee proceedings. This includes limitations on using certain names, offensive words, reflections on members, and disorderly conduct.

In the event of disorderly conduct by members, a committee chair would usually first remind members of the requirement for orderly proceedings in accordance with the standing orders and resolutions of the House (for example, its resolution on procedures for dealing with witnesses adopted on 13 November 2013³).

When disorderly behaviour occurs in a public hearing, chairs are advised to suspend the hearing and discuss the issue in private session. At this time the chair would usually remind members that unruly behaviour may bring the committee and the parliament into disrepute, and ask for disorderly behaviour to cease so the hearing can resume. If this approach is

¹ Standing Orders 60 and 228.

² *House of Representatives Practice*, 7th ed, p. 661.

³ *House of Representatives Standing Orders as at 2 August 2022*, pp. 126-8.

unsuccessful, a resolution could be sought that the offending member be no longer heard; however, this would not ordinarily be used in a committee context. If the member persists in disorderly behaviour, the hearing could be adjourned and it would be open to the chair to report the matter to the House. It would then be open to the House to take any further action. Committee chairs do not have an equivalent power to that of the Speaker in the House⁴, and Deputy Speaker in the Federation Chamber⁵, to direct a disorderly member to leave for a period.

Notwithstanding the formal mechanisms provided for in the standing orders, less formal guidance for the general management of committees has been established by way of the *General principles for the administration of parliamentary committees*. These principles are agreed to by the House Liaison Committee of Committee Chairs and Deputy Chairs, convened by the Deputy Speaker. First presented to the House by the Speaker in June 2007, the general principles have since been revised twice, including in 2021.

The principles set out the roles and responsibilities of committees, support provided to committees, and the responsibilities of the chairs, deputy chairs, members and committee secretaries in conducting activities. The general principles are published in *House of Representatives Practice* for the awareness of all members.⁶ In relation to disorder, the general principles emphasise the role of the chair in ensuring proceedings are conducted in an 'orderly and fair manner', and the responsibilities of the deputy chair and other members in supporting this outcome.

I trust this information is of assistance.

Yours sincerely

Peter Banson
Acting Clerk

⁴ Standing Order 94(a).

⁵ Standing Order 187(b)(i).

⁶ *House of Representatives Practice*, 7th ed, pp. 680-2.