

**INQUIRY INTO UPDATING THE STANDING ORDERS TO
REQUIRE RESPECTFUL BEHAVIOUR IN THE CHAMBER,
PARTICULARLY AS THEY RELATE TO SEXISM AND
RACISM**

Organisation: Chief Executive and Clerk, Welsh Parliament – Senedd Cymru
Date Received: 9 May 2024

Evidence from Manon Antoniazzi (Chief Executive and Clerk, Senedd Cymru–Welsh Parliament) to the New South Wales Legislative Council Procedures Committee’s inquiry into updating the standing orders to require respectful behaviour in the Chamber, particularly as they relate to sexism and racism

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1. The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

A. SPECIFIC PROCEDURES AND PRACTICES

The Government of Wales Act 2006

2. Section 31 of the Government of Wales Act 2006 states that “Senedd proceedings are to be regulated by standing orders” and that they “must include provision for preserving order”.¹

Standing Orders and Guidance

3. Standing Order 13 (which is set out in full in the [annex](#)) sets out the rules regarding order in plenary meetings.
4. According to Standing Order 13.9, the Presiding Officer (commonly known as the Llywydd) is to “maintain order in plenary meetings and must call to order any Member who:
 - (i) is guilty of discourteous or unbecoming conduct;
 - (ii) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Senedd.”²
5. The Guidance on the proper conduct of Senedd business (issued by the Llywydd under Standing Order 6.17) states that:

¹ [Government of Wales Act 2006](#), c.32, section 31 (accessed 30 April 2024).

² Senedd Cymru, [Standing Orders of the Welsh Parliament](#), January 2024 (accessed 30 April 2024).

“The Presiding Officer will decide what constitutes disorderly language. Racist, sexist, or ageist references will be considered both discriminatory and offensive.”³

6. It also indicates:

“The rules of debate are governed by Standing Order 13. Members must at all times in their conduct promote respect for the Senedd and extend respect and courtesy to other Members. Members must comply with any directions given by the Presiding Officer about conduct in the Siambwr and order in plenary meetings.”

Virtual and hybrid proceedings

7. In accordance with the Guidance on Virtual and Hybrid Proceedings (issued by the Llywydd under Standing Order 6.17), Standing Order 13 relating to order in plenary meetings applies equally to meetings held fully in person or in a virtual or hybrid format. The key principles are:

- Members must at all times in their conduct promote respect for the Senedd and extend respect and courtesy to other Members;
- Members must comply with any directions given by the Llywydd about conduct and order in plenary meetings.⁴

8. This Guidance also states:

- No distinction should be made between the conduct of Members participating remotely and those within the Siambwr;
- Chairs of meetings should seek to ensure that equal standards of conduct and etiquette are maintained by all participants at all times, regardless of whether they are present physically or virtually.

³ Senedd Cymru, [Guidance on the proper conduct of Senedd Business \(issued by the Llywydd under Standing Order 6.17\)](#), October 2023 (accessed 30 April 2024).

⁴ Senedd Cymru, [Guidance on Virtual and Hybrid Proceedings \(issued by the Llywydd under Standing Order 6.17\)](#), November 2022 (accessed 30 April 2024).

Code of Conduct

9. The Senedd's Code of Conduct sets out the rules and principles that Members of the Senedd must abide by. It applies to Members of the Senedd at all times, including in Members' personal and private lives.⁵
10. It refers to "respect" as one of its "overarching principles":

"Members must not behave in ways that reduce equality of opportunity, must always respect the dignity of other persons and must not engage in discriminatory or unwanted behaviour."
11. Also, one of its rules (rule 4) is that:

"Members must not engage in unwanted behaviour, harassment, bullying, or discrimination".
12. The Code defines "discrimination" as including "behaviour that discriminates against any person on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, political opinion and language preference".
13. It indicates that Members' conduct during plenary sessions of the Senedd and in committees is **normally dealt with by the Llywydd and the chairs of committees** through application of the Senedd's Standing Orders relating to maintaining order during proceedings.
14. If the Llywydd or committee chair considers that the conduct requires further or fuller investigation, they may refer the matter to the **Senedd Commissioner for Standards**.⁶
15. The Senedd's Standing Orders provide that determinations made by the Llywydd in respect of certain matters, including maintaining order during debate in plenary sessions, are final. As the Commissioner must conduct investigations in accordance with the provisions of Standing Orders, the effect of these provisions is that the Commissioner cannot

⁵ Senedd Cymru, [Code of Conduct](#), agreed 24 March 2021 and in effect since the start of the Sixth Senedd (May 2021) (accessed 30 April 2024).

⁶ The Senedd Commissioner for Standard has investigatory powers under sections 11-18 of the [National Assembly for Wales Commissioner for Standards Measure 2009](#) (accessed 30 April 2024).

investigate complaints about the decisions of the Llywydd when acting exclusively in that capacity.⁷

B. RELEVANT RULINGS THAT GUIDE PRACTICE IN THE SENEDD

16. As each ruling is made in a specific set of circumstances, there is no definitive list to indicate what constitutes discourteous or unbecoming conduct or disorderly language. The Llywydd or Deputy Presiding Officer, when chairing proceedings, determine what constitutes disorderly language and context is key to each decision of this kind.

Discriminatory language

17. Rulings have been made in response to the use of discriminatory language, sometimes with the outcome of the Llywydd asking the Member in question to apologise.

18. For example, rulings have been made regarding discriminatory language used to describe transgender people and Gypsy Travellers , which led to the Llywydd asking the Members in question to apologise.

19. In terms of rulings on sexist language, the Llywydd ruled that describing female Members as “concubines” in a male Member’s “harem” and describing a female Member as being a “cheap date” was out of order. Furthermore, the Llywydd has ruled that “hysterical” is an inappropriate word to describe any contribution by any woman and the Deputy Presiding Officer ruled that the word “shrill” is unacceptable if applied to an individual but would be allowed if applied to a collective.

Disorderly language

20. In common with other parliaments, accusing others of lying will usually lead to intervention from the Llywydd or Deputy Presiding Officer and often a requirement on the Member to withdraw their comments. The orderliness of instances where accusations of dishonesty are made also depends on context. Rulings have been made when Members accuse other politicians of being “liars”, “dishonest” and “misleading”. However, a

⁷ Senedd Cymru, Standards of Conduct Committee, [The Review of the Code of Conduct for Members of the Senedd](#), March 2021, para 13 (accessed 30 April 2024).

distinction has been made in other rulings between accusations against individuals and descriptions of actions taken.

C. PROCESS FOR DEALING WITH DISORDERLY LANGUAGE ETC

21. There is no prescribed process for dealing with disorderly language etc – it is a matter for the Llywydd to decide what constitutes such language or conduct, and to decide how this behaviour should be addressed.
22. Under Standing Order 13.9, the Llywydd can choose to call to order any Member they feel “is guilty of discourteous or unbecoming conduct” or has used “disorderly, discriminatory or offensive language or language which detracts from the dignity of the Senedd”. Complaints about conduct in Plenary can also be raised by other Members as Points of Order in plenary or by writing to the Llywydd.
23. The Llywydd or Deputy Presiding Officer can take a decision immediately, or can do so later if they require time to review the record or be advised by clerks. They can also respond to such complaints in writing, sometimes asking a Member to withdraw their comments or apologise. The Llywydd may also make a statement reiterating expectations of conduct in the Chamber (commonly known as the Siambr).
24. Under Standing Order 13.10, “a Member must comply with any directions given by the Presiding Officer about any conduct for which he or she has been called to order”.
25. If the Llywydd calls a Member to order, she can invite them to withdraw their comments or apologise.
26. Under Standing Order 13.11, a “Member may be required by the Presiding Officer to withdraw from Senedd proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal”.
27. If the Member fails to do so, a motion to exclude the Member from Senedd proceedings must be proposed by the Llywydd and voted on immediately.

28. If the motion under SO13.12 is agreed, the exclusion of a Member under Standing Order 13.12 has immediate effect and must be:
- (i) on the first occasion during any 12 month period, until the end of the working day immediately following the day of exclusion;
 - (ii) on a second occasion during the same 12 month period, for five working days immediately following the day of exclusion; and
 - (iii) on a third or any subsequent occasion during the same 12 month period, for 20 working days immediately following the day of exclusion.
29. During the period of a Member's exclusion under Standing Orders 13.12 and 13.13, they are not entitled to receive any salary from the Senedd and are not permitted to attend any Senedd proceedings. As described earlier, the Code of Conduct indicates that Members' conduct during plenary sessions of the Senedd is "normally dealt with by the Llywydd" through application of the Senedd's Standing Orders relating to maintaining order during proceedings.
30. Therefore, the Llywydd usually addresses issues with conduct during plenary and decides what course of action should be taken. However, if the Llywydd considers that the conduct "requires further or fuller investigation" she can also refer the matter to the Senedd Commissioner for Standards for a decision.
31. The procedure for dealing with complaints against Members of the Senedd is available publicly.⁸
32. Under Standing Order 12.18, in any case where the Llywydd thinks it appropriate to do so (including any case of grave disorder arising in Plenary meetings), he/she may adjourn proceedings without putting any proposition to the vote, or may suspend proceedings for a specified time.⁹

⁸ Senedd Cymru, [Procedure for dealing with complaints against Members of the Senedd](#) (accessed 30 April 2024).

⁹ Senedd Cymru, [Members' Guide to Plenary](#), May 2021, para 49 (accessed 30 April 2024).

ANNEX – Relevant Standing Orders

STANDING ORDER 0 – Order in Plenary Meetings

Rules of Debate

- 13.1 Members called by the Presiding Officer to speak must address the chair.
- 13.2 Members may speak in English or Welsh, and simultaneous interpretation facilities must be provided for speeches made in Welsh.
- 13.3 The Presiding Officer, having consulted the Business Committee, may invite any person to participate in a Plenary meeting for a specific purpose. An invited person may be called to speak, but may not vote.
- 13.4 Speeches must be relevant to the business before the Senedd, and avoid tedious repetition.
- 13.5 The Presiding Officer may announce a time limit on Members' speeches and may direct a Member who has spoken for too long to stop speaking.
- 13.6 A Member, other than the proposer of a motion or an amendment who is exercising a right of reply, may not speak more than once on any matter except, with leave of the Presiding Officer, for the purpose of briefly explaining some material point of his or her original speech.
- 13.7 A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.
- 13.8 Member may not speak after the proposer of a motion has exercised a right of reply.

Declaration of Relevant Interests

- 13.8A Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.

13.8B Standing Order 13.8A does not affect the requirements for oral declaration of registrable interests under Standing Order 2.6.

Maintenance of Order

13.9 The Presiding Officer is to maintain order in plenary meetings and must call to order any Member who:

- (i) is engaging in conduct which would, in the opinion of the Presiding Officer, constitute a criminal offence or contempt of court;
- (ii) is obstructing the business of the Senedd;
- (iii) seeks to raise a matter outside the scope of the debate or motion;
- (iv) is guilty of discourteous or unbecoming conduct;
- (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Senedd;
- (vi) refuses to conform to any Standing Order or other requirement for the conduct of Members; or
- (vii) disregards the authority of the chair.

13.10 A Member must comply with any directions given by the Presiding Officer about any conduct for which he or she has been called to order.

13.11 A Member may be required by the Presiding Officer to withdraw from Senedd proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal.

13.12 When the Presiding Officer has required a Member to withdraw from Senedd proceedings and the Member has not done so, a motion to exclude the Member from Senedd proceedings must be proposed by the Presiding Officer and must be voted on immediately.

13.13 The exclusion of a Member under Standing Order 13.12 has immediate effect and must be:

- (i) on the first occasion during any 12 month period, until the end of the working day immediately following the day of exclusion;
- (ii) on a second occasion during the same 12 month period, for five working days immediately following the day of exclusion; and
- (iii) on a third or any subsequent occasion during the same 12 month period, for 20 working days immediately following the day of exclusion.

13.14 During the period of a Member's exclusion under Standing Orders 13.12 and 13.13, he or she is not entitled to receive any salary from the Senedd and is not permitted to attend any Senedd proceedings.

Sub Judice

13.15 Subject to the right of the Senedd to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in plenary meetings any matter which relates to active proceedings (as defined by Schedule 1 to the Contempt of Court Act 1981), except to the extent permitted by the Presiding Officer.

Relations with the Judiciary

13.16 Unless the matter is the subject of a substantive motion, Members must not in plenary meetings make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office (in Standing Order 13.16 "judge" includes persons holding the position of judge, whether full-time or part-time).

13.17 The Senedd must not discuss individual judicial appointments.