

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

**Organisation:** Government Whip

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# Bob Nanva

Government Whip in the Legislative Council

10 May 2024

The Hon. Ben Franklin MLC  
President  
Chair, Procedure Committee  
By Email: [procedurecommittee@parliament.nsw.gov.au](mailto:procedurecommittee@parliament.nsw.gov.au)

Dear ~~Chair,~~ <sup>Ben</sup>

**Re: Submission – Inquiry into updating the standing orders to require respectful behaviour in the Chamber, particularly as they relate to sexism and racism**

I make this submission on behalf of Government members.

The shocking findings of the 2022 report *Leading for Change: Independent Review of Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces* ('Broderick Review Report') made it clear that NSW Parliament has not always been a safe place for many Members of Parliament, staff, and visitors within the parliamentary precinct.

Poor behaviour in the chamber doesn't just affect those in the parliament; it may also exacerbate the disillusionment experienced by members of the public about the state of democracy. Parliamentary privilege, including freedom of speech, is essential to the proper functioning of Parliament, however, this privilege must not be abused to harm others. While members in the chamber should always retain an ability to conduct robust, democratic, passionate, and healthy debate, there is no need for debate to be disrespectful, unsafe, abusive, or discriminatory.

The Legislative Council standing orders should evolve to demand a level of respect from members that is commensurate with community expectations and to a contemporary standard. This inquiry provides an important opportunity to update the Legislative Council standing orders to require the standards of respectful behaviour already met and exceeded by the people of NSW in their day to day lives.

Discriminatory conduct is already clearly unlawful under the *Anti-Discrimination Act 1977* (NSW). Unless a valid exemption applies, racism, racial vilification, and sex discrimination are unlawful at work, in education, and in the provision of goods and services.



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There are no such prohibitions specifically articulated within the Legislative Council standing orders. In other ways however, members' words and conduct are already somewhat limited by the standing orders. Standing Order 96 (2) prevents members from speaking disrespectfully about the Sovereign or the Governor in debate. Under Standing Order 96 (3), members are also precluded from using offensive words against any member of either House, and that all imputations of improper motives and all personal reflections of such are to be considered disorderly.

Recommendation 3.5 of the *Broderick Review Report* calls for the Standing Orders of both Houses to be updated to require respectful behaviour, particularly as they relate to sexism and racism. Specifically, this recommendation also includes codifying respectful treatment of public servants and other witnesses appearing at Parliamentary Committees.

The Parliament of Australia's House of Representatives Standing Committee on Procedure recently inquired into similar recommendations made by *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*. The committee recommended<sup>1</sup> that the standing orders be updated to make clear that 'words that are sexist, racist, homophobic and otherwise exclusionary or discriminatory' were to be explicitly considered 'offensive words' which were considered out of order when directed to Members of Parliament or the Judiciary. Despite the committee's comment that these kinds of words ought to have already been considered offensive, this recommendation was made given the specificity would strengthen the Speaker's ability to rule such language out of order.

The Government submits that while there is an urgent need for the Legislative Council standing orders to demand respectful behaviour, this must be done carefully with sufficient support for the President to conduct their work fairly, while also maintaining parliamentary privilege for all members.

The Government is open to an option being utilised in the Legislative Council that is similar to what has been recommended by the Standing Committee on Procedure, however, will not propose any specific measure as we await further evidence to be provided to the present inquiry.

Bob Nanva  
**Government Whip in the Legislative Council**

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<sup>1</sup> House of Representatives Standing Committee on Procedure, Parliament of Australia, *Raising the Standard Inquiry into recommendations 10 and 27 of Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (Final Report, July 2023) 3.55.