

**Submission  
No 11**

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

**Organisation:** Parliamentary Ethics Adviser

**Date Received:** 14 May 2024

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13 May 2024

The Honourable Ben Franklin MLC  
President of the Legislative Council and  
Chair of the Procedure Committee  
Legislative Council  
Parliament House  
SYDNEY NSW 2000

Dear Mr President

### **Disorder by members in proceedings of a committee**

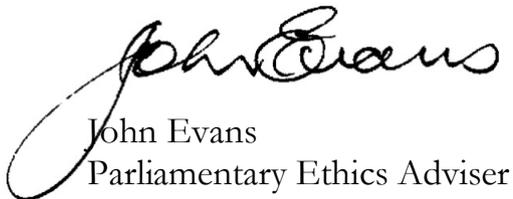
1. You have invited me to make a submission to your committee on the inquiry into procedures for dealing with disorder by members during committee proceedings.
2. Standing Order 218 (2) provides that a Committee Chair “has the powers necessary to conduct the committee's proceedings in an orderly and expeditious manner.”
3. The general power to maintain order in committee proceedings allows the Chair to use discretion to interrupt a member questioning a witness where questions are repetitive or unrelated to the subject of the inquiry.
4. There is nothing in the standing order about the power of the chair when disorder arises by a stranger or there is disorderly conduct by a member, although it is within the power of the Chair to suspend a meeting until order can be restored, or in a case of serious disorder to adjourn a meeting.
5. Where a member uses offensive words and refuses to withdraw them, or is disorderly in other ways, the committee chair would normally follow the applicable procedures of the House. The chair may request the member to withdraw offensive words but if the member refuses the chair could only request the disorderly member to withdraw from the meeting.
6. If a member refused to leave a meeting for disorderly behaviour the chair could take no other action other than to suspend or adjourn the meeting. In appropriate cases the committee could report disorderly conduct by a member to the House.
7. In the New Zealand Parliament, a member of a committee (including a non-voting member) may be excluded from a meeting for disorderly conduct only on the order of the committee and not at the direction of the chairperson alone.

8. I would support and amendment to standing order 218 (coincidentally the same number as NZ) similar to standing order 218 of the New Zealand Parliament, which is as follows:

**218 Disorder**

- (1) The chairperson may order any stranger to withdraw from a meeting if that person's conduct is disorderly.
  - (2) The chairperson may order any member (not being a member of the committee) to withdraw from a meeting if that member's conduct is disorderly.
  - (3) A select committee may resolve to exclude a member of the committee from its meeting if that member's conduct is highly disorderly. The member may be excluded for up to the remainder of the meeting held on that day.
9. I believe it is important that a committee must resolve to exclude a disorderly member from a committee meeting, rather than exclusion of a member at the discretion of the Chair.
10. I would be pleased to meet with your committee should that be considered necessary.

Yours sincerely



John Evans  
Parliamentary Ethics Adviser