

Submission  
No 12

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

**Organisation:** Clerk of the House of Representatives, New Zealand  
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Hon Ben Franklin MLC  
Chairperson  
Procedure Committee  
Legislative Council of New South Wales

Dear Mr Chairperson

## **Submission – Inquiry into the procedures for dealing with disorder by members during committee proceedings**

Thank you for the opportunity to submit on the above inquiry. This submission discusses procedures and practices in use in committees of the New Zealand House of Representatives (select committees) in managing disorder during parliamentary committee meetings and hearings.

The chairperson is responsible for leading the committee in dealing with disorder and for ruling when necessary. How disorder is dealt with will depend on its source. A member's conduct may be disorderly, but disorder may also arise from the conduct of a member of the public.

Generally, the chairperson will try to assuage the disorder and facilitate an orderly resolution, avoiding a halt to the committee's proceedings if possible. If necessary, the chairperson can, on their own authority, interrupt a hearing of evidence and move the committee into closed session so as to deal with a matter of order. The chairperson of a select committee can also suspend a meeting in cases of grave disorder. The standard for grave disorder is for the chairperson to judge. In general, grave disorder involves the committee being inhibited from conducting its work in an orderly fashion in a manner that is either particularly severe or persistent. It may also include a threatening situation that the chairperson judges might escalate quickly if not dealt with promptly.

While the Standing Orders make provision for the exclusion of members, these rules are used rarely in practice. A brief suspension of a committee's meeting, which provides an opportunity for heads to cool or a conflict to be resolved more informally, is the preferred approach. Ultimately, it is in all members' interests to maintain a collegial working environment. As a result, a mediative approach is generally taken to disorder in select committees.

A member of a committee may be excluded from a meeting for highly disorderly conduct only on the order of the committee, and not at the direction of the chairperson alone. Such a motion may be moved at any time during the meeting. Although the decision to exclude the member sits with the committee, it is solely for the chairperson to determine whether the situation meets the criterion for the committee's possible exercise of this power: that is, whether, in the chairperson's opinion, the member has been guilty of highly disorderly conduct. Persistent failure to accept a ruling of the chairperson, for example, may well be regarded as highly disorderly conduct. If the chairperson has not ruled that a member's conduct is highly disorderly, the committee cannot exclude the member.

The House's rules for excluding, naming, and suspending members do not apply to a select committee; a member can be excluded from a meeting only in accordance with the Standing Orders applying to select committee meetings. The period for which the member is excluded from the committee meeting may not exceed the remainder of the meeting held on that day.

The chairperson may order, on their own authority, any other member of Parliament present at the committee who is not a member of the committee to withdraw from the meeting if the member's conduct is disorderly.

The meetings of a select committee are open to the public during the hearing of evidence, but the chairperson may order any member of the public whose conduct is disorderly to withdraw from the meeting. This applies equally to witnesses and representatives of the media. Misconduct at a committee meeting may be treated as a contempt of the House.

In 2020, the agencies and parties at Parliament adopted a set of behavioural statements to set expectations for how people who work in the parliamentary workplace behave towards each other. Members are required to sign up to these statements as part of a triangular employment agreement for their staff. A protocol

was subsequently adopted, which establishes the role of Commissioner for Parliamentary Standards. The Commissioner receives and inquires into complaints about members' conduct in the workplace. However, it is important to note that the behavioural statements and associated investigation procedure do not apply to conduct in parliamentary proceedings, and the Commissioner has no role in that context.

Some forms of disorder in a committee may amount to a contempt, and a member may make a complaint in writing to the Speaker. The Speaker may refer the matter to the Privileges Committee.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'D Wilson', written in a cursive style.

Dr David Wilson

**Clerk of the House of Representatives**