

**INQUIRY INTO SUSPENSION OF A MEMBER FOR  
DISORDERLY CONDUCT IN QUESTION TIME**

**Name:** The Honourable Robert Borsak MLC

**Date Received:** 22 October 2024

---



To: The NSW Legislative Council Procedure Committee

Email: [ProcedureCommittee@parliament.nsw.gov.au](mailto:ProcedureCommittee@parliament.nsw.gov.au)

Date: 22<sup>nd</sup> October 2024

## **Subject: Submission Supporting the Suspension of a Member for Disorderly Conduct in Question Time**

Dear Members of the Procedure Committee,

I am writing to provide a submission supporting the suspension of a member for one hour for disorderly conduct during Question Time. It is essential to maintain discipline and decorum in the Legislative Council to allow parliamentary proceedings to function effectively. Introducing a standing order similar to **Standing Order 94(a)** of the Australian House of Representatives would enhance the Presiding Officer's ability to maintain order and ensure that parliamentary business is conducted without disruption.

### **Key Points in Support of Suspension for Disorderly Conduct:**

#### **1. Maintaining Parliamentary Decorum and Respect**

Question Time is crucial for holding the government accountable. Disorderly conduct during this period disrupts the orderly flow of questioning and diminishes the public's trust in the legislative process. The power to suspend a member immediately for disruptive behaviour would allow the Presiding Officer to manage such situations effectively, ensuring that decorum is preserved, and parliamentary proceedings are uninterrupted.

#### **2. Recommendation for the Introduction of a New Standing Order**

I strongly recommend that the NSW Legislative Council **introduce a standing order similar to Standing Order 94(a)** of the Australian House of Representatives. This would allow the Presiding Officer to immediately suspend a member from the service of the House for one hour of the clock for disorderly conduct during Question Time. There being no obligation for the President to first call the member to order or warn the member. This provision is not only swift but also serves as a de-escalation tool, preventing further disorder and enabling proceedings to continue smoothly.



3. **Parliamentary Precedent and Effective Management of Disorder**

The Australian House of Representatives provides a strong precedent through **Standing Order 94(a)**, where the Speaker is empowered to order a member to leave the chamber for one hour for disorderly behaviour. This measure, recommended by the Procedure Committee of the Australian Parliament in 1994, has proven effective in reducing the frequency of member suspensions and limiting disruptions. Introducing a similar rule in the NSW Legislative Council would modernise the management of disorderly conduct, ensuring quicker resolution of disturbances.

4. **Sanctions for Disorderly Conduct**

Under **Standing Order 94(a)**, the Speaker of the House of Representatives can take immediate action to suspend a member for one hour, enabling a swift resolution without resorting to the more disruptive measure of naming a member for extended suspension. This approach ensures that members are held accountable while minimising delays and allowing the chamber to proceed with its business.

5. **Aligning with Broader Parliamentary Practices**

The NSW Legislative Council should align with established parliamentary practices across Australia. The introduction of a standing order modelled after **Standing Order 94(a)** would provide the Presiding Officer with a practical, efficient tool to maintain order. This would reduce the need for a prolonged suspensions process, while also deterring future disorder by reinforcing expectations of appropriate behaviour.

6. **Ensuring a Fair and Effective Parliamentary Process**

The capacity to issue short-term suspensions for disorderly conduct, as seen in the House of Representatives, provides a balance between upholding discipline and ensuring that parliamentary procedures are not unduly disrupted. This method serves to quickly remove sources of disorder while protecting the integrity of the legislative process.

**Conclusion**

In conclusion, I support the suspension of members who engage in disorderly conduct during Question Time. I recommend the **introduction of a standing order similar to Standing Order 94(a) of the Australian House of Representatives**, which would provide the Presiding Officer with the ability to swiftly and effectively maintain order. This proposal aligns with broader parliamentary practices and ensures that the Legislative Council can conduct its business in a disciplined and efficient manner.

Thank you for considering my submission. I request that my submission be published in full, including my name, on the Committee's website.

Yours sincerely,

**Hon. Robert Borsak MLC**

Member of the Legislative Council