



LEGISLATIVE COUNCIL

PROCEDURE COMMITTEE

Suspension of a member for disorderly conduct in Question Time



Report 22

March 2025

www.parliament.nsw.gov.au

Procedure Committee

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Published on 28 March 2025 according to Standing Order 238

New South Wales. Parliament. Legislative Council. Procedure Committee. Report no. 22.

Suspension of a member for disorderly conduct in Question Time

"March 2025"

Chair: Hon Ben Franklin MLC



A catalogue record for this book is available from the National Library of Australia

ISBN: 978-1-923392-00-7

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Terms of reference

That the Procedure Committee inquire into and report on the introduction of a standing order, similar to standing order 94(a) in the Australian House of Representatives, allowing the Presiding Officer in Question Time to immediately suspend a member from the service of the House for one hour for disorderly conduct.

The terms of reference were referred to the committee by the Legislative Council on Wednesday 7 August 2024.¹

¹ *Minutes*, New South Wales Legislative Council, 7 August 2024, p 1369.

Committee details

Committee members

Hon Ben Franklin MLC	The Nationals	<i>Chair</i>
Hon Robert Borsak MLC	Shooters, Fishers and Farmers	
Ms Abigail Boyd MLC	The Greens	
Hon Jeremy Buckingham MLC	Legalise Cannabis Party	
Hon John Graham MLC	Australian Labor Party	
Hon Emma Hurst MLC	Animal Justice Party	
Hon Mark Latham MLC*	Independent	
Hon Taylor Martin MLC**	Independent	
Hon Tania Mihailuk MLC***	Independent	
Hon Sarah Mitchell MLC	The Nationals	
Hon Bob Nanva MLC	Australian Labor Party	
Hon Peter Primrose MLC	Australian Labor Party	
Hon Chris Rath MLC	Liberal Party	
Hon Rod Roberts MLC	Independent	
Hon John Ruddick MLC	Libertarian Party	
Hon Penny Sharpe MLC	Australian Labor Party	
Hon Damien Tudehope MLC	Liberal Party	

* The Hon Mark Latham MLC was appointed to the committee on 30 November 2023.

** The Hon Taylor Martin MLC was appointed to the committee on 19 April 2024.

*** The Hon Tania Mihailuk MLC was appointed to the committee on 30 November 2023.

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Chair's foreword

The maintenance of order during Question Time is critical to facilitating the effective scrutiny of executive government and the Legislative Council's role as a 'House of Review'. At present, there are a number of mechanisms available under the standing orders of the Legislative Council to manage disorderly conduct and restore order in Question Time.

This report explores whether the Legislative Council should introduce another standing order, akin to standing order 94(a) of the Australian House of Representatives, that would allow the President immediately to suspend a member for one hour for disorderly conduct in Question Time. In particular, the report considers the mechanisms available in other Houses of Parliament across the jurisdictions of Australia and New Zealand for managing disorderly conduct, as well as the views of submissions received to the inquiry.

Noting the extensive measures already available under the Legislative Council standing orders to manage disorderly conduct – broader generally than those of any other House in Australia – this report recommends there be no change to the current procedures of the House for managing disorderly conduct in Question Time.

I thank members of the Procedure Committee for their considered deliberation over this issue. I also thank the Clerk and committee secretariat for their expertise and professional support in managing this inquiry.

Hon Ben Franklin MLC

President

Recommendation

Recommendation 1

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That the House not adopt any change to the current procedures of the House for the management of disorderly conduct in Question Time.

Conduct of inquiry

The terms of reference were referred to the committee by the Legislative Council on Wednesday 7 August 2024.

The committee received 2 submissions.

Inquiry related documents are available on the committee's website, including submissions.

Chapter 1 Introduction

This chapter provides background to the inquiry, commencing with an overview of the role of the Procedure Committee, and the establishment and conduct of the inquiry. It then outlines the existing standing orders for managing disorderly conduct in the New South Wales Legislative Council.

Role of the Procedure Committee

- 1.1 The Procedure Committee is appointed at the commencement of each Parliament under standing order 211. The committee considers amendments to the standing orders, proposals to change the practices and procedures of the House, and any other matter referred to it by the House or the President.²

Inquiry overview

- 1.2 On 7 August 2024, the Legislative Council resolved that the Procedure Committee inquire into and report on the suspension of a member for disorderly conduct in Question Time.³ The terms of reference were adopted as part of a motion moved by the Honourable Mark Latham MLC:

That the Procedure Committee inquire into and report on the introduction of a standing order, similar to standing order 94(a) in the Australian House of Representatives, allowing the Presiding Officer in Question Time to immediately suspend a member from the service of the House for one hour for disorderly conduct.⁴

- 1.3 For reference, standing order 94(a) in the Australian House of Representatives allows for the Speaker to direct a disorderly member, without debate or dissent, to leave the chamber for one hour. This provision is discussed in further detail in Chapter 2.
- 1.4 Stakeholders were invited to make submissions. Two submissions were received. The full list of submissions is reproduced at Appendix 1.

Current provisions in the Legislative Council standing orders

- 1.5 The President of the Legislative Council has the duty to maintain order in the House.⁵ During Question Time in particular, maintaining order is critical to facilitating the

² Stephen Frappell and David Blunt (eds), *New South Wales Legislative Council Practice* (Federation Press, 2nd ed, 2021), p 733.

³ *Minutes*, New South Wales Legislative Council, 7 August 2024, p 1369.

⁴ *Minutes*, New South Wales Legislative Council, 7 August 2024, p 1369.

⁵ Standing order 86(1), *Standing Rules and Orders*, New South Wales Legislative Council, p 33.

effective scrutiny of executive government and the Legislative Council's role as a 'House of Review'.

- 1.6 Beyond calling the House to order under usual circumstances, the President can address disorderly conduct through a number of means under the standing orders of the New South Wales Legislative Council. Standing orders 196 to 198 are the key provisions that the President uses to manage disorderly behaviour in Question Time.

Member called to order three times and removed by order of the President (SO 196)

- 1.7 Under standing order 196, if a member is called to order three times in the course of any one sitting, the President can order the Usher of the Black Rod to immediately remove the member from the chamber for a period of time that they determine, but not beyond the termination of the sitting.⁶
- 1.8 Most instances in which a member has been removed from the chamber after having been called to order three times have occurred during Question Time. In these cases, the President has generally ordered that the offending member be removed from the chamber until the end of Question Time.⁷
- 1.9 In the 58th Parliament, the President has called a member to order three times on two occasions. Both occasions saw the member removed from the chamber by the Usher of the Black Rod.⁸

Member named by the President and suspended by order of the House (SOs 197-198)

- 1.10 The President also has recourse to 'name' a member and report their offence to the House, under standing order 197. A motion may then be moved that the member be suspended from the service of the House.
- 1.11 The House may suspend a member under this standing order for:
- continuing to obstruct the business of the House,
 - continuing to abuse the rules of the House,
 - refusing to comply with a Chair's order or with the standing orders,
 - continuing to disregard the Chair's authority, or
 - obstructing the orderly conduct of House business.

⁶ Standing order 196, *Standing Rules and Orders*, New South Wales Legislative Council, p 67.

⁷ Stephen Frappell and David Blunt (eds), *New South Wales Legislative Council Practice* (Federation Press, 2nd ed, 2021), p 480.

⁸ *Minutes*, New South Wales Legislative Council, 7 February 2024, p 876 and *Minutes*, New South Wales Legislative Council, 14 September 2023, p 484.

- 1.12 Members who have been named may exercise their right to account or apologise for their actions, and then, if required by the Chair, withdraw from the chamber. Upon withdrawing, a motion to suspend the member may be moved, without amendment or debate.⁹
- 1.13 If suspended, under standing order 198, the member cannot enter the chamber or galleries, nor attend any committee proceedings.¹⁰ The term of suspension is at the discretion of the House and remains in effect until the House terminates the suspension, the member submits an apology, or both.¹¹
- 1.14 In the current Parliament, no member has been named under standing order 197 to date. Indeed, the House has very rarely exercised its power to suspend a member under these circumstances, only having done so twice before.¹²

Member removed by order of the President for grossly disorderly conduct (SO 196)

- 1.15 Standing order 196 also provides that the President or Deputy President may immediately remove a member from the House (that is, without having to call them to order three times) if their conduct is adjudged to be grossly disorderly.¹³
- 1.16 Only two members have been removed in this way over the last 18 years – one until the end of Question Time¹⁴ and the other until the end of the sitting.¹⁵ In the 58th Parliament to date, no member has been immediately removed for gross disorder.
- 1.17 Noting the various circumstances under which a member may be suspended, it is worth drawing attention to the key difference between the power of the House to suspend a member and that of the President (or other occupant of the chair). Under standing order 196, the President may only suspend a member until the termination of the sitting, whereas under standing order 198, the House may suspend a member indefinitely, subject to the limitations of the common law power of the House to suspend a member.

⁹ Standing order 197(3), *Standing Rules and Orders*, New South Wales Legislative Council, p 67.

¹⁰ Standing order 198(3), *Standing Rules and Orders*, New South Wales Legislative Council, p 67.

¹¹ Standing order 198(2), *Standing Rules and Orders*, New South Wales Legislative Council, p 67.

¹² Stephen Frappell and David Blunt (eds), *New South Wales Legislative Council Practice* (Federation Press, 2nd ed, 2021), p 483.

¹³ Standing order 196, *Standing Rules and Orders*, New South Wales Legislative Council, p 67.

¹⁴ *Minutes*, New South Wales Legislative Council, 21 June 2007, p 145.

¹⁵ *Minutes*, New South Wales Legislative Council, 19 June 2014, p 2620.

Chapter 2 Management of disorderly conduct

This chapter considers the range of mechanisms currently available to the presiding officers of other Houses of Parliament across the jurisdictions of Australia and New Zealand for managing disorderly conduct. It begins by noting standing order 94(a) of the Australian House of Representatives, as referred to in the inquiry terms of reference, before examining the provisions of other Houses by comparison. The chapter concludes with a consideration of the submissions to the inquiry and the committee's comment.

Relevant provisions across the jurisdictions

- 2.1 Central to the current inquiry is the question of a provision that would allow the President, in Question Time, to immediately suspend a member from the service of the House for one hour for disorderly conduct.
- 2.2 As noted in the terms of reference, such a provision exists under standing 94 in the Australian House of Representatives, which provides in part:

94 Sanctions against disorderly conduct

The Speaker can take action against disorderly conduct by a Member:

Direction to leave the Chamber

- (a) The Speaker can direct a disorderly Member to leave the Chamber for one hour. The direction shall not be open to debate or dissent, and if the member does not leave the Chamber immediately, the Speaker can name the Member under the following procedure.¹⁶

- 2.3 A comparison of the jurisdictions across Australia and New Zealand reveals that a number of Houses of Parliament possess a similar provision to standing order 94(a), with varying periods of suspension from 30 minutes up to 24 hours. These Houses are:

- Northern Territory Legislative Assembly,¹⁷
- South Australia House of Assembly,¹⁸
- Tasmania House of Assembly (up to 24 hours),¹⁹
- Victoria Legislative Assembly (1 ½ hours),²⁰
- Victoria Legislative Council (30 minutes).²¹

¹⁶ Standing order 94, *Standing Orders*, Australian House of Representatives, pp 49-50.

¹⁷ Standing order 49, *Standing Orders*, Legislative Assembly of the Northern Territory, p 15.

¹⁸ Standing orders 137 and 137A, *Standing Orders*, South Australia House of Assembly, p 37.

¹⁹ Standing order 149(1), *Standing and Sessional Orders and Rules*, Tasmania House of Assembly, pp 63-64.

²⁰ Standing order 124(1), *Standing Orders*, Legislative Assembly of Victoria, p 61.

²¹ Standing order 13.03, *Standing Orders*, Legislative Council of Victoria, p 51.

- 2.4 In addition, the standing orders of the New South Wales Legislative Assembly,²² Queensland Legislative Assembly,²³ and New Zealand House of Representatives²⁴ also have provisions for the immediate suspension of a member for a specified period in instances of 'grossly disorderly' conduct.
- 2.5 The relevant standing orders of the jurisdictions listed above can be found in full at Appendix 2.
- 2.6 Those Houses without a provision equivalent to standing order 94(a) of the House of Representatives for the immediate suspension of a member for disorderly conduct for a specified period of time are the Australian Capital Territory Legislative Assembly, the Australian Senate, South Australia Legislative Council, Tasmania Legislative Council, Western Australian Legislative Assembly, and Western Australia Legislative Council.²⁵ It is noted that, of these, the majority of Houses without a provision similar to the Australian House of Representatives standing order 94(a) are upper Houses.
- 2.7 The following table provides a comparison of the jurisdictions compared to the powers for restoring order under standing orders 196-199 of the New South Wales Legislative Council and standing order 94(a) of the Australian House of Representatives. For a detailed summary of all available powers within each jurisdiction, please refer to Appendix 3.

Table 2.1 Jurisdictional comparison of certain powers for restoring order

	[House of Reps] PO immediately suspending a member for one hour for disorderly conduct	[LC] Member called to order three times and suspended by order of the PO	[LC] Member named by the PO and suspended by order of the House (for various periods of times)	[LC] Members suspended by PO for grossly disorderly conduct	[LC] PO immediately suspending the sitting in the case of grave disorder	Other provisions
NSW Legislative Council	✘	✓	✓	✓	✓	
Australian House of Representatives	✓	✘	✓	✓	✓	
Other upper Houses						
Australian Senate	✘	✘	✓	✘	✘	

²² Standing order 249A, *Standing Orders*, New South Wales Legislative Assembly, p 70.

²³ Standing order 253A, *Standing Rules and Orders of the Legislative Assembly*, Legislative Assembly of Queensland, p 59.

²⁴ Standing order 90, *Standing Orders*, New Zealand House of Representatives, p 29.

²⁵ Please note, the Australian Capital Territory Legislative Assembly and Western Australia Legislative Assembly *do* provide for the immediate suspension of a member for grossly disorderly conduct but not for a specified period of time as SO94(a) of the Australian House of Representatives provides.

Suspension of a member for disorderly conduct in question time

	[House of Reps] PO immediately suspending a member for one hour for disorderly conduct	[LC] Member called to order three times and suspended by order of the PO	[LC] Member named by the PO and suspended by order of the House (for various periods of times)	[LC] Members suspended by PO for grossly disorderly conduct	[LC] PO immediately suspending the sitting in the case of grave disorder	Other provisions
SA Legislative Council	✘	✘	✓	✘	✓	
Tasmania Legislative Council	✘	✘	✓	✘	✘	
Victoria Legislative Council	✓ (up to ½ hr)	✘	✓	✘	✘	
WA Legislative Council	✘	✘	✘	✘	✘	Disorderly behaviour is reported to the House, member is called to make an explanation or apology, suspension may follow.
Other lower Houses						
ACT Legislative Assembly	✘	✘	✓	✓	✓	
NSW Legislative Assembly	✘	✓	✓	✓ (up to 3 hrs)	✘	
New Zealand House of Representatives	✘	✘	✓	✓ (up to the remainder of the day's sitting)	✘	
NT Legislative Assembly	✓	✘	✓	✓	✓	
QLD Legislative Assembly	✘	✘	✓	✓ (up to 1 hr)	✓	
SA House of Assembly	✓	✘	✓	✘	✓	
Tasmania House of Assembly	✓ (up to 24 hrs)	✘	✓	✘	✘	
Victoria Legislative Assembly	✓ (up to 1 ½ hrs)	✘	✓	✘	✓	
WA Legislative Assembly	✘	✓	✓	✓	✓	

- 2.8 The table highlights that the New South Wales Legislative Council is unusual in adopting arrangements under standing order 196 for members to be called to order three times and suspended by order of the President. The standing order was originally adopted in 1895,²⁶ likely from the NSW Legislative Assembly, which has the same provision. As shown in the table, of all other Australian parliaments, only the Western Australia Legislative Assembly has the same provision.
- 2.9 By comparison, almost all parliaments, with the exception of the Western Australia Legislative Council, have provisions for members to be named and suspended by order of the House. Some Houses rely solely on such provisions, whereas others also provide for members to be suspended immediately by the presiding officer for 'grossly disorderly' conduct, and others again adopt the equivalent of House of Representatives standing order 94(a), or both. There is no consistent model across the Houses.
- 2.10 Particularly amongst upper Houses, the New South Wales Legislative Council is notable for the range of mechanisms currently available to the President and the House to suspend members for disorderly conduct.

Overview of submissions

- 2.11 The committee received submissions to the inquiry from the Honourable Mark Latham MLC and the Honourable Robert Borsak MLC.
- 2.12 Mr Latham advocated for a new standing order to suspend a member for one hour for disorderly conduct. He argued that an "Opposition tactic of disruption"²⁷ has indirectly contributed to a reduction in the number of crossbench questions, with time occupied by the President restoring order or making rulings on related points of order. He also maintained that this new standing order would strike a balance between the full suspension of a member and effective deterrence of incessant misconduct.²⁸
- 2.13 Likewise, Mr Borsak supported the introduction of a standing order similar to 94(a) in the Australian House of Representatives. He argued that, if there was no obligation to first warn or call a member to order, such a standing order would enhance the President's ability to swiftly and effectively maintain order. Additionally, he indicated that the power to issue short, time-limited suspensions aligns with established parliamentary practice across Australia.²⁹

Committee comment

- 2.14 The committee met and considered this matter at a deliberative meeting on 19 March 2025.

²⁶ Susan Want and Jenelle Moore, David Blunt (ed), *Annotated Standing Orders of the New South Wales Legislative Council* (Federation Press, 2018), p 628.

²⁷ Submission 2, The Honourable Mark Latham MLC, p 1.

²⁸ Submission 2, The Honourable Mark Latham MLC, p 1.

²⁹ Submission 1, The Honourable Robert Borsak MLC, pp 1-2.

- 2.15 In general terms, the committee was struck by the diversity of mechanisms adopted by Houses of Parliament around Australia to enable the Chair to restore order. There is no one approach adopted by Houses in the different jurisdictions to the restoring and maintenance of order, and Houses clearly adopt different approaches based on their own cultures and practices. While there may be some commonality in mechanisms across lower and upper Houses, this should not be overstated.
- 2.16 It is entirely understandable that the House of Representatives has adopted standing order 94(a). Clearly that standing order is appropriate to the culture and operation of that House, which even to an external observer is clearly a very robust House, particularly during Question Time. However, it does not necessarily follow that such a provision is suitable to the New South Wales Legislative Council. On the whole, members of the Council exercise a degree of self-discipline and are respectful of their fellow members, including during Question Time. Nor does the Council have a tradition of routinely suspending members from the chamber, either during Question Time or at other times.
- 2.17 The committee was also struck by the fact that the Legislative Council is unusual in the breadth of measures it has already adopted to allow the President or other occupant of the Chair to restore order, including during Question Time. On the face of it, the Council adopts a broader suite of measures to allow the President or other occupant of the Chair to restore order than any other House in Australia.
- 2.18 That said, in the overwhelming majority of cases in the Legislative Council, the President or other occupant of the Chair is able to restore order in the House by calling members to order under standing order 196, and if necessary suspending the member for a period of time on three calls to order. Whilst this arrangement is somewhat unusual amongst Australian Houses of Parliament, only being replicated by the New South Wales Legislative Assembly and the Western Australian Legislative Assembly, on the whole, the committee is of the opinion that it works well.
- 2.19 Accordingly, the committee is not of the opinion that adding a further mechanism equivalent to standing order 94(a) of the House of Representatives for the maintenance of order in the Legislative Council is necessary at this time. The committee is open to reviewing this matter again in the future should the need arise.
- 2.20 The committee therefore recommends that the House not adopt any change to the current procedures of the House for the management of disorderly conduct in Question Time.

Recommendation 1

That the House not adopt any change to the current procedures of the House for the management of disorderly conduct in Question Time.

Appendix 1 Submissions

No.	Author
1	The Honourable Robert Borsak MLC
2	The Honourable Mark Latham MLC

Appendix 2 Standing orders in other Houses of Parliament similar to standing order 94(a) from the Australian House of Representatives

Standing order 49, Northern Territory Legislative Assembly

STANDING ORDER 49

Member Excluded for One Hour

(1) If the Speaker considers the conduct of a Member is disorderly, the Speaker may order the Member to leave the Assembly immediately for a period of one hour. The requirement to leave is final, not subject to dissent and cannot be debated.

(2) If a Member fails to leave the Chamber immediately when ordered to do so, the Speaker may name the Member pursuant to the process described in Standing Orders 50 and 51.

(3) After leaving the Assembly Chamber the Member may only attend during the one hour period of exclusion for the purpose of voting in any division or being counted for a quorum, but must depart when the vote has been declared or a quorum formed.³⁰

Standing orders 137 and 137A, South Australia House of Assembly

137 Obstruction (169)

Amended Nov. 2017

If any Member

1. persistently or wilfully obstructs the business of the House, or
2. persistently or wilfully refuses to conform to any Standing Order of the House, or
3. refuses to accept the authority of the Chair, or
4. having used unparliamentary language refuses either to explain its use to the satisfaction of the Speaker or to withdraw it and, if necessary in the opinion of the Speaker, apologise for its use,

The Speaker may either direct that Member to leave the Chamber in accordance with Standing Order 137A or names the Member and reports the Member's offence to the House.

137A Direction to Leave Chamber

Inserted Nov. 2017

1. The Speaker may direct a disorderly Member to leave the Chamber for up to one hour. The direction shall not be open to debate or dissent, and if the Member does not leave the Chamber immediately, the Speaker may name the Member.
2. A Member who has been directed to leave the Chamber under this standing order is excluded from the House and its galleries for up to one hour. However, the Member may enter the Chamber during the ringing of the bells for the purpose of forming a quorum, an absolute majority or voting in a division. Once the Speaker or Chairman of Committees has declared the presence of a quorum or the business for which an absolute

³⁰ Standing order 49, *Standing Orders*, Legislative Assembly of the Northern Territory, p 15.

majority was required has concluded or result of the division has been declared, the Member must immediately withdraw from the Chamber for the remainder of the period of exclusion.³¹

Standing order 149, Tasmania House of Assembly

149 Suspension or withdrawal from House.

(1) If the offence has been committed in the House, the Speaker may direct the Member to withdraw from the House for any period up to 24 hours or put the Question on a Motion being made, no Amendment, Adjournment, or Debate being allowed, “That such Member be suspended from the service of the House”; and, if the offence has been committed in Committee, the Chair shall forthwith suspend the proceedings of the Committee and report the circumstances to the House, and the Speaker shall thereupon without a Motion being necessary, put the same Question, without Amendment, Adjournment, or Debate, as if the offence had been committed in the House itself, or the Speaker may direct the Member to withdraw from the House for any period up to 24 hours.

(2) Where a Member is directed to withdraw from the House by the Speaker, the Member may attend for the purpose of voting in any division or being counted when attention has been drawn to the lack of a quorum, but shall withdraw when the vote has been declared or a quorum formed.³²

Standing order 124, Victoria Legislative Assembly

124 Chair ordering member to withdraw

Where the Speaker or Deputy Speaker considers the conduct of a member to be disorderly:

(1) The Speaker or Deputy Speaker may order the member to withdraw from the House for up to one and a half hours. That order is not open to debate or dissent.

(2) The member, whilst suspended, may still return to the Chamber to vote in a division.

(3) If a member is ordered to withdraw under paragraph (1) and the House adjourns before the end of the suspension period, the member, subject to paragraph (2), will not return to the Chamber on the next sitting day until the remaining time has expired. Time is calculated from the end of the ringing of the bells.³³

Standing order 13.03, Victoria Legislative Council

13.03 Disorderly conduct — member ordered to withdraw

(1) If the President considers the conduct of a member to be disorderly, the President may order the member to withdraw from the Chamber for up to 30 minutes. That order is not open to debate or dissent.

(2) The member may, whilst suspended, return to the Chamber for the purpose of voting in a division.

(3) If a member is ordered to withdraw under this Standing Order and the Council adjourns before the end of the suspension period, the member will not return to the Chamber (except to vote in a division) on the next sitting day until the remaining time has expired. This is calculated from the end of the ringing of the bells.

³¹ Standing order 137 and 137A, *Standing orders for regulating the public business of the House of Assembly*, South Australia House of Assembly, p 37.

³² Standing order 149, *Standing and Sessional Orders and Rules*, Tasmania House of Assembly, pp 63-64.

³³ Standing order 124, *Standing Orders*, Legislative Assembly of Victoria, p 61.

(4) If a member does not immediately withdraw from the Chamber when ordered to do so under this Standing Order, the President may name the member pursuant to Standing Order 13.04.³⁴

Standing order 249A, New South Wales Legislative Assembly

249A. Member removed from the Chamber

The Speaker may direct a Member who is grossly disorderly to leave the Chamber for up to three hours. The direction shall not be open to debate or dissent.³⁵

Standing order 90, New Zealand House of Representatives

90 Disorderly conduct

(1) The Speaker may order any member whose conduct is highly disorderly to withdraw immediately from the House during the period (up to the remainder of that day's sitting) that the Speaker decides, except that a member ordered to withdraw before or during oral questions may not return to the Chamber to ask or answer a question and no other member may ask a question on that member's behalf.

(2) Any member ordered to withdraw from the House may not enter the Chamber but may vote.³⁶

Standing order 253A, Queensland Legislative Assembly

253A. Power to order withdrawal of disorderly member from the Chamber for up to one hour

(1) The Speaker may, after warning a member who in the Speaker's opinion continues to be grossly disorderly, order that member to withdraw immediately from the Chamber for up to one hour.

(2) A member ordered to withdraw immediately from the Chamber under this Standing Order must do so forthwith, and must, during the period nominated by the Speaker (up to one hour) remain absent from the Chamber.

(3) Any member who having been ordered to withdraw under this Standing Order fails to comply, may without further warning, be named by the Speaker under SO 254.³⁷

³⁴ Standing order 13.03, *Standing Orders*, Legislative Council of Victoria, p 51.

³⁵ Standing orders 249A, *Standing Orders*, New South Wales Legislative Assembly, p 70.

³⁶ Standing order 90, *Standing Orders of the House of Representatives*, New Zealand House of Representatives, p 29.

³⁷ Standing order 253A, *Standing Rules and Orders of the Legislative Assembly*, Legislative Assembly of Queensland, p 59.

Appendix 3 Summary of powers available to address disorderly conduct in Question Time across the jurisdictions

The following summary provides an overview of the powers available to presiding officers and the House in other jurisdictions to address disorderly conduct in Question Time. It is noted that this summary deliberately omits certain provisions relating to contempt, expulsion, wilful disobedience and other highly irregular and extreme circumstances where member behaviour gravely compromises the dignity of the House and its public perception.³⁸

Australian Capital Territory Legislative Assembly

In the Australian Capital Territory Legislative Assembly, standing orders 202 to 204 provide for the Speaker to name a disorderly member and immediately put the question, without amendment or debate, that they be suspended from the service of the Assembly. The first occasion of suspension is three sitting hours, the second (within a 12-month period) is two full sitting days, and the third, including any subsequent occasions, is three full sitting days.³⁹ Conditions of the suspension prohibit members from entering the Assembly chamber or its gallery. However, members may participate in committee proceedings, as long as they refrain from lodging notices, questions or petitions.⁴⁰

If a member's behaviour is of such a grossly disorderly nature that it threatens to undermine the dignity of the House, the Speaker may order the member to immediately withdraw from the chamber.⁴¹ When the member has withdrawn, the usual provisions apply under standing orders 202 to 204 (that is, naming and putting of question on suspension).

In cases of grave disorder, the Speaker can adjourn the Assembly without putting the question, or suspend to a time named by the Speaker.⁴²

Australian House of Representatives

In the Australian House of Representatives, the Speaker has multiple powers to remove a member from the chamber under standing order 94. As previously noted, standing order 94(a) allows the Speaker to direct a disorderly member to leave the chamber for one hour. Another mechanism for dealing with disorderly conduct is 94(b), enabling the Speaker to name a disorderly member and move a motion to suspend them for 24 hours (assuming it is their first transgression). To protect the dignity of the House, standing order 94(c) can be used by the Speaker to instruct a grossly disorderly member to immediately leave the chamber. In this case, the provisions of 94(b) then apply, except that the Speaker puts the question for suspension without moving a motion.⁴³

³⁸ For example, for expulsion, see standing order 254, *Standing Orders*, New South Wales Legislative Assembly, p 71; for contempt, see standing order 130, *Standing Orders*, Legislative Assembly of Victoria, p 62 or standing order 97, *Standing Orders*, New Zealand House of Representatives, p 30; for wilful disobedience, see standing order 258, *Standing Rules and Orders of the Legislative Assembly*, Legislative Assembly of Queensland, p 60, standing order 215, *Standing Orders*, South Australia Legislative Council, p 45, or standing order 34, *Standing Orders*, Legislative Council of Western Australia, p 21.

³⁹ Standing orders 202 to 204, *Standing Orders*, Legislative Assembly for the Australian Capital Territory, p 59.

⁴⁰ Standing order 206, *Standing Orders*, Legislative Assembly for the Australian Capital Territory, p 60.

⁴¹ Standing order 205, *Standing Orders*, Legislative Assembly for the Australian Capital Territory, p 60.

⁴² Standing order 207, *Standing Orders*, Legislative Assembly for the Australian Capital Territory, p 60.

⁴³ Standing order 94, *Standing Orders*, Australian House of Representatives, p 49.

In the event of grave disorder occurring in the House, the Speaker can, without any question being put, suspend the sitting and state the time that they will resume the Chair, or adjourn the House to the next sitting day.⁴⁴

It is noted that, in response to Recommendation 8 of the 2021 Standing Committee on Procedure report, *A window on the House: practices and procedures relating to Question Time*,⁴⁵ a notice of motion was moved by the Leader of the House to amend standing order 94.⁴⁶ The proposed 'middle option'⁴⁷ would permit the Speaker to direct members to leave the chamber during Question Time for one hour or three hours, depending on the severity and incidence of their misconduct.⁴⁸ The sanction would then become the subject of discussion for a matter of public importance.⁴⁹ This notice of motion has been placed on the Notice Paper since July 2024.⁵⁰

Australian Senate

In the Australian Senate, standing order 203 enables the President to name a disorderly member, after which a motion may be moved to suspend them from the sitting of the Senate. Such members have the opportunity to make an explanation or apology before the motion is put (without amendment, adjournment or debate). If the motion passes, the member is suspended from the sitting for the remainder of the day. Longer periods of suspension apply to the second, third and subsequent offences within the same calendar year.⁵¹

The Procedure Committee of the Australian Senate considered alternate powers for the President to remove unruly senators in 2015 and 2017.

In 2015, Senator John Williams requested an inquiry, having become concerned over persistently disruptive behaviour by some senators, particularly during Question Time. In the absence of committee consensus, procedure remained unchanged. The rationale was that incessant disorder reflects badly on the Senate as a whole and, as such, senators should be mindful of ensuing reputational damage.⁵²

The 2017 inquiry arose as a result of then President Parry's observation that the Chair had limited power to independently enforce standing orders (especially in cases where recalcitrant members refused to comply with requests). A 'time out' rule was briefly considered, but without broad support from the committee was rejected.⁵³

New South Wales Legislative Assembly

In the New South Wales Legislative Assembly, standing orders 249 to 253 comprise the punitive mechanisms available to the Speaker when managing disorder.⁵⁴ Particular attention is drawn to standing order 249A, which empowers the Speaker to direct grossly disorderly members to leave the chamber for up to three hours. In practice, the current Speaker routinely draws on standing order 249A to order

⁴⁴ Standing order 95, *Standing Orders*, Australian House of Representatives, p 50.

⁴⁵ Standing Committee on Procedure, Australian House of Representatives, *A window on the House: practices and procedures relating to Question Time*, p 88.

⁴⁶ *Notice Paper*, Australian House of Representatives, 3 July 2024, pp 4-5.

⁴⁷ Standing Committee on Procedure, Australian House of Representatives, *A window on the House: practices and procedures relating to Question Time*, p 85.

⁴⁸ *Notice Paper*, Australian House of Representatives, 3 July 2024, pp 4-5.

⁴⁹ Standing Committee on Procedure, Australian House of Representatives, *A window on the House: practices and procedures relating to Question Time*, p 88.

⁵⁰ *Notice Paper*, Australian House of Representatives, 3 July 2024, pp 4-5 and *Notice Paper*, Australian House of Representatives, 13 February 2025, pp 3-4.

⁵¹ Standing orders 203 to 204, *Standing orders and other orders of the Senate*, The Senate, p 102.

⁵² Procedure Committee, Australian Senate, *First report of 2015* (2015), p 2.

⁵³ Procedure Committee, Australian Senate, *First report of 2017* (2017), p 2.

⁵⁴ Standing orders 249-253, *Standing Orders*, New South Wales Legislative Assembly, pp 70-71.

members to leave for either short intervals, until after a specific question, or until the conclusion of Question Time. Under this standing order, 19 members were removed during Question Time between January and October 2024 for periods between 18 seconds and 20 minutes.

For gross breaches, the Speaker may also elect to call a member to order. If this occurs more than three times, the Speaker may instruct the Serjeant-at-Arms to remove the member from the House. Members removed under this standing order are excluded from the parliamentary precincts for the remainder of the sitting (which encompasses any proceedings of the House and its committees).⁵⁵ This standing order was unused during Question Time in 2024.

Additionally, the Speaker has the power to name members for disorderly conduct, after which the Speaker proposes the question on the motion that the member be suspended. The motion to suspend is not open to amendment, adjournment or debate, but named members may take the opportunity to make an explanation (limited to five minutes). The first time a member is suspended, it lasts two sitting days. For each transgression thereafter, the period of suspension doubles, with reoffending members given four days on the second occasion and eight days on the third (as well as any subsequent occasion).⁵⁶

New Zealand House of Representatives

In the New Zealand House of Representatives, standing orders on disorderly conduct are broadly consistent with practice in Australia's jurisdictions. Standing order 90(1) allows the Speaker to order a member to withdraw immediately from the House if their conduct is highly disorderly. There is the added stipulation that members who have been asked to withdraw before or during oral questions may not return to the chamber to ask or respond to questions. It is also prohibited for other members to ask questions on their behalf. While withdrawn, the only circumstance in which a member may return to the House and participate in proceedings is voting.⁵⁷

The Speaker also has the option of naming a member whose conduct is grossly disorderly. When a member is named, the Speaker puts the question and calls on the House to judge the member's conduct. If found guilty of misconduct, the member will serve a 24-hour suspension. The duration of suspension for second and third offences in the same parliamentary session is seven and 28 days respectively.⁵⁸ Suspended members may not enter the chamber to vote, serve on a committee, or lodge questions or notices of motions.⁵⁹

Northern Territory Legislative Assembly

In the Northern Territory Legislative Assembly, the Speaker has several powers to manage disorderly behaviour. The Speaker can order a disorderly member to leave the chamber for a period of one hour, which is not subject to debate or dissent.⁶⁰ Failure to leave results in naming. The member can only return during the exclusionary period for the purpose of voting in a division or being counted towards a quorum.⁶¹

Standing orders 50 to 52 provide for the naming of a member. Upon naming by the Speaker, the question is immediately put and, if passed, the member is suspended for 24 hours on the first occasion. For a second violation in the same calendar year, a member is suspended for two meeting days, and for a third, they are suspended for three meeting days. These latter two penalties are additional to any period a member serves on the day of the suspension being ordered.⁶²

⁵⁵ Standing orders 249, *Standing Orders*, New South Wales Legislative Assembly, p 70.

⁵⁶ Standing orders 251-252, *Standing Orders*, New South Wales Legislative Assembly, pp 70-71.

⁵⁷ Standing order 90, *Standing Orders*, New Zealand House of Representatives, p 29.

⁵⁸ Standing order 90, *Standing Orders*, New Zealand House of Representatives, p 29.

⁵⁹ Standing order 96(1), *Standing Orders*, New Zealand House of Representatives, p 30.

⁶⁰ Standing order 49(1), *Standing Orders*, Legislative Assembly of the Northern Territory, p 15.

⁶¹ Standing order 49(3), *Standing Orders*, Legislative Assembly of the Northern Territory, p 16.

⁶² Standing orders 50 to 52, *Standing Orders*, Legislative Assembly of the Northern Territory, pp 15-16.

If a member is highly disorderly to the extent that other standing orders would be inadequate to safeguard the Assembly's dignity, standing order 53 provides for the immediate removal of a member and their naming thereafter.⁶³ For cases of severe disorder occurring more broadly in the Assembly or its galleries, standing orders 55 enables the Speaker to adjourn the Assembly without putting the question, or suspend for such time to be advised to members or until the ringing of the bells indicate resumption.⁶⁴

Queensland Legislative Assembly

In the Queensland Legislative Assembly, there are a number of powers afforded to the Speaker by the standing orders to manage infractions in the House. These include enabling the Speaker to immediately dismiss a member for persistent gross misconduct (that is, when a member continues to be grossly disorderly despite previous warnings) for varying periods of time including one hour, the remainder of the day's sitting, or remainder of the day's sitting excepting divisions.⁶⁵

Serner measures are also available to the Speaker if a member disregards the authority of the Chair or abuses the rules of the House. In such events, the Speaker can name the member, who may then be suspended from the House for a period as specified in a motion, but not exceeding seven sitting days.⁶⁶

To deal with grave disorder, the Speaker may suspend any sitting to a time they determine without putting the question.⁶⁷

South Australia House of Assembly

In the South Australia House of Assembly, standing order 137A gives the Speaker power to direct disorderly members to leave the chamber for up to one hour.⁶⁸ The direction, not open to debate or dissent, requires a member to exit the chamber and only re-enter for the purpose of forming a quorum, an absolute majority or voting in a division. Colloquially referred to as the 'sin bin', this standing order was adopted in 2017 to give the Speaker more authority to deal with disorderly members. Previously, the Speaker could only request that members withdraw. Since then, it has been predominantly utilised during Question Time.

Another option the Speaker has to address disorder is naming.⁶⁹ A member who has been named may, if the House permits, account for their behaviour by way of explanation or apology (limited to ten minutes), after which the Speaker may move without amendment, adjournment or debate that the member be suspended. On the first occasion, suspended members are excluded from the sitting for the remainder of the day. On the second and third occasions, members are suspended for three and eleven consecutive sitting days respectively.

In cases of serious disorder, the Speaker may adjourn the House without the question being put or suspend to a time of their choosing.⁷⁰

South Australia Legislative Council

In the South Australia Legislative Council, the President can name a member and report their offence to the House for disorderly conduct, including obstructing business of the Council, using objectionable words,

⁶³ Standing order 53, *Standing Orders*, Legislative Assembly of the Northern Territory, p 16.

⁶⁴ Standing order 55, *Standing Orders*, Legislative Assembly of the Northern Territory, p 16.

⁶⁵ Standing orders 252 to 253A, *Standing Rules and Orders of the Legislative Assembly*, Legislative Assembly of Queensland, p 59.

⁶⁶ Standing order 254, *Standing Rules and Orders of the Legislative Assembly*, Legislative Assembly of Queensland, pp 59-60.

⁶⁷ Standing orders 256, *Standing Rules and Orders of the Legislative Assembly*, Legislative Assembly of Queensland, p 60.

⁶⁸ Standing order 137A, *Standing Orders*, South Australia House of Assembly, p 37.

⁶⁹ Standing orders 137 and 139, *Standing Orders*, South Australia House of Assembly, pp 37-38.

⁷⁰ Standing order 140, *Standing Orders*, South Australia House of Assembly, p 38.

or disregarding the authority of the Chair.⁷¹ After a member is reported, a motion is to be immediately moved, seconded and determined that the member be suspended from the Council's service. Suspended members must sit out the day's proceedings on the first occasion, one week on the second occasion, and one month on the third or any subsequent occasion. They may not re-enter the chamber during the period of suspension.⁷²

If disorder by members is of a very grave nature, the President may choose to immediately adjourn the Council without putting the question or suspend to a time of their determination.⁷³

Tasmania House of Assembly

In the Tasmania House of Assembly, members who commit offences set out in standing order 148 may be named by the Speaker.⁷⁴ Under standing order 149, where an offence has been committed, the Speaker may direct a member to withdraw from the House for a duration up to 24 hours or put the question on a motion, without amendment, debate or adjournment, that they be suspended from the service of the House.⁷⁵ It is understood that the Speaker regularly draws on this provision during Question Time where members, usually guilty of repeated interjections, are removed until the next item of business. These suspensions are immediate and not open to dispute or dissent. The only circumstance in which an ejected member may return to the chamber is to vote in a division in the absence of a quorum. If a member is suspended, the suspension on the first occasion shall be for twenty-four hours, on the second occasion within the preceding twelve months for seven days (excluding the day of suspension), and on the third occasion for twenty-eight days.⁷⁶

Tasmania Legislative Council

In the Tasmania Legislative Council, the convention of naming a member is also established practice. Members may be named by the President for disorderly conduct, disregarding the authority of the Chair or persistently and wilfully obstructing Council business.⁷⁷ After a member is named, the President shall put the question, without amendment, adjournment or debate, that said member be suspended from the service of the Council. If the House agrees to the motion, the member will be suspended for twenty-four hours on the first occasion, seven days on the second occasion, and twenty-eight days on any subsequent occasion of the same parliamentary session.⁷⁸ All suspended members are to leave the chamber precincts immediately and are not permitted to return until the period of suspension expires.⁷⁹

Victoria Legislative Assembly

In the Victoria Legislative Assembly, standing orders provide the Speaker with multiple options to deal with disorderly conduct. In the first instance, the Speaker may order a member's withdrawal from the House for up to one and a half hours under standing order 124. This order is not open to debate or dissent. Whilst suspended, a member may only return to the chamber to vote in a division.⁸⁰ Standing order 124 is augmented by sessional order 12, which covers instances where members are ordered to withdraw from the House during Question Time and Question Time ends before the period of suspension elapses.⁸¹ In this event, a member is permitted to return to the chamber after Question Time, but must serve the

⁷¹ Standing order 208, *Standing Orders*, South Australia Legislative Council, p 44.

⁷² Standing orders 211 and 212, *Standing Orders*, South Australia Legislative Council, pp 44-45.

⁷³ Standing order 213, *Standing Orders*, South Australia Legislative Council, p 45.

⁷⁴ Standing order 148, *Standing and Sessional Orders and Rules*, Tasmania House of Assembly, p 63.

⁷⁵ Standing order 149, *Standing and Sessional Orders and Rules*, Tasmania House of Assembly, pp 63-64.

⁷⁶ Standing order 150, *Standing and Sessional Orders and Rules*, Tasmania House of Assembly, p 64.

⁷⁷ Standing order 105, *Standing Orders*, Legislative Council of Tasmania, p 30.

⁷⁸ Standing order 106, *Standing Orders*, Legislative Council of Tasmania, p 31.

⁷⁹ Standing order 107, *Standing Orders*, Legislative Council of Tasmania, p 31.

⁸⁰ Standing order 124, *Standing Orders*, Legislative Assembly of Victoria, p 61.

⁸¹ Sessional order 12, *Sessional Orders*, Legislative Assembly of Victoria, p 3.

remainder of the suspension in the following Question Times until they have reached the requisite period of suspension.

The Speaker or Deputy Speaker can also name a member under standing order 125. Upon naming a member, standing order 126 requires the Speaker to immediately put the question that the member be suspended from the service of the House for the remainder of the sitting day (or such period as the House deems fit). If suspended under standing order 126, a member must withdraw from the House and not re-enter the chamber for any reason.⁸²

For cases of grave disorder, the Speaker can immediately adjourn the House without putting the question or suspend the sitting until a future time.⁸³

Victoria Legislative Council

In the Victoria Legislative Council, standing orders 13.03 to 13.09 cover the President's powers to deal with member misconduct.⁸⁴ Under standing order 13.03, if the President judges a member's conduct as disorderly, they may be ordered to withdraw from the chamber for up to 30 minutes. In such cases, members can only re-enter the chamber for the purpose of voting in a division.⁸⁵

Alternatively, and if circumstance necessitates, the President may name a member and put the question that they be suspended from the service of the Council for the remainder of the sitting (or whatever period the Council deems appropriate).⁸⁶ During the period of suspension, members are prohibited from entering the chamber or any of its galleries. If the member at fault makes a satisfactory apology in writing to the Council, standing order 13.07 provides for the discharge of the suspension.⁸⁷

Western Australia Legislative Assembly

In the Western Australia Legislative Assembly, akin to other jurisdictions, the President can name members for disorderly conduct.⁸⁸ This entails immediately proposing the question that a member be suspended from the service of the Assembly, with no amendment, adjournment or debate allowed. Members found guilty of misconduct under standing order 42 must serve a two sitting day suspension on the first occasion, four sitting day suspension on the second occasion, and thirteen sitting day suspension for all subsequent occasions.⁸⁹ Further penalties also apply for suspended members who, in the process of leaving the chamber precincts, continue to flout the authority of the Chair. Members charged with further offences incur an additional penalty of three sitting days for each subsequent offence before their departure.⁹⁰

Members whose conduct is grossly disorderly can be ordered to immediately withdraw from the chamber. Following the Speaker's instruction, the member will then be named.⁹¹ Another mechanism the Speaker can employ to address significant breaches of the rules is formal calls to order. If a member is called to order more than three times, the Speaker may order their suspension from the service of the Assembly until adjournment of the sitting.⁹² For cases of grave disorder, the Speaker may adjourn the Assembly without putting the question or suspend the sitting to a time of their choosing.⁹³

⁸² Standing orders 125 to 127, *Standing Orders*, Legislative Assembly of Victoria, pp 61-62.

⁸³ Standing order 129, *Standing Orders*, Legislative Assembly of Victoria, p 62.

⁸⁴ Standing orders 13.03 to 13.09, *Standing Orders*, Legislative Council of Victoria, pp 51-52.

⁸⁵ Standing order 13.03, *Standing Orders*, Legislative Council of Victoria, p 51.

⁸⁶ Standing order 13.04 to 13.05, *Standing Orders*, Legislative Council of Victoria, pp 51-52.

⁸⁷ Standing order 13.07, *Standing Orders*, Legislative Council of Victoria, p 52.

⁸⁸ Standing order 42, *Standing Orders*, Legislative Assembly of Western Australia, p 16.

⁸⁹ Standing order 45, *Standing Orders*, Legislative Assembly of Western Australia, pp 16-17.

⁹⁰ Standing order 46, *Standing Orders*, Legislative Assembly of Western Australia, p 17.

⁹¹ Standing order 47, *Standing Orders*, Legislative Assembly of Western Australia, p 17.

⁹² Standing order 48, *Standing Orders*, Legislative Assembly of Western Australia, p 17.

⁹³ Standing order 50, *Standing Orders*, Legislative Assembly of Western Australia, p 18.

It should also be noted that the Legislative Assembly has previously given consideration to a provision similar to standing order 94(a) of the Australian House of Representatives. However, it is understood there was a view that such a short period of suspension would not be a significant deterrent to disorderly conduct.

Western Australia Legislative Council

In the Western Australia Legislative Council, the President does not have the authority to immediately order a member to withdraw from the House. Disorderly behaviour, and associated offences under standing order 30, must first be reported to the Council by the President. Reported members are called upon to make an explanation or apology, after which a motion may be moved to suspend them from service. If suspended for the first time within a calendar year, a member is excluded from the House for one sitting day. A second suspension is for four sitting days, and any subsequent suspension is for thirteen sitting days. During the period of suspension, members may not enter the chamber or its galleries, attend or participate in committee meetings, or request another member to move notices of motions, motions, questions or petitions on their behalf.⁹⁴

The Council operates under the principle that it should ultimately arbitrate the fate of an unruly member, with the President's role limited to reporting the offence and chairing the ensuing proceedings. Despite the sole method to deal with offences, it is understood that the President seldom draws on this power because there has not been a determined need for it.

⁹⁴ Standing orders 30 to 33, *Standing Orders*, Legislative Council of Western Australia, pp 19-20.

Appendix 4 Minutes

Minutes no. 4

Thursday 26 September 2024, 12:30 pm

President's Dining Room, Parliament House, Sydney

1. Members present

Mr Franklin, *Chair*

Ms Boyd

Mr Graham

Ms Mihailuk

Mrs Mitchell

Mr Tudehope

2. Apologies

Mr Borsak

Mr Buckingham

Ms Hurst

Mr Latham

Mr Martin

Mr Nanva

Mr Primrose

Mr Rath

Mr Roberts

Mr Ruddick

Ms Sharpe

3. Previous minutes

Resolved, on motion of Ms Boyd: That draft minutes no. 3 be confirmed.

4. Correspondence

The committee noted the following item of correspondence received:

- 9 August 2024 – Letter from the Honourable Greg Piper MP, Speaker of the NSW Legislative Assembly, Chair of the Standing Orders and Procedure Committee, to the Honourable Ben Franklin MLC, President of the NSW Legislative Council, Chair of the Procedure Committee, advising that the Legislative Assembly Standing Orders and Procedure Committee is not pursuing the proposal further at this stage to grant public access to proceedings of the Legislative Assembly through Parliament-on-Demand.

5. Inquiry into the suspension of a member for disorderly conduct in Question Time

5.1 Terms of reference

The committee noted the following terms of reference referred by the House on 7 August 2024:

That the Procedure Committee inquire into and report on the introduction of a standing order, similar to standing order 94(a) in the Australian House of Representatives, allowing the Presiding Officer in Question Time to immediately suspend a member from the service of the House for one hour for disorderly conduct.

5.2 Proposed timeline

Resolved, on the motion of Mr Graham: That the committee adopt the following timeline for the administration of the inquiry:

- Call for submissions to commence – 26 September 2024
- Closing date for submissions – 6 December 2024
- Committee to report by 30 May 2025

5.3 Briefing note

Resolved, on the motion of Mrs Mitchell: That the committee secretariat prepare a briefing note for the committee which includes a summary of relevant practices in jurisdictions including across Australia and New Zealand.

5.4 Stakeholder list

Resolved, on the motion of Mr Tudehope: That:

- the secretariat circulate to members the President's proposed list of stakeholders to be invited to make a submission.
- members have two days from when the President's proposed list is circulated to make amendments or nominate additional stakeholders.
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.
- the committee write to the following stakeholders informing them of the inquiry and inviting them to make a submission: Members of the Legislative Council and Clerks from other Australian jurisdictions and New Zealand.

6. Next meeting

The committee adjourned at 12.37 pm *sine die*.

David Blunt
Committee Clerk

Minutes no. 5

Wednesday 19 March 2025, 12.37 pm

President's Dining Room, Parliament House, Sydney

1. Members present

Mr Franklin, Chair
Mr Borsak
Ms Boyd
Mr Graham
Ms Hurst
Mr Martin
Mrs Mitchell
Mr Nanva
Mr Rath
Mr Roberts
Ms Sharpe
Mr Tudehope

2. Apologies

Mr Buckingham
Mr Latham
Ms Mihailuk
Mr Primrose

Mr Ruddick

3. Previous minutes

Resolved, on motion of Mr Tudehope: That draft minutes no. 4 be confirmed.

4. Inquiry into the suspension of a member for disorderly conduct in Question Time

4.1 Briefing note

The committee considered the briefing note prepared by the secretariat which includes a summary of the relevant practices in jurisdictions across Australia and New Zealand.

5. Distribution of Chair's draft report

Resolved, on motion of Mr Martin: That members be provided with a copy of the Chair's draft report in less than seven calendar days before the scheduled report deliberative date.

6. Next meeting

The committee adjourned at 12.50 pm until Thursday 27 March 2025 (report deliberative).

David Blunt

Committee Clerk

Draft minutes no. 6

Thursday 27 March 2025, 12.34 pm

President's Dining Room, Parliament House, Sydney

1. Members present

Mr Franklin, Chair

Ms Boyd

Mr Graham

Ms Hurst

Mr Martin (from 12.41 pm)

Mr Nanva

Mr Roberts

Ms Sharpe

Mr Tudehope

Mr Buckingham

Mr Latham

Mr Primrose

2. Apologies

Mr Borsak

Ms Mihailuk

Mrs Mitchell

Mr Rath

Mr Ruddick

3. Previous minutes

Resolved, on motion of Ms Sharpe: That draft minutes no. 5 be confirmed.

4. Inquiry into the suspension of a member for disorderly conduct in Question Time

4.1 Consideration of Chair's draft report

The Chair submitted his draft report entitled Suspension of a member for disorderly conduct in Question Time, which, having been circulated, was taken as having been read.

Resolved, on the motion of Ms Sharpe: That:

- (a) the draft report be the report of the committee and that the committee present the report to the House,
- (b) the submissions and briefing note relating to the inquiry be tabled in the House with the report,
- (c) upon tabling, all unpublished submissions and the briefing note related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee,
- (d) the committee secretariat correct any typographical, grammatical and formatting errors prior to tabling,
- (e) the committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee,
- (f) dissenting statements be provided to the secretariat by 9.00 am Friday, 28 March 2025 following receipt of the draft minutes of the meeting,
- (g) the President is to table the report on Friday, 28 March 2025.

5. Other business

The committee discussed the conduct of Question Time more broadly.

6. Next meeting

The committee adjourned at 12.46 pm, *sine die*.

David Blunt
Committee Clerk

