

7. DISORDER

Disorderly conduct

Under standing order 91, a Member's conduct is considered disorderly if he or she has:

- persistently and wilfully obstructed the House;
- used objectionable words, and refused to withdraw them;
- persistently and wilfully refused to conform to any standing order;
- wilfully disobeyed an order of the House;
- persistently and wilfully disregarded the authority of the Chair; or
- been considered by the Speaker to have behaved in a disorderly manner.

The Speaker can intervene directly when a Member's conduct is considered offensive or disorderly. If another Member draws the Speaker's attention to such conduct, the Speaker determines whether it requires a sanction and, if so, what that sanction should be (S.O.s 92, 94). This can include requiring the Member to apologise or a formal sanction provided by the standing orders.

Order to leave the Chamber

The Speaker may order the Member to leave the Chamber for one hour (S.O. 94(a)). This action is taken as an alternative to naming the Member—the decision as to whether a naming or an order to leave is more appropriate is a matter for the Speaker's discretion. The order to leave is not open to debate or dissent. When so ordered, a Member failing to leave the Chamber immediately may be named.

Naming and suspension

If the Speaker considers the Member's conduct requires a stronger sanction than that provided by standing order 94(a) he or she may name the Member (S.O. 94(b)). The Speaker uses the words 'I name the Member for (name of electorate)'.

When the Speaker names a Member, a Member (usually the Leader of the House) immediately moves a motion to suspend the Member. The Speaker then puts the question 'That the Member be suspended from the service of the House'. This question must be resolved without amendment, adjournment or debate (S.O. 94(b)). Naming usually occurs immediately after an offence has been committed but this is not always possible. If the

offence is committed while a vote of the House is being taken, the Member may be named after the vote has been completed.

The motion for suspension is not necessarily moved—for example, a naming may be withdrawn or not proceeded with after other Members have addressed the Chair on the matter and the offending Member has apologised.

If the motion is agreed to, the Member concerned must leave the Chamber immediately. A Member suspended from the service of the House is excluded from the Chamber, all its galleries and any room where the Federation Chamber is meeting (S.O. 94(e)). This exclusion is viewed as preventing participation in Chamber related activities, and petitions, notices of motion, notices of questions and proposals for matters of public importance are not accepted from a Member under suspension. A suspended Member is not otherwise affected in the performance of his or her duties and is not prevented from serving on a committee. The same restrictions apply to Members required to withdraw from the Chamber for one hour pursuant to standing order 94(a).

A suspension on the first occasion is for 24 hours; on the second occasion in the same calendar year, three consecutive sittings excluding the day of suspension; and on the third or any subsequent occasions in the same calendar year, seven consecutive sittings excluding the day of suspension. Any suspension in a previous session (see p. 13 for the definition of 'session') or any order to leave pursuant to standing order 94(a) is disregarded (S.O. 94(d)).

If a Member refuses to follow the Speaker's direction, the Speaker may order the Serjeant-at-Arms to escort the Member from the Chamber (S.O. 94(f)).

Gross disorder by a Member, needing urgent action

If the conduct of a Member is so disorderly that the procedures provided in standing orders 94(a) and (b) are inadequate to ensure 'the urgent need to protect the dignity of the House', the Speaker may order the Member to withdraw from the Chamber immediately. After the Member has left the Chamber he or she is named immediately, and the question for suspension is put by the Chair without a motion being necessary (S.O. 94(c)).

Suspension of sitting or adjournment because of grave disorder

If grave disorder occurs in the House, the Speaker may, without any question being put, suspend the sitting, stating the time at which he or she will resume the Chair, or adjourn the House to the next sitting (S.O. 95).

Disorder in the Federation Chamber

The Deputy Speaker may direct a disorderly Member to leave the Federation Chamber for a period of 15 minutes (S.O. 187(b)(i)). Should a Member refuse to leave as directed, the Deputy Speaker must report the disorder to the House (S.O. 187(c)).

Alternatively, if sudden disorder occurs in the Federation Chamber, the Chair may, and on motion by any Member is obliged to, immediately suspend or adjourn the proceedings (S.O. 187(b)(ii)) and report the circumstances to the Speaker in the House (S.O. 187(c)).

Any subsequent action against a Member under standing order 94 (sanctions against disorderly conduct) may only be taken in the House (S.O. 187(e)).

Member ordered to attend House

A Member who wilfully disobeys an order of the House may be ordered to attend the House to answer for his or her conduct. A motion to this effect does not require notice (S.O. 93).

Disturbances by visitors

The Serjeant-at-Arms is responsible for removing any 'visitor' (a person other than a Member, parliamentary official, or an infant being cared for by a Member) who disturbs the operation of the Chamber or Federation Chamber (S.O. 96).