



THE HON MILTON DICK MP Speaker of the House of Representatives

28 November 2022

Hon Shayne Neumann MP
Chair
House of Representatives Standing Committee on Procedure
Parliament House
CANBERRA, ACT 2600


Dear Mr Neumann

Submission to the inquiry into recommendations 10 and 27 of *Set the Standard*

Thank you for the opportunity to provide a submission to the House of Representatives Standing Committee on Procedure's *Inquiry into recommendations 10 and 27 of Set the standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*.

I make this submission in my capacity as the Speaker of the House of Representatives. The Speaker has an important duty to apply the Standing Orders in the Chamber. It is also the Speaker's duty to uphold the dignity of the House and ensure that Members treat each other with respect and courtesy, while engaging in healthy, democratic debate. When ruling on matters such as the use of unparliamentary language and adverse reflections on Members, the Speaker uses the appropriate levels of discretion as provided for in the Standing Orders and draws on precedent and the rulings of predecessors.

Speakers' rulings over time have changed. In the same way that standards of dress have evolved since the first sitting of Australia's Parliament, what constitutes acceptable language and behaviour has also evolved. For example, some inherently sexist language or behaviour may once have been somewhat tolerated but is no longer considered acceptable in contemporary Australia or in today's Parliament. Similar comparisons can be made regarding actions that discriminate or are exclusionary based on race, disability, or sexual orientation.

It is a challenge for the Speaker to uphold the values and expectations of contemporary Australia. This challenge is made more complex in a setting that has a long and entrenched history, is bound by rules and, by its very nature, is a meeting place of challenging ideas and robust debate. Usefully, the Standing Orders provide a range of mechanisms that allow the Speaker to rule in accordance with their own understanding of the context and circumstances, and with regard to precedent. However, this flexibility can also be a barrier in supporting the Speaker to rule on certain conduct or disorder.

Offensive words or reflections on Members

Standing Orders 88 to 90, for example, provide that Members should not use offensive words or cast adverse reflections on Members, but they do not refer specifically to language or behaviour that is sexist or otherwise exclusionary or discriminatory.

Revisions to these Standing Orders, so that they explicitly include that this type of conduct is highly disorderly, would be advantageous to the Chair in ruling on such matters.

Education and procedural support

The principal mechanism for raising a grievance against another Member is via a point of order (Standing Order 86). At times, Members may be unaware of options available to them or feel that they are ineffective in addressing their concerns, at the time that an instance of offensive conduct occurs. The use of 'offensive words' or 'reflections' can also be highly subjective and only adversely felt by the person to whom it is directed, which can sometimes be difficult for the Chair to pick up on.

Training and support: particularly for new Members

Educational opportunities that focus on options for addressing grievances could benefit Members to better understand their expectations and opportunities when such matters arise. This would lead to a more consistent application of procedural best practice.

Statement of principles

The Committee may wish to include statements of guiding principles in the Standing Orders that outline behavioural standards, the expectations of Members, and ways in which they can assist the Chair. This could also benefit the Speaker in maintaining a respectful work environment.

Sanctions against disorder

Under Standing Order 94(a), the Speaker may direct a Member to leave the Chamber for one hour if the Member's conduct is considered disorderly. At times, this direction to leave can be advantageous to a Member or be worn as a 'badge of honour'. If a Member's conduct is grossly disorderly, the Speaker can choose to name the Member in accordance with Standing Order 94(b), but in practice this option is not often used and not used for ordinary offences.

It would assist the Speaker to have additional options to sanction a Member for disorderly conduct. For example, choices for increased penalties of time, and/or the introduction of cascading penalties of time for continued disorder, would be a disincentive to Members to be ejected.

I thank the Committee for the opportunity to contribute to this important inquiry and I look forward to continuing my work with Members to improve everyday respect in the Australian Parliament.

Yours sincerely

THE HON MILTON DICK MP