



HOUSE OF ASSEMBLY

*Speaker's Rooms
Hobart*

10 July 2017

Mr Tony Pasin MP
Chair
Standing Committee on Procedure
House of Representatives
By Email: procedure.committee.reps@aph.gov.au

Dear Mr Pasin,

Inquiry into the Provisions Relating to Disorder in the House of Representatives

Thank you for your letter dated 22 June 2017.

The Standing Orders relevant to sanctions for disorderly conduct are as follows:

192. Any Member who has -

- (a) persistently and wilfully obstructed the business of the House; or
 - (b) been guilty of disorderly conduct; or
 - (c) used objectionable words, and has refused to withdraw; or
 - (d) persistently and wilfully refused to conform to any Standing Order; or
 - (e) persistently and wilfully disregarded the authority of the Chair,
- may be named by the Speaker, or, if any of the above-named offences has been committed by a Member in Committee, the Chair.

193. - (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 Chairman 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.

194. If any Member be suspended under the foregoing Order, the suspension on the first occasion shall be for twenty-four hours, on the second occasion during the same year for seven days excluding the day of suspension, and on the third or any subsequent occasion during the same year for twenty-eight days excluding the day of suspension: Provided that any suspension in a previous Session shall be disregarded.

Standing Order 193 provides the Speaker with alternative courses of action to give effect to a Member's suspension: either a suspension by the Speaker for a time up to 24 hours; or the 'naming' of a Member pursuant to the provisions of Standing Order 192 and suspension by the House (in which case the time periods for suspension set out in Standing Order 194 apply).

The ability for the Speaker to suspend a Member for any period up to 24 hours without a vote of the House being taken was adopted on the recommendation of the Select Committee on the Reform of Parliament in 1994. Of the two courses of action noted above, this is the more common sanction to be imposed. It is most commonly applied during Question Time. In my opinion, this is a useful sanction as it enables immediate suspension of a Member while still allowing them to attend the House for the purposes of voting in a division or forming a quorum. Of course, in some instances it is appropriate instead for the Member to be named pursuant to Standing Order 192 and suspended by the House.

In addition, in some circumstances involving disorder in the House it is also necessary to invoke Standing Order 314 which enables the Speaker to suspend proceedings in circumstances of grave disorder arising in the House.

I trust this information is of assistance. Please contact me if you require any further information.

~~Yours~~ sincerely,

✓ **Hon. Elise Archer MP**
Speaker