



Speaker

Mr Tony Pasin MP
Chair
Standing Committee on Procedure
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Mr Pasin

INQUIRY INTO THE PROVISIONS RELATING TO DISORDER IN THE HOUSE OF REPRESENTATIVES

Thank you for inviting me to respond to your inquiry into the disorder provisions in the House of Representatives. I trust the following helps.

Upon passage of the Australian Capital Territory (Self-Government) Act in 1988, the ACT Legislative Assembly's was established and adopted standing orders which were largely modelled on those of the House of Representatives.

The Assembly's standing order (SO) 202 relating to disorder was virtually identical to (then) SO 303 of the House of Representatives. Similarly, the ensuing standing orders (ACTLA SOs 203-209, H of R SOs 304-309) relating to the naming of a Member, the ordering of Members to withdraw, exclusion from the Chamber, adjournment due to grave disorder and the ordering of Members to attend the Assembly to answer for their conduct were also effectively the same. While the ACT Legislative Assembly (ACTLA) also has a standing order detailing three tiers for the periods of suspension for occurrences during a calendar year, the periods differ from those of the House of Representatives, ie three sitting hours for the first instance, 2 sitting days for the second instance, and 3 sitting days for the third (in both latter cases, excluding the day of suspension).

The Assembly's disorder provisions have remained largely unchanged since they were first adopted, save for one significant change. Prior to 2008, the proceedings following the naming of a Member required a motion to be moved "That such Member be suspended from the service of the Assembly". Once moved the Speaker would put that question to the Assembly for its determination. The 2008 change allowed for the suspension question being put by the Speaker without the motion being necessary beforehand.

Enclosed for your information is a listing of all suspensions of Members since 1989. As can be seen, suspensions have been relatively infrequent, especially in recent years. There have been only 3 occasions when a Member has been suspended a second time in a calendar year (the last almost 20 years ago) and no instance of a third suspension in a calendar year has arisen. This would seem to indicate that the disorder provisions have operated effectively and therefore no serious thought has been given to instigating further changes.

Yours sincerely

Joy Burch MLA
Speaker

July 2017



MEMBERS NAMED AND SUSPENDED 1989–10 MARCH 2016

Assembly	Date	MOP No.	Member	Reason for suspension	Period of suspension
1st	7/12/89	39	Mr Moore	refusing to comply with SO160	3 sitting hours
	22/03/90	49	Mr Whalan	persistently and wilfully refusing to conform with SO40	3 sitting hours
	27/03/90	50	Mr Whalan	persistently and wilfully disregarding the authority of the Chair	2 sitting days
	07/06/90	64	Mr Berry	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
2nd	24/10/91	131	Mr Berry	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	19/08/92	21	Mr Kaine	refusing to withdraw offensive words	3 sitting hours
	25/11/92	39	Mr Stevenson	using offensive words, which he refused to withdraw	3 sitting hours
	16/02/93	47	Mr Stevenson	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	25/02/93	52	Mr Humphries	using offensive words, which he refused to withdraw	3 sitting hours
	17/06/93	67	Mr Stevenson	disorderly conduct	2 sitting days
3rd	12 & 13/12/96	76	Mr Osborne	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	15/05/97	91	Mr Moore	refusal to withdraw offensive words	3 sitting hours
	04/09/97	103	Mr Berry	disorderly conduct	3 sitting hours
	03/12/97	114	Mr Berry	disorderly conduct	2 sitting days
4th	09/12/98	33	Mr Corbell	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	28/03/00	83	Mr Berry	refusal to withdraw offensive words	3 sitting hours

Assembly	Date	MOP No.	Member	Reason for suspension	Period of suspension
	07/08/01	132	Mr Corbell	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
5th	20/08/03	67	Mr Pratt	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
6th	10/03/05	10	Mrs Dunne	using offensive words, which she had refused to withdraw	3 sitting hours
	24/11/05	46	Mrs Burke	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	24/11/05	46	Mr Sesejja	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	19/10/06	79	Mr Smyth	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	30/05/07	101	Mr Stefaniak	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	16/10/07	115	Mrs Dunne	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	17/10/07	116	Mrs Burke	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	22/11/07	123	Mr Pratt	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	14/02/08	129	Mr Smyth	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	20/08/08	153	Mr Stanhope	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	26/08/08	155	Mr Pratt	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
7th	08/12/10	88	Mr Hanson	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	22/06/11	107	Mr Hanson	refusal to withdrawn offensive words	3 sitting hours
	21/09/11	119	Mr Corbell	persistently and wilfully disregarding the authority of the Chair	3 sitting hours

Assembly	Date	MOP No.	Member	Reason for suspension	Period of suspension
	27/10/11	126	Mrs Dunne	persistently and wilfully refused to conform to any standing order and persistently and wilfully disregarded the authority of the Chair	3 sitting hours
8 th	30/10/13	39	Mr Barr	persistently and wilfully disregarding the authority of the Chair	3 sitting hours
	10/03/16	132	Mrs Jones	persistently and wilfully disregarding the authority of the Chair	3 sitting hours

