



Australian Government

Australian Government response to the
House of Representatives Standing Committee on
Procedure report:

*Raising the Standard – Inquiry into recommendations 10 and 27 of Set the Standard: Report
on the Independent Review into Commonwealth Parliamentary Workplaces*

MAY 2024

Introduction

The Government thanks the Committee for its work in conducting its inquiry and preparing this report. The Government shares the Committee's commitment to delivering a safer, more respectful Parliament.

The Albanese Government has already made a number of changes to the standing and sessional orders since the commencement of the 47th Parliament aimed at improving the operation and culture of the House of Representatives, which have also addressed some of the recommendations from the Set the Standard review.

On 27 July 2022, the House agreed to a number of amendments to the standing and sessional orders. Among these were amendments that altered the Order of Business to make hours of sitting more suitable for parliamentarians with family and/or caring responsibilities. The principal improvements in this regard are the amendments to standing orders 50 and 133, which now provide that any divisions or calls for quorum after 6:30pm on a Monday, Tuesday or Wednesday are deferred until the first opportunity the next sitting day. These amendments allow Members with family/caring responsibilities to leave Parliament at any time after 6:30pm if needed, while still allowing for debate on government business to continue to the usual time of 7:30pm.

Furthermore, on 8 September 2022, the House passed a resolution allowing Members who have been granted a leave of absence to participate in debate in the Federation Chamber by video link, subject to certain conditions. While there is a variety of reasons a member may be granted a leave of absence by the House, in practice the most common reason is for parental leave purposes.

When proposing the Parliamentary sitting calendar, the Government has also sought to minimise the number of sitting weeks falling during school holiday periods across various states and territories.

Recommendation 1

3.55 The Committee recommends that standing order 89 be amended as follows:

89 Offensive words

A Member must not use offensive words, including words that are sexist, racist, homophobic and otherwise exclusionary or discriminatory, against:

(a) either House of the Parliament or a Member of the Parliament; or

(b) a member of the Judiciary.

The Government notes this recommendation.

There is unequivocally no place in parliamentary debate for language that is sexist, racist, homophobic and/or otherwise exclusionary or discriminatory in parliamentary debate.

The Government's view is that the existing prohibition of 'offensive words' applies to words which are sexist, racist, homophobic and/or otherwise exclusionary or discriminatory.

The existing prohibition also provides scope to include offensive language outside of those specific categories, or which is more nuanced in nature, and thus provides for a stronger prohibition on offensive language.

It is ultimately the role of the Speaker to consider the nature of words used by a Member, and the context in which they are used, to determine whether words are offensive or disorderly.

The Government also notes the overlap between recommendation 1, and recommendation 3, which recommends the Department of the House of Representatives review its guidance and training materials to ensure Members are aware that the prohibition of offensive language, in its current form, applies to words that are sexist, racist, homophobic or otherwise exclusionary or discriminatory.

Recommendation 2

3.85 The Committee recommends that the House amend standing order 94(a) as follows:

(a) The Speaker can direct a disorderly Member to leave the Chamber for:

(i) one hour; or

(ii) three hours, where there is continued or escalating disorderly conduct.

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.

The Government accepts the recommendation.

The Government recognises that the current Standing Orders do not provide the Speaker with an adequate method of responding to disorderly conduct that is more severe than the current one-hour exclusion under standing order 94(a), but not as significant as naming a Member.

The amendment to the standing orders proposed in this recommendation will provide the Speaker with such an option, and the Government will bring forward amendments to standing order 94(a) consistent with this recommendation.

Recommendation 3

3.115 The Committee recommends that the Department of the House of Representatives review the guidance material and training available to Members to ensure Members are aware:

- *words that are sexist, racist, homophobic and otherwise exclusionary or discriminatory are considered offensive words under standing order 89,*
- *disorderly conduct under standing order 91 includes acts of bullying and sexual harassment in the Chamber, and*
- *under standing order 92(b), a Member may draw the Speaker's attention to the conduct of a Member.*

It is appropriate for the Speaker to respond to this recommendation, as it is directed to the Department of the House of Representatives.

Recommendation 4

3.116 The Committee recommends that the Speaker and the Department of the House of Representatives ensure guidance for members of the Speaker's Panel, and for chairs and deputy chairs of parliamentary committees, is updated to reflect any changes to standing orders made from recommendations in this report.

It is appropriate for the Speaker to respond to this recommendation, as it is directed to the Speaker and the Department of the House of Representatives.

Recommendation 5

- 5.17 The Committee recommends that House consider establishing a House Standing Committee on Gender Equality, Diversity and Inclusion to:*
- *scrutinise the work of the Australian Public Service from a gender, diversity and inclusion perspective*
 - *scrutinise the potential effects of proposed legislation on gender equality, diversity and inclusion, and*
 - *inquire into and report on matters related to gender, diversity and inclusion.*

The Government notes the recommendation.

As matters relating to gender, diversity and inclusion arise across all portfolios, and in relation to almost all legislation, it is within the scope of existing House and Joint committees to take these matters into consideration in conducting their work, so that these principles are embedded in the work of the Parliament.

Recommendation 6

5.33 The Committee recommends that, during the next major review of the standing orders, the House consider removing masculine and feminine pronouns from the standing orders, and replacing them with gender-neutral alternatives.

The Government notes this recommendation.

The Government also notes the committee's ongoing inquiry into the maintenance of the standing and sessional orders.