



Hon Kate Doust MLC

31 July 2017

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 your letter, dated 22 June 2017 inviting a submission to the Procedure Committee's inquiry into the provisions relating to disorder in the House of Representatives.

The Legislative Council of Western Australia's Standing Orders provide clear procedures for dealing with disorder in the House. I have attached a copy the relevant Standing Orders for the Committee's consideration.

It is very rare for these procedures to be formally utilised, due to the culture of collegial debate that has developed in the Legislative Council over many years. For example, under SO 30(1)(c) it is the President who determines whether words are "objectionable" and may request a Member to withdraw words that have apparently offended another Member. In almost all cases of this kind the Member being called upon to withdraw does so. Indeed there have only been two Members suspended for disorderly conduct in the history of the Legislative Council. Both suspensions took place in the 1990s and were the result of a Member wilfully disregarding the authority of the Chair. Extracts of the Legislative Council Minutes relating to these suspensions are attached. Although the standing orders were substantially revised in 2011 the disorder provisions applying at the time of these suspensions have not materially changed.

As suspension for disorderly conduct in the House has been so infrequent, it is unlikely that the Legislative Council will consider changes to the standing orders in this area in the foreseeable future.

I trust that the information provided is of use to the Committee and I wish you well in your deliberations.

Yours sincerely

Hon Kate Doust MLC
President of the Legislative Council

Disorder Provisions

30. Member Reported for Disorderly Conduct

- (1) If any Member –
 - (a) persistently and wilfully obstructs the business of the Council;
 - (b) is guilty of disorderly conduct;
 - (c) uses objectionable words, and refuses to withdraw such words;
 - (d) persistently and wilfully refuses to conform to any Standing Order; or
 - (e) persistently and wilfully disregards the authority of the Chair,the President may report to the Council that the Member has committed an offence.
- (2) If any of the above offences is committed by a Member in Committee of the Whole House, the Chair of Committees may suspend the proceedings and report the matter to the President.

31. Procedure on Report of Offence

- (1) If a Member has been reported under Standing Order 30, the Member shall be called upon to stand in the Member's place and make an explanation or apology.
- (2) Following the Member's explanation or apology under (1), a motion may be moved "That the Member be suspended from the service of the Council."
- (3) A question moved under (2) shall be put without amendment, debate or adjournment.

32. Duration of Suspension

- (1) If a Member is suspended –
 - (a) for the first time within a year commencing 1 January, the suspension shall be for one sitting day;
 - (b) for a second time within that year, the suspension shall be for 4 sitting days; and
 - (c) on any subsequent occasion within that year, the suspension shall be for 13 sitting days.
- (2) The uncompleted portion of the sitting day during which the Member was suspended shall count as one sitting day.

33. Effect of Suspension

A Member who has been suspended from the service of the Council –

- (a) shall be excluded from the Chamber and all its galleries;
- (b) may not attend or participate in a meeting of a Council Committee or Joint Committee; and
- (c) cannot have a –
 - (i) notice of motion given;
 - (ii) motion moved;
 - (iii) question asked; or
 - (iv) petition presented,on their behalf,

for the duration of the period of suspension.

34. Member Ordered to Attend

- (1) If any Member wilfully disobeys any order of the Council, or is guilty of contempt by infringing the terms of Standing Order 28, the Member may be ordered to attend in their place or, if under suspension, at the Bar, to answer for their conduct.
- (2) Unless the Member's explanation is deemed satisfactory by the Council, the Member may be found to be in contempt of the Council.

WESTERN AUSTRALIA

No. 6

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

FIRST SESSION OF THE THIRTY-FOURTH PARLIAMENT

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industries such as tourism and fisheries which make significant economic contributions to the State and to the region.

- (3) Also regrets to advise Your Excellency that the House views with concern the general mismanagement of environmental issues by the Government.

to the Address-in-Reply to His Excellency the Governor's Speech.

Debate resumed.

6 Questions Without Notice

7 Address-In-Reply

Debate resumed on the amendment moved by Hon Cheryl Davenport. (cf item 5 above)

Extension of Time - Leave was refused to Hon Tom Stephens to extend his speaking time.

Debate continued.

Suspension of Member - Hon Tom Stephens, having used objectionable words, and having refused to withdraw, the President reported to the House that Hon Tom Stephens had committed an offence by persistently and wilfully disregarding the authority of the Chair. [SO 116]

The President called on the Hon Member to make an explanation or apology.

Hon Tom Stephens having failed to apologise,

The Leader of the House moved, That the Hon Member be suspended from the sitting of the Council. [SO 118]

Question - put.

The House divided.

(AYES 13)

George Cash
E J Charlton
Murray Criddle
Bruce Donaldson
Max Evans
Barry House
Ross Lightfoot

Murray Montgomery
Murray Nixon
R G Pike
Barbara Scott
W N Stretch
Muriel Patterson *Teller*

(NOES 10)

Tom Butler
K M Chance
John Cowdell
Cheryl Davenport
Graham Edwards

Alannah MacTiernan
Mark Nevill
Jim Scott
Tom Stephens
Tom Helm *Teller*

Question thus passed.

Hon Tom Stephens left the House.

Debate continued.

On the question, That the amendment be agreed to.

Question - put.

The House divided.

(AYES 11)

Tom Butler
K M Chance
John Cowdell
Cheryl Davenport
Graham Edwards
John Halden

Alannah MacTiernan
Mark Nevill
Sam Piantadosi
Jim Scott
Tom Helm *Teller*

(NOES 13)

George Cash
E J Charlton
Murray Criddle
Bruce Donaldson
Max Evans
Barry House
Ross Lightfoot

Murray Montgomery
Murray Nixon
R G Pike
Barbara Scott
W N Stretch
Muriel Patterson *Teller*

Amendment thus negatived.

On the motion of Hon Tom Butler the debate was adjourned to the next sitting.

8 Extension of Sitting Time

The Leader of the House moved, without notice, That the House do sit beyond 11.00pm for the purpose of completing the second reading stage of Order of the Day No 2, *Mines Regulation Amendment Bill*.

WESTERN AUSTRALIA

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LEGISLATIVE COUNCIL

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7 **Matter of Urgency — Implementation of Reforms Recommended by the Royal Commission**

The President read the following letter —

Dear Mr President

At tomorrow's sitting it is my intention to move under SO 72 that the House at its rising adjourn until 9.00am on December 25, 1994 for the purpose of discussing matters relating to sections 17 and 18 of the *Commission on Government Act* and the need to immediately implement reforms appropriate to the recommendations of the Royal Commission Into The Commercial Activities of Government and Other Matters.

Yours sincerely

John Cowdell
December 14, 1994

Four members having risen in support.

Hon John Cowdell then moved, That the House at its rising adjourn until 9.00am on December 25, 1994.

Debate ensued.

Suspension of Member — Hon Alannah MacTiernan having been warned by the President to cease interjecting, and having failed to do so, the President reported to the House that Hon Alannah MacTiernan had committed an offence by wilfully disregarding the authority of the Chair [SO 116].

The President called on the Hon Member to make an explanation or apology.

Hon Alannah MacTiernan having failed to apologise,

The Leader of the House moved, That the Hon Member be suspended from the sitting of the Council [SO 118].

Question — put.

The House divided.

(AYES 15)

George Cash
E J Charlton
Murray Criddle
Reg Davies
Bruce Donaldson
Max Evans
Peter Foss
Barry House

P H Lockyer
Iain MacLean
Murray Montgomery
N F Moore
Murray Nixon
Derrick Tomlinson
Muriel Patterson *Teller*

(NOES 14)

Tom Butler
K M Chance
John Cowdell
Cheryl Davenport
Graham Edwards
Nick Griffiths
John Halden

Alannah MacTiernan
Mark Nevill
Sam Piantadosi
Tom Stephens
Bob Thomas
Doug Wenn
Tom Helm *Teller*

Question thus passed.

Hon Alannah MacTiernan left the House.

Interruption of Debate — One hour having elapsed after the time fixed for the meeting of the House, the President announced that leave of the House would be necessary to enable the debate to continue.

Leave denied.

8 Industrial Legislation Amendment Bill

The Order of the Day for the further consideration of this Bill, in Committee, having been read,

The President left the Chair.

In Committee

(Hon Barry House in the Chair)

Clause 12.

Debate resumed.

The Minister for Health moved, That progress be reported and leave asked to sit again.

Question — put and passed.

The President resumed the Chair.

The Chairman reported, that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered — That the Committee have leave to sit again.