

OFFICE OF THE CLERK



Our ref: A1180224

14 November 2025

Ms Sharon Claydon MP
Standing Committee on Procedure
PO Box 6021
Parliament House
Canberra, ACT 2600

Dear Chair,

Re: Inquiry into Disrespectful Behaviour Towards Other Members in the Chamber

I write to you in response to the Standing Committee on Procedure's request for a submission related to disrespectful behaviour towards other Members in the Chamber.

This submission aims to provide insight into the practices of the Legislative Council of Western Australia.

Member conduct and behavioural codes

The Legislative Council has similar Standing Orders to other Australian parliaments that prohibit the use of unparliamentary language. Unparliamentary language can include the use of offensive words in debate, including their use against certain offices. It also includes the making of imputations of improper motives and personal reflections on certain offices (other than by way of substantive motion).

A member who uses unparliamentary language, and who does not withdraw those words and apologise when directed to by the presiding member, or is otherwise disorderly, can be reported for disorderly conduct as set out in Standing Orders 30 and 31. They provide:

30. Member Reported for Disorderly Conduct

- (1) If any Member –
 - (a) persistently and wilfully obstructs the business of the Council;
 - (b) uses objectionable words, and refuses to withdraw such words;
 - (c) persistently and wilfully refuses to conform to any Standing Order;
 - (d) persistently and wilfully disregards the authority of the Chair; or
 - (e) is otherwise disorderly,

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.

The use of this procedure and indeed the suspension of a member of the Legislative Council is exceedingly rare. The tradition of the Legislative Council of Western Australia is that proceedings are carried out without the need to resort to such measures. The last suspension of a member for disorderly conduct was in 1994. That suspension was for the remainder of that sitting day.

There is no separate behavioural code applying to member's conduct in the Legislative Council Chamber. The Legislative Council also does not maintain a list of specific words identified as being offensive, unacceptable, unparliamentary or disorderly. The Procedure and Privileges Committee considered this matter in *Report 64 – Review of the Standing Orders*, and highlighted that it is too great of a challenge to precisely define which words are offensive, as it will often depend on the context.

Allegations and assertions about the conduct of Members

Any allegations and assertions made about the conduct of members in the Legislative Council Chamber are adjudicated by the presiding member at the time the matter is raised.

In circumstances where a member finds another member's behaviour or words to be offensive or unparliamentary, they can raise a point of order. This must be done immediately after the conduct occurred or the words are spoken and interrupts the normal passage of debate until the matter is resolved.

When such a point of order is raised, the presiding member must make a determination as to whether the behaviour was disorderly, or whether the words spoken constitute unparliamentary language. If the presiding member determines unparliamentary language has been used or disorderly behaviour has occurred they will direct the offending member to withdraw the words spoken and apologise, or in the instance of disorderly behaviours, to apologise. Our Standing Orders require apologies of this nature to be given without qualification or explanation.

Where a member has raised objection to words spoken and the presiding member determines the words spoken do not constitute unparliamentary language, the practice of the Legislative Council is that the presiding member will invite the relevant Member to withdraw the words that caused offense as a courtesy. This practice is usually observed, but there is no requirement to do so.

Allegations and assertions made at a later stage of sitting

On occasion a member has raised a particular matter at a later stage of proceedings, and requested an action or ruling from the President. Where this occurs the President is not obligated to act, but may do so at their discretion.

Circumstances where the Presiding Member did not observe the alleged conduct

If a point of order is raised relating to the conduct or offensive language by a member and the presiding member did not see or hear the incident, the usual practice is that the presiding member will state they did not observe the incident and rule there is no point of order as a consequence. This usually resolves the matter.

There have been circumstances where an aggrieved member has persisted with their objection, requesting that the President review the Hansard transcript and audio-visual recording of the alleged conduct and provide a ruling at a later stage. Where this occurs it is at the President's discretion as to whether they choose to undertake such a review.

Training for Presiding Members

The Department of the Legislative Council coordinates training for all members who will preside over proceedings of the Legislative Council. This training commences at the start of each new Parliament, with training sessions run periodically through each calendar year. Training provided is focused on equipping presiding members with the procedural knowledge and practical application of the Standing Orders and conventions to ensure smooth operation of the Legislative Council.

Presiding members always have access to advice from the Clerks at the Table when presiding over proceedings.

I look forward to reading the outcomes of your inquiry. Should you have any further questions related to matters outlined in this submission please contact Daniel Beresford-Long, Clerk Assistant (House) in the first instance on _____ or at _____

Yours sincerely

Sam Hastings
Clerk of the Legislative Council