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20 November 2025

Ms Sharon Claydon MP
Chair
Standing Committee on Procedure
Parliament House
CANBERRA ACT 2600

Procedure.Committee.Reps@aph.gov.au

Dear Chair

Thank you for your correspondence of 10 October 2025, and the invitation to provide a submission to your Committee's inquiry into disrespectful behaviour towards other Members in the Chamber.

At the outset I should note that the below comments on the Code of Conduct relate to the Code that is currently in place, adopted by the Council on 27 November 2018. A copy of the Code is enclosed.

On 5 November 2025 a report from the Parliament's Joint Sessional Committee on Workplace Culture Oversight handed down an [Interim Report](#) recommending the adoption of a new Code of Conduct for Members, as well as an Independent Complaints Commissioner process. Whether or not these recommendations are accepted will of course be a matter for the Houses.

What follows has been provided as answers to the specific questions posed in your correspondence. To avoid repetition, in some instances, questions have been grouped together and answered together.

Do behaviour codes apply to conduct in your Chamber? If so, what are the circumstances that are covered? If so, how are the codes applied?

Whether standing orders or codes contain any provisions that impose positive expectations of behaviours that parliamentarians must uphold in the Chamber. For example, 'members should treat each other with respect'. If so, how are such provisions enforced?

Members of the Legislative Council are covered by a Code of Conduct. As foundational value statements that are relevant to conduct in the Chamber, this Code includes:

- integrity, honesty, accessibility, accountability, fairness, transparency, courtesy, respect and understanding, without harassment, victimisation or discrimination;

- respect for differences, equity and fairness in political dealings, with fellow Members of Parliament;

Also of relevance to conduct in the Chamber, the Code of Conduct provides:

Accuracy of statements

A Member must only make statements in Parliament and in public that are, to the best of their knowledge, accurate and honest. A Member must not mislead Parliament or the public in statements that they make. Whether any misleading was intentional or unintentional, a Member is obliged to correct the Parliamentary record, or the public record, at the earliest opportunity in a manner that is appropriate to the circumstances.

Parliamentary conduct

A Member conducts themselves in Parliament in ways that will protect the public interest, and enhance public confidence and trust in Parliament. A Member must observe proper standards of parliamentary conduct by complying with Standing Orders, and directions of the Presiding Officer. A Member must take particular care to consider the rights and reputations of others before making use of the unique protection available under parliamentary privilege. This privilege should never be used recklessly or without due regard to accuracy.

The Code of Conduct provides that breaches are to be determined by the relevant House. In addition to the Code of Conduct, Part 5 of the Legislative Council's Standing Orders provides for the expected standards of conduct of Members, as well as Rules of Debate. Relevant to behaviour of Members in the Chamber, Part 5 includes requirements that:

- Members must not use offensive words against either House of Parliament or Members thereof (SO 99(1));
- All imputations of improper motives and all personal reflections are disorderly (SO 99(5)); and
- Members must not promote a quarrel with another Member (SO 99(8)).

As with other Standing Orders, they are enforced by the President, either of their own motion or upon a Member raising a Point of Order.

The management of allegations or assertions made by parliamentarians about the conduct of other parliamentarians in the Chamber, particularly when the Chair has not heard or observed the incident directly.

It is open for Members to raise a Point of Order relating to another Member's behaviour in the Chamber. Unlike many other Houses of Parliament in Australia, Tasmania's Legislative Council has traditionally had a reputation for the collegial manner in which it conducts itself. As such instances where the President has had to manage such assertions are rare. There have not been any recent instances where the Chair has had to deal with allegations that they have not heard, but if required it would be open for the Chair to review the Broadcast or Hansard transcript, if it would assist, before making a ruling.

Whether issues need to be dealt with at the time in the Chamber, or if they can be dealt with at a later time.

o If a matter is not dealt with at the time in the Chamber, is there a formal process by which this occurs?

o What is the process for a parliamentarian to raise their concerns?

Standing Order 101 provides the following:

101. Objection to words

If a Member objects to words used in debate —

- (1) the objection must be taken immediately;
- (2) if the President considers that the words are objectionable or unparliamentary the President may order the words to be withdrawn and may require an apology;
- (3) a withdrawal, and an apology must be made without explanation or qualification.

As noted above, the Code of Conduct provides that breaches of the code are to be determined by the relevant House. As such it would be for an aggrieved Member to bring a Motion before the Council.

Any training offered to presiding officers and anyone else taking the Chair in the Chamber to assist them with responding to incidents of disrespectful behaviour in the Chamber.

As a small institution the Tasmanian Parliament is limited in the inhouse resources available for training of Members. However, the Clerk and Deputy Clerk do provide advice to the President and chairs at the commencement and during the course of sittings about the standing orders and conventions as issues emerge or are anticipated during debate and/or question time.

It is also noted that the Commonwealth Parliamentary Association (Tasmania Branch) makes available courses through the CPA's Parliamentary Academy, including courses specifically for Speakers and Presiding Officers which are regularly offered to Members. In addition, the annual Presiding Officers and Clerks Conference provides an opportunity for Presiding Officers to engage with their peers on their roles and respective challenges.

*What are the sanctions for disrespectful behaviour in the Chamber?
o How frequently are those sanctions applied in practice?*

The President has on occasion been required to caution individual Members from the Chair regarding what is expected of them under the Rules of Debate, such as for example, not to promote a quarrel. Likewise, the President has made statements reminding Members of the expected standard of Debate in the Council.

With regard to formal sanctions, the Standing Orders provide:

105. Suspension of Member

Whenever any Member shall have been named by the President or the Chair of Committees, as the case may be, immediately after the commission of the offence of disregarding the authority of the Chair, or of abusing the Rules of the Council by persistently and wilfully obstructing the business of the Council, or of disorderly conduct, then –

- (a) if the offence has been committed by such Member in the Council, the President shall forthwith put the Question, no Amendment, Adjournment, or Debate being allowed, "That such Member be suspended from the service of the Council"; and
- (b) if the offence has been committed in a Committee of the Whole Council, the Chair shall forthwith suspend the proceedings of the Committee and report the circumstances to the Council; and the President shall, thereupon put the Question, without Amendment, Adjournment, or Debate, as if the offence has been committed in the Council itself.

106. Period of suspension

If a Member be suspended, his or her suspension unless otherwise ordered shall be —

- (a) on the first occasion, for twenty-four hours.
- (b) on the second occasion, for seven days.
- (c) on any subsequent occasion of the same Session, for twenty-eight days.

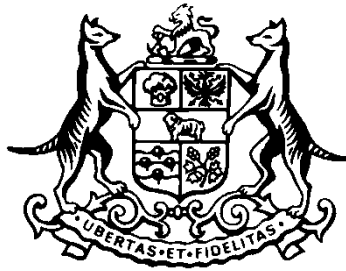
There has been no occasions in modern history of these Standing Orders being used in practice in the Legislative Council.

I trust that this information is of assistance. Thank you for the opportunity to provide a submission.

Yours sincerely

CATHERINE VICKERS
Clerk of the Council

Enc.



CODE OF CONDUCT

MEMBERS OF THE PARLIAMENT OF TASMANIA

PREAMBLE

Members of Parliament recognise that their actions have an impact on the lives of all Tasmanian people. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards to maintain and strengthen the democratic traditions of the State and the integrity of its institutions.

Compliance with the law may not always be enough to guarantee an acceptable standard of conduct. Members must not only act lawfully, but also in a manner that will withstand close public scrutiny.

This Code sets out ethical standards and principles to assist Members in observing expected standards of conduct in public office and to act as a benchmark against which their conduct can be measured.

Neither the law nor this Code is designed to be exhaustive, and there may be instances where Members find it necessary to adopt more stringent norms of conduct in order to protect the public interest, and to enhance public confidence and trust. In making choices about conduct, Members should have regard to community values and standards.

Members should also, where possible, avoid giving unnecessary offence to groups in the community whose beliefs and views differ from those held by the Members or by groups the Member represents.

Members are expected to promote and support this Code by leadership and example.

STATEMENT OF VALUES

This Code is derived from the fundamental values of the institution of the Parliament in this State. By adopting and upholding this Code, all Members of Parliament share in and support these values.

As Members of Parliament, we value:

- the public interest and the fundamental objective of public office to act solely in terms of the public interest;
- the improvement of the economic and social conditions of all Tasmanian people, and our service to our fellow citizens to achieve this;
- the promotion of human, social and environmental welfare through the responsible execution of our official duties;
- integrity, honesty, accessibility, accountability, fairness, transparency, courtesy, respect and understanding, without harassment, victimisation or discrimination;
- respect for differences, equity and fairness in political dealings, with fellow Members of Parliament; and
- ethical political practices that support the democratic traditions of our State and its institutions, and the rejection of political corruption.

ETHICAL STANDARDS

Conflict of interest

A Member protects and upholds the public interest by taking all reasonable steps to avoid, disclose and manage any conflict of interest that arises, or is likely to arise, between their personal interests and their official duties.

A conflict of interest may be financial or non-financial and may be potential, actual or perceived.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate is affected only as a member of the public or of a broad class of persons.

Each Member is individually responsible for avoiding and managing conflicts of interest.

Declaration of personal interests

A Member is personally responsible for full and accurate disclosure of their financial and other interests, in accordance with their obligations under the *Parliamentary (Disclosure of Interests) Act 1996*.

Use of public office

A Member makes proper use of their office to represent and serve the community, conducting themselves in ways that maintains the trust and confidence of the public.

A Member must not use their influence as a Member to improperly obtain appointment, promotion, advancement, transfer or any other advantage or benefit on behalf of themselves or other persons.

A Member must not appoint their spouse, domestic partner or relative to a position in their own office.

A Member must not receive or seek to receive any fee, payment, retainer or reward, nor permit any compensation to accrue to their beneficial interest, for or on account of, or as a result of, their position as a Member, other than compensation to which they are entitled as a Member of Parliament.

Use of official information

A Member makes appropriate use of official information strictly for the purpose of performing their role as a Member of Parliament in the best interests of the public.

A Member must take care to protect confidential and official information in their possession or knowledge.

A Member must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties or position, for the advantage or benefit of themselves or another person.

Use of public resources

A Member uses public resources and assets strictly for the purpose of performing their role as a Member of Parliament, and in accordance with any rules and guidelines regarding the use of those resources and assets.

A Member must not use public resources, or allow such resources to be used by others, for personal advantage or benefit.

A Member must be scrupulous in ensuring the legitimacy and accuracy of any claim they make on the public account.

Gifts and benefits

A Member must adhere to standards of transparency and accountability in relation to gifts or benefits, and carry out their duties as a Member of Parliament without being influenced by gifts or benefits.

A Member must not solicit, encourage or accept gifts, benefits or favours which may improperly influence the Member in the exercise of their duties, or may give the appearance of improper influence. Exceptions to this are incidental gifts or customary hospitality of nominal value.

A Member must declare gifts and benefits received, as required by the *Parliamentary (Disclosure of Interests) Act 1996*.

Accuracy of statements

A Member must only make statements in Parliament and in public that are, to the best of their knowledge, accurate and honest.

A Member must not mislead Parliament or the public in statements that they make.

Whether any misleading was intentional or unintentional, a Member is obliged to correct the Parliamentary record, or the public record, at the earliest opportunity in a manner that is appropriate to the circumstances.

Outside employment

A Member must manage employment outside of Parliament to ensure that any such employment does not interfere with their duties as a Member of Parliament.

A Member must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member.

Upholding the principles of respect, justice and inclusion for all Tasmanians

Members agree to respect the religious and cultural beliefs of others, in accordance with the Universal Declaration of Human Rights.

Members agree to uphold the principles of justice and inclusion among our multicultural society, making efforts to generate understanding of all groups.

Members agree to recognise and value diversity as an integral part of Australia's social and economic future.

Members should promote reconciliation with Indigenous Australians.

Parliamentary conduct

A Member conducts themselves in Parliament in ways that will protect the public interest, and enhance public confidence and trust in Parliament.

A Member must observe proper standards of parliamentary conduct by complying with Standing Orders, and directions of the Presiding Officer.

A Member must take particular care to consider the rights and reputations of others before making use of the unique protection available under parliamentary privilege. This privilege should never be used recklessly or without due regard to accuracy.

GENERAL INFORMATION – NOT PART OF THE CODE

Advice for Members

Members may seek confidential advice from the Parliamentary Standards Commissioner in relation to any matter arising under this Code including advice on how to avoid or deal with a possible breach of this Code.

Members should seek professional advice if they have any concerns regarding a potential conflict of interest.

Members have a personal duty to make themselves aware of all legislation pertaining to the role of a Member of the Tasmanian Parliament.

In any public expressions, Members are expected not to set aside the constitutional values of the freedoms of speech, association and religion, or the principle of the separation of powers.

Breaches of the Code

A breach of this Code may be determined by the House.

Review of the Code

The Code will be reviewed every four years by the Parliamentary Joint Standing Committee on Integrity.