



Ms Sharon Claydon MP
Chair
House Standing Committee on Procedure
Parliament House
Canberra

By email: Procedure.Committee.Reps@aph.gov.au

Dear Ms Claydon

Inquiry into disrespectful behaviour towards other members in the Chamber

Thank you for the opportunity to provide a submission to this inquiry. Members' behaviour is governed by a number of different frameworks, some of which apply within the Chamber and some of which only apply in certain contexts. This submission focusses on the provisions relevant in the Chamber, including those to address disrespectful behaviour towards other members in the Chamber. The submission refers to some recent proposals to amend the standing orders and identifies some options that the committee may wish to consider.

Existing provisions and practice regarding behaviour in the Chamber

Behaviour in the House of Representatives is governed by the standing orders, resolutions of the House and practice which has developed over time. The Speaker of the House, or occupant in the Chair at the time, is responsible for maintaining order in the House (standing order 60).¹

While the Speaker is responsible for maintaining order, the House – under section 50 of the Constitution – is ultimately responsible for the provisions in the standing orders and any amendments to these rules.²

Current provisions in the standing orders (standing orders 88 to 96) prohibit certain speech or behaviour that is considered disorderly and set out the actions available to the Speaker to enforce order. The following outlines these provisions as relevant to this inquiry.³

Disorder

Standing order 89 prohibits members from using 'offensive words' against either House of the Parliament or a Member of the Parliament or a member of the judiciary. Standing

¹ References to the standing orders in this submission are to the House of Representatives Standing and Sessional Orders, as at 23 July 2025, available online at: <https://www.aph.gov.au/standingorders>.

² Section 50 of the Constitution confers on each House of Parliament an absolute right to determine its own procedures and to exercise control over its own internal proceedings. See *House of Representatives Practice*, 7th ed, pp 15-6 for further information.

³ This submission focusses on provisions relevant to members' behaviour towards each other. For completeness, I note that standing orders 88, 93, 95 and 96 cover other aspects related to disorder.

order 90 provides that all imputations of improper motives to a member and all personal reflections on other members shall be considered highly disorderly. Under standing order 91, a member's conduct shall be considered disorderly if the member has:

- persistently and wilfully obstructed the House;
- used objectionable words, which he or she has refused to withdraw;
- persistently and wilfully refused to conform to a standing order;
- wilfully disobeyed an order of the House;
- persistently and wilfully disregarded the authority of the Speaker; or
- been considered by the Speaker to have behaved in a disorderly manner.

The Speaker can intervene to prevent any personal quarrel between members during proceedings and when a member's conduct is considered offensive or disorderly. When the Speaker's attention is drawn to the conduct of a member, the Speaker determines whether or not it is offensive or disorderly (standing order 92).

The standing orders do not explicitly define what constitutes 'offensive' and 'objectionable' words or behaviour, or a member behaving in a 'disorderly manner'. This is a matter for the Speaker to determine. In making a judgement, the Speaker may take into account the nature of the conduct, as well as the context. The Speaker (or other member presiding) must have regard to previous rulings of Speakers and of the established practices of the House (standing order 3(e)). Practice and convention evolve over time in response to new sets of circumstances and changing standards and expectations.

Further, standing order 65(b) provides that when a member is speaking, no member may converse aloud or make any noise or disturbance to interrupt the member. Over time, Speakers have commented on the importance of this provision.

Sanctions for disorderly conduct

Once the Speaker has determined conduct is disorderly, there are sanctions available under the standing orders to address it.

The Speaker can order a member to leave the Chamber for one hour, or for three hours where there is continued or escalating disorderly conduct. The provision to direct a member to leave for three hours came into effect on 23 July 2025, and followed recommendations from the House Standing Committee on Procedure.⁴ To date, this provision has not been invoked.

The Speaker can name a disorderly member and, on a motion being moved, the Speaker puts the question 'That the Member be suspended from the service of the House'. If a member is named and suspended, the term of the suspension is:

- 24 hours from the time of the suspension on the first occasion;
- three consecutive sittings following the day of the suspension on the second occasion during the same calendar year; and

⁴ See the following reports of the House Standing Committee on Procedure: *A window on the House: Practices and procedures relating to Question Time*, March 2021; *Raising the Standard*, July 2023; and *Maintenance of the standing and sessional orders*, November 2024.

- seven consecutive sittings following the day of the suspension on the third or later occasion during the same calendar year.

Behaviour standards and code of conduct

On 10 October 2024, the House approved Behaviour Standards for Commonwealth Parliamentary Workplaces (Behaviour Standards) and a Behaviour Code for Australian Parliamentarians (Behaviour Code), with effect from 14 October 2024.⁵ The behaviour standards and codes were developed by the Joint Select Committee on Parliamentary Standards, with draft versions first endorsed by the House on 9 February 2023.⁶

The Behaviour Code provides a positive obligation for parliamentarians to treat all those with whom they come into contact in the course of their parliamentary duties with dignity, courtesy, fairness and respect, and provides an express prohibition on bullying and harassment, sexual harassment and assault, and discrimination in all its forms.

Role of the Independent Parliamentary Standards Commission

The Independent Parliamentary Standards Commission (IPSC) is an independent workplace investigatory body for Australian Commonwealth Workplace participants established in 2024 under the *Parliamentary Workplace Support Service Act 2023* (PWSS Act). The primary function of the IPSC is to investigate alleged breaches of the Behaviour Codes by parliamentarians, their staff, and people who work in Commonwealth Parliamentary Workplaces, and certain other misconduct. Under the PWSS Act, the IPSC decision maker can impose certain sanctions on a current or former parliamentarian: a written reprimand; a requirement to undertake training; and a requirement to enter into an agreement with the IPSC about future behaviour. Where complaints against a member are investigated and particular sanctions are recommended, the IPSC is required to refer the matter to the Committee of Privileges and Members' Interests for consideration.

Under the PWSS Act, the Parliamentary Joint Committee on Parliamentary Standards (PJGPS) is appointed. One of the functions of the PJGPS is that within one year of the commencement of the first session of each Parliament, the PJGPS must commence a review of the Behaviour Codes, considering their operation and effectiveness. If this committee were to identify any elements that it considers would benefit from further examination, the committee may consider raising this with the PJGPS.

Operation of the Behaviour Code within the Chamber

The Behaviour Standards are for Commonwealth Parliamentary Workplaces and the Behaviour Code applies to parliamentarians 'in the course of their role'. It is self-evident that when members are performing their representative and legislative function in the House of

⁵ [Votes and Proceedings 2022-2024/1940-3 \(10.10.2024\)](#). For completeness, this resolution also included a Behaviour Code for staff employed under the *Members of Parliament (Staff) Act 1984*, which was subject to a determination by the Special Minister of State. This submission only deals with relevant aspects relating to the code for parliamentarians.

⁶ The Behaviour Standards and Codes were developed as part of the response to recommendations of *Set the Standard*, Australian Human Rights Commission, November 2021.

Representatives Chamber, the Behaviour Code and Behaviour Standards apply. However, the effectiveness of the Behaviour Code as it relates to behaviour in the Chamber is constrained by provisions in the PWSS Act with respect to referral and investigation that operate to preserve parliamentary privilege. Under s24CA(2) of the PWSS Act, the Speaker may refer a conduct issue to the IPSC if the respondent is a member of the House and the Speaker is reasonably satisfied that the conduct concerned does not form part of proceedings in Parliament for the purposes of section 16 of the *Parliamentary Privileges Act 1987* (Privileges Act).⁷ Further, under paragraph 24CH(4)(c) of the PWSS Act, the IPSC's investigating commissioner must decide not to investigate a conduct issue if the conduct concerned forms part of the proceedings in Parliament for the purposes of section 16 of the Privileges Act. In relation to these provisions, the explanatory memorandum for the bill notes that 'conduct that engages parliamentary privilege would be dealt with by the respective Houses of the Parliament in accordance with their procedures.'

The effect of these referral and investigation provisions – in which the conduct of members within the Chamber is *only* capable of being referred to or investigated by the IPSC to the extent that it does not form part of proceedings in Parliament – is that only a very narrow range of conduct that occurs within the Chamber is likely to be referable. This means that the practical consequences of a breach of the Behaviour Code within the Chamber are likely to be limited. Noting this, other means by which disrespectful behaviour in the Chamber could be addressed are discussed further below.

Recent proposals to amend the standing orders to address disrespectful behaviour

47th Parliament

As the committee would be aware, in the 47th Parliament the Procedure Committee recommended, in its report *Raising the Standard*, that standing order 89 be amended to provide that offensive words that must not be used against either House of the Parliament or a Member of the Parliament or a member of the judiciary include those words that are 'sexist, racist, homophobic and otherwise exclusionary or discriminatory'. The committee considered that while such words are unacceptable and would in any case meet the definition of offensive words under standing order 89, it agreed with evidence received during the inquiry that changing the standing orders to specify that such language is offensive would strengthen the Speaker's ability to rule such language out of order, set expectations about the tone of parliamentary debate and also indicate to the community that these words are not acceptable in any environment.

In its response, the government noted this recommendation and was of the view that these words were already prohibited as 'offensive words'. No changes to this standing order have been proposed by the government.

⁷ Section 16 of the Privileges Act defines proceedings in Parliament to mean 'all words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of the business of a House or of a committee.' For further information on parliamentary privilege see *House of Representatives Practice*, 7th ed, Chapter 20.

48th Parliament

On 23 July 2025, the Member for Warringah and the Member for Wentworth each moved that standing order 91 be amended to more explicitly define what may be considered disorderly conduct.

The Member for Warringah moved that paragraph (f) of standing order 91 be amended to specifically provide an inclusion for disorderly behaviour that is 'intimidating, harassing or bullying'.

The Member for Wentworth moved that standing order 91 be amended to provide that conduct is disorderly if the member has 'behaved in a manner that fails to treat others with dignity, courtesy, fairness and respect'. This proposal incorporated the language of the Behaviour Code in respect of the requirement that parliamentarians treat everyone with whom they come into contact in the course of their parliamentary duties and activities with respect.

Neither proposal was agreed to.

Possible options for consideration

'Wait and see' approach

The Behaviour Code is relatively new, which precludes, at this stage, any meaningful evaluation of its potential normative influence in the Chamber. That is, the operation and compliance framework in the broader parliamentary environment may have a self-regulating effect on members' conduct in the Chamber, notwithstanding its narrower operation in that context. Similarly, it is open to the Speaker to draw on the standards for behaviour endorsed by the House to inform potential rulings about disorderly conduct and unparliamentary behaviour, which may serve to socialise, and reinforce, the Behaviour Code's respect-based principles.

Over the longer term, consistently respectful behaviour in the Chamber in line with the Behaviour Code – especially in light of the absence of enforcement mechanisms where proceedings in parliament are concerned – would be suggestive of a cultural shift, in which members' behaviour in the Chamber is governed by agreed expectations across the parliamentary environment about what is and is not acceptable. Conversely, ongoing disrespectful behaviour in the Chamber may indicate that a more overt reference to the Behaviour Code within the rules that govern proceedings in the Chamber would be of benefit to members.

On this basis, a 'wait and see' approach may be warranted, with the potential for the committee to reassess, at a later date, whether the circumstances require a more prescriptive approach. A useful test might be, in having regard to conduct in the Chamber which could be characterised as disrespectful, whether, but for the provisions in the PWSS Act precluding referral and/or investigation by the IPSC, the conduct is of a type that would, or is likely to have been, referred and/or investigated.

Changes to the standing orders

As an alternative approach to that described above, the committee may wish to consider whether there would be a benefit in the House taking pre-emptive steps to mandate a level of respect required in the Chamber. This could be done through an amendment to the standing orders to give effect in the Chamber to the behaviour expectations expressed in the Behaviour Code.

A new standing order could be incorporated, to provide a positive duty for members to treat each other with dignity, courtesy, fairness and respect. Alternatively, an amendment to standing order 91 to more explicitly define aspects of disorderly conduct would not necessarily constrain the free exchange of ideas or robust debate, and could provide a useful indication that the behaviours expected of members inside the Chamber correspond with the behaviours expected outside the Chamber. One way to do so might be in the manner proposed by the Member for Wentworth, for example by inserting an additional paragraph in standing order 91 to provide that a member's conduct is considered disorderly if they do not treat other members with dignity, courtesy, fairness and respect.

Such an explicit provision in the standing orders would have the benefit of removing any uncertainty, standardising expectations and thereby reduce the risk of disrespectful or intimidatory behaviour from occurring in the first place.

Statement by the Speaker

In the absence of a specific amendment to the standing orders, it remains open to the Speaker under standing order 91(f) to characterise behaviour that is disrespectful to other members as disorderly, and for the Speaker to make a statement to articulate this in response to individual sets of circumstances. While not negating the usefulness of such an approach, it would rely to a much greater extent on subjectivity and personal interpretation.

In conclusion

As the committee has discussed in previous reports, setting standards of behaviour while at the same time preserving members' rights to exchange ideas freely involves the complex interplay between formal rules, convention and their application in the moment. As the history of the House has shown, these can, and continue to, evolve over time as the House strives to find the right balance.

I would be pleased to discuss any of these matters with the Committee.

Yours sincerely

Claressa Surtees
Clerk of the House

18 November 2025

