

## APPENDIX 3

### Matter referred by then President Parry— Mode of dress and a possible 'time out' rule



PARLIAMENT OF AUSTRALIA

**PRESIDENT OF THE SENATE**  
SENATOR THE HONOURABLE STEPHEN PARRY



4 September 2017

Senator Sue Lines  
Deputy President and Chair of Committees  
SG.44, Parliament House  
Canberra ACT 2600

Dear Deputy President *Sue,*

Pursuant to standing order 17(3) I refer the following matters to the Procedure Committee for its consideration.

#### 1. Whether the mode of dress of senators in the Senate should be regulated

The Standing Orders do not regulate dress standards. Odgers' Australian Senate Practice states:

There are no rules laid down by the Senate concerning the dress of senators. The matter of dress is left to the judgment of senators, individually and collectively, subject to any ruling by the President. [14th edition, p. 182]

This statement is based on rulings of Presidents and Chairs of Committees from the 1960s and 1970s, and on a report of the House Committee, adopted by the Senate in 1972. The House Committee concluded that "rules relating to dress in the Chamber should not be necessary and that the choice of appropriate clothing should be left to Senators' discretion".

This remains the current practice.

I draw the committee's attention to my statement to the Senate today and ask the committee to consider whether a change to this practice is warranted.

## 2. A 'time out rule for the Senate to aid in the enforcement of standing orders

In my statement today I also draw the Senate's attention to the limited ability of the President, Deputy President, or other occupants of the Chair to independently enforce the standing orders.

If any Senator refuses to comply with a request from the Chair, the occupant of the Chair has limited independent authority to enforce that request. Unlike the Speaker of the House of Representatives, the President does not have the ability to suspend a Senator for breaching the standing orders. The only course open for the Chair is to have the matter put to a vote of the Senate.

The process is set out in standing order 203, which limits the President's role to reporting infringement of order to the Senate; seeking an explanation or apology from the Senator concerned; and leaving it to the Senate to decide what, if any, action to take. In order for even this much to happen, a clear infringement has to be identified. Standing order 203 limits the possible range of infringements to the following circumstances:


If a Senator

- (a) persistently and wilfully obstructs the business of the Senate;
- (b) is guilty of disorderly conduct;
- (c) uses objectionable words, and refuses to withdraw such words;
- (d) persistently and wilfully refuses to conform to the standing orders; or
- (e) persistently and wilfully disregards the authority of the chair,

the President may report to the Senate that the senator has committed an offence.

I ask the committee to consider whether the standing orders should be modified to enable the President or the Deputy President to suspend a senator for a period of time for failing to comply with the directions of the Chair when enforcing standing orders.

I attach a possible draft standing order which the committee may wish to consider.

Yours sincerely 

(STEPHEN PARRY)

## 203 Infringement of order

(1) If a senator:

- (a) persistently and wilfully obstructs the business of the Senate;
- (b) is guilty of disorderly conduct;
- (c) uses objectionable words, and refuses to withdraw such words;
- (d) persistently and wilfully refuses to conform to the standing orders; or
- (e) persistently and wilfully disregards the authority of the chair,

the President may report to the Senate that the senator has committed an offence.

(2) If an offence has been committed by a senator in a committee of the whole, the chair may suspend the proceedings of the committee and report the offence to the President.

(3) A senator who has been reported as having committed an offence shall attend in the senator's place and be called upon to make an explanation or apology, and then a motion may be moved that the senator be suspended from the sitting of the Senate. No amendment, adjournment or debate shall be allowed on such a motion, which shall be immediately put by the President.

(4) Prior to reporting a senator under paragraph (1), the President may request the senator to leave the Senate Chamber for a period of one hour.

(5) Prior to requesting that a senator leave the Senate Chamber under the provisions of paragraph (4), the President must have warned the senator the suspension provisions of paragraph (4) will be implemented if the senator does not comply with the provisions of this Standing Order and briefly outline the nature of the infringement

(6) Any senator requested to leave the Senate Chamber under paragraph (4) shall do so immediately without debate or delay, and shall not return until the expiration of one hour except:

- (a) if a division is required; or
- (b) if a quorum is not present and the bells are rung to indicate such.

Any Senator that returns under the provisions of (a) or (b) of this paragraph shall only remain in the Senate Chamber for the purpose of such division or until a quorum is declared as being present.

(7) When a Senator is requested to leave the Senate Chamber under paragraph (4), the President shall declare to the Senate the time at which the request is made, for the purpose of counting down the one hour suspension. The Clerk shall keep such record.

(8) The provisions of paragraph (4) shall only be exercised by the President or the Deputy President.

## SPEECH

<p><b>Date</b> Monday, 4 September 2017  <b>Page</b> 6057  <b>Questioner</b>  <b>Speaker</b> PRESIDENT, The</p>	<p><b>Source</b> Senate  <b>Proof</b> No  <b>Responder</b>  <b>Question No.</b></p>
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The PRESIDENT (10:01): On Thursday, 17 August, I indicated that I would reflect on matters that arose during question time that day. These reflections were prompted by Senator Hanson's decision to wear a burqa into the Senate chamber. Wearing this garment completely concealed her identity.

The facts as now known are that after the commencement of question time, Senator Hanson's office contacted Parliament House security asking for an escort to ensure that Senator Hanson could walk to the Senate chamber from her office without any undue interference from the media. Shortly thereafter, a parliamentary security officer stationed near the Senate entrance observed the media photographing a figure completely concealed in a black burqa. The officer asked if the person concealed was indeed Senator Hanson and Senator Burston clearly indicated it was.

Senator Burston also confirmed Senator Hanson's identity to a Senate chamber attendant as they entered the chamber together, and this was conveyed to me by the Clerk. If it was not clear who the person was, then I would have requested that the person be removed under the provisions of standing order 175(2)(b) and standing order 175(4). Senators may recall that I stated:

I've been advised by the clerk via the attendant that the identity of Senator Hanson was established before she entered the chamber.

Since then I have conducted further investigation, including interviewing two parliamentary security officers directly concerned with the incident and established that they were satisfied of Senator Hanson's identity, primarily upon the indication by Senator Burston. The word of Senator Burston alone is, in my view, sufficient.

Two key elements have arisen from this. Firstly, the issue of security of the Senate chamber and Parliament House itself. Secondly, the appropriateness of what Senators should wear into the Senate chamber and the ability of the President or Chair to deal with any such issue.

Let me deal quickly with the security matter first. I want it clearly known that at no point was the integrity of the security of Parliament House ever placed at risk by Senator Hanson, or, for that matter, any person. The practice in place is that any senator, member or any other person entering Parliament House is not permitted through the security screening areas unless that person is clearly identified. Senator Hanson entered the building that day in the normal manner. Senator Hanson donned the burqa in her office, within the secure area of the Senate wing, prior to attending the chamber.

Now to the matter relating to the mode of dress in the Senate Chamber. The standing orders do not regulate dress standards. *Odgers' Australian Senate Practice* states:

There are no rules laid down by the Senate concerning the dress of senators. The matter of dress is left to the judgment of senators, individually and collectively, subject to any ruling by the President.

That's from the 14th edition of *Odgers*, page 182. This statement is based on rulings of presidents and chairs of committees from the 1960s and the 1970s and on a report of the House Committee adopted by the Senate in 1972. The House committee concluded:

... rules relating to dress in the Chamber should not be necessary and that the choice of appropriate clothing should be left to Senators' discretion.

This remains the current practice today. In fact, I have on more than one occasion, when senators were wearing garments or sporting attire to highlight a cause, indicated to senators that I did not intend to regulate the mode of dress but asked that senators be mindful of what is worn or displayed in the chamber. On other occasions, I

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Monday, 4 September 2017

THE SENATE

6058

have clearly ruled that clothing containing logos or other promotional material cannot be displayed and requested the removal of such.

Of course, it is a matter for the Senate whether there is a need, or not, to change current practice, so I have today written to the Procedure Committee asking that it consider whether this practice should be modified. In the absence of a clear rule against the use of apparel in this way, I have no formal power to deal with incidents like this. I must say, from a personal perspective, that I am disappointed that the Senate will be asked to consider implementing rules rather than rely upon the personal discretion and good judgement of all senators. Even if the Senate were to consider implementing such a rule, the ability of the chair to enforce the order is completely limited. Unlike the Speaker of the House of Representatives, the President of the Senate does not have the ability to independently remove any senator for a breach of the standing orders. This is something that is well known to senators but is not well known outside the Senate. The only course open to any occupant of the chair is to have the matter put to a resolution of the Senate and for the Senate to decide whether to suspend a senator under standing order 203. It was clear to me at the time that, on the last sitting day, I could not possibly have dealt with the matter in any other way because of the absence of any breach of the standing orders and the absence of any authority pursuant to the standing orders to take immediate action. Therefore, I have also asked the Procedure Committee to consider a possible amendment to the standing orders allowing the President or the Deputy President to enforce standing orders by suspending a senator from the chamber for a period of time.

I table my letter to the committee for the information of all senators. The Senate will in due course be informed of any outcomes when the Procedure Committee or I report back to the Senate. The Senate will be the ultimate arbiter as to whether or not any changes, should they be recommended, be adopted. I am sure that the Deputy President, who is Chair of the Procedure Committee, would willingly accept any suggestions or comments from any senator in relation to this matter. In the meantime, I again reiterate that the mode of dress is a matter for all senators but would ask that the respect and dignity of the Senate is forefront in the minds of each and every one of us when making such decisions. I thank senators.

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CHAMBER

