

Procedure Committee

Third report of 2018

Disorder outside formal proceedings

Background

The President referred the following matter to the committee:

The adequacy of Senate orders and practices to deal with disorderly conduct occurring in the Senate chamber, which does not form part of formal proceedings and is not raised in the Senate at the time.

The President noted that the matter arose from the exchange between two senators on 28 June 2018, about which he made a statement when the Senate resumed on 13 August. A copy of the correspondence, incorporating the President's statement, is shown at appendix 1.

Discussion

The committee endorsed the approach taken by the President in this matter and his statement. In particular, the committee strongly endorsed the President's observations:

... I ask senators to consider the following. This chamber is the prime deliberative chamber of the parliament. It is far better that positive attention is attracted by our words and contributions to debate. On several occasions in recent times, this has not been the case. The standing orders and rules of this place are limits, not guides. Just because something can be said or done does not mean it should be. Common decency cannot be codified. It depends on all of us considering the impact of our behaviour on others. While this workplace isn't like a normal one, it is still a place where we all must work together, even across issues of profound disagreement. We also work with officials and staff, and we should consider the impact of our behaviour on them.

This is rightly a place of vigorous debate, but personal abuse has no place in this chamber, particularly if it targets personal attributes, such as race or gender—nor does the use of abusive epithets or labels. The use of such language does nothing to facilitate the operation of a chamber and free debate within it, and we are all capable of vigorously arguing our case without resort to it. I intend to take a strict line on the use of such language, to uphold the dignity of the chamber and to ensure it is a place where all senators representing the people of their states and territories are able to freely contribute to debate and deliberations.

The committee noted the technicality that the exchanges which led to the statement occurred outside of the formal proceedings of the Senate. As the President noted, this

does not mean that such exchanges cannot be dealt with by the chair in accordance with the standing orders. However, the committee agreed that it was generally undesirable to change the basis for dealing with disorder. Standing order 197 requires points of order to be raised at the time of the incident to which they relate, ensuring those involved are in the Senate when the matter is addressed. The committee agreed to draw senators' attention to this requirement, but also recognised that a senator may not be in a position to draw interjections or other disorderly conduct to the attention of the Chair at the time in all circumstances.

The committee also reminds senators that any senator may raise points of order, including in relation to matters they have observed but not been directly involved in. Finally, the committee reminds senators that they have the capacity to make personal explanations, by leave, under standing order 190. This presents an opportunity to deal with such matters outside the strictures of the process for determining points of order.

Senator Sue Lines

Chair