



**Legislative Assembly
Parliament of Victoria**

Fact Sheet 7

Decorum in the House

As a mark of respect to the dignity and status of the Parliament, there are a number of standing orders and rulings from the Chair which seek to formalise good behaviour in the House. The expectation is that all parliamentary proceedings will be conducted in a spirit of good temper, moderation and polite behaviour and that members will act accordingly.

Decorum in the House refers to both the expected behaviour of members while in the House, and to members' use of disorderly or unparliamentary language.

Procedure in the House

- At the start of a sitting day, members take their place in the Chamber and remain standing until the Speaker has read the Prayer.
- After the Assembly has started sitting, members may leave the Chamber at any time except when the Chair is putting a question, or after the doors have been locked for a division. No member may leave the Chamber if a quorum is called.
- When entering or leaving the Chamber, or crossing the House, members bow their head to the Chair as a gesture of respect.
- When in the Chamber, members should take their place and not stand in passageways.
- Members should not pass between the Chair and any member speaking, nor between the Chair and the Table, or between the Chair and the Mace while it is being carried by the Serjeant-at-Arms. It is not acceptable for members to crouch down and then pass between the Speaker and the member speaking.
- Members speaking in the House should stand and address their remarks through the Chair.
- Gestures, nods, or any other communication between people in the press or the public galleries and members are also considered disorderly.

- Whenever the Speaker rises to interrupt a debate, the member then speaking must resume his or her seat and the House remains silent so that the Speaker can be heard without interruption. Any other member standing in the Chamber should take a seat when the Speaker stands.
- It is customary for members to refer to the Legislative Council as ‘another place’. This practice has its origins in an ancient grievance between the House of Commons and the House of Lords.

Maintenance of Order

- Except on the occasion when the Chair welcomes distinguished visitors in the gallery, clapping in the House is considered out of order. Parliamentary custom permits the expression ‘hear, hear’ as a sign of approval.
- It is the practice of the House not to permit the reading of newspapers or other reading matter in the Chamber, but it is in order for a member to refer to books or newspapers when they relate to his or her speech in the House.
- With the exception of an inaugural speech or ministers’ second reading speeches, members must not read their speeches but are permitted to refer to notes during debate.
- Parliament is a modern workplace which is reflected in the Chamber where the members are permitted to use laptop computers. The Clerks at the Table also use portable computers. However, the use of mobile telephones and pagers in the Chamber is not permitted.
- It is unacceptable to display visual aids, exhibits or other objects during debate.
- Members must not refer to any other member by name or speak directly to them but should refer to the member in the third person, either by reference to the member’s electorate or by title of office.
- Members must not use offensive or unbecoming words about any other member of the House. All imputations of improper motives and personal reflections on members are disorderly.
- If a member finds words personally referring to him or her as being personally offensive, the member may seek a withdrawal of the words. The Speaker will order the words to be withdrawn and may require an apology.
- It is also considered disorderly for members to make noises or other disturbances whilst in the House. In 1693 the House of Commons in England resolved that members must not disturb a member who is speaking by hissing, chanting, clapping, booing or other disturbances. It was expected that members would maintain silence or converse only in undertones. That precedent is followed in the Legislative Assembly.
- Members should not interrupt other members when they are speaking unless it is to raise a point of order.

Rules of Debate

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- When the House is sitting, members must not speak to people in the public gallery or the press gallery.
 - Members must not use the name of the Sovereign, the Governor-General or the Governor disrespectfully in debate.
 - Unless the debate is based on a substantive motion, reflections should not be made in debate upon the conduct or character of the Sovereign, the Governor, a member of the judiciary, or members of the Assembly or Council.
 - A member must not refer to any debate or matter pending in the Council. If the Speaker is satisfied that a member has been misrepresented in the Council, with the permission of the House the member can make a personal statement to refute or explain what was said in the Council.
 - A member must not depart from the subject matter under discussion.
 - The House imposes a restriction on itself by not debating matters before the courts. This is known as the sub judice convention. By this convention, the House prevents its own deliberations from prejudicing the course of justice. Further details are provided in *Fact Sheet 28: Sub Judice*.

Code of Dress in the House

Although there are no written dress regulations in the House, the unspoken code is that members dress in a manner that reflects the dignity of the Chamber.

Eating/Drinking in the House

- Members may drink the water provided on the table of the House but otherwise may not eat or drink in the Chamber. There is a 1947 House of Commons ruling on this in which the Speaker was compelled to rule:
 - In this Chamber one does not smoke, one does not chew gum, one does not eat chocolates and sweets — and one does not peel and eat an orange in this Chamber either.
- It is also disorderly to refer to the lack of sobriety of a member.

Disorder

Under Standing Order 124 where the Speaker or Deputy Speaker considers the conduct of a member to be disorderly, the member may be ordered to leave the House for up to one and a half hours, although if there is a division during the member's suspension the member may return to the House and vote.

If the House adjourns before the end of the suspension period then the remaining time will be carried forward to the next day and the member can return to the Chamber after the time remaining has expired.

If a member does not immediately withdraw after being ordered to do so, the Speaker or Deputy Speaker may name the member under Standing Order 125.

Naming and Suspension of a Member

The use of offensive or discourteous words or the imputation of improper motives and personal reflections on any member is disorderly. Abusive or insulting language or gestures are unparliamentary and will result in a request that they be withdrawn.

If a member persistently and wilfully disregards the authority of the Chair, or obstructs the business of the House, the Speaker or Deputy Speaker can name the member. That means that they refer to the member by name, rather than by office.

Erskine May's Parliamentary Practice indicates the first recorded use of this sanction was in the House of Commons in 1641 when it was resolved:

That if any man shall whisper or stir out of his place to the disturbance of the House at any message or business of importance, Mr Speaker is ordered to present his name to the House for the House to proceed against him as they shall think fit.

Under Standing Orders 126–7, a member named by the Speaker is usually suspended from the House for the remainder of that day's proceedings, or for longer if the House thinks fit. A suspended member must not re-enter the Chamber during the period of suspension. To be named is a serious punishment because the named member's electorate is, in effect, not represented in the House for that period.

If the Deputy Speaker names a member, he or she must immediately report the matter to the Speaker.

Fact Sheets

The Legislative Assembly Procedure Office has produced a series of Fact Sheets that explain parliamentary procedure and terminology. All Fact Sheets are available on Parliament's website www.parliament.vic.gov.au or through the Procedure Office.

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