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## Strangers! Non-members in the Parliamentary Chamber

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Strangers! Non-members in the Parliamentary Chamber

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# Contents

Executive Summary . . . . .	i
Introduction . . . . .	1
Strangers! . . . . .	1
Policing the Chamber . . . . .	1
The situation across the jurisdictions . . . . .	4
The UK House of Commons . . . . .	4
Canada . . . . .	4
New Zealand . . . . .	5
The Australian Parliament . . . . .	5
Queensland . . . . .	5
New South Wales . . . . .	6
Victoria . . . . .	6
South Australia . . . . .	6
Western Australia . . . . .	7
Tasmania . . . . .	7
Northern Territory . . . . .	7
The Australian Capital Territory (ACT) . . . . .	7
Did Kirstie Marshall Have to Leave the Victorian Chamber? . . . . .	8
Selected extracts from Standing Orders . . . . .	10
Attachment A UK House of Commons 'Strangers' Standing Orders . . . . .	10
Attachment B Canadian House of Commons 'Strangers' Standing Orders . . . . .	10
Attachment C New Zealand 'Strangers' Standing Orders . . . . .	11
Attachment D House of Representatives 'Strangers' Standing Orders . . . . .	11
Attachment E Senate 'Strangers' Standing Orders . . . . .	12
Attachment F Queensland 'Strangers' Standing Orders . . . . .	12

Attachment G New South Wales 'Strangers' Standing Orders . . . . .	13
Attachment H Victoria 'Strangers' Standing Orders. . . . .	13
Attachment J South Australia 'Strangers' Standing Orders. . . . .	14
Attachment K Western Australia 'Strangers' Standing Orders . . . . .	14
Attachment L Tasmania 'Strangers' Standing Orders. . . . .	15
Attachment M Northern Territory 'Strangers' Standing Orders. . . . .	16
Attachment N Australian Capital Territory 'Strangers' Standing Orders . . . . .	16
Endnotes. . . . .	16

## **Executive Summary**

On 26 February 2003, newly-elected Victorian MLA Kirstie Marshall rushed into Question Time in Parliament with her 11 day-old baby. Seated in the chamber, she was breastfeeding the child when the Serjeant-at-Arms approached her and apparently asked her to leave, because she was breaching standing orders by having the baby (a 'stranger') in the chamber.

The rules governing 'strangers' (non-members within the parliament) have distant origins, and have changed considerably over the last two centuries. Parliaments around Australia and overseas generally have standing orders which control access of non-members to areas of the parliament reserved for members when parliament is sitting. The question raised by the incident involving Kirstie Marshall is whether those rules are keeping pace with the changing nature of work in the parliamentary environment.

The central issues are that parliament is:

- a working environment, and it needs rules that ensure that it functions effectively, and
- a democratically elected body, and it needs rules that ensure its members can participate fully if their citizens have chosen them to be there.

If parliaments continue to become increasingly representative of the demographic profile of the populations of their countries and regions, if they are to continue to operate as what are effectively 'live-in' organisations when sitting, and if they are going to maintain procedural rules requiring, for example, the immediate presence of members on a division, then the appropriate accommodation of children in general, and breastfed babies in particular, will need to be considered by the chambers.

A survey of standing orders and parliamentary practice around jurisdictions reveals some divergence between the orders and actual practice. There is also a surprising degree of variation in the standing orders themselves.

How might a situation such as that faced by Kirstie Marshall and the Victorian Parliament be dealt with? The main point to recognise is that a chamber can suspend standing orders should it so wish. There is nothing to stop a parliament from passing a motion along the lines, for example, that 'so much of standing orders be suspended as would prevent a member from bringing their infant into the chamber'. Suspensions of standing orders

designed to admit strangers have been implemented before, such as in Victoria in 2002 when the orders were suspended to allow several people to address the chamber on two different occasions.

Houses can also pass resolutions (not specifically suspending standing orders) that would then overrule something otherwise provided in the standing orders. Finally, it is possible to amend the standing orders. This was the approach taken in the Australian Capital Territory's Assembly in March 2003.

The means available to admit strangers without amending standing orders vary from place to place. In Canada, it would be possible for a stranger to stay as long as the House's attention was not drawn to their presence, and they were not being disorderly. In Western Australia, they could be brought into the chamber with the Speaker's approval. This would also be the case in New Zealand: in addition, in New Zealand the Speaker is granted the power to make more general rules, such as one regarding breastfeeding babies. In Queensland, it would appear that, if a member were to draw attention to a stranger in the chamber, the stranger could stay if a motion that strangers be required to withdraw failed.

Ultimately, the important issue will not be whether infants or children should ever be in the parliamentary chamber. Whether chambers learn to accept, for example, breastfeeding of babies may be seen as a key indicator of the extent to which parliament recognises that parenting is something MPs have a right to do. But the main issue will be whether parliaments are going to become more 'family-friendly' workplaces generally. Are they going to have hours of operation, facilities, procedures and a workplace culture that accepts that any person elected by citizens should not face further barriers to being able to represent those citizens effectively in the parliament?



## **Introduction**

On 26 February 2003, newly-elected Victorian MLA Kirstie Marshall rushed into Question Time in Parliament with her 11 day-old baby. Seated in the chamber, she was breastfeeding the child when the Serjeant-at-Arms approached her and apparently asked her to leave, because she was breaching standing orders by having the baby (a 'stranger') in the chamber. The incident received extensive media coverage.<sup>1</sup>

### **Strangers!**

In the British Parliament the custom is that a member desiring that the chamber go into closed or secret session declares 'I spy strangers!'. The Speaker then puts, without debate, the question 'that strangers do withdraw'.<sup>2</sup>

The rules governing 'strangers' have distant origins, and have changed considerably over the last two centuries. They reflect practice prior to the 19<sup>th</sup> century that there be no public access to the deliberations of parliament, an idea we would find quite alien now. Public access to proceedings of the House of Commons was introduced in 1845,<sup>3</sup> and by the twentieth century, the practice of going into secret session was very unusual, taking place only during wartime.<sup>4</sup> Chambers may still go into closed session, but Australia's House of Representatives has not gone into secret session since the Second World War, when on three occasions in 1940 and 1941 it ordered strangers to withdraw.<sup>5</sup> This meant clearing the public galleries, and would have applied to Senators as well, had the House not also passed a motion inviting them to stay. The 'strangers' motion did not however cover officers of the parliament (for example, clerks and the Hansard reporting staff). For the Second World War secret sessions, a separate motion was passed requiring the Parliamentary Reporting Staff also to withdraw. The staff of the parliamentary chamber, however, are normally not regarded as 'strangers'.

While 'strangers' are now admitted to public galleries of parliaments essentially all the time, the floor of the chambers is another matter.

### **Policing the Chamber**

Parliaments around Australia and overseas generally have standing orders which control access of non-members to areas of the parliament reserved for members when parliament is sitting. This primarily means the floor of the chamber, though there are often areas of

that floor where non-members routinely visit, such as the adviser's boxes in the House of Representatives.

Access to the floor of the chamber is jealously guarded by parliaments. The preoccupation with keeping strangers out has its roots in British democracy of the seventeenth century and earlier, when the relationship between the power of the monarch and the power of the parliament was hotly contested. At that time, the chamber was a refuge for members being persecuted by King Charles I, who, alone amongst the British monarchs, deigned to enter the floor of the chamber in pursuit of his critics.<sup>6</sup>

Such dramatic clashes between legislative and executive power are no longer an issue, and the integrity of the parliamentary chamber may seem assured. The operations of parliament have changed considerably over the centuries since the confrontation with King Charles, and so has parliament's membership. The rules, however, have changed little.

The question raised by the incident involving Kirstie Marshall is whether those rules are keeping pace with the changing nature of work in the parliamentary environment. In particular, do the strangers' rules reflect outdated and unnecessary restrictions on members' children that reflect a time when the membership of parliament was unlikely to be caring for young children. Before outlining the rules in the various jurisdictions, this Current Issues Brief considers the issues involved.

The central issues are that parliament is:

- a working environment, and it needs rules that ensure that it functions effectively, and
- a democratically elected body, and it needs rules that ensure its members can participate fully if their citizens have chosen them to be there.

The first point means that the chambers, for example, need to be able to operate smoothly and efficiently. Leaving aside dangerous and disorderly conduct, the main reason to regulate strangers is to ensure that members of parliament are able to work undistracted in the chamber (or at least not distracted by anyone except other MPs).<sup>7</sup> They need to be able to enter and exit the chamber easily and to know that anything they are saying is not being overheard if it is not intended to be. These are the sorts of things that strangers' rules are designed to deal with. Young children would hardly be intended targets.

Against this the argument is sometimes put that the chamber is a workplace for the parent involved. Babies and children are not being kept out for the sake of other members, it is argued, but because a parenting member needs to be undistracted themselves, when working to represent their constituents.

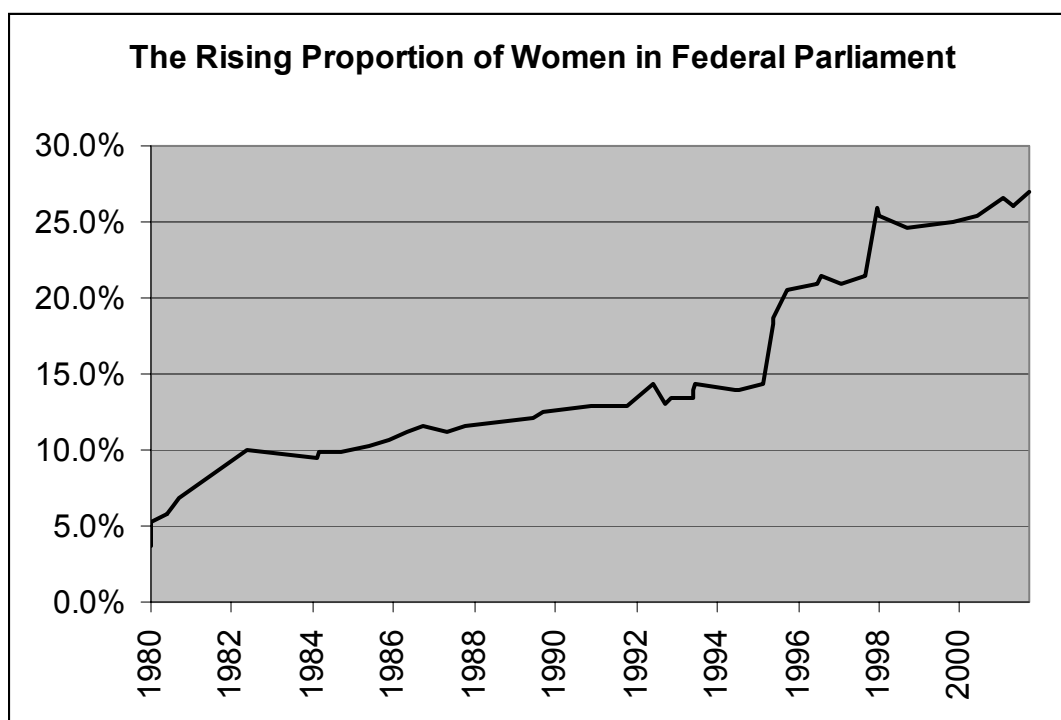
The latter argument is not without merit, but it ignores two things: first, members do not always get to choose whether or not to be in the chamber, primarily because their attendance is needed at divisions; second, if they have children, what *are* they supposed to

do with them? At this point it is necessary to acknowledge that the issue of parliament being a workplace goes beyond just the chamber. As Emma Macdonald wrote of federal parliament:

Parliament House could pass for a self-contained city. You could almost live there and never see the outside world. But while having a salubrious gym, a hair salon, shops and cafes, it lacks any childcare facilities.<sup>8</sup>

Some changes have been made over the years to recognise the increasingly number of MPs with parental responsibilities. This has been a result of:

- the increasing number of women in parliament (see figure)
- the increasing age at which families are having children (making it more likely that MPs, who are seldom young, may have dependent children when elected to parliament), and
- the increasing role played by men as carers for children.



The resulting changes have included more toilet facilities for women in the new Parliament House, and changes to the sitting hours. These were significantly reformed, for various reasons, following a 1993 House of Representatives Committee Report.<sup>9</sup> The changes were partly reversed in 1996,<sup>10</sup> but were again improved in 2003.<sup>11</sup> Parliament has

gone from frequently sitting until 11pm at night, to generally finishing by 8pm and sometimes earlier.

On-site childcare, however, is yet to be implemented. Whatever one's views about the pros and cons of allowing children in the chamber, it seems paradoxical to actively discourage their presence yet simultaneously not have childcare facilities available in the parliament. To take this position risks partially disenfranchising citizens who elect parents of young children.

If parliaments continue to become increasingly representative of the demographic profile of the populations of their countries and regions, if they are to continue to operate as what are effectively 'live-in' organisations when sitting, and if they are going to maintain procedural rules requiring, for example, the immediate presence of members on a division, then the appropriate accommodation of children in general, and breastfed babies in particular, will need to be considered by the chambers. As will be seen during the discussion of various jurisdictions below, some have been relatively accommodating; but most have not. To some extent the arrangements made to allow exceptions to strangers rules may reflect a divergence between the standing orders and actual parliamentary practice in a jurisdiction. Thus, although the standing orders vary considerably between the different jurisdictions, practice is not so divergent.

The following sections review the standing orders in the various jurisdictions. All numbers refer to standing order Numbers in the jurisdiction under discussion. All references to 'in the chamber' or 'on the floor of the chamber' should be taken to refer to the members-only area of the parliament, unless otherwise indicated.

## **The situation across the jurisdictions**

### **The UK House of Commons**

In the UK House of Commons, [standing orders 161–63](#) (Attachment A) govern strangers in the chamber. During sittings, 'No Member of this House shall presume to bring any stranger into any part of the House or gallery appropriated to the Members of this House' (162). The standing orders require the Serjeant-at-Arms to remove any stranger they find in the chamber (161). They allow a chair of a committee to confer the same power on the Serjeant for the purposes of committee sittings.

### **Canada**

The Canadian arrangement seems somewhat unusual. The [standing orders](#) (Attachment B) place no restriction on the presence of strangers in the chamber (14, [157, 158](#)). The Orders allow any member to 'take notice' that strangers are present, causing a motion to be put that the stranger withdraw, much as in the UK House of Commons. The Serjeant has

discretionary power to remove strangers who are disorderly, or who disregard an instruction to withdraw.

## **New Zealand**

New Zealand's [standing orders](#) (Attachment C) state that 'On behalf of the House, the Speaker controls admission to the Chamber' and may 'issue rules setting out who may be admitted to those areas' (42). Unlike many Australian jurisdictions (but like Canada), their standing orders do not contain a blanket prohibition on strangers. The Orders do allow any member to 'move, without notice' that strangers be ordered to withdraw, causing the motion to be put without debate, much as in the UK House of Commons (39). They also directly empower the Serjeant to remove strangers who interrupt proceedings (41).

## **The Australian Parliament**

In the House of Representatives, [standing orders 312–315](#) (Attachment D) govern strangers. They state that no member may bring a stranger into the chamber when sitting (315). Although there are no exceptions in this clause, a previous order (312) says the Speaker may admit strangers into the lower galleries, or admit distinguished visitors to 'a seat on the floor of the House'. This power was used, for example, to admit Mr Dubcek, Chairman of the Federal Assembly of the Czech and Slovak Federal Republic, to a seat on the floor of the House in 1991.<sup>12</sup> The apparent blanket restriction has not prevented some strangers from being in the chamber: best known is probably the example of Mark Latham (ALP, Werriwa) who brought his son Oliver into the chamber during a division on 7 February 2001.<sup>13</sup> One reason that children have been known to be present during votes is that the rules are relaxed during divisions because of the time pressures involved (the dress rules, for example, are also set aside). Labor MP Anna Burke took her child into the chamber on two occasions.<sup>14</sup> The Speaker subsequently indicated to Ms Burke that other members had suggested it was not appropriate to have a child present in the chamber.<sup>15</sup>

Restrictions in the Senate appear slightly more stringent (Attachment E). The [Senate Orders](#) do not give the President the power to admit just any strangers, but only 'distinguished visitors'. On the other hand, in contrast to the House of Commons, the Usher of the Black Rod acts subject to the direction of the Senate or the President, whereas in the Commons the Serjeant appears to have power conferred unconditionally by the standing orders. Strangers have been present in the Senate chamber, including Senator Winston Crane's children, brought in during the valedictory speeches when he was retiring from the Senate.

## **Queensland**

The Queensland standing orders state that only the Speaker 'shall have privilege of admitting strangers to the Galleries of the House' (328: Attachment F). By 'galleries' is meant the public galleries, Hansard gallery, media gallery, etc, but not the floor of the chamber. Queensland also follows the UK in allowing members to 'take notice' of

strangers, causing a motion to be put without debate that they withdraw. It also allows the Speaker or Chairman to order the withdrawal of strangers 'from any part of the House' (329).

Given that there is no standing order specifically preventing strangers from being in parts of the House other than the galleries, it seems likely that the Assembly would refer to the House of Commons Rules, under the Queensland Assembly standing order 333 (which indicates that any topic not covered by the Queensland standing orders is to be dealt with consistent with the UK House of Commons' Orders). Those rules do contain a prohibition against strangers being on the floor of the chamber.

## **New South Wales**

The NSW Legislative Assembly [standing orders](#) (Attachment G) impose a blanket ban that states 'a member shall not bring a stranger into any part of the building exclusively set aside for the use of Members' (302). This does not appear to be able to be overruled at the discretion of the Speaker, who may only 'admit strangers to the area behind the Speaker's Chair' (297).

## **Victoria**

The Victorian Legislative Assembly [standing orders](#) (Attachment H) state that 'The Serjeant-at-Arms attending the House shall from time to time take into his custody any stranger whom he may see, or who may be reported to him to be in any part of the House appropriated to the Members of this House' (28). However they also state that during sittings, 'Unless by order of the House, no Member of this House shall presume to bring any stranger into any part of the House appropriated to the Members of this House' (30). The implication appears to be that the House may order that a stranger may be brought into an area appropriated to the Members of the House, overriding the powers conferred on the Serjeant.

Victoria has had strangers on the floor of its chamber, including 'signers' for the deaf, during Hearing Awareness Week, who worked in the Hansard area of the chamber, even though they were not officers of the parliament. On another occasion a member of the Legislative Council apologised for having walked through the Legislative Assembly chamber on a dare.<sup>16</sup> There have been occasions when strangers have been admitted through the suspension of the standing orders, mentioned below.

## **South Australia**

The House of Assembly in South Australia has [standing orders](#) (Attachment J) that do not give any discretion to either Speaker or indeed the House as a whole regarding strangers. They state simply that 'No Member may bring any stranger into any part of the House appropriated to the Members of the House while the House or Committee of the whole House is sitting' (71). This could explain why Education Minister Trish White was refused

permission by the Speaker to bring her newly-born child into the chamber in 2002.<sup>17</sup> More bizarrely, in 1998 National Party MP Karlene Maywald got around the strangers rule by voting from the strangers gallery,<sup>18</sup> a practice that might not be possible in some parliaments (see for example [standing orders 201](#) in the House of Representatives).

## **Western Australia**

Although containing no explicit ban on Members bringing strangers onto the floor of the chamber, the Western Australian Legislative Assembly's [standing orders](#) (Attachment K) allow 'only' the Speaker to admit strangers 'onto the floor of the Chamber' (40). The State also follows the UK practice of allowing a motion without debate that strangers be ordered to withdraw (41). Whereas some jurisdictions only envisage that strangers may be forcibly ejected from the chamber, Western Australia gives the Speaker the power to order strangers to be taken into custody (52–54).

## **Tasmania**

The Tasmanian House of Assembly standing orders (Attachment L) allow only the Speaker to 'have the privilege of admitting Strangers to the Body of the House' (422). However, the Tasmanian orders contain an explicit ban on Members bringing in strangers 'into any parts of the house appropriated to the Members of this House' (421). In practice, standing order 422 is the vehicle for allowing non-Members to occupy locations such as public gallery-type areas and the adviser's boxes and, very occasionally, to allow distinguished visitors into the chamber. It seems likely, however, that the restriction on all members concerning the 'parts of the house appropriated to the Members' would bind the Speaker.

## **Northern Territory**

Like most jurisdictions, the Northern Territory [standing orders](#) (Attachment M): prevent any member bringing in a stranger during sittings (250), allow a motion without debate that strangers be ordered to withdraw (249), give the Speaker control of the Speaker's gallery and the capacity to admit 'distinguished visitors' on to 'the floor of the chamber' (248).

## **The Australian Capital Territory (ACT)**

The ACT [standing orders](#) are brief, referring to visitors rather than strangers (Attachment N). They prevented any visitor being brought into those parts of the chamber 'appropriated to the Members of the Assembly' (210). On 14 March 2003, however, they were amended on a motion put by Helen Cross (Independent), to allow the breastfeeding of babies in the chamber.<sup>19</sup> The change was achieved by excluding a breastfed infant from the meaning of 'visitor'.

## **Did Kirstie Marshall Have to Leave the Victorian Chamber?**

All of which brings us to the question: did breastfeeding mother Kirstie Marshall have to leave the Victorian chamber? And would she have had to leave the chamber if she had been somewhere other than Victoria?

The main point to recognise is that all of the provisions described earlier are in standing orders, and as such can be suspended by the chamber if it wishes. There is nothing to stop the parliaments mentioned above from passing a motion along the lines, for example, that 'so much of standing orders be suspended as would prevent a member from bringing their infant into the chamber'. One limitation of this approach is that it is only possible when it is in order to move such a motion. It also assumes, of course, that such a motion would be successful. Victoria in fact has previously suspended its standing orders to allow strangers into its chamber. In [March 2002](#) it suspended standing orders to the extent necessary to allow several speakers—Steve Vizard, John Schubert, Michael Crockenberger and Ann Cox—to address the house on the subject of a Population Summit held in Victoria at that time. On [29 May 2002](#) it was agreed to suspend standing orders to allow an address in the chamber by the President of Greece on 5 June 2002.

Houses can also pass resolutions (not specifically suspending standing orders) that would then overrule something otherwise provided in the standing orders. Finally, it is possible to amend the standing orders. This may only be done on notice, so it could generally not be used in a case such as that of Ms Marshall, to prevent her baby from being removed on the day. As mentioned above, this was the approach taken in the Australian Capital Territory's Assembly.

How else might it be arranged for a stranger to be allowed to remain in the chamber? In Canada, it would be possible for a stranger to stay as long as the House's attention was not drawn to their presence, and they were not being disorderly. In Western Australia, they could be brought into the chamber with the Speaker's approval. This would also be the case in New Zealand; in addition, in New Zealand the Speaker is granted the power to make more general rules, such as one regarding breastfeeding babies. In Queensland, it would appear that, if a member were to draw attention to a stranger in the chamber, the stranger could stay if a motion that strangers be required to withdraw failed.

Victoria's standing orders are probably the most complex of all on this point. It appears that a stranger can stay in the chamber 'by order of the House'. The Victorian orders appear to empower the Serjeant to act directly to have strangers removed (i.e. without reference to the Speaker), but in reality the Serjeant would not do this. This would be not least because a resolution of the House would be required before the Serjeant could release from custody a stranger they had removed from the chamber, a cumbersome procedure. As already noted, standing orders can be suspended to allow visitors into the chamber.

After Ms Marshall left the Victorian chamber, there was considerable public debate and commentary about the appropriateness of the Victorian standing orders. The Speaker of



the House, Judy Maddigan, issued a statement on 12 March 2003 indicating that the parliamentary parties were of the view that, rather than amending the standing orders, the decision on the matter should be at the discretion of the Speaker. The Speaker accordingly indicated that she would make a ruling in the next sitting period to the effect that 'if necessary, an infant being breastfed can be brought onto the Chamber floor'.<sup>20</sup> The Speaker accordingly made the ruling on 18 March 2003. This may prove effective, though it is debatable whether this approach would prove consistent with standing orders, should a member take exception to it. This is because Victoria (in contrast to Western Australia and New Zealand) vests the control of strangers in the House rather than in the Speaker, through standing order 30. In reality, as long as the parliamentary parties are happy with the solution, there should be no problem.

Ultimately, the important issue will not be whether infants or children should ever be in the parliamentary chamber. Whether chambers learn to accept, for example, breastfeeding of babies within their precincts may be seen as a key indicator of the extent to which parliament recognises that parenting is something MPs have a right to do. But the main issue will be whether parliaments are going to become more 'family-friendly' workplaces generally. Are they going to have hours of operation, facilities, procedures and a workplace culture that accepts that any person elected by citizens should not face further barriers to being able to represent those citizens effectively in the parliament? Such measures as the revision of sitting hours have moved the parliament in this direction; other steps such as accommodating children more fully are still to be taken.

Finally, as Victoria has shown, the admission of strangers into the chamber may also be a vehicle to enhance parliamentary proceedings and the democratic process. Anecdotal evidence suggests that Victoria's experiment in having non-members address the chamber on a particular issue was very popular. This innovation, like Queensland's [regional parliamentary sitting](#), [E-petitions](#) and travelling cabinet meetings, may become more widely adopted, as parliaments look for avenues for reform that enhance their accessibility and maintain their relevance in a changing world. It may be that strangers will become less and less 'strange', and more and more an essential part of parliamentary processes.

## **Selected extracts from Standing Orders**

### **Attachment A UK House of Commons 'Strangers' Standing Orders**

**161.**—(1) The Serjeant at Arms attending this House shall take into his custody any stranger whom he may see, or who may be reported to him to be, in any part of the House or gallery appropriated to the Members of this House, and also any stranger who, having been admitted into any other part of the House or gallery, shall misconduct himself, or shall not withdraw when strangers are directed to withdraw, while the House, or any committee of the whole House, is sitting.

(2) The power conferred upon the Serjeant at Arms by paragraph (1) of this order may, if the chairman so directs, be exercised in respect of strangers present at sittings of select and standing committees.

**162.** No Member of this House shall presume to bring any stranger into any part of the House or gallery appropriated to the Members of this House while the House, or a committee of the whole House, is sitting.

**163.**—(1) If at any sitting of the House, or in a committee of the whole House, any Member moves 'That the House sit in private' the Speaker or the chairman shall forthwith put the question 'That the House sit in private', and such question, though opposed, may be decided after the expiration of the time for opposed business, but such a Motion may be made no more than once in any sitting:

Provided that the Speaker or the chairman may, whenever he thinks fit, order the withdrawal of those other than Members or Officers from any part of the House.

(2) An order under paragraph (1) of this order shall not apply to members of the House of Lords.

### **Attachment B Canadian House of Commons 'Strangers' Standing Orders**

**14.** If any Member takes notice that strangers are present, the Speaker or the Chairman (as the case may be) may put the question "That strangers be ordered to withdraw", without permitting any debate or amendment; provided that the Speaker or the Chairman may order the withdrawal of strangers.

**157.** (2) The Sergeant-at-Arms serves all Orders of the House upon those whom they may concern and is entrusted with the execution of warrants is sued by the Speaker. The Sergeant-at-Arms issues cards of admission to, and preserves order in, the galleries, corridors, lobbies and other parts of the House of Commons.

**158.** (1) Any stranger admitted into any part of the House or gallery who misconducts himself or herself, or does not withdraw when strangers are directed to withdraw, while the House or any Committee of the Whole House is sitting, shall be taken into custody by the Sergeant-at-Arms; and no person so taken into custody shall be discharged with out the special Order of the House.

(2) No stranger who has been committed, by Or der of the House, to the custody of the Sergeant-at- Arms, shall be released from such custody until he or she has paid a fee of four dollars to the Sergeant- at-Arms.

## **Attachment C New Zealand 'Strangers' Standing Orders**

### **39 Strangers may be ordered to withdraw**

- (1) A member may move, without notice, that strangers be ordered to withdraw.
- (2) There is no amendment to or debate on the question.

### **40 Effect of order that strangers withdraw**

If the House resolves that strangers be ordered to withdraw—

- (a) all strangers must leave the galleries,
- (b) all members of the parliamentary press gallery must leave that gallery,
- (c) official reporters and attendants must leave the Chamber and no official report of the proceedings is made, and
- (d) broadcasting of debates ceases.

The Clerk makes a note of proceedings for the Journals of the House.

### **41 Strangers interrupting proceedings**

The Speaker or the Serjeant-at-Arms may require strangers who interrupt proceedings or who otherwise misconduct themselves to leave the galleries and the precincts of Parliament.

### **42 Speaker controls admission**

On behalf of the House, the Speaker controls admission to the Chamber, the lobbies and the galleries and may from time to time issue rules setting out who may be admitted to those areas and governing their conduct there.

## **Attachment D House of Representatives 'Strangers' Standing Orders**

Admission of Senators and strangers

**312** Only the Speaker shall have the privilege of admitting strangers into the lower galleries, but Senators shall have the privilege of admission into the Senators' gallery without orders. While in the Senators' gallery Senators shall observe instructions concerning order issued by the Chair. The Speaker may admit distinguished strangers to a seat on the floor of the House.

Strangers admitted by Members

**313** \*\*\*\*

Withdrawal of strangers

**314** If at any sitting of the House, or the Main Committee, any Member takes notice that strangers are present, the Speaker or the Chair, as the case may be, shall forthwith put the question "That strangers be ordered to withdraw", which shall be decided without debate: Provided that the Speaker or the Chair may, whenever he or she thinks fit, order the withdrawal of strangers from any part of the Chamber or the room in which the Main Committee is meeting.

No stranger admitted into Chamber or Main Committee

**315** While the House or the Main Committee is sitting, no Member may bring any stranger into any part of the Chamber or that part of the room where the Main Committee is meeting which is reserved for Members.

## **Attachment E Senate 'Strangers' Standing Orders**

### **174 Distinguished visitors**

The President may, by leave of the Senate, admit distinguished visitors to a seat on the floor of the Senate.

### **175 Conduct of visitors**

- (1) Visitors may attend, in the galleries provided, a sitting of the Senate.
- (2) A person other than a senator, a clerk at the table or an officer attending on the Senate may not:
  - (a) attend a meeting of the Senate in private session; or
  - (b) enter any part of the Senate chamber reserved for senators while the Senate is sitting.
- (3) The Usher of the Black Rod shall, subject to any direction by the Senate or the President, take into custody any person who enters any part of the chamber reserved for senators while the Senate is sitting, or causes a disturbance in or near the chamber, and a person so taken into custody shall be discharged out of custody in accordance with an order of the Senate.

## **Attachment F Queensland 'Strangers' Standing Orders**

**328.** Mr Speaker only shall have the privilege of admitting strangers to the Galleries of the House.

**329.** If at any sitting of the House, or in Committee of the Whole House, any Member takes notice that strangers are present, Mr Speaker, or the Chairman, as the case may be, shall forthwith put the Question that strangers be ordered to withdraw, which Question shall be decided without debate: But Mr Speaker or the Chairman may, whenever he thinks fit, order the withdrawal of strangers from any part of the House.

## **Attachment G New South Wales 'Strangers' Standing Orders**

**297.** The Speaker only may admit strangers to the area behind the Speaker's Chair.

**298.** The Speaker may delegate authority to the Serjeant-at-Arms to admit strangers to the public galleries and every Member shall have the privilege of admitting by order two strangers to those galleries.

**299.** If at any sitting a Member takes notice that strangers are present the Speaker shall forthwith put the question "That strangers be ordered to withdraw", no debate or amendment allowed.

**300.** The Speaker may at any time order the withdrawal of strangers from any part of the House.

The Parliamentary Reporting Staff shall not be deemed to be strangers unless the Speaker directs.

**301.** A person not being a Member who interrupts the orderly conduct of the business of the House, obstructs the approaches to the House, or causes a disturbance within the precincts of the House, may, by direction of the Speaker, be removed by the Serjeant-at-Arms.

**302.** A Member shall not bring a stranger into any part of the building exclusively set aside for the use of Members.

**303.** Strangers shall not be admitted to any in camera proceedings.

**304.** The representatives of registered media organisations shall be admitted to the Press Gallery. The Speaker shall have control of the Gallery and rooms set aside for use of such representatives. The House may, from time to time, direct by resolution that any representative or representatives be admitted to or excluded from such Gallery or rooms. This privilege does not, except with the permission of the Speaker, extend to the use of any visual or audio recording device within the Chamber or the precincts of the House.

## **Attachment H Victoria 'Strangers' Standing Orders**

### **28. Strangers to be taken into custody if in parts of the House appropriated to Members.**

28. The Serjeant-at-Arms attending the House shall from time to time take into his custody any stranger whom he may see, or who may be reported to him to be in any part of the House appropriated to the Members of this House, and also any stranger who, having been admitted into any other part of the House or gallery, shall misconduct himself, or shall not withdraw when strangers are directed to withdraw, while the House, or any Committee of the whole House, is sitting, and no person so taken into custody shall be discharged out of custody without the special order of the House.

### **29. Withdrawal of strangers.**

29. At any sitting of the House, or in Committee of the whole House, any Member may move "That strangers be ordered to withdraw", and such motion shall be put forthwith without any

debate or amendment: Provided that the Chair may, at any time, order the withdrawal of strangers from any part of the House.

**30. No Member to bring a stranger into parts of House appropriate to Members.**

30. Unless by order of the House, no Member of this House shall presume to bring any stranger into any part of the House appropriated to the Members of this House while the House, or a Committee of the whole House, is sitting.

**209. Admission of strangers to Committees.**

209. When a Select Committee is examining witnesses, strangers may be admitted or excluded at pleasure; but shall always be excluded when the committee is deliberating.

**Attachment J South Australia 'Strangers' Standing Orders**

**69 Speaker's Gallery**

Only the Speaker may admit strangers into the Speaker's Gallery. Members of the Legislative Council have privilege of admission there.

**70 Withdrawal of Strangers**

At the request of any Member, or at the Speaker's own discretion, the Speaker may order all or any strangers to withdraw.

**71 No Stranger admitted to the body of the House**

No Member may bring any stranger into any part of the House appropriated to the Members of the House while the House or Committee of the whole House is sitting.

**72 Admission of Parliamentary Counsel and other advisers**

Notwithstanding Standing Order 71, Parliamentary Counsel and other advisers to a Minister on a matter presently under discussion in the House may be seated in the area on the floor of the House set aside for that purpose. The number of other advisers may not exceed two at any one time. During the Committee stages of a Bill, one of the two other advisers may be seated in a Chair allocated for that purpose adjacent to the Minister.

**Attachment K Western Australia 'Strangers' Standing Orders**

**Admittance of members of the Council and strangers to the Chamber**

**40.** Only the Speaker may admit strangers onto the floor of the Chamber. When a division is called, strangers will withdraw. Members of the Council will be admitted to the Chamber in the area behind the Chair and may remain there during divisions.

**Notice taken of strangers**

41. If at any sitting a member objects to the presence of strangers the Speaker will put the question "That strangers be ordered to withdraw" and no debate or amendment is allowed.

**Arrest of strangers in the Chamber or gallery**

52. The Speaker may direct the taking into custody of a stranger who —

(9) Is in any part of the Chamber reserved for the members of the Assembly;

(10) Having been admitted to any part of the Chamber or gallery, misconducts themselves or does not withdraw when strangers are directed to withdraw;

(11) Wilfully interrupts the business of the Assembly;

(12) Obstructs the approaches to the Chamber; or

(13) Creates a disturbance within the precincts of the Chamber.

**Speaker to report arrest of strangers**

53. When the Speaker directs that a stranger be taken into custody under Standing Order 52, the Speaker will report this to the Assembly as soon as practicable.

**Discharge from custody**

54. A person taken into custody will not be discharged out of custody unless —

(14) The Speaker dismisses a person with or without a reprimand; or

(15) The Assembly directs and such fines as the Assembly may direct have been paid.

**Attachment L Tasmania 'Strangers' Standing Orders**

**Strangers not admitted to certain parts of the House.**

421. No Members of this House shall bring any Stranger into any parts of the House appropriated to the Members of this House, while the House, or a Committee of the Whole House, is sitting.

**Strangers, how admitted to body of House.**

422. The Speaker only shall have the privilege of admitting Strangers to the Body of the House.

**Strangers may be ordered to withdraw.**

423. If at any sitting of the House, or in a Committee of the Whole House, any Member takes notice that Strangers are present, the Speaker, or the Chair of Committees, as the case may be, shall forthwith put the Question that Strangers be ordered to withdraw, which Question shall be

decided without Debate: Provided that the Speaker, or the Chair, may, whenever thought fit, order the withdrawal of Strangers from any part of the House.

## **Attachment M Northern Territory 'Strangers' Standing Orders**

### **248. Seating In Galleries**

Only the Speaker shall have the privilege of admitting strangers into the Speaker's gallery. Provided seating is available, every Member may admit a minimum of two strangers to the public gallery each day, by written order to the Serjeant-at-Arms. The Speaker may also admit distinguished strangers to a seat on the floor of the Chamber.

### **249. Strangers to Withdraw**

If at any sitting of the Assembly, or in committee, any Member takes notice that strangers are present, the Speaker or the Chairman, as the case may be, shall forthwith put the question "that strangers be ordered to withdraw", which shall be decided without debate: provided that the Speaker or the Chairman may, whenever he thinks fit, order the withdrawal of strangers.

### **250. Chamber Restricted**

On any day when the Assembly or a Committee of the Whole is sitting no Member shall bring any stranger into the Chamber.

## **Attachment N Australian Capital Territory 'Strangers' Standing Orders**

### **Disorderly person may be removed**

209. Where, in the opinion of the Speaker or the Presiding Member of any committee, a person other than a Member behaves in an offensive or disorderly manner or otherwise disrupts the proceedings of the Assembly or any of its committees the Speaker, or the Presiding Member of the committee, as the case may be, may require the person to leave the Chamber and its precincts or the place of meeting of the committee and may authorise the removal of the person.

### **Visitors not admitted into body of Chamber**

210. While the Assembly is sitting a Member may not bring any visitor into, nor may any visitor be present in, any part of the Chamber appropriated to the Members of the Assembly.

(a) the word visitor in Standing Order 210 shall not apply to an infant being breastfed by a Member.

## **Endnotes**

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1. ['Victorian MP and baby ejected from House'](#), ABC Radio, PM, 26 February 2003.



2. Norman Wilding and Philip Laundy, *An Encyclopædia of Parliament*, St Martin's Press, 1971, p. 728.
3. *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 20th edition, 1983, p. 225.
4. *ibid.*, pp. 226–7, 321–2.
5. See *House of Representatives Practice*, 4<sup>th</sup> Edition, 2001, [Chapter 4](#), p. 115.
6. Wilding and Laundy. *op. cit.*, p. 102.
7. See the remark of Senator Jacinta Collins: 'a baby could be expected to be much quieter and better behaved than many politicians'. 'Family friendly? Maybe not', *Herald Sun* (Melbourne), 3 March 2003.
8. Emma Macdonald, '[Balancing budgets and babies on Capital Hill](#)', *Canberra Times*, 10 March 2001
9. The reasons for changing the sitting hours have been related to matters other than making parliament a 'family friendly' workplace. The other reasons given have been to protect the health of members, and to improve members' effectiveness (by preventing late nights and long periods of sitting). See House of Representatives Standing Committee on Procedure, *About Time: Bills, Questions and Working Hours*, October 1993; House of Representatives Standing Committee on Procedure, *Time for Review: Bills, Questions and Working Hours*, June 1995. Later speeches on this issue have emphasised family issues. See, for example, Mr Crean, *House of Representatives Debates*, 1 May 1996, pp. 89–90; Ms Hoare, *House of Representatives Debates*, 8 February 1999, p. 2020; Mr Wakelin, *House of Representatives Debates*, 8 February 1999, p. 2023; Ms Livermore, *House of Representatives Debates*, 8 February 1999, p. 2052.
10. *House of Representatives Debates*, 1 May 1996, p. 117.
11. Annabel Crabb, 'PM promises 'family friendly' sitting hours', *The Age*, 7 December 2002.
12. House of Representatives Standing Committee on Procedure, *The Standing Orders Governing Disorder and Strangers*, October 1992, p. 13.
13. Meredith Booth, '[Feeding frenzy](#)', *Adelaide Advertiser*, 28 February 2003.
14. '[Infant behaviour puts MPs to shame](#)', *The Australian*, 8 February 2001.
15. *ibid.*
16. see Victorian Legislative Council, *Debates*, 30 April 1987, p. 1375.
17. Meredith Booth, *op. cit.*
18. *ibid.*
19. Monika Boogs, '[Green light to breastfeed in ACT chamber](#)', *Canberra Times*, 14 March 2003.
20. Statement issued by the Speaker, Judy Maddigan MP, 12 March 2003.