



Children in the parliamentary chambers

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Executive summary

- On 18 June 2009, the President of the Senate ruled that a child of a Senator be removed from the chamber. Formal parliamentary procedures do not allow for senators or members to bring their children onto floor of the Senate and House of Representatives chamber. The only exception is for breastfeeding mothers in the Senate.
- The rules on the admittance of visitors or ‘strangers’ within the parliamentary chambers have a long history in the Westminster tradition of parliamentary practice. Only in the last 20 years have these ancient provisions been revised.
- Over the past 30 years there has been a dramatic increase in the representation of women in Parliament and some of them have given birth while in office. Since the 1990s a number of parents have defied the rules and brought a child onto the floor of the chamber.
- In response to changing values, new procedures and facilities have been developed in parliament that attempt to address the needs of senators and members who are parents of young children. These include the establishment of a childcare centre within Parliament House, measures to support breastfeeding and enabling proxy voting for nursing mothers in the House of Representatives.
- The issue of allowing senators and members to take their children onto the floor of the parliamentary chambers cuts across a number of conflicting values. These values concern the requirements of a modern workplace, the importance of a representative parliament, the need to provide a safe working environment free from disturbance and the importance of upholding the Westminster tradition of parliamentary practice.

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Introduction

On 18 June 2009, during the second reading debate on the Protecting Children from Junk Food Advertising Bill 2006 [2008] in the Senate, a division was called on a motion from Greens' leader Senator Bob Brown. Greens' Senator Sarah Hanson-Young entered the chamber to vote carrying her two year old daughter. The President of the Senate ruled that the child be removed from the chamber.¹ One of the senator's staff then carried the crying child out of the chamber. Of the incident, Hanson-Young later remarked, 'I don't think I've ever felt so humiliated in my life'.²

The President's ruling was in accordance with the formal parliamentary procedures concerning access to the floor of the chamber for 'strangers' or visitors, that is, those who are not parliamentarians or authorised parliamentary staff. Senate Standing Order 174 enables the President to admit 'distinguished visitors' to the floor of the Senate, but only after gaining the concurrence of Senate. Otherwise, the chamber is restricted to senators, clerks at the table and attendants. Similar formal rules in relation to visitors apply in the House of Representatives. In 1995 Labor Senator Jacinta Collins was also asked to remove her child from the chamber.³ In Victoria, MLA Kirstie Marshall was asked to leave the Legislative Assembly during question time by the Serjeant-at-Arms when breastfeeding her new born infant in the chamber in 2003.⁴

However, the application of those rules has varied at times. Ms Anna Burke MP brought her child into the chamber of the House of Representatives on two occasions but on the second occasion, received a note from the Speaker conveying that other members had not approved.⁵ While not recorded on the official parliamentary record, it has been reported that a number of other senators and members have brought children into the parliamentary chambers including former Senators Crane and Stott Despoja, Catherine King MP and former MPs Jackie Kelly, Mark Latham.⁶

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1. Australia, Senate, *Journals*, no. 73, 18 June 2009, p. 2119.
 2. D Cronin, 'Working mum sees red over baby bump', *The Canberra Times*, 19 June 2009, p. 1.
 3. F Cumming, 'Babies crash party in House of no creche', *Sun-Herald*, 11 February 2001.
 4. For a discussion of this incident and a review of relevant state and territory standing orders at the time see I Holland, *Strangers! Non-members in the parliamentary chamber*, Current issues brief no. 25, 2002–03, Department of the Parliamentary Library, Canberra, 2003.
 5. AAP, 'Infant behaviour puts MPs to shame', *The Australian*, 8 February 2001.
 6. See respectively, K Middleton, 'Senate ritual ever so humble' *The West Australian*, 28 June 2002; S Ryan, 'Outcry as senator's daughter, 2, ejected', *The Australian*, 19 June 2009, p. 4; A Summers, 'Baby bouncers have much to learn about equality', *Sunday Age*, 21 June 2009, p. 21; AAP, 'Infant behaviour puts MPs to shame', *The Australian*, 8 February

Following the removal of Hanson-Young's daughter, Senator Brown called for a review of the Senate rules on 'strangers' and argued that 'we need to help modernise the standing orders to ensure parents are encouraged, not discouraged, from being MPs'.⁷ The incident sparked a broader debate over work-life balance and family friendly policies in the workplace. Parliament House was described by one journalist as 'one of the most family-unfriendly workplaces in the nation'.⁸ Hanson-Young told ABC news:

My next step is to have us have a think about, as parliamentarians, whether these are perhaps the right rules that we need for a modern parliament. People want to see a modern parliament, they want to be able to see flexibility in the workplace that allow working parents to adequately balance, work-life – it's less of a balancing act and more of a juggling act for most working families and that was clearly demonstrated in the upper house of the Australian Parliament yesterday.⁹

By contrast, some considered Hanson Young's action a 'political stunt' and supported the decision to eject the toddler.¹⁰ There is a view that parliament is no ordinary workplace, but rather, a formal place for serious work with the sanctity of a church or a court of law. According to Pru Goward, New South Wales state liberal member and former federal Sex Discrimination Commissioner:

You can't be distracted. The chamber for a parliamentarian is like an operating theatre for a surgeon. It's where the main business is done.¹¹

The formal rules governing the admittance of strangers are longstanding, yet the proportion of women and parents of young children in parliament has increased dramatically in recent years. While these rules have evolved, a question remains over the limits or appropriate extent of reform. How exactly should the values of a modern workplace and representative parliament be balanced with the need for orderly proceedings that uphold the Westminster tradition of parliamentary practice? This paper provides an overview of the rules concerning visitors in the chambers of the Australian Parliament, considers the extent to which those

2001; M Jenkins, 'Fed: Toddler in parliament for second time in a week', *AAP newswire*, Story no. 3266, 22 June 2009.

7. B Brown, 'Senate rules far from child's play', *The Age*, 19 June 2009, p. 3.

8. E Macdonald, 'Senate's crying shame', *The Canberra Times*, 1 August 2009, p. 6.

9. ABC News, 'Toddler's Senate eviction 'a stunt'', viewed 19 June 2009, <http://www.abc.net.au/news/stories/2009/06/19/2602777.htm?section=justin>

10. P Akerman and D Warne-Smith, 'Childcare division that rang alarm bells', *Weekend Australian*, 20 June 2009, p. 5.

11. Quoted in, J Warhurst, 'Parliaments can't be strangers to changing times', *The Canberra Times*, 25 June 2009, p. 15.

rules have changed and examines the limits to making parliamentary practice, and the general parliamentary workplace, more family-friendly.¹²

From strangers to visitors

Formal parliamentary procedure provided in the Constitution and the norms of parliamentary practice have developed from those that applied in the United Kingdom House of Commons. Parliamentary practice in the UK has a long history of evolution over many hundreds of years. An ancient parliamentary custom of the UK has been the exclusion of non-members from the houses while they were sitting.¹³ Officially, any person not a peer, member of the House of Commons, or parliamentary officer was regarded as a stranger. The word ‘stranger’ is used here in a technical parliamentary sense. Historically, those that had inadvertently or deliberately entered the precincts of the Palace of Westminster were swiftly removed in order to preserve the secrecy of debate.¹⁴ This practice dates back to the need to protect the activities of parliament from the interference of the monarch.¹⁵ By the 18th century the overriding rationale for excluding strangers from the parliament may have been more about avoiding accountability to the public.¹⁶ It was not until 1845 that the public were permitted to visit the House of Commons although this initially required the payment of a fee.¹⁷

The first standing orders of the House of Representatives published in 1901 provided that ‘every member may each day, by written orders, admit three strangers to the gallery’.¹⁸ Standing order 65 enabled the House to remove strangers from any part of the chamber and meet in secret if it so desired:

If at any sitting of the House, or in Committee, any Member shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the

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12. This paper updates I Holland, *Strangers! Non-members in the parliamentary chamber*, Current issues brief no. 25, 2002–03, Department of the Parliamentary Library, Canberra, 2003.
 13. W McKay, ed., *Erskine May’s treatise on the law, privileges, proceedings and usage of parliament*, 23rd ed., Lexis Nexis, p. 209. The earliest record of the custom dates back to 1575. See House of Commons Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, First Report of Session 2003–04, 2004, p. 27.
 14. N Wilding and P Laundry, *An Encyclopaedia of Parliament*, St Martin’s Press, 1971, p. 728.
 15. *ibid.*, p. 102.
 16. I Harris, ed., *House of Representatives Practice*, 5th ed., Department of the House of Representatives, 2005, p. 116.
 17. W McKay, *op cit.*, p. 210.
 18. Australia, House of Representatives, Standing orders relative to public business, temporarily adopted by the House on 6 June 1901, p. 12. These ‘temporary’ standing orders remained largely unchanged until 1950.

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 from any part of the Chamber.¹⁹

The traditional process of noting the presence of strangers in the House was for a member to state, ‘I espy strangers!’.²⁰ Secret meetings of the House of Representatives were held on only three occasions to enable confidential sittings during World War II.²¹ To date, the Senate has not undertaken private proceedings.²² Parliamentary committee hearings are typically conducted in public, except by resolution of the committee, for example to observe the sub judice convention, or to discuss commercial in confidence or security classified information.²³ Very rarely have distinguished visitors been formally admitted to the floor of the parliamentary chambers.²⁴

In practice, Hansard reporting staff, clerks at the table, attendants and senators visiting the House of Representatives (and vice versa), are not normally regarded as strangers. Presiding Officers may also admit staff of members or senators to sit in the advisers’ box in the respective chambers, but they are not permitted in the area on the floor of the chamber reserved for members.²⁵

Today it seems odd that citizens would be considered strangers in their own parliament. Over time, the privilege of admission to the parliamentary chambers was gradually extended by each house to enable the visitors (including the public, media et cetera) to observe debate from special ‘strangers’ or public galleries, subject to some restrictions. Visitors can now

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19. *ibid.* This later became standing order 314 and remained in place until 2004. A similar provision was included in the standing orders of the Senate. For example, see: Senate, Standing orders, with amendments and additions to 10 September 1909, Senate, SO 374.
 20. J R Odgers, *Australian Senate Practice*, 6th edn., 1991, Canberra, p. 950. However, on the three occasions where the standing order was used, in 1940 and 1941, the term ‘I espy strangers’ was not recorded in Hansard.
 21. I Harris, *op cit.*, p. 113. However, Senators, clerks, the Sergeant-at-Arms and some departmental heads were admitted.
 22. H Evans, ed., *Odgers’ Australian Senate Practice*, 11th ed., Department of the Senate 2004, p. 79.
 23. H Evans, *ibid.*, pp. 378–9.
 24. For example, in 1928, Captain Herbert Hinkler a distinguished Australian aviator took a seat on the floor of the House of Representatives. Since 1992, the former President of the People’s Republic of China, three former Presidents of the United States of America, and a former Prime Minister for Canada and of the United Kingdom, addressed members and senators in the House of Representatives. See: I Harris, *op cit.*, pp. 114–5; H Evans, *op cit.*, p. 139.
 25. This area is the ‘area of member’s seats’ in the House of Representatives and the ‘part of the Senate chamber reserved for senators’ in the Senate. See: Australia, House of Representatives, *Standing orders*, 2006, p. 6; Australia, Senate, *Standing orders*, 2008, p. 90.

seek admission to public galleries from the booking office in the Members Hall or queue outside the chambers. Visitors must meet certain standards of behaviour and security requirements.²⁶ Yet the old standing orders on strangers (referred to above) endured in the Commonwealth Parliament, with minimal change, for most of the twentieth century.²⁷

In the late-1980s the Clerk of the Senate conducted a comprehensive review of standing orders which led to a modernised and clarified draft, free of ‘archaisms and masculine pronouns’.²⁸ The revised Senate standing orders replaced the old provisions on strangers and were adopted in 1989.²⁹ No longer could business be interrupted by a senator taking note of the presence of strangers.

In 1992 the House of Representatives Standing Committee on Procedure reviewed standing orders on strangers and proposed that the reference to strangers be replaced with visitors and that the provision for ordering strangers to withdraw be refocused on the ability of the House to meet in camera (which, in practice, would still require the removal of visitors).³⁰ Two further Procedure Committee reports suggested changes to the use of the word strangers in the standing orders.³¹ However, it was not until 2004 that ‘visitors’ formally replaced ‘strangers’ in the standing orders of the House of Representatives and the ability to cease public proceedings by expelling strangers from the chamber was removed.³² References to

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26. Standing order 96 enables the Sergeant-at-Arms to remove any person: (a) If a visitor or person other than a Member disturbs the operation of the Chamber or the Main Committee, the Serjeant-at-Arms can remove the person or take the person into custody. (b) If a visitor or other person is taken into custody by the Serjeant-at-Arms, the Speaker must report this to the House without delay.
 27. Indeed, most comparable parliaments still use the term strangers to refer to those who are not members of parliament, clerks or attendant who are present with the parliamentary chambers. See Appendix A.
 28. Australia, Senate, ‘Standing orders review - statement by President’, *Journals*, no 72, 17 May 1988; The Senate, Revised standing orders presented to the Senate by the President, 1 November 1989, p. 6.
 29. Australia, Senate, ‘Standing orders revised’, *Journals*, no. 203, 21 November 1989. For a discussion about the other reforms of the 1989 revision see: R Laing, *Annotated standing orders of the Australian Senate*, Commonwealth of Australia, 2009, p. 25.
 30. House of Representatives Standing Committee on Procedure, *Standing orders governing disorder and strangers*, House of Representatives, 1992, Appendix 1. Following a change of government in 1996 most of the recommended changes from that report were implemented, except the use of the word strangers remained. See P Reith, ‘Standing orders’, House of Representatives, *Debates*, 27 August 1997, pp. 7019–7020.
 31. House of Representatives Standing Committee on Procedure, *Discussion paper: Proposed revised standing orders*, September 2002; House of Representatives Standing Committee on Procedure, *Revised Standing Orders*, November 2003.
 32. Australia, House of Representatives, ‘Adoption of revised standing orders’, *Votes and proceedings*, no. 184, 24 June 2005, p. 1744. As with the 1989 revision of the Senate standing

strangers in the standing orders of the UK House of Commons were removed in 2004 following a recommendation of the Select Committee on Modernisation. That Committee observed the misleading connotations of the term:

The Oxford Dictionary defines a stranger, in the parliamentary sense, as ‘one who is not a member or an official of the House and is present at its debates only on sufferance’. That is the last impression we should be wanting to give to people who exercise their democratic right to visit what is, after all, their Parliament and whose taxes pay for all that goes on here.³³

It is interesting to note that while the reference to ‘strangers’ has been removed from the formal procedure of the Commonwealth Parliament, the term has remained within the informal lexicon of parliamentary practice, as a shorthand means for referring to those who, without authorisation, enter the part of the chamber reserved for members. For example, on 19 August 2009 the Deputy Speaker made the following statement in relation to an adviser who intruded into the member’s part of the House of Representatives chamber:

Before I move to put the question, I shall make a comment about two events that just took place in this chamber. You might have noticed that we had a stranger in the House and then we also had a telephone going off. I will not name the members but it is disrespectful to the House. I would ask those two members who were involved in those events to please take note.³⁴

Standing orders governing the admittance of visitors to the chambers

Section 50 of the Australian Constitution empowers the House of Representatives and the Senate to make their own rules and orders with respect to:

- (i.) The mode in which its powers, privileges, and immunities may be exercised and upheld:
- (ii.) The order and conduct of its business and proceedings either separately or jointly with the other House.

The rules and orders of the Houses are the standing orders adopted by resolution of each House. These rules cover the admittance of visitors into the parliamentary chambers.

orders, these changes were part of a broader package of reforms to the standing orders. The House revisions came into effect on the first sitting day of the 41st Parliament.

- 33. House of Commons Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, First Report of Session 2003–04, 2004, p. 28.
- 34. J Saffin, ‘Second reading speech: Veterans’ Affairs and Other Legislation Amendment (Pension Reform) Bill 2009’, House of Representatives, *Debates*, 19 August 2009, p. 8322.

House of Representatives

House of Representatives standing order 257 provides the Speaker with the authority to admit visitors into the chamber. Members do not have authority to bring a visitor into any part of the chamber or Main Committee that is reserved for members:

- (a) Only the Speaker shall have the privilege of admitting visitors into the lower galleries, and may admit distinguished visitors to a seat on the floor of the Chamber.
- (b) No Member may bring a visitor into any part of the Chamber, or that part of the room where the Main Committee is meeting, which is reserved for Members.
- (c) Senators shall have the privilege of being admitted into the Senators' gallery without invitation, but they must observe the Speaker's instructions regarding good order.

Senate

Senate standing order 174 enables the President to seek the admittance of distinguished visitors. Standing order 175 covers the conduct of visitors. Order 175(2)(b) prohibits persons other than a senator, clerk at the table or officer attending on the Senate from the chamber. Notably, order 175(3) grants an exception from the preceding rule where a senator is breastfeeding an infant. The provisions are set out below:

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) Paragraph (2) does not apply in respect of a senator breastfeeding an infant.
- (4) 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.

Other procedures that might assist parliamentarians with children

Pairing

Both Houses operate a system of pairing whereby a senator or member, who expects to be absent from a vote, arranges to cancel the effect of their absence by having a member or senator from a different party abstain from their vote. The voting strengths of the two major parties is thereby maintained by removing a potential vote from each side of a question. Party whips in each House are responsible for organising the pairing arrangements when needed. Pairs can also be arranged at short notice including in the time between a division being called and a vote being taken. Pairing arrangements are made informally between parties and are not covered in the standing orders but nonetheless are noted in the official record of proceedings.³⁵

Proxy voting

On 12 February 2008, the House of Representatives resolved to adopt special provisions to enable ‘nursing mothers’ to vote in divisions by proxy. The resolution does not allow proxy votes on the third reading of a bill to alter the Constitution, but otherwise enables proxy votes to be made by nursing mothers as if they were in the chamber at the time. The resolution also provides that proxy voting is not to be extended for purposes other than enabling nursing mothers to vote in divisions:

(1) That the House, recognising that Members who are required to nurse infants may not always be able to attend in the Chamber to vote in divisions:

(a) agrees that, despite the provisions of the standing orders, a Member may give her vote by proxy for any division except that on the third reading of a bill which proposes an alteration of the Constitution if the Member is nursing an infant at the time of the division;

(b) determines that for the purposes of this resolution, a government Member may give her proxy to the Chief Government Whip, and that a non-government Member may give her proxy to the Chief Opposition Whip;

(c) determines that for the purposes of standing orders 129, 130 and 131 any proxy vote given in accordance with this resolution is to be treated as if it was a vote given by the Member present in the Chamber; and

(d) is of the opinion that the special provisions of this resolution should not be extended or adapted to apply to Members who are not able to be present in the Chamber for other reasons; and

35. The official record of proceedings in each house are the Hansard transcripts, House of Representatives Votes and Proceedings and Journals of the Senate.

- (2) That this resolution has effect and continues in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

The Senate does not have similar orders enabling proxy votes. Senate standing order 100(4) requires senators to be present when a vote is taken for their vote to be recorded. *Odgers'* points out that proxy voting could be contrary to section 23 of the Constitution which provides for each senator to have one vote in divisions.³⁶

Flexibility in standing orders

The standing orders are not inflexible rules. They can adapt to particular situations and changing circumstances. A House can resolve to allow something that would be prevented under the standing orders for particular purposes, with or without notice. Any member of either House can propose that 'so much of the standing orders be suspended as would prevent (for example) a member from bringing their infant into the chamber'. If the House so resolved, the child would not be removed from the chamber. Senate standing orders 209 and 210 cover motions for, and effects of, suspensions of standing orders:

209 Motion for suspension

- (1) In cases of urgent necessity, standing or other orders of the Senate may be suspended on motion without notice, if the motion is carried by an absolute majority of the whole number of senators.
- (2) When notice has been given of a motion for the suspension of a standing or other order, the motion may be carried by a majority of senators voting.
- (3) A motion for the suspension of standing or other orders moved during the consideration of a matter must be relevant to that matter.
- (4) On a motion for the suspension of a standing or other order a senator shall not speak for more than 5 minutes, and if the debate is not concluded at the expiration of 30 minutes after the moving of the motion the question on the motion shall then be put.

210 Effect of suspension

The suspension of a standing or other order shall be limited in its operation to the particular purpose for which the suspension has been sought.³⁷

36. H Evans, op cit., p. 222; Section 23 of the Constitution provides: 'Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative'.

37. A similar provision in the House of Representatives is in standing order 47. However, the time taken for such a motion to be moved, debated and voted on could make it of little

In addition to suspending rules when required, the standing orders of the House of Representatives and the Senate provide procedures for each House to deal with disagreements with rulings and enable the House to alter, amend or repeal their standing orders.

Overview of relevant provisions in other parliaments

Appendix A outlines the formal procedures of a number of comparable parliaments concerning the treatment of strangers or visitors on the floor of their parliamentary chambers.³⁸ The parliaments considered are the Parliament of the United Kingdom and other Westminster derived parliaments including Canada, New Zealand and the Australian states and territories. The houses of all of those parliaments control the movement of visitors/strangers in the chamber with some subtle variations. The standing orders of the UK House of Commons no longer refers to strangers, but to the ‘public’. Only the parliaments of the Commonwealth and New South Wales refer to visitors in their standing orders. The standing orders of the Tasmanian Legislative Council refer to both visitors and strangers. Notably, the standing orders of the other houses continue to refer to strangers.

Apart from the Australian Senate, only the Legislative Assembly of the Australian Capital Territory and the Legislative Council of New South Wales have provided for breastfeeding mothers to bring children into the chamber. Otherwise all of the Houses considered provide for the Presiding Officer or the house to authorise the admittance of strangers. For example, the Speaker of the Legislative Assembly of Victoria has the discretion to admit an infant into the chamber to be breastfed under standing order 183. This power was confirmed in a ruling by the Speaker following the removal of Kirstie Marshall’s child from the chamber in 2003.³⁹ In 2000 the Speaker of the House of Commons stated that the feeding of babies would not be permitted during parliamentary sessions.⁴⁰

There is a provision in almost all of the parliaments for the Presiding Officer to put the question for the removal of strangers if any member takes notice that strangers are present — a procedure that both Commonwealth houses and the House of Commons have abolished. Order 72 of the House of Assembly of South Australia includes a provision for the admission

assistance and perhaps a hindrance in the case of a short term difficulty such as experienced by Senator Hanson-Young.

38. Note, the appendix does not include other family-friendly facilities within those parliaments such as childcare centres and family rooms. The discussion below does not intend to suggest that there should be uniform rules on the treatment of strangers or visitors in parliamentary chambers. It would not be appropriate to apply the same rules across these jurisdictions as constitutional systems and political culture differs between the parliaments.
39. Speaker, ‘Members: breastfeeding’, Victoria, Legislative Assembly, *Debates*, 18 March 2003, p. 248.
40. Statement from the Speaker cited in C Sear, V Miller and J Lourie, ‘Breastfeeding in Parliament’, *Standard Note 508*, House of Commons Library, 2003, p. 2. The prohibition was upheld in 2002.

of Parliamentary Counsel and other advisers in an allocated seated area of the house to assist Ministers on matters under discussion. Order 77 of that House also provides fees payable to the Serjeant-at-Arms following the arrest or commitment of a person (\$50 and \$200 respectively).⁴¹

Changes in the representation of women in parliament

Classical theorists of liberal democracy largely assumed that only men would undertake the role of representatives in parliament. At the time of Federation, only women in South Australia and Western Australia had the right to vote. Women gained the right to vote and stand for the Australian Parliament following the passage of the *Commonwealth Franchise Act 1902*. However, it was not until 1943 that the first women were elected to the Commonwealth Parliament: Enid Lyons in the House of Representatives and Dorothy Tangney in the Senate.⁴²

Since 1943 the representation of women in the federal parliament has gradually increased. Women made up an average of 2 per cent of elected representatives across all Australian parliaments in 1970. This grew to an average of 30 per cent by April 2009. Women's representation in the House of Representatives currently stands at 26.7 per cent and in the Senate it is 35.5 per cent.⁴³ While it has been unremarkable for parliamentarians to have become fathers, it was not until 1983 that a female member of the Commonwealth Parliament had a baby while in office. Table 1 below indicates that in the 1980s and 1990s there were two occasions in each decade where a female member of parliament had a child while in office. So far this decade, there have been 15 such occasions.

41. Appendix A contains the text of these orders.

42. J Wilson and D Black, *Women parliamentarians in Australia 1921–2009*, Background Note, 2008–09, Parliamentary Library, Canberra, May 2009, p. 45.

43. *ibid.*

Table 1: Women members of parliament who have had children while in office

Name:	Chamber:	Party:	Year:
Ros Kelly	House of Representatives	ALP	1983
* Ros Kelly	House of Representatives	ALP	1984
Jacinta Collins	Senate	ALP	1995
Anna Burke	House of Representatives	ALP	1999
Jackie Kelly	House of Representatives	LP	2000
* Jacinta Collins	Senate	ALP	2000
Kate Lundy	Senate	ALP	2001
Michelle O'Byrne	House of Representatives	ALP	2001
Tanya Plibersek	House of Representatives	ALP	2001
* Anna Burke	House of Representatives	ALP	2002
* Jackie Kelly	House of Representatives	LP	2002
* Michelle O'Byrne	House of Representatives	ALP	2002
Kirsten Livermore	House of Representatives	ALP	2003
* Tanya Plibersek	House of Representatives	ALP	2005
Natasha Stott Despoja	Senate	AD	2004
Nicola Roxon	House of Representatives	ALP	2005
* Kirsten Livermore	House of Representatives	ALP	2006
Sophie Mirabella	House of Representatives	LP	2008
Catherine King	House of Representatives	ALP	2008

Source: Politics and Public Administration Section, Parliamentary Library, previously published in House of Representatives Standing Committee on Procedure, *Options for nursing mothers*, 2007, p. 2. * Denotes second child

Table 2 below lists the known occasions when a child has been brought into one of the Commonwealth parliamentary chambers.⁴⁴

44. Official parliamentary records including Hansard, Votes and Proceedings and Journals often do not record such instances. The table is based on information that is on the public record.

Table 2: Children brought into the parliamentary chambers

Date:	Name:	Child's age	Parliamentary business	Comments:
1995	Senator Jacinta Collins	New born	Unknown	The Senator and President reached an understanding that the child could share her seat in an emergency. ⁴⁵
Pre- 2001	Anna Burke	Under three	Divisions	Brought child into the chamber on two occasions but received a note from the Speaker indicating that other members had not approved. ⁴⁶
7 Feb 2001	Mark Latham	Three months	Divisions	The baby attended two divisions when Latham was without a child minder. ⁴⁷ The Speaker made no ruling on this.
27 June 2002	Senator Winston Crane	Unknown	Valedictory	The Senator delivered his valedictory speech with his 'young daughter' beside him. ⁴⁸
Unknown	Senator Natasha Stott Despoja	Unknown	Unknown	Reported to have brought baby into the chamber a number of times without incident. ⁴⁹
2004	Michelle O'Byrne	About 1 and 3 years	Divisions	It was reported that the Speaker was supportive. ⁵⁰
18 June 2009	Senator Sarah Hanson-Young	2 years	Division	President ruled that the child be removed.
2009	Catherine King	One year	Late night sittings	Brought son into the chamber on at least six occasions in 2009. ⁵¹

45. F Cumming, 'Babies crash party in House of no creche', *Sun-Herald*, 11 February 2001.

46. AAP, 'Infant behaviour puts MPs to shame', *The Australian*, 8 February 2001.

47. *ibid.*

48. K Middleton, 'Senate ritual ever so humble' *The West Australian*, 28 June 2002.

49. S Ryan, 'Outcry as senator's daughter, 2, ejected', *The Australian*, 19 June 2009, p. 4.

50. 'O'Byrne calls for more flexibility', *The Examiner*, 20 June 2009, p. 4.

51. M Jenkins, 'Fed: Toddler in parliament for second time in a week', *AAP newswire*, Story no. 3266, 22 June 2009.

Reforming the standing orders for parents: issues and limits

In one sense, the push to reform the standing orders for parents can be seen as part of the impact of the increasing presence of women in parliament. This relates to other important questions concerning the impact of women in parliament more generally, in terms of influencing public policy, the treatment of so-called 'women's issues' (such as childcare), the norms of adversarial politics and the extent to which this impact is constrained or facilitated by the institution of parliament itself.⁵² The call for reform also relates to other changes in social structures and community attitudes in addition to the presence of women in parliament - on two of the known occasions where a child was brought into the chamber, it was the father who had done so. However, as discussed below, the power of long held values and traditions in parliament has been a major impediment to reform.⁵³

Those who have called for a relaxation of the restrictive rules have emphasised the need to 'modernise parliament' by upholding modern workplace values, make parliament more representative by encouraging parents to enter politics and facilitate the full participation of representatives who have particular needs, such as mothers of young children. An example of modern workplace values is expressed in Article 3 of the International Labour Organisation Convention on Workers with Family Responsibilities 1981. The Convention commits signatory countries to facilitate employment free from discrimination on the grounds of family responsibilities and to minimise conflict between work and family where possible:

With a view to creating effective equality of opportunity and treatment for men and women workers, each Member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.⁵⁴

In line with that Convention, and other Conventions, such as the Convention on the Elimination of All Forms of Discrimination Against Women, the Commonwealth, states and territories have enacted legislation to make it unlawful to discriminate against people in the workplace on the basis of family responsibilities or breastfeeding. Examples include the *Sex Discrimination Act 1984* (Cth), the *Anti-Discrimination Act 1977* (NSW) and the *Equal Opportunity Act 1995* (Vic). The *Equal Opportunity for Women in the Workplace Act 1999* (Cth) requires certain employers to implement workplace programs for the employment of

52. A Stevens, *Women, Power and Politics*, Palgrave Macmillan, Houndmills, 2007, p. 169; LA Chappell, *Gendering Government: Feminist Engagement with the State in Australia and Canada*, UBC Press, Vancouver, 2002, pp. 74–77, 172–179.

53. M Sawyer, M Tremblay and L Trimble, eds., *Representing women in parliament: a comparative study*, Routledge, London, 2006, p. 21.

54. International Labour Organisation, *Convention on Workers with Family Responsibilities*, 1981. Australia ratified the Convention in 1990.

women and submit annual progress reports to the Equal Opportunity for Women in the Workplace Agency.⁵⁵

Greens leader, Senator Brown put forward the argument that special standing orders for parents are an important feature of a democratic parliament that is representative of the broader community:

We are in a society ... in which, generally, we are parenting children at an older and older age. We are also in a society in which we want to encourage parents to be part of the political process, because that is central to the democratic aims of any society. We are certainly in a society which needs to encourage more women to enter politics.⁵⁶

The need to ensure that all members of parliament can fully participate in the proceedings has been another concern driving reform to the standing orders. The House of Representatives Procedure Committee recognised the additional challenges for mothers of young children in balancing parenting and parliamentary responsibilities:

Many would understand the difficulties inherent in combining the responsibilities associated with being a Member of Parliament and those of caring for a newborn infant. Members of Parliament are expected to work long hours, particularly when the House is sitting; in their first months, infants require constant care and attention at any time of the day or night. On some occasions, women have faced the difficult choice between prioritising their duties as a Member with those of being a mother.⁵⁷

The scope of reform is however, limited by the need to provide a safe working environment free from disturbance, preserve the 'sanctity' of the parliamentary chamber and uphold the Westminster inheritance of parliamentary practice. In 2002 the Speaker of the UK House of Commons, Betty Boothroyd, the first woman Speaker of the House, considered that feeding a child during chamber and committee sessions was not in the interests of both parliamentary business and the child itself, due to likely disruptions:

I do not believe that the feeding of babies in either the Chamber or Committee is conducive to the efficient conduct of public business. Nor do I think that the necessary calm environment in which to feed babies can be provided in such circumstances.⁵⁸

55. Each of these Acts contain a number of specific exemptions and do not necessarily apply to members of parliament.

56. B Brown, 'Procedure Committee Reference', Senate, *Debates*, 22 June 2009, p. 3907.

57. House of Representatives Standing Committee on Procedure, *Options for nursing mothers*, 2007, pp. 23.

58. C Sear, V Miller and J Lourie, op. cit. The Speaker was subsequently criticised for being old-fashioned and ignorant. See B Boothroyd, *The Autobiography*, Century, London, 2001, p. 291.

Some have suggested that the sanctity of the chamber is akin to a church or a court of law and that its special character is threatened by moves to broaden the access to the floor of the chamber. Indeed, some parliamentary terminology, formal procedure and ceremony have a common origin with legal procedure dating back to the fourteenth century when judicial work was a part of the Westminster 'High Court of Parliament'.⁵⁹ However, given the lack of courtesy and civility during question time in the House of Representatives, the extent to which the chambers do or should remain a special or sacred place today, is subject to debate.⁶⁰

Over the course of the twentieth century, the Commonwealth Parliament has reduced its reliance on Westminster practice and procedure as a guide for the conduct of business. Domestic adaptations of inherited procedure and practices were captured in the authoritative texts of *Senate Practice* and *House of Representatives Practice* (first published in 1953 and 1981 respectively). The formal rules have also been updated at times to codify certain practices hitherto based on informal custom, general acceptance and precedent. However, codifying certain informal practices could have the unintended consequence of limiting the judgement of the presiding officer in applying the rules and reducing the flexibility to appropriately deal with unforeseen issues.⁶¹ Furthermore, ceremony and tradition have a particular symbolic importance, valued for connecting people with history and identity.⁶² Nevertheless, the process of establishing new measures such as breastfeeding in the Senate, and proxy voting in the House of Representatives, suggests the extent of reform in this area has reached its limit.

The breastfeeding incident in the Victorian Legislative Assembly led to a review of the standing orders on visitors in the Senate by the Procedure Committee. It was considered that a similar incident 'could well arise now that there are young women senators'.⁶³ The Committee recommended that access to the chamber floor be allowed 'in respect of a senator breastfeeding an infant'.⁶⁴ Arguments against the proposal were not canvassed in the Committee's report. The proposed standing order 175(3) was considered and agreed to by the

59. House of Lords, 'Briefing: Judicial Work', House of Lords, London, 2008, p. 2.

60. J Warhurst, 'Parliaments can't be strangers to changing times', *The Canberra Times*, 25 June 2009, p. 15. On the conduct of members during Question Time see: Clerk of the House of Representatives, Submission to the House Standing Committee on Procedure Inquiry into Question Time Procedures, 2006.

61. See: S Bach, 'Rules of Procedure for National Assemblies', *Parliamentary Studies Paper 1*, Parliamentary Studies Centre, Australian National University, 2008, pp. 6–7.

62. House of Representatives Standing Committee on Procedure, *Balancing tradition and progress - Procedures for the opening of Parliament*, 2001, p. 2.

63. Senate Procedure Committee, *First report of 2003*, Senate, p. 2.

64. *ibid.*

Senate on 13 May 2003 without a formal division or public debate.⁶⁵ It appears that the provision is rarely used.⁶⁶

In 2007 the major party whips noted that the House of Representatives lacked provisions for assisting members who are ‘nursing mothers’. It was considered that arrangements for nursing mothers should be established prior to the next election because the opportunity to grant leave could be reduced following a close election result. The Clerk of the House suggested a trial of proxy voting which had become part of parliamentary practice in the New Zealand Parliament since 1996.⁶⁷ The Procedure Committee considered the arguments for and against the proposal but declined to make any recommendation due to a lack of agreement among members.⁶⁸ Some members expressed concern that proxy voting departed from the tradition of requiring members to be physically present to vote, that proxy voting could be extended for other purposes such as poor health, that members had not requested the provision and the possible practical difficulties in applying the provision.⁶⁹

On the first sitting day following the 2007 federal election, the House of Representatives resolved (without division) to adopt proxy voting for nursing mothers. In speaking on the motion, the Leader of the House, Mr Anthony Albanese MP said:

The Rudd government is introducing a series of changes to the House standing orders as part of our intention to modernise the workings of parliament. The fact is that this parliament is changing. Increasingly, it is becoming more reflective of society as a whole.... I think [the provision] will send a message to the public at large that we indeed recognise that working families are a reality and that working families, particularly working mothers and new mothers, have a critical role in this parliament if we are to truly be a representative parliament of Australia.⁷⁰

Support for the motion was bipartisan, although it was noted that some members had ‘grave reservations’ about the operation of the process.⁷¹ The resolution (outlined in the section above) was the same as the draft resolution considered by the Procedure Committee, except the resolution as adopted did not require members voting by proxy to be in Parliament House

65. Australia, Senate, *Journals*, no. 75, 2002–03.

66. Data on the use of the provision is not available.

67. House of Representatives Standing Committee on Procedure, *Options for nursing mothers*, 2007, p. 3. Appendix B provides an outline of the proxy voting system in New Zealand.

68. *ibid.*, p. 9.

69. *ibid.*, pp. 5–9.

70. A Albanese, ‘Special provisions for nursing mothers’, House of Representatives, *Debates*, 12 February 2008, pp. 152–152.

71. J Hockey, ‘Special provisions for nursing mothers’, House of Representatives, *Debates*, 12 February 2008, p. 152. Similar concerns were noted by Mr Albanese, cited above.

at the time of the division, nor that the proxy vote be signed by the member.⁷² As with the breastfeeding provision in the Senate, it appears that the House provision on proxy voting is rarely used.⁷³

In the debate on a Senate Procedure Committee inquiry into the admittance of children, Senator Stephen Parry highlighted the special character of the chamber and raised practical questions concerning the counting of votes:

... what if it were a court of law? Do you bring children into a court chamber, which is likened to the Senate chamber? What if every senator brought a child of that age in at the same time? I am not posing answers; I am just posing questions. Some of these matters do need to be considered. From a practical perspective, for a whip, counting does become more difficult with more numbers in the chamber—sometimes senators can be obscured or diversions are created.⁷⁴

Senator Barnaby Joyce, in the same debate, referred to the sanctity of the Senate chamber:

... there is a special place in this parliament and it is the bar of the Senate. Go past that bar and you are in the voting section of this chamber—of course the attendants can go there too. There are 76 people in our nation who are elected to that bar and that is an incredible privilege. Everything about going beyond that bar of the Senate must be respected.⁷⁵

The Senate referred to the Procedure Committee for review, a proposal that the prohibition of visitors on the floor of the chamber not apply ‘at the discretion of the President [to] a senator caring for an infant briefly, provided that the business of the Senate is not interrupted’.⁷⁶ On 20 August 2009, that Committee reported to the Senate that it did not support the proposed amendment:

In the view of the majority of the committee, it would create an undesirable inroad on the principle that the floor of the Senate is reserved for senators and officers in immediate attendance on the Senate, and would create uncertainty as to the scope of the proposed exemption.⁷⁷

72. Australia, House of Representatives, *Votes and Proceedings*, No. 1, 12 February 2008, pp. 27-28; House of Representatives Standing Committee on Procedure, *Options for nursing mothers*, 2007, Appendix A: Draft resolution.

73. Data on the use of the provision is not available.

74. S Parry, ‘Procedure Committee Reference’, Senate, *Debates*, 22 June 2009, p. 3912.

75. B Joyce, ‘Procedure Committee Reference’, Senate, *Debates*, 22 June 2009, p. 3915.

76. B Brown, ‘Procedure Committee Reference’, Senate, *Debates*, 22 June 2009, p. 3095.

77. Senate Procedure Committee, *Third report of 2009*, 2009, p. 4. One Senator dissented from the Committee’s conclusion.

Broader family-friendly changes at Parliament House

Childcare facility

For almost three decades, there have been a number of surveys, reviews, committee reports and cross-party calls for the implementation of family-friendly facilities, not just for members of parliament, but also for parliamentary staff and other workers at Parliament House. Most of the attention has focused on establishing a childcare facility within the parliament for the use of all building occupants. In the mid-1980s a sub-committee of the Joint Standing Committee on the New Parliament House considered the incorporation of a childcare facility within the new parliament but did not pursue the matter.⁷⁸ In 1989 a majority of the New Parliament House Committee supported a proposal for a community-based childcare centre adjacent to the old parliament house.⁷⁹ Following negotiations between the governments of the Commonwealth and the Australian Capital Territory, the Forrest Primary School, located outside the parliamentary triangle, eventually became the site for this centre.⁸⁰

In 1994, the International Year of the Family, work commenced to refurbish the ‘spouses’ lounge’ at Parliament House into a ‘family lounge’. The new family lounge included a nappy disposal unit and changing tables for babies.⁸¹ Further childcare centres were also established just outside the parliamentary zone at the Department of Foreign Affairs and Trade building in 1996 and within the zone at the Treasury building in 2002.⁸² In 2000 a Childcare Reference group chaired by Senator Crossin was established and in early 2003 the Joint House Department commissioned a study into the provision of childcare.⁸³

In 2006 Ms Jackie Kelly MP expressed the challenge of being a mother and a member of parliament in calling for the on-site provision of childcare services:

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78. J Button, ‘Answer to question, new parliament house: child minding facilities’, Senate, *Debates*, 5 December 1986, p. 3574. The full Committee had previously considered and dismissed the idea in 1981. See, Mr Scholes, ‘Child care facilities: new parliament house’, House of Representatives, *Debates*, 11 February 1986, p. 158.
 79. Joint Standing Committee on the New Parliament House, Report relating to a community based child care centre in the parliamentary zone, 1989, p. 3.
 80. N Bolkus, ‘Joint Standing Committee on the New Parliament House’, Senate, *Debates*, 19 June 1992, p. 4105.
 81. M Easson, ‘Adjournment debate, Child-care facilities: Parliament House’, House of Representatives, *Debates*, 14 November 1994, p. 3256.
 82. Department of Foreign Affairs and Trade, *Annual Report 1996–97*, DFAT, Canberra, 1997, p. 24; Department of Finance and Administration, *Annual Report 2001–02*, DFA, Canberra, p. 75. Australia, House of Representatives, *Votes and Proceedings*, no. 11, 14 March 2002.
 83. The President, ‘Question on notice: childcare’, Senate, *Debates*, 11 February 2004, p. 20083.

If you are wondering where all the talented, experienced females are, they have gone to raise their kids. When they choose to return to their careers, they start behind the eight ball. Men of the same age have raced up the career ladder because they have been able to work while women are raising children. We do not have equal opportunity because we have a playing field where some players spend more time on the bench than others. In the current environment, a mum returning to politics is not going to have enough time in her career to become Prime Minister of this country. I and the other mothers in this parliament have struggled to maintain our careers while we raise our children. I have been told to use the child-care centres in surrounding suburbs when my children are here. For six years, I have relied on family and friends to amuse my children while I perform my duties in parliament.⁸⁴

Following further staff surveys, the case for a childcare centre within Parliament House took on greater momentum, and in June 2006 the Presiding Officers agreed to test the market for the provision of childcare services at the site of the old staff bar.⁸⁵ In mid-2008 a decision was taken to implement the proposal. The centre opened in February 2009 and can be used by the children of members, senators, their staff and staff of the parliamentary departments. The capacity of the centre is 30 children up to the age of three years. At May 2009 there were 20 children using the centre, one of which being a child of a parliamentarian.⁸⁶

In seeking approval for the work in the House of Representatives, Mr Albanese noted the changing values in the workplace:

The fact we have many facilities in this parliament—a snooker room, a pool, a gym, a dining room and many other facilities here that are appropriate in this magnificent building—but no childcare centre reflects the parliament of the last century. It is appropriate that the parliament of this century reflect more adequately values such as ensuring that all parents, whether they be men or women, have access to child care.⁸⁷

Other members stressed the practical importance of providing the facility. For example, Ms Sussan Ley MP told the house:

We as members of parliament are each just one tenant in this place ... They may be members of staff or members of the press or people who find themselves here on temporary work contracts. It is very easy for us as members and senators to forget that there might be

84. J Kelly, 'Rt Hon. Helen Clark: child care', House of Representatives, *Debates*, 7 February 2006, p. 98.

85. The President of the Senate and Speaker of the House of Representatives, *Childcare centre for parliament house closer*, press release, 22 June 2006.

86. Ms Griffith, Senate Committee on Finance and Public Administration Estimates Transcript, 25 May 2009, pp. 38–39.

87. A Albanese, 'Parliamentary zone: approval of proposal', House of Representatives, *Debates*, 24 June 2008, p. 5759.

some 3,000 to 4,000 people here on a sitting week and about 2,000 people on a non-sitting week and that a lot of children belong to those people.⁸⁸

Breastfeeding in Parliament House

A 2007 House of Representatives Committee on Health and Ageing report into breastfeeding recommended that Parliament House seek formal accreditation from the Australian Breastfeeding Association as a breastfeeding-friendly workplace. In March 2008 the Presiding Officers agreed to the recommendation and work commenced to provide facilities to assist breastfeeding mothers at Parliament House. Two small rooms were made available, one on each side of Parliament House, for members of parliament and other building occupants to breastfeed or express milk. Certificates of accreditation were provided in a ceremony at the parliament on 17 October 2008.⁸⁹

Possible areas for further reform

Possible areas for further reform to make Parliament House more family-friendly in the future could include increasing the age limit for children in the childcare centre, increasing the capacity of the centre, and allowing members of the public to use the facility when visiting the parliament, adopting more family-friendly sitting hours, changing the current confrontational seating arrangements in the chambers, and establishing a standing committee to look into such matters including the representation of women.⁹⁰ Some of these measures have been embraced by certain European parliaments, notably the Scottish Parliament which was re-established in 1999.⁹¹ Needless to say, the prospects of these reforms would be subject to the issues and limitations described above, as well as other constraints such as budget and security.

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88. S Ley, 'Parliamentary zone: approval of proposal', House of Representatives, *Debates*, 24 June 2008, p. 5786.
 89. The President, 'Parliament House: Breastfeeding', Senate, *Debates*, 16 October 2008, p. 6149.
 90. T Crossin, 'Parliamentary Zone: approval of works', Senate, *Debates*, 26 June 2008, p.3489; J E S McCulloch, 'Women in parliament: attaining the ideal', *Australasian Parliamentary Review*, Autumn 2009, 24(1), p. 130. Senator Collins has also suggested a review of water features in areas that could be accessed by children. See, Senate Finance and Public Administration Committee, *Estimates transcript*, 25 May 2009, p. 50.
 91. A Brown, T B Donaghy, F Mackay and E Meehan, 'Women and constitutional change in Scotland and Northern Ireland', *Parliamentary Affairs*, no. 55, 2002, p. 76.

Conclusion

The issue of allowing senators and members to take their children onto the floor of the parliamentary chambers cuts across a number of conflicting values. These values concern the requirements of a modern workplace, the importance of a representative parliament, the need to provide a safe working environment free from disturbance and the importance of upholding the Westminster tradition of parliamentary practice. The participation of women in paid employment has increased across the economy over the past 30 years, as has the representation of women in parliament. In this context, it is not surprising that new practices have emerged in what had historically been a male designed and dominated institution. It is important to recognise that in recent years, some family-friendly measures have been introduced in parliament. Parliament, however slowly, has come some way to address the needs of senators, members and other staff by supporting breastfeeding in the Senate chamber and throughout the building, enabling proxy voting for members of the House of Representatives and providing access to an on-site childcare facility.

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Appendix A: Specific provisions on visitors in other parliaments

United Kingdom House of Commons⁹²

161.—(1) The Serjeant at Arms attending this House shall take into his custody any member of the public 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 member of the public who, having been admitted into any other part of the House or gallery, shall misconduct himself, or shall not withdraw when the public 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 members of the public present at sittings of committees.

162. No Member of this House shall presume to bring any member of the public 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.

United Kingdom House of Lords⁹³

12. When the House is sitting, no person shall be on the floor of the House except Lords of Parliament and such other persons as assist or attend the House. Upon an Order of the House, the persons in all or any of the galleries or in the spaces about the Throne and below the Bar are to withdraw.

92. United Kingdom, House of Commons, *Standing orders of the House of Commons: public business*, December 2008, viewed 12 November 2009, <http://www.publications.parliament.uk/pa/cm200809/cmstords/2/2.pdf>

93. United Kingdom, House of Lords, *The standing orders of the House of Lords relating to public business*, 2007, viewed 12 November 2009, <http://www.publications.parliament.uk/pa/ld/ldstords/147/147.pdf>

13.—(1) The admission of strangers to the Chamber and the precincts of the House, whether or not the House is sitting, shall be subject to such orders and rules as the House may make. The Gentleman Usher of the Black Rod shall give effect to such orders and rules and shall have such powers (including the power to take into custody) as are necessary for that purpose.

(2) Respect is to be had to the Chamber, whether or not the House is sitting.

(3) The Gentleman Usher of the Black Rod shall take into his custody any person whom the House may order to be detained.

(4) In the absence of the Gentleman Usher, the Yeoman Usher may act in his place.

Canada House of Commons⁹⁴

14. If any Member takes notice that strangers are present, the Speaker or the Chair (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 Chair may order the withdrawal of strangers.

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 without a Special Order of the House.

(2) No stranger who has been committed, by Order 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.

94. Canada, House of Commons, *Standing orders of the House of Commons including the conflict of interest code for members*, June 2009, viewed 12 November 2009, <http://www.parl.gc.ca/information/about/process/house/standingorders/toc-e.htm>

Canada Senate⁹⁵

20. (1) If at any sitting of the Senate, or in Committee of the Whole, a Senator shall take 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", without permitting any debate or amendment.

(2) When the Speaker or the Chairman shall think fit, either of them may order the withdrawal of strangers from any part of the Senate, without a prior order of the Senate to that effect.

(3) When the Senate orders the withdrawal of strangers, the galleries shall be cleared, but those authorized to enter the Senate Chamber and to be on the floor of the Senate while it is in session shall continue to have free access to the Senate

22 (5) Senators wishing to draw the attention of the Senate to the presence in the gallery of a distinguished visitor shall do so by prior written notice to the Speaker. The Speaker shall, when the visitor is in the gallery, rise and draw the attention of the Senate to the presence in the gallery of that visitor.

New Zealand House of Representatives⁹⁶

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 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, and

(b) all members of the parliamentary press gallery must leave that gallery, and

(c) official reporters and attendants must leave the Chamber and no official report of the proceedings is made, and

95. Canada, Senate, *Rules of the Senate of Canada*, October 2005, viewed 12 November 2009, http://www.parl.gc.ca/information/about/process/senate/rules-e/senrules_00-e.htm

96. New Zealand, House of Representatives, *Standing orders of the House of Representatives*, New Zealand, September 2008, viewed 12 November 2009, http://www.parliament.nz/NR/rdonlyres/81D0893A-FFF2-47A3-9311-6358590BEB3D/100828/standingorders2008_5.pdf

(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 parliamentary precincts.

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.

127 Interruption of member speaking

A member speaking may be interrupted ...

... (b) by the raising of a matter of privilege relating to the conduct of strangers present ...

128 Interruption of debate

The debate on a question may be interrupted ...

... (b) by the raising of a matter of privilege relating to the conduct of strangers present ...

... (f) by a motion that strangers be ordered to withdraw...

208 Attendance by strangers

A select committee may—

(a) invite any person to be present during relevant proceedings that are not open to the public to assist it in its consideration of any matter:

(b) by leave, allow a stranger (not present to assist the committee) to be present during proceedings that are not open to the public.

210 Disorder

(1) The chairperson may order any stranger to withdraw from a meeting if that person's conduct is disorderly.

214 Private evidence

- (1) Some or all of the evidence to be given to a select committee may, by leave, be heard or received in private.
- (2) The committee may require all strangers or any stranger to withdraw from a meeting while evidence is being heard in private...

Secret evidence

215 (2) All strangers must withdraw from a meeting while secret evidence is being heard, unless leave is given for them to remain present.

218 Public attendance at hearings

(2) A committee may require all strangers or any stranger to withdraw from a meeting while the committee is formally receiving a delegation that includes a member, or members, of another Parliament.

393 Raising a matter of privilege

(3) A matter of privilege relating to the conduct of strangers present may be raised forthwith in the House and dealt with in such way as the Speaker determines.

Victoria Legislative Assembly⁹⁷

114 Interrupting debate

A member may only interrupt another member while speaking to...

- (3) Call attention to the presence of strangers ...

183 When strangers not allowed

Only the Speaker may admit a stranger onto the floor of the Chamber. While the House is sitting, a member must not bring a stranger into any part of the House that is set aside for members.

97. Legislative Assembly of Victoria, *Standing Orders and Joint Standing Orders and Joint Rules of Practice of the Parliament of Victoria*, December 2006, viewed 12 November 2009, <http://www.parliament.vic.gov.au/assembly/downloads/Standing%20Orders%20December%202006.pdf>

184 Withdrawal of strangers

During any sitting, the Chair may order strangers to withdraw from any part of the House. In addition, a member may move ‘That strangers be ordered to withdraw’. Such a motion must be put immediately without amendment or debate.

185 Discipline of strangers

The Serjeant-at-Arms may take into custody a stranger who:

- (1) Is, without the Speaker’s authority, in any part of the Chamber reserved for the members of the House;
- (2) Having been admitted to any part of the Chamber or gallery, misbehaves or does not withdraw when strangers are directed to withdraw;
- (3) Wilfully interrupts the business of the House;
- (4) Obstructs the approaches to the Chamber; or
- (5) Creates a disturbance within the precincts of the Chamber.

Victoria Legislative Council⁹⁸

12.22 Interruption of debate

A Member may only interrupt another Member to...

... (d) call attention to the unwanted presence of strangers...

23.01 Strangers

- (1) The President may direct the Usher of the Black Rod to take into custody any stranger who —
 - (a) is in any part of the Chamber reserved for the Members of the Council;
 - (b) having been admitted to any part of the Chamber or gallery, misconducts himself or herself or does not withdraw when strangers are directed to withdraw;
 - (c) wilfully interrupts the business of the Council;

98. Legislative Council of Victoria, *Standing orders together with joint standing orders and joint rules of practice of the Parliament of Victoria*, 2006, viewed 12 November 2009, http://www.parliament.vic.gov.au/council/Standing_Orders/LC-StandingOrders_56th-2006-12-13.pdf

(d) obstructs the approaches to the Chamber; or

(e) creates a disturbance within the precincts of the Chamber.

(2) Persons taken into custody under this Standing Order will not be released without the authority of the President.

23.02 Strangers not admitted within the Bar

No strangers will, without leave of the Council, be admitted to the floor of the Council Chamber within the Bar while the Council is sitting.

23.03 Admission of strangers

The President only will have the privilege of admitting strangers to the body of the Council Chamber; but every Member will have the privilege of admitting strangers to the gallery of the Council Chamber.

23.04 Withdrawal of strangers

(1) During any sitting the President may order strangers to withdraw from any part of the Council.

(2) A Member may move at any time “That strangers be ordered to withdraw”. Such motion must be put immediately without amendment or debate.

23.05 Contempt by strangers

(1) Any person who disobeys an Order of the Council or wilfully interrupts the sitting of the Council may be declared guilty of contempt by the Council.

(2) The President will direct the Usher of the Black Rod to take into custody any person declared guilty of contempt.

23.06 Admission of Assembly Members

Members of the Assembly may only be admitted to the Council Chamber by order of the President.

23.07 Seat for Speaker within the Chamber

Accommodation may be provided for the Speaker of the Assembly within the body of the Council Chamber.

New South Wales Legislative Assembly⁹⁹

79. A Member may only interrupt another Member to...

... (4) Call attention to the presence of visitors...

80. The following matters are not open to debate nor amendment...

... (11) "That visitors be ordered to withdraw"...

256. Only the Speaker may admit visitors to the area behind the Speaker's Chair.

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

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

259. The Speaker may at any time order the withdrawal of visitors from any part of the House. The Parliamentary Reporting Staff shall not be deemed to be visitors unless the Speaker directs.

260. 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.

261. A Member shall not bring a visitor into any part of the building exclusively set aside for the use of Members.

262. Visitors shall not be admitted to any in camera proceedings.

263. Representatives of media organisations may be admitted to the Galleries, including the Press Gallery, by the Speaker and such representatives shall comply with any conditions or directions determined by the Speaker.

99. Parliament of New South Wales, Legislative Assembly, *Standing Orders*, July 2009, viewed 14 August 2009, [http://www.parliament.nsw.gov.au/prod/la/precedent.nsf/0/0D813F110566E803CA2572A500059E36/\\$file/Standing%20Orders%20\(2009\).pdf](http://www.parliament.nsw.gov.au/prod/la/precedent.nsf/0/0D813F110566E803CA2572A500059E36/$file/Standing%20Orders%20(2009).pdf)

New South Wales Legislative Council¹⁰⁰

195 Distinguished visitors

Distinguished visitors may be admitted to a seat on the floor of the House, by motion without notice.

196 Conduct of visitors

(1) Visitors may attend in the galleries during a sitting of the Legislative Council, unless otherwise ordered by the House.

(2) The President only may admit visitors to the seating in the gallery on either side of the President's Chair.

(3) No person other than a member, a Clerk-at-the-Table or an officer attending on the House may enter any part of the chamber reserved for members, while the House is sitting.

(4) Paragraph (3) does not apply in respect of a member breastfeeding an infant.

(5) The Usher of the Black Rod, subject to any direction by the President, is to remove any person who enters any part of the chamber reserved for members while the House is sitting, or causes a disturbance in or near the chamber.

Queensland Legislative Assembly¹⁰¹

251. Member speaking not to be interrupted except in certain circumstances

When a member is speaking, no other member may converse or make any noise or disturbance to interrupt that member unless it is ...

... (c) to call attention to the presence of strangers in the House...

284. Admission of strangers

(1) Only the Speaker shall have the privilege of admitting strangers to the galleries of the House, while the House is sitting.

100. Parliament of New South Wales, Legislative Council, *Standing Orders*, August 2004, viewed 12 November 2009,

<http://www.parliament.nsw.gov.au/prod/lc/lcprocedural.nsf/V3ListStandingOrders>

101. Legislative Assembly of Queensland, *Standing rules and orders of the Legislative Assembly*, October 2009, viewed 12 November 2009,

<http://www.parliament.qld.gov.au/view/legislativeAssembly/documents/procedures/StandingRules&Orders.pdf>

(2) The Speaker shall have the power to set aside areas of the parliamentary precinct for use by members.

(3) A member must not bring a stranger into any part of the House that is set aside for members.

(4) On any day when the House is sitting, no member shall bring any stranger on to the floor of the Chamber.

285. Withdrawal of strangers

(1) The Speaker may order the withdrawal of strangers from any part of the Chamber or parliamentary precinct.

(2) If at any sitting of the House, any member takes notice that a stranger is on the floor of the Chamber, the Speaker shall immediately order their withdrawal.

286. Conduct of strangers

Strangers must not:

(a) be on the floor of the Chamber while the House is sitting;

(b) be in an area of the parliamentary precinct reserved for members only;

(c) misbehave in any way in any part of the House or the parliamentary precinct; or

(d) disobey an order of the House or a direction by the Speaker to withdraw from the Chamber while the House is sitting.

287. Arrest of strangers

(1) The Sergeant-at-Arms or any other officer of the House authorised by the Speaker or the Clerk is authorised to take a person in breach of SO 286 and who is disrupting or about to disrupt the proceedings of the House into custody or direct others to take a person into custody and shall report immediately to the Speaker.

(2) The Speaker shall report to the House when any person has been taken into custody for a failure to comply with (1).

(3) A person taken into custody (1) can only be discharged from custody by direction of the Speaker or order of the House.

South Australia House of Assembly¹⁰²

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.

75 Arrest of Strangers in the House or gallery (86)

At the direction of the Speaker, the Serjeant-at-Arms takes or delivers into custody any stranger

- 1 who is in any part of the Chamber appropriated to the Members of the House, or
- 2 who misbehaves in any other part of the House or gallery, or
- 3 who does not withdraw when strangers are directed to withdraw while the House or any Committee of the whole House is sitting.

A person taken into custody is discharged only on the special order of the House and after payment of certain fees, as provided below.

102. South Australia, House of Assembly, Standing orders for regulating the public business of the House of Assembly together with the joint standing orders of the Houses, August 1999, viewed 12 November 2009, <http://www.parliament.sa.gov.au/NR/rdonlyres/1D95F380-2D1B-4E8E-8FDF-BABAE9A61281/4162/standingordershoa.htm>

76 Arrest of Stranger or Member to be reported (87)

When any Member or other person has been taken into custody by the Serjeant-at-Arms, the arrest is reported to the House by the Speaker without delay. The House then fixes a time for the Member or other person to be brought to the Bar, to receive orders for commitment or discharge after payment of certain fees, as provided below.

77 Fees for arrest or commitment (88)

The following scale of fees is payable to the Serjeant-at-Arms on the arrest or commitment of any person by order of the House or the Speaker. Without the express direction of the House, no person is discharged out of custody until such fees are paid:

For arrest \$50

For commitment \$200

338 Admission of strangers

When a committee is examining witnesses, persons other than Members of the committee and its advisers may be admitted but are excluded at the request of any Member or at the discretion of the Chairman of the committee and are always excluded when the committee is deliberating.

South Australia Legislative Council¹⁰³

216.

Black Rod shall, on being directed by the President, deliver into custody any Stranger whom the President may see, or who may be reported to the President to be in any part of the Chamber appropriated to the Members of the Council; and also, any Stranger who, having been admitted into any other part of the Chamber or Gallery, shall display improper conduct or shall not withdraw when Strangers are ordered to withdraw, or who shall obstruct the approaches to the Chamber or occasion a disturbance within the precincts thereof.

396.

When a Committee is examining Witnesses, Strangers may be admitted, but they shall be excluded at the request of any Member or at the discretion of the Chairperson, and shall always be excluded when the Committee is deliberating.

103. South Australia, Legislative Council, The standing orders of the Legislative Council relating to public business together with the joint standing orders agreed to by both Houses, August 1999, viewed 12 November 2009, <http://www.parliament.sa.gov.au/LegislativeCouncil/BusinessoftheCouncil/StandingOrders/>

445.

The President alone shall have the privilege of admitting Strangers, not being Members of the House of Assembly or of the Commonwealth Parliament, to the body of the Council Chamber, either within or without the Bar, while the Council or a Committee of the Whole is sitting.

446.

Members of the House of Assembly and of the Commonwealth Parliament shall have the privilege of admission, without order, to the body of the Council Chamber without the Bar.

447.

If at any sitting of the Council, or in Committee, any Member shall take notice that Strangers are present, the President, or the Chairperson (as the case may be), shall forthwith put the question "That Strangers be ordered to withdraw" without permitting any discussion or amendment: Provided that the President, or the Chairperson, may, whenever the President or Chairperson thinks fit, order the withdrawal of Strangers from any or every part of the Chamber.

Tasmania House of Assembly¹⁰⁴

174. The Debate upon a Question may be interrupted ...

... (h) By attention being called to the presence of strangers.

186. A Member shall not interrupt another Member while speaking, unless ...

... (d) To call attention to the presence of strangers.

355. When a Committee is examining Witnesses, strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chair of the Committee, and shall always be excluded when the Committee is deliberating.

357. No Stranger, or Member not being of the Committee, shall be admitted, at any time, to a Secret Committee.

412. 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.

104. House of Assembly of Tasmania, *Standing and sessional orders and rules*, August 2009, viewed 12 November 2009, <http://www.parliament.tas.gov.au/ha/So&Sessionals.pdf>

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

414. 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.

Tasmania Legislative Council¹⁰⁵

138. After division called

After a division has been called for –

Visitors withdraw

(1) Visitors will withdraw from the body of the Chamber...

192. Admission of strangers

When a Committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chair of the Committee, and shall always be excluded when the Committee is deliberating.

339. Visitors to council

(1) The President only shall have the privilege of admitting visitors to the President's reserve and the public gallery of the Council Chamber, but Members may admit visitors by leave of the President, to the President's reserve.

(2) The benches beyond the Bar of the Council may be used by Members of the Council, and Members and Table Officers of the Assembly.

(3) The Gallery against the southern wall of the Council chamber shall be the public gallery.

105. Legislative Council of Tasmania, *Standing orders and rules*, viewed 12 November 2009, <http://www.parliament.tas.gov.au/lc/lcsor.pdf>

Western Australia Legislative Assembly¹⁰⁶

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 —

- (1) Is in any part of the Chamber reserved for the members of the Assembly;
- (2) Having been admitted to any part of the Chamber or gallery, misconducts themselves or does not withdraw when strangers are directed to withdraw;
- (3) Wilfully interrupts the business of the Assembly;
- (4) Obstructs the approaches to the Chamber; or
- (5) 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.

Matters not open to debate or amendment

100. The following matters are not open to debate or amendment ... [standing order] 41
Withdrawal of strangers.

Procedure for division

139. When a division has been called for ... (1) Strangers will withdraw from the Chamber...

106. Western Australia, Legislative Assembly, *Standing orders of the legislative assembly of the parliament of Western Australia*, June 2008, viewed 12 November 2009, <http://www.parliament.wa.gov.au/web/newwebparl.nsf/iframewebpages/Standing+orders>

Western Australia Legislative Council¹⁰⁷

Motions not open to debate

109. Motions and questions under the following standing orders are not open to debate, and shall be moved without argument or opinion offered, and shall be forthwith put by the President from the Chair, and the vote taken - ... Withdrawal of strangers.

Arrest of strangers

123. The Usher of the Black Rod, on being directed by the President, shall take into custody any stranger whom he may see, or who may be reported to be, in any part of the Chamber appropriated to Members; and also any stranger who, having been admitted within the precincts of the House, shall misconduct himself, or shall not withdraw when strangers are directed to withdraw, while the Council or any Committee of the whole is sitting; and no person so taken into custody shall be discharged out of custody without the special order of the Council.

Admission of strangers

358. When a committee is examining witnesses, strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chairman of the committee and shall always be excluded when the committee is deliberating.

Admittance of [strangers]

415. The President only shall have the privilege of admitting strangers into the portion of the Chamber below the Bar. Members of the Assembly shall have the privilege of admission thereto without orders. The President may admit distinguished strangers to a seat on the floor of the Council Chamber.

Withdrawal of [strangers]

416. If at any sitting of the Council or committee thereof, any Member shall take notice that strangers are present, the President 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 President or the Chairman of Committees may, whenever he thinks fit, order the withdrawal of strangers from any part of the Chamber.

107. Western Australia, Legislative Council, *Standing orders*, March 2007, viewed 12 November 2009, <http://www.parliament.wa.gov.au/web/newwebparl.nsf/iframewebpages/Standing+orders>

Not admitted into any part appropriated for Members

417. No Member shall bring any stranger into any part of the Chamber appropriated to Members while the Council or a Committee of the whole is sitting.

Northern Territory Legislative Assembly¹⁰⁸

69. INTERRUPTION OF MEMBER

No Member may interrupt another Member speaking unless ...

... (c) to call attention to the presence of strangers...

71. NO DEBATE PERMITTED

(1) The following questions are not open to debate and, except as provided in this Order, shall be put without argument or opinion offered and without amendment ...

... (f) question “that strangers be ordered to withdraw” (S.O. 249);

246. ARREST OF STRANGER

The Serjeant-at-Arms or another officer of the Assembly may take or deliver into custody any stranger whom he may see, or who may be reported to him to be, in any part of the Chamber appropriated to the Members of the Assembly; and also any stranger who, having been admitted into any other part of the Assembly or gallery, misconducts himself, or does not withdraw when strangers are directed to withdraw, while the Assembly or any Committee of the Whole is sitting.

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.

108. Legislative Assembly of the Northern Territory, *Standing orders*, November 2008, viewed 12 November 2009, <http://www.nt.gov.au/lant/pub/REPRINT%20FEB%202009%20STANDINGORDERS%20November%202005%20AND%20amds%2026Nov2008%201st%20report%2011th%20AssySO%20cttee%20.pdf>

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.

272—STRANGERS ADMITTED

When a committee is examining witnesses, strangers may be admitted but shall withdraw if requested by the Member chairing the committee or any Member of the committee and shall always withdraw when the committee is deliberating

Australian Capital Territory Legislative Assembly¹⁰⁹

Disorderly person may be removed

209. Where, in the opinion of the Speaker or the Chair 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 Chair 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

Strangers not admitted into body of Chamber

210. While the Assembly is sitting no stranger, other than a nursing infant being breastfed by a Member, may be present in any part of the Chamber allocated to Members of the Assembly.

109. Legislative Assembly for the Australian Capital Territory, *Standing and temporary orders and continuing resolutions of the Assembly*, August 2009, viewed 12 November 2009, http://www.legassembly.act.gov.au/downloads/standing-orders/standing_orders.pdf

Appendix B: New Zealand standing orders on proxy voting¹¹⁰

150 Proxy voting

- (1) A member may give authority for a proxy vote to be cast in the member's name or for an abstention to be recorded.
- (2) A proxy must state the name of the member who is giving the authority, the date it is given, and the period or business for which the authority is valid. It must be signed by the member giving it and indicate the member who is given authority to exercise it.
- (3) A member who has given a proxy may revoke or amend that proxy at any time before its exercise.
- (4) The leader or senior whip of each party, or a member acting as the leader or senior whip of the party in the House for the time being, may exercise a proxy vote for any member of the party, subject to any express direction from a member to the contrary.

151 Casting of proxy vote

- (1) A proxy vote may be cast or an abstention recorded on a party or personal vote only by the person who has authority to exercise it. In the case of any dispute, the member exercising a proxy must produce the authority to the Speaker.
- (2) In the case of a party vote, proxies may be exercised for a number equal to no more than 25 percent of a party's membership in the House, rounded upwards where applicable, but at least one proxy may be exercised for a party.
- (3) In the case of a party vote, proxy votes may be exercised for a party consisting of two or three members only if at least one of the members of that party is within the parliamentary precincts at the time.
- (4) In the case of a party vote, a proxy may be exercised for a party consisting of one member and for any Independent member only if the member concerned is—
 - (a) present within the parliamentary precincts, or
 - (b) absent from the parliamentary precincts attending a meeting of a select committee held outside the Wellington area with the agreement of the House or the Business Committee, or

110. New Zealand, House of Representatives, *Standing orders of the House of Representatives*, September 2008, viewed 14 August 2009, http://www.parliament.nz/NR/rdonlyres/81D0893A-FFF2-47A3-9311-6358590BEB3D/100828/standingorders2008_5.pdf

(c) absent from the parliamentary precincts attending other official business approved by the Business Committee, or (d) absent from the parliamentary precincts with the permission

of the Speaker granted—

(i) for illness or other family cause of a personal nature,

or

(ii) to enable the member to attend to other public business (whether in New Zealand or overseas).

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