



The Hon COURTNEY HOUSSOS MLC

MEMBER OF THE NSW LEGISLATIVE COUNCIL

Australian Labor Party

Director
Procedure Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

RE: Inquiry into young children accompanying members into the House

Tuesday 3 May 2016

To the Procedure Committee,

I write to offer a submission to assist the Committee with your Inquiry into young children accompanying members into the House, referred to the Committee on Tuesday 23 February 2016.

I welcome the opportunity to make a submission, and I thank the President for his referral of this issue to your Committee for consideration.

I am strongly supportive of varying standing order 196 in such a way as to affect an exemption of children under the age of four years entering the House with their parent during divisions only. I believe this change would serve a number of purposes. Most importantly, it would allow members with young families to better balance their family and work responsibilities, particularly during periods of repeated late-night sittings.

Background

I experienced this first hand on the evening of Wednesday 26 August 2015 when I was prevented from taking my then-19 month old daughter, Anna, onto the floor of the House during a division.

In that instance, I was fortunate to be able to arrange another carer at short notice; however, standing order 196 has since presented an obstacle to me being able to spend time with my daughter during sitting periods if I did not have another carer immediately available at all times.

Shortly after this occasion, I wrote to President Harwin with regard to the matter. I noted that the demographics of our Members of Parliament are changing with both younger men and women entering the Parliament, meaning there are now more members with caring responsibilities in the Parliament.

Indeed, this is an issue that many parliaments within Australia, as well as abroad, are dealing with. As the oldest parliamentary chamber in Australia, I see this is an opportunity for the New South Wales Legislative Council to be a leader, as it has been with the issue of breastfeeding mothers.

It is worth noting that the NSW Legislative Assembly has historically dealt with the issue of young children accompanying members into their chamber by simply not enforcing the relevant prohibitive standing orders. Without making any judgement whatsoever on the practices of the other place, I believe this would not be an appropriate option for the Legislative Council as it puts the President or Chair in an inherently difficult position should an objection be taken.

I believe it is appropriate for the Procedure Committee to investigate this issue and make recommendations for adoption, rather than relying on the discretionary non-enforcement of current standing orders.

It is also self-evident that not all members of our House are based in Sydney; therefore, our standing orders should allow for instances where regional members might, for one reason or another, find themselves caring for a child without an alternative carer immediately available.

With regard to my support for varying standing order 196, I am conscious of the fact that the business of the House should not be interrupted by the presence of children in the chamber. Likewise, other Honourable Members should not find themselves caring for children brought into the chamber. For these reasons, I do not advocate young children being permitted to accompany members onto the floor of the House during the ordinary business of the House.

Proxy option

I am aware of other legislatures, including the Commonwealth House of Representatives, which allow parents caring for young children to vote via proxy. I am not opposed to this idea – indeed, on a practical level, it may be a necessary option in instances where taking a young child on to the floor of the House would cause undue disruption.

In my case, when I was informed that I could not bring Anna into the Chamber, I was offered a pair. However, members caring for children, particularly during late night sittings, should be given the opportunity to attend votes which relate to issues of state significance or which touch on issues of particular personal interest. For this reason, I am of the view that proxy votes should not be the only option available to members caring for children during sitting periods.

I would suggest to the Committee that members with young children in their care should be given the choice of either voting by proxy through their Whip, or alternatively, attending the chamber to vote in company with their child.

Precedents

While our standing orders often reflect the practices of similar legislatures and other houses of review, including the Australian Senate, it is worth noting that the Australian House of Representatives Standing Committee on Procedure very recently inquired into provisions for a more family-friendly chamber. The Standing Committee recommended that infants being cared for by a Member be exempt from being considered a stranger under standing orders¹.

The Standing Committee noted the unique nature of being a Member of Parliament and also a parent:

1.5 Given their unique role, it is difficult for a Member of Parliament to take extended maternity or paternity leave. On returning to work, a Member caring for an infant faces a number of challenges including working long hours and being away from their support network at home. For some members, their spouse will accompany them and their baby to Canberra during sitting weeks, but this is not always the case. It should be recognised that Members face particular demands associated with their role and as a result need particular workplace support in the early years of their child's life.

The Committee also suggested that considered reform to standing orders would present an opportunity for the Parliament to reflect the changing attitudes towards working parents:

¹ House of Representatives Standing Committee on Procedure, *Provisions for a more family-friendly Chamber*, the Parliament of the Commonwealth of Australia, Canberra, November 2015.

1.27 It is important that the practices and procedures of the House are consistent with changing community expectations with regard to supporting women's participation in the workforce and balancing work and family responsibilities.

Impact

The Parliament of NSW is an institution constantly seeking ways to improve the lives of our citizens. While serving the people of NSW, it is important that those working within Parliament are supported in their roles.

Roughly ten years ago, then-Premier Morris Iemma instituted 'family friendly hours' for the Legislative Assembly. These changes were widely accepted and indeed applauded; however, the nature of our House is such that we often debate long into the night. I believe this necessitates an appropriate solution for the Legislative Council which stands apart from the Legislative Assembly.

Members of this place – both men and women – with small children take on a unique balancing act of work, family and community responsibilities. Allowing the young children of members into the House during divisions would send the message that Parliament supports these parents and their families. The amendment of this particular provision would send a clear message and set a standard for work places across not only NSW, but also Australia.

It would also send a powerful message that the Parliament supports its members who do their best to fulfil their duties as members and as parents. This would be in keeping with the current Government's goal of encouraging workplaces around the state to be more family-friendly.

Indeed, it is the case that many members have spoken with me about the valuable time they could have spent with their young children if amendments to standing order 196 – such as those I have proposed – had been in place prior to now.

Also, I strongly believe that by applying a reasonable person test, we should acknowledge that the unique requirements of the Parliament necessitate certain allowances for members with young families.

I am of the view that such changes as I have suggested would not lead to children being present in the Chamber regularly. Indeed, the Commonwealth House of Representatives Standing Committee Report, as mentioned above, noted further to this issue:

1.29 The implementation of the proposed amendment below is unlikely to have a significant impact in practice. Members expressed to the Committee that they would be reluctant to bring their infant into the Chamber except in situations where there was no other practical options available for their infant's care. It is, however, a practical measure that supports the participation by Members in the work of the House during the important early months of their children's lives.

I put it to the Committee that varying standing order 196 to allow young children in the House during divisions would be an eminently sensible response to the question before you in this Inquiry.

Sincerely,



Courtney Houssos MLC