



PARLIAMENT of AUSTRALIA
HOUSE of REPRESENTATIVES

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PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 4111 | Fax: (02) 6277 2006 | Email: clerk.reps@aph.gov.au

13 May 2016

The Honourable Don Harwin MLC
President
Legislative Council of New South Wales
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr President

Thank you for your letter dated 22 March 2016 to the Speaker in which you sought a submission to the Legislative Council's Procedure Committee inquiry into young children accompanying Members into the House. In light of the current Federal election campaign, the Speaker has asked me to respond to your letter.

Over the last decade or so, the House of Representatives has demonstrated a flexible, pragmatic approach to the needs of Members with young children. This has in large measure been due to the work of its own Procedure Committee and the acceptance by the House of the Committee's recommendations.¹

In 2007 the Procedure Committee noted the increasing numbers of women Members and the challenges they faced in caring for young children at the same time as undertaking their parliamentary duties. The Committee recommended that the House adopt a resolution enabling Members who were nursing an infant at the time of a division to give a proxy vote to the relevant Whip, and the House agreed to this in 2008. Significant use has been made of the provision since that time and I am not aware of any negative feedback about its use.

In 2015 the Leader of the House asked the Procedure Committee to review the adequacy of the House's provisions for nursing mothers. In its subsequent report, *Provisions for a more family-friendly Chamber*, the Committee noted that several Members, women and men, were currently balancing parliamentary and family responsibilities and that there had been occasions when men and women Members had needed to bring babies into the Chamber. While technically a breach of the standing orders, these events had been treated with pragmatism and goodwill.

In its report, the Committee recommended the continuing use of the proxy voting provision that had been so successful. In addition, the Committee recommended a more comprehensive, family-friendly approach by the House to the needs of its Members, in keeping with community expectations. This aspect may have particular relevance for your inquiry's

¹ Attachment A to this submission includes the text of the relevant resolution of the House in 2008, House standing order 257(d), and references to the House Procedure Committee's reports.

purposes. The Committee recommended an amendment to standing orders—in regard to the admission of visitors—to enable Members to bring small children into the Chamber.

The Government supported the recommendation and, in March 2016, the relevant standing order was amended to provide that ‘A visitor does not include an infant being cared for by a Member’. As you would have noticed, this new provision is not age-specific in terms of the infant, or gender-specific in terms of the Member. Nor does it require that the Member be feeding the infant or that the admission be confined to the conduct of divisions. I am not aware that this provision has been relied upon yet, but I have no doubt, given the number of Members who are parents of small children, that it will be used in the future.

I hope that these comments will assist you and your colleagues in your inquiry.

Yours sincerely,



DAVID ELDER
Clerk of the House

Attachment A

House of Representatives provisions relevant to Members caring for young children

Resolution of 2008—proxy voting for Members nursing infants

Resolution adopted 13 February 2008 a.m.

(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

(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.

Standing Orders—amendment to standing order 257 regarding admission of visitors

On 2 February 2016, standing order 257 was amended as follows:

257 Admission of Senators and visitors

(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 Federation Chamber is meeting, which is reserved for Members.

(c) Senators shall have the privilege of being admitted into the Senators' gallery without invitation. When present in the Chamber or galleries they must observe the Speaker's instructions regarding good order.

(d) A visitor does not include an infant being cared for by a Member.

Reports of the House of Representatives Standing Committee on Procedure:

2007, *Options for Nursing Mothers*, available online at

http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/nursingmothers/report.htm

2015, *Provisions for a more family-friendly Chamber*, available online at

http://www.aph.gov.au/Parliamentary_Business/Committees/House/Procedure/Nursing_mothers/Report