

## Introduction

- 1.1 A number of Members of the House of Representatives balance their parliamentary duties with the care of their young children. Members returning to work soon after having a baby, in particular, face a number of challenges in fulfilling their role as a Member while meeting the needs of their baby.
- 1.2 This reflects changes in the workforce in the wider community. Many mothers are returning to work soon after having a baby and fathers are increasingly involved in the care of their infants. In response, workplaces are seeking to implement measures to support their staff balance work and family responsibilities.
- 1.3 It is on those lines that the Leader of the House recently asked the Procedure Committee to review the House's provisions for nursing mothers. In particular, he asked the Committee to consider the adequacy of arrangements for proxy voting and whether a Member should be allowed to breastfeed in the Chamber.
- 1.4 Given that several Members, both women and men, have welcomed babies into their families this Parliament, it is timely to consider the adequacy of measures to support Members who are balancing their parliamentary responsibilities with caring for an infant.
- 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.

- 1.6 All Members of the House were invited to share their views with the Committee and this report reflects their contributions.

## Support for nursing mothers

- 1.7 The World Health Organisation recommends that babies are exclusively breastfed until they are six months old, with continued breastfeeding up to two years of age and beyond.<sup>1</sup> Female Members will generally return to work before their baby is six months old and it is incumbent on the House to support those Members to continue to breastfeed if they wish to do so.

- 1.8 In her submission to the inquiry, Member of the ACT Legislative Assembly, Giulia Jones, described her personal experience of breastfeeding her baby while balancing her duties as a Member. She noted:

It is a stressful business to manage babies' breastfeeding needs, a mother's not unending milk supply, and the physical demands of being a politician.<sup>2</sup>

- 1.9 The Committee notes that the Australian Parliament is accredited as a Breastfeeding Friendly Workplace by the Australian Breastfeeding Association.<sup>3</sup> The three criteria for accreditation are:

- A private, comfortable space to breastfeed or express milk;
- Time during the work day to breastfeed or express; and
- Support from employer and colleagues.

- 1.10 The Committee commends the parliamentary departments for attaining accreditation and encourages them to maintain their accreditation.

## Proxy voting

- 1.11 Currently, Members nursing an infant are able to give their vote by proxy for any division except that on the third reading of a bill which proposes an alteration of the Constitution.<sup>4</sup> Government Members give their vote to the Chief Government Whip and non-government Members to the Chief Opposition Whip.<sup>5</sup>

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1 World Health Organisation, *Health topics: Breastfeeding*, <[who.int/topics/breastfeeding/en/](http://who.int/topics/breastfeeding/en/)>, accessed 4 November 2015.

2 Giulia Jones MLA, *Submission 1*, p. 1.

3 Australian Breastfeeding Association, *Submission 4*, p. 2.

4 This exemption is in recognition of the fact that bills proposing an alteration to the Constitution must be passed with an absolute majority in both Houses. (Constitution, s128)

5 Resolution of the House, *Votes and Proceedings No. 1*, 12-13 February 2008, pp. 27-8.

- 1.12 The provisions for proxy voting are provided for by a resolution of the House agreed on 13 February 2008, the terms of which are appended to the standing orders titled *Special provisions for nursing mothers*. This resolution came about following a 2007 Procedure Committee report on options for nursing mothers.<sup>6</sup>
- 1.13 Since 2008, a number of Members have taken advantage of the option to vote by proxy while nursing their infants (See Table 1.1). There have been no reported problems with the conduct of proxy voting and feedback to the Committee about its use has been overwhelmingly positive.

**Table 1.1 Occasions proxy vote used by Member nursing an infant**

2008	2009	2010	2011	2012	2013	2014	2015
8	0	0	0	0	17	1	7

Source Chamber Research Office statistics, 4 November 2015

- 1.14 However, some concerns were raised about the interpretation of the terms of the resolution, specifically, that ‘a Member may give her vote by proxy...if the Member is nursing an infant at the time of the division’. The Committee was advised that, in practice, both government and non-government whips consider ‘nursing an infant’ to refer to any activity related to the immediate care of an infant. Currently, the whips only require a Member to state that they are exercising their proxy and do not expect any further explanation. This common sense approach has been welcomed by nursing mothers and feedback from the whips indicates that the proxy vote provisions have been treated with respect by Members.
- 1.15 It was also put to the Committee that how a mother chooses to feed her infant, whether by breastfeeding, expressing or formula feeding, is a personal and private choice. It was suggested that the House should not create unnecessary and artificial barriers for mothers with an overly restrictive definition of ‘nursing an infant’ in relation to the proxy vote.
- 1.16 This aligns with the approach currently taken by the whips. However, concerns were raised that future parliaments may not take such a liberal interpretation.
- 1.17 The Committee is supportive of the continued use of the proxy vote provisions in the manner in which they are currently applied. It is the Committee’s expectation that a mother caring for an infant should be able to use their own judgement about when to exercise their proxy.

6 Standing Committee on Procedure, *Options for nursing mothers*, June 2007.

## Infants in the Chamber

- 1.18 Another option proposed to support a Member caring for an infant during parliamentary sitting weeks is to allow Members to bring their infants into the Chamber.
- 1.19 While Members (both women and men) have brought their babies into the Chamber in the past, it is technically in breach of the standing orders. There have been occasions in this and other Houses where a Member has challenged the presence of another Member's child.<sup>7</sup> The standing order prohibiting 'visitors in the House'<sup>8</sup> creates uncertainty for a Member having no option but to bring their baby into the Chamber and potentially places the Speaker in a difficult position when a Member does so.
- 1.20 One Member told the Committee that on occasion she had needed to bring her very young son into the Chamber during late night sittings when other suitable care was not available. She said that the flexibility shown by the then Speaker and both government and opposition whips allowed her to travel to Canberra with her son until after his third birthday and that she valued not missing those early years of his life as a result of the requirement to travel to Canberra regularly.
- 1.21 Some Australian legislatures do have provisions for nursing mothers to bring their babies into the Chamber whilst being breastfed:
- the Australian Senate allows Senators to breastfeed their babies in the Chamber<sup>9</sup> and provides a small room near the Senate Chamber for breastfeeding Senators.
  - the Australian Capital Territory Legislative Assembly allows a Member to breastfeed in the Chamber;<sup>10</sup>
  - the New South Wales Legislative Council allows a Member to breastfeed in the Chamber;<sup>11</sup>
  - some other state legislatures have allowed breastfeeding in the Chamber at the discretion of the Chair.<sup>12</sup>
- 1.22 The House of Representatives is the only Australian parliamentary chamber that provides nursing mothers with the option to vote by proxy. A number of Members said that it would be their preference to use a proxy vote rather than breastfeed under the scrutiny of the national
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7 Rodrigues M, *Children in the Parliamentary Chambers*, Research paper no. 9, 2009-10, Parliamentary Library.

8 Standing order 257.

9 Senate, Standing order 175.

10 Legislative Assembly for the ACT, Standing order 210.

11 Legislative Council, NSW, Standing order 196.

12 See Clerk of the House of Representatives, *Submission 3*, Attachment 1.

media. The proxy vote offers greater flexibility compared to provisions in other legislatures that require nursing mothers to either breastfeed in the Chamber or leave their baby in order to vote. It has been put to the Committee, however, that if the Parliament is to fully support breastfeeding, it should not be prohibited in any part of the building, including the Chamber and Federation Chamber.

- 1.23 The general view expressed to the Committee has been that a Member caring for an infant should have the choice to either vote by proxy or attend the Chamber and the Committee supports this view. It has been suggested, however, that it is impractical to require that a baby be feeding for the entire period he or she is in the Chamber.<sup>13</sup>
- 1.24 It has also been suggested to the Committee that a Member should be allowed to bring their baby into the Chamber for reasons other than feeding, such as during late night sittings when other care is not available or if a division is called and a Member happens to be close to the Chamber with their infant.

## Conclusion

- 1.25 Members returning to work after having a baby should have the opportunity to participate fully in the work of the House. The proxy vote is an important provision but a Member caring for an infant should also be allowed into the Chamber to vote and to participate in debates.
- 1.26 There may be debates of national or personal significance that a Member may particularly wish to attend, such as legislation they have an interest in, debates of significance to their electorates or the valedictory speech of a colleague. The fact that a Member needs to care for their infant during a debate should not preclude their attendance.
- 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.
- 1.28 The Committee is therefore recommending that the House amend standing order 257 to allow Members to bring their infant into the Chamber and Federation Chamber. The proposed amendment is specifically intended to include a Member breast or bottle feeding an infant, but does not require that an infant be feeding as a pre-requisite to its presence in the Chamber.

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13 Giulia Jones MLA, *Submission 1*, p. 3.

- 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.
- 1.30 Given the common sense approach taken to the proxy vote arrangements, the Committee believes that any provision allowing infants into the Chamber would be treated with respect by Members and need not be overly restrictive.

### **Recommendation 1**

**The Committee recommends that standing order 257 be amended to add paragraph (d) as follows:**

**257 Admission of Senators and visitors**

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

**Dr Andrew Southcott MP**  
**Chair**  
**26 November 2015**