

# Media Background

12 November 2015

## Australian Chambers of Parliament Standing Orders Regarding Nursing Infants

In 2003, Victorian state member for Forest Hill - Kirstie Marshall was forced to leave the Chamber with her 11 day old daughter after she'd brought her in to breastfeed.

<http://www.theage.com.au/articles/2003/03/12/1047431086236.html>

A Victorian fact sheet about Women in Parliament

(<http://www.parliament.vic.gov.au/publications/fact-sheets/9469-fact-sheet-i4-women-in-parliament/download>) states that:

*Under the rules, only members and parliamentary staff are allowed in the Chamber during debates. The Speaker did not allow her to stay and Ms Marshall left the Chamber with her baby. This incident sparked a lot of media and public comment about breastfeeding in Parliament and other workplaces. A few weeks later the Speaker relaxed the rules. Now, if a member needs to be in the Chamber, they can bring an infant in to breastfeed.*

Since then, the NSW parliament became the first in the country to allow breastfeeding on the parliamentary floor. <http://www.theaustralian.com.au/archive/news/parliament-allows-breastfeeding/story-e6frg6o6-1111114668837>

However, only the ACT and the Federal Senate explicitly make exceptions to 'strangers' standing orders for nursing infants. In all other parliaments, the decision to allow a mother to breastfeed in Chamber is at the discretion of the Speaker.

### NSW

Standing Orders—New South Wales Legislative Assembly

[http://www.parliament.nsw.gov.au/prod/la/precedent.nsf/0/0D813F110566E803CA2572A500059E36/\\$file/standing%20orders%202010.pdf](http://www.parliament.nsw.gov.au/prod/la/precedent.nsf/0/0D813F110566E803CA2572A500059E36/$file/standing%20orders%202010.pdf)

### VISITORS

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.

Notice of visitors taken 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.

# Media Background



Chair may order withdrawal 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.

Removal of visitors 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.

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

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

Media 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.

**Victoria** - <http://www.parliament.vic.gov.au/assembly/standing-aamps-sessional-ordersrules/standing-orders/764>

## 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.

## 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

## Queensland

CHAPTER 47 STRANGERS 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. (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.

## South Australia

<http://www.parliament.sa.gov.au/LEGISLATIVECOUNCIL/BUSINESSOFTHECOUNCIL/STANDINGORDER S/Pages/StandingOrders.aspx#ChapterXXIX>

The President alone shall have the privilege of admitting Strangers, Strangers admitted only

# Media Background

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. by President.

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. Admission of Members of Assembly and of Commonwealth Parliament without 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** <http://www.parliament.tas.gov.au/ha/SO&Sessionals.pdf>

PART 40 STRANGERS Strangers not admitted to certain parts of the House 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. Strangers, how admitted to body of House. 413. The Speaker only shall have the privilege of admitting Strangers to the Body of the House. Strangers may be ordered to withdraw 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.

**Western Australia** - [http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/resources/file-assembly-standing-orders/\\$file/Assembly%20Standing%20Orders%2015082014.pdf](http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/resources/file-assembly-standing-orders/$file/Assembly%20Standing%20Orders%2015082014.pdf)

CHAPTER 7 STRANGERS 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.

**Northern Territory** - [http://www.nt.gov.au/lant/parliamentary-business/Standing\\_Orders\\_Reprint\\_February\\_2013.pdf](http://www.nt.gov.au/lant/parliamentary-business/Standing_Orders_Reprint_February_2013.pdf)

STRANGERS 248. SEATING IN GALLERIES Only the Speaker shall have the privilege of admitting strangers into the Speaker's gallery. Provided seating is available, every Member may admit a minimum of two strangers to the public gallery each day, by written order to the Serjeant-at-Arms. The Speaker may also admit distinguished strangers to a seat on the floor of the Chamber. 249. STRANGERS TO WITHDRAW If at any sitting of the Assembly, or in committee, any Member takes notice that strangers are present, the

# Media Background

Speaker or the Deputy Speaker and Chair, as the case may be, shall forthwith put the question “that strangers be ordered to withdraw”, which shall be decided without debate: provided that the Speaker or the Deputy Speaker and Chair may, whenever they think 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.

**ACT** - [http://www.parliament.act.gov.au/data/assets/pdf\\_file/0015/614040/Standing\\_Orders\\_8th-Assembly\\_June-2015.pdf](http://www.parliament.act.gov.au/data/assets/pdf_file/0015/614040/Standing_Orders_8th-Assembly_June-2015.pdf)

CHAPTER 18 STRANGERS This chapter sets out the procedures relating to strangers in the Chamber when the Assembly is sitting. 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. (Amended 6 March 2008)

## **Federal House of Representatives**

**Standing Orders AS AT 26 MARCH 2015 DEPARTMENT OF THE HOUSE OF REPRESENTATIVES  
CANBERRA**

<http://www.aph.gov.au/~media/05%20About%20Parliament/53%20HoR/532%20PPP/StandingOrders/fullreport.pdf>

## **Procedures for the protection of witnesses before the Committee of Privileges and Members’ Interests Resolution adopted 25 November 2009**

Special provisions for nursing mothers 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.

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.

# Media Background



## Senate:

<http://www.aph.gov.au/~media/05%20About%20Parliament/52%20Sen/523%20PPP/Standing%20Orders%202015/StandingOrdersOtherOrders.pdf>

Chapter 29 - Visitors 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.

## ***ENDS***

**Since 1935, Slater and Gordon has built a powerful reputation as a law firm which fights for the best outcomes for everyday people. Today Slater and Gordon offers its broad range of legal services at more locations than any other law firm in the country, delivering affordable legal advice and justice to more Australians.**