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Hon Shayne Neumann MP
Chair
House of Representatives
Procedure Committee
Parliament House
Canberra ACT 2600

**Submission: Inquiry into recommendations 10 and 27 of
*Set the standard: Report on the Independent Review into Commonwealth
Parliamentary Workplaces***

Dear Hon Neumann

Thank you for the opportunity to make a submission to the Committee's important inquiry into recommendations 10 and 27 of *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (hereafter, *Set the Standard*). I make this submission on the basis of 20+ years of international experience and engagement in gender sensitive parliaments.

These two recommendations specifically call on the presiding officers to review the procedures and practices of the two chambers, recognising they are quite specific – and unique – workplaces in the parliamentary ecosystem. In this submission, I outline specific strategies that the House of Representatives (and potentially the Senate, if agreed to by its own Procedure Committee) could adopt to improve all members' sense of safety from discriminatory behaviour and practices. These measures are suggested as ways to improve the chamber culture which a number of submissions to the *Set the Standard* regarded as 'toxic' (see, for example, p. 84, p. 95, p. 124).

Cultural change can be encouraged through structural reform to written and unwritten rules, norms and practices in the chamber, and which (inadvertently) seep out into other areas of the parliamentary workplace. Written rules, of course, refer to documents that outline ways of working and decision-making, such as the Standing Orders, the Order of Business, and in the future, a Code of Conduct. Unwritten norms include the ideas and practices that allow and tolerate a degree of theatricality in the chambers in the name of robust political debate. This

theatricality may include various expressions of anger, (mock) hatred, or other confronting behaviour that is generally believed unacceptable in most other workplaces. This norm of adversarialism is accepted in the chamber as a legitimate form of 'political combat'. This acceptance is, in part, sustained because of an assumption that (all) Members can – and will – switch off their theatricality as soon as they leave the chamber. **The evidence presented in Set the Standard suggests that this assumption may be fair in most cases, but not all.** This is why more intentional mechanisms are required to improve everyday respect in the chambers.

Recommendation 10: Everyday respect in the parliamentary chambers

The Presiding Officers should review the Standing Orders and unwritten parliamentary conventions, including their application in practice, with a view to:

- (a) eliminating language, behaviour and practices that are sexist or otherwise exclusionary and discriminatory
 - (b) improving safety and respect in the parliamentary chambers.
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Eliminating exclusionary language and practices

In 2004, the House of Representatives Standing Orders were 'totally revised and renumbered'.¹ In this review, gender-neutral language conventions were adopted; where the rules had previously referred to Members with a masculine pronoun (e.g. 'he', or 'Chairman'), from the beginning of the 41st Parliament, these were replaced with more gender-neutral language (e.g. 'he or she', and 'Chair'). While these changes were in line with conventions adopted by the Office of Parliamentary in the mid-1980s, the gender neutrality of legislation (and, by extension, rules of procedure) has come into question. As legal academic Ramona Vijeyarasa notes, apparently gender-neutral legislation has facilitated – rather than curbed – the 'perpetuation of gender stereotypes and traditional practices', and thereby gender discrimination.²

Similarly, despite ostensibly gender-neutral rules, parliamentarians experience the chamber in different ways – not only based on gender, but race, disability, and age, among other indices of intersectionality. In 2018, Senator Hanson Young declared she had been subjected to "sexist slurs and innuendo ... both inside and outside parliament".³ Alarming, a 2016 IPU report found that over 60 percent of those (predominantly women) who had been subjected to sexist behaviour and/or violence in parliament believed those acts had been intended primarily to dissuade them and their female colleagues from continuing in politics.⁴

¹ House of Representatives Standing and Sessional Orders, available at: https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/House_of_Representatives_Standing_Orders

² Ramona Vijeyarasa. 2021. 'In pursuit of gender-responsive legislation: Transforming women's lives through the law' in Vijearasa (ed) *International Women's Rights Law and Gender Equality: Making the Law Work for Women*. London: Routledge, pp. 3-4.

³ Sarah Hanson-Young. 2018. *En Garde*. Hachette Australia.

⁴ Inter-Parliamentary Union. 2016. *Sexism, harassment and violence against women parliamentarians*. Geneva: IPU.

For this reason, I **recommend that the Standing Orders be amended so that sexist, racist, homophobic and otherwise exclusionary language can be brought to the attention of the Chair for immediate redress.**

Standing Order 89 (Offensive words) could more explicitly determine that 'sexist, racist, homophobic and otherwise exclusionary language' was 'unparliamentary' and therefore unacceptable. Examples of this kind of unparliamentary language would include *derogatory or discriminatory* references to Members' gender, sexuality, race, disability or age.

An explicit reference would allow both Members and the Speaker (including members of the Speaker's Panel) to call immediate attention to the use of these forms of unparliamentary language. On being called to order, any Member who refuses to withdraw the remark(s) could be temporarily suspended under Standing Order 94(a) for a period of one hour. This would have the effect of signalling the parliamentary leadership's 'zero tolerance' for such language.

Should the Standing Orders be amended in this way, I would encourage a review of its operation in line with a review of the Code of Conduct currently being considered by the Joint Select Committee on Parliamentary Standards. Such a review process would be well supported by staff of the Department of the House of Representatives' Chamber Research Office regularly monitoring and compiling a list of specific words or phrases being withdrawn in accordance with the new Standing Order (as is current practice with other forms of unparliamentary language).

Improving safety and respect

Set the Standard identifies gender inequality as a key driver of unsafe and disrespectful parliamentary culture and behaviour. It follows that supporting the House's work in support of gender equality – both substantively and descriptively – will improve safety and respect.

I recommend that the House:

- **Hold more regular debates** related to gender equality, diversity and social inclusion, including a spotlight on initiatives in Members' constituencies; and
- **Establish a parliamentary group (or committee)** on gender equality, diversity and social inclusion to discuss relevant issues, and share and learn from similar groups in other parliaments.

Recommendation 27: Review of parliamentary sitting calendar and Routine of Business

The Procedure Committees of the House of Representatives and the Senate should review the Parliamentary sitting calendar and the Order/Routine of Business with a view to enhancing wellbeing, balance and flexibility for parliamentarians and workers in Commonwealth parliamentary workplaces.

Set the Standard challenges the Commonwealth Parliament to improve its own workplace culture, and present a better role model to other workplaces across the country in attracting, retaining and supporting a diverse workforce. The report notes that current work hours and practices as more convenient for individuals with fewer (or no) caring responsibilities which in turn normalises the kind of individuals best suited to parliamentary work (be they staff or elected representatives).

I acknowledge that changes have been made to the Order of Business since the *Set the Standard* report was tabled, and that for some time now the House of Representatives has been better at reducing the chamber's hours of operation than the Senate. There is, however, still much we do not know about the operation of hours in the House, and how these impact Members' and staff wellbeing and ability to juggle work and family responsibilities.

For this reason, **I recommend that the Procedure Committee conduct an anonymous survey of Members of the House of Representatives, Ministerial and Members' staff, and parliamentary staff.**

A survey should seek the views of respondents on current start and finishing times, speaking times, frequency and predictability of divisions, the number of sitting weeks in a year, and the operation of remote working arrangements. The following are suggested questions to be included in such a survey:

- To what extent are you satisfied with the start and finishing times of each parliamentary sitting day? [Very satisfied/somewhat satisfied/Not at all satisfied/Don't know]
 - o Please share any experience of these times posing a challenge
- To what extent do the chamber's hours of operation support wellbeing and work life balance? [The hours support wellbeing and work-life balance very well/ The hours support wellbeing and work-life balance quite well/The hours are not at all supportive of wellbeing or work-life balance/The hours are not the problem]
 - o Please share any experience of these hours posing a challenge
- To what extent would reducing Members' speaking times (e.g. in Government Business debates or MPIs) improve overall working hours in the chamber? [Would greatly reduce working hours/Would have a minor effect on working hours/Would not reduce working hours at all/Don't know]
 - o Please share any concerns with a reduction in speaking times

- Given the choice, would shorter speaking times or sitting more frequently be more effective in reducing working hours in the chamber? [Shorter speaking times would be more effective/Sitting more weeks in the year would be more effective/Neither of these suggestions would be effective in reducing chamber hours/Don't know]
 - o Please explain your answer
- To what extent would more predictable divisions support wellbeing and greater work and family balance? [Divisions should only be called at specific times of the day (e.g. in the hour before adjournment)/Divisions should only be called in the course of bill consideration (i.e. at any time)/Division times are not the problem/Don't know]
 - o Please explain your answer
- To what extent do remote arrangements (e.g. those in place during Covid-19 sittings, and to support remote participation in committee work) support wellbeing and greater work and family balance? [Remote arrangements are extremely supportive of greater wellbeing/Remote arrangements do not improve wellbeing/Remote arrangements make wellbeing and work-life balance worse/Don't know]
 - o Please share any experience of remote arrangements posing a challenge

I look forward to furthering this conversation with you and the Committee.

Sincerely

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