

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

Your ref:
Our ref: PO1202/RB/LD

4 April 2016

Dear Don

Thank you for your letter of 22 March 2016, in which you seek assistance with an inquiry by the Procedures Committee of the New South Wales Legislative Council into whether the current prohibition of strangers on the floor of the house when the house is sitting should be widened.

The Assembly's Standing Orders do not specifically include any similar prohibition on non-Members attending plenary proceedings, except that specific provision is made within the Standing Orders for the Secretary of State for Wales and the Counsel General (if not a Member), to be able to participate in Assembly proceedings but not to vote (Standing Orders 13.3 and 9.4). There are also specific provisions for Committees to be able to invite any person to attend a meeting (Standing Order 17.50), but no such provision exists for plenary proceedings. So by implication these are the only occasions on which a person who is not an Assembly Member can participate in proceedings in the chamber. The term 'strangers' has never been adopted by the Assembly.

Standing Order 32 – Conduct of the Public – also states that the Presiding Officer may make rules specifying the conditions with which members of the public attending or participating in Assembly proceedings must comply and may require

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any member of the public to be excluded from Assembly proceedings if he or she is acting in a disruptive or disorderly manner, or is otherwise interfering in the Assembly's proper conduct of its business. Committee chairs have similar powers in relation to Committee proceedings.

Under Standing Order 13 - Order in Plenary Meetings - the circumstances in which the Presiding Officer must call to order any Member include a Member who is: obstructing the business of the Assembly; is guilty of discourteous or unbecoming conduct; or disregards the authority of the chair.

With regard to the care of children of Members, we do have precedent for a Member bringing her baby into the chamber. On 16 March 2005 a Member brought her baby into the chamber and neither the Presiding Officer nor other Members commented. We do not have any further information as to the age of the baby, or whether the Member chose to breastfeed the child whilst in the chamber. The presence of children in the chamber is not an issue that has been raised since then so I am afraid we have no additional information which might assist your current work.

It is worth noting that as the Assembly conducts all voting within the chamber via an electronic voting panel on each Members' desk, Members are required to be present inside the chamber in order to take part in voting.

I trust that this information is helpful to you.

With best wishes,



Dame Rosemary Butler AM
Presiding Officer