
Enabling conditions for gradual change: Making South Australian Parliament more ‘family-friendly’, 1994-2024*

Evan Smith¹

Research Officer, Parliament of South Australia

*Peer reviewed article

Abstract: In 2024, Jayne Stinson, Labor Member for Badcoe, and Ashton Hurn, Liberal Member for Schubert, became the first women MPs in the history of South Australian Parliament to take maternity leave, as permitted by the House of Assembly’s Standing Orders. Standing Orders providing maternity leave for members had been implemented in 2023 in both the House of Assembly and the Legislative Council, alongside an order that allowed for the care of small children in both chambers. With a focus on the experiences of women members, these two changes to the Standing Orders have been part of broader efforts to make the Parliament of South Australia more ‘family friendly’. This article explores the conditions that led to these reforms to the Standing Orders and uses a historical perspective to trace the push for ‘family friendly’ provisions back to the 1990s. It highlights that the Joint Committees on the anniversary of women’s suffrage in South Australia, held in 1994 and 2018-19, were specialised parliamentary bodies which helped to gradually shift the momentum towards greater accommodations for members (primarily women members) with young children.

¹ The author would like to thank Dr Amy Mead, Dr Jonathan Zweck, Dr Joshua Forkert and David Pegram, as well as the two anonymous reviewers, for their comments on previous drafts of this paper. The author would also like to thank Natalie Badcock for providing primary sources relating to the Joint Committee on Women in Parliament in the 1990s.

INTRODUCTION

In May 2024, the Labor member for Badcoe, Jayne Stinson MP, became the first Member of the Parliament of South Australia to officially take maternity leave as stipulated in the House of Assembly Standing Orders. A few weeks later, Liberal member for Schubert, Ashton Hurn MP, also took maternity leave. Prior to this, maternity leave in South Australian Parliament was at the discretion of the House or the Legislative Council and only offered on an ad hoc basis. The Standing Orders that allowed maternity leave to be taken by the two MPs had been introduced on a sessional basis in 2021, alongside another amendment to the Standing Orders which allowed Members of the House to bring their infant child into the chamber for feeding. The Parliament of South Australia is, at the time of writing, unique amongst Australian jurisdictions to have these two measures included in the Standing Orders in both houses.

This article will explore what historian John Tosh has called the ‘enabling conditions’ that led to the implementation of these changes to Standing Orders in South Australia from the mid-1990s to the present day.² These include gradual cultural changes across the country to make parliaments more ‘family-friendly’ and greater public debate about the experiences of women in politics. Through an analysis of committee documents, parliamentary debates and Standing Orders, the paper will argue that reforms were implemented incrementally, sometimes in reaction to shifts in political culture, while at other times, leading these shifts – first raised by specialised parliamentary bodies dedicated to women’s involvement in parliament and then taken up by a series of Standing Order Committees. After years of gradual change, there has been a shift in the Parliament of South Australia’s policy regarding maternity leave and the care for young children. While it is limited, particularly as it explicitly refers to members who are pregnant as being eligible for this form of leave, it is arguably leading the way amongst Australian jurisdictions.

² John Tosh, ‘Public History, Civic Engagement and the Historical Profession in Britain’, *History*, 99, no. 335 (2014) p. 210.

SCHOLARSHIP ON WOMEN IN AUSTRALIAN PARLIAMENTS

The push for South Australian parliament to become more family-friendly has predominantly been discussed as a means for creating greater opportunities for women in parliament. Parliament, as Sonia Palmieri, Blair Williams and Marian Sawer argue, is a gendered workplace.³ Over the last two decades, there has been much discussion about how to make parliaments in Australia more gender inclusive, encouraging women to run for public office and furthermore, maintaining their presence in parliament. This discussion has been multi-faceted and has included conversations about many of the different issues faced by women parliamentarians, such as sexual harassment, sexist discrimination, sexist coverage in the media, harassment from the public and sexist language used in parliament or by parliamentarians.⁴ Describing the Federal Parliament in Canberra, Pia Rowe called it '[o]verwhelmingly dominated by white, heterosexual men' and 'known for an adversarial and often hostile culture that continues to present a barrier for women's participation'.⁵ In other words, Sonia Palmieri has argued that parliament is 'an institution saturated in gendered expectations, norms, rules and practices that have traditionally conferred institutional power upon men.'⁶

Pushing against this are efforts to create more 'gender-sensitive' parliaments where 'gender equality is not just an additional issue to consider, but rather, informs an approach by which all issues are considered.'⁷ This, as Palmieri proposes in a recent book chapter with Lenita Freidenvall, requires institutional changes dependent on

³ Sonia Palmieri, Blair Williams & Marian Sawer, 'Parliament as a Gendered Workplace', *Australasian Parliamentary Review*, 36, no 2 (2021) p. 8.

⁴ For scholarship on this, see: Marian Sawer, 'Misogyny and Misrepresentation: Women in Australian Parliaments', *Political Science*, 65 no 1 (2013) 105-117; Carol Johnson & Blair Williams, 'Still Lacking Her Rights at Work: The Treatment of Women Politicians in the Australian Parliament and Print News Media', *Australasian Parliamentary Review*, 36, no 2 (2021) pp. 110-129; Zareh Ghazarian & Katrina Lee-Koo (eds) *Gender Politics: Navigating Political Leadership in Australia* (Sydney: NewSouth, 2021).

⁵ Pia Rowe, 'Essential Part of Life or Essentially Ignored? Combining Care Labour with Parliamentary Duties', *Australasian Parliamentary Review*, 36, no 2 (2021) p. 93.

⁶ Sonia Palmieri, 'Parliaments as Gendered Workplaces', in *How Gender Can Transform the Social Sciences*, edited by Marian Sawer et al. (Cham: Palgrave Macmillan, 2020) p. 50.

⁷ Sonia Palmieri, 'Feminist Institutionalism and Gender-Sensitive Parliaments: Relating Theory and Practice', in *Gender Innovation in Political Science*, edited by Marian Sawer and Kerryn Baker (Cham: Palgrave Macmillan, 2018) p. 182.

critical acts, critical actors and a critical culture. Critical acts mean the acts or initiatives undertaken to change the position of the minority (in this case, women), while critical actors are those who make change happen – which, unfortunately, has often fell to women parliamentarians to advocate against the prevailing system without full support from male colleagues.⁸ Palmieri and Freidenvall suggest that more widespread reforms need to come as a result of an underlying critical culture in parliament that ‘accepts the need for gender equality, socially, economically and politically and that thereby encourages and legitimises critical actors in their transformational acts.’ This means shifting the onus to a broader range of critical actors inside parliament, both men and women, and the varying bodies that determine cultural norms within parliament, including political parties, the executive, cross-party groups and parliamentary services. They define ‘critical culture as ‘one that engages with existing power structures in an institution’, but arguably more importantly for this article, ‘is also critical in the sense that it is an “essential” component of change’. Critical culture, the authors put forward, ‘should be seen as a useful platform or starting point for facilitating discussion, initiation and implementation of transformational gender equality reforms’.⁹

For Sawer and Alicia Turner, such critical actors for promoting gender equality in parliament have been specialised parliamentary bodies, such as ‘dedicated or multi-portfolio standing committees’, ‘single-party or cross-party women’s caucuses’ or ‘issue-based all-party parliamentary groups’.¹⁰ In another article, Sawer argues that these bodies take the onus off of individual women parliamentarians to undertake critical actions and instead provide a ‘collective affirmation of feminist insights’, thus ‘empowering parliamentarians and enabling them to move beyond cognitive dissonance to be “brave” on issues’.¹¹ To put it another way, these bodies ‘legitimate the conduct of parliamentary deliberation... from a gender perspective’.¹²

⁸ Sonia Palmieri & Lenita Freidenvall, ‘Critical Culture: The Role of Institutional Norms in Gender Sensitising Parliaments’, in *Suffrage and Its Legacy in the Nordics and Beyond*, edited by Josefina Erikson & Lenita Freidenvall (Cham: Palgrave Macmillan, 2024) pp. 229-230.

⁹ Palmieri & Freidenvall, ‘Critical Culture’, p. 230.

¹⁰ Marian Sawer & Alicia Turner, ‘Specialised Parliamentary Bodies: Their Role and Relevance to Women’s Movement Repertoire’, *Parliamentary Affairs*, 69, no. 4 (2016) p. 768.

¹¹ Marian Sawer, ‘Beyond Numbers: The Role of Specialised Parliamentary Bodies in Promoting Gender Equality’, *Australasian Parliamentary Review*, 30, no. 1 (2015) pp. 110-111.

¹² Marian Sawer, ‘Gender Mainstreaming and Substantive Representation of Women: Where Do Parliamentary Bodies Fit?’, *Politics, Groups, and Identities*, 8, no. 3 (2020) p. 650.

In South Australia, the Joint Committee on Women in Parliament, established in 1994, and the Joint Committee on the 125th Anniversary of Women's Suffrage, established in 2018, were the specialised parliamentary bodies that highlighted the issues facing women parliamentarians. To retain women in parliament, the Committees called for more parliaments to be more family-friendly. The Standing Orders Committee, in various incarnations over two decades, took up these issues to instigate reforms, such as the changing of sitting times, the introduction of maternity leave and the allowance for the care of children in the chamber. The two Joint Committees in 1994 and 2018-19 provided the collective affirmation that the Standing Orders Committee then used to push through these reforms.

Alix R. Green has argued that a historical approach can order the 'chaos' of policy-making and this approach will be used to explain how reforms to make parliament more family-friendly took many years.¹³ Starting from the Joint Committees established to commemorate the anniversaries of women's suffrage in South Australia in the 1990s and 2010s, making parliament more family-friendly was presented as a way of getting more women into parliament (and keeping them there). From this point, the Standing Orders Committee used the recommendations of the two Joint Committees to argue that it was modernising parliamentary practice and addressing issues that had already been ameliorated in other workplaces. Because the Standing Orders Committee were guided in their actions by previous recommendations of specialised parliamentary bodies created to focus on women in parliament, the family-friendly reforms became concentrated on efforts to provide support to women parliamentarians who were having children, rather than reforms that offered leave for both mothers and fathers. By looking at the history of these reforms over a thirty year period, this article reveals how South Australian parliament eventually changed its Standing Orders to become more family-friendly, as well as recognising how the historical process has generated limitations to these reforms.

¹³ Alix R. Green, *History, Policy and Public Purpose: Historians and Historical Thinking in Government* (Houndmills: Palgrave Macmillan, 2016) p. 17.

PARENTAL LEAVE AND CARING FOR CHILDREN IN THE PARLIAMENTARY CHAMBER – A NATIONAL OVERVIEW

A significant part of the discussion of gender inclusivity in parliament has been on women members having children and a lack of support from parliamentary institutions, namely proper access to parental leave and being able to feed or care for their infants inside the chamber. Recognising this, there have been inter-governmental and inter-parliamentary efforts to ensure that ‘parliaments should be family-friendly workplaces that support work/life balance for all members and staff’.¹⁴ A 2022 study by researchers at the University of New South Wales argued:

*Both federal and state parliaments should be a model workplace so there is significant impetus to ensure that the diversity of politicians’ experiences and obligations is balanced against broader democratic demands.*¹⁵

For the researchers, this means allowing those with caring responsibilities – more likely women – to run for, as well as stay in, office, through mechanisms such as changes to Standing Orders to allow parental leave and small children inside chambers.¹⁶

Much of the scholarship on this topic has focused on developments in the Federal Parliament, which Pia Rowe notes has been ‘marred by an extremely slow pace of change’.¹⁷ Since 2003, the Australian Senate has had Standing Orders for the breastfeeding of an infant but it was not until 2016 that an exemption was created for a ‘Senator caring for an infant briefly’. This was after Greens Senator Sarah Hanson-Young was told by the President of the Senate to remove an infant child from the chamber who was crying in 2009. Meanwhile the House of Representatives took a different approach by allowing nursing mothers to vote in divisions by proxy, which was established in the Standing Orders in 2008. But after a mishap between the Chief Government Whip and a government frontbencher who missed a division while

¹⁴ Sonia Palmieri & Kerryn Baker, ‘Localising Global Norms: The Case of Family-Friendly Parliaments’, *Parliamentary Affairs*, 75, no 1 (2022) p. 62.

¹⁵ Rosalind Dixon, Kate Jackson & Matthew McLeod, *Representing Care: Toward a More Family-Friendly Parliament* (Sydney: UNSW/Pathways to Politics, 2022) p. 5.

¹⁶ Dixon, Jackson & McLeod, *Representing Care*, pp. 6-7.

¹⁷ Rowe, ‘Essential Part of Life or Essentially Ignored?’, p. 93.

breastfeeding in 2015, the Standing Orders were further amended in 2016 to allow infants more broadly into the chamber.¹⁸ In 2017, Senator Larissa Waters from the Greens was ‘the first parliamentarian to breastfeed on the floor of the Senate, and the first to breastfeed in the Senate while proposing a legislative motion.’¹⁹

According to the Parliamentary Library and cited by Marian Sawer and Maria Maley, 13 federal MPs were recorded as having taken maternity leave from the House of Representatives between 1999 and 2016, with an average of 5.6 sitting weeks. Prior to this, the first federal member to give birth while a member, Ros Kelly MP, ‘famously came back to parliament with an air cushion one week after giving birth to her first child in 1983.’ This maternity leave was granted on an ad hoc basis with permission from the Speaker and would be nullified if they entered the chamber (for example, for a vote).²⁰ The 2022 *Representing Care* study is the only one to compare state parliaments across Australia and outline which parliaments allow maternity leave or children in the chamber, in Standing Orders or by convention. The below table outlines the different provisions in each parliament.

¹⁸ Marian Sawer & Maria Maley, *Toxic Parliaments - And What Can Be Done About Them* (Cham: Palgrave Macmillan, 2024) pp. 26-27.

¹⁹ Marnie Cruickshank & Barbara Pini, ‘Fleshy Citizenship: Representations of Breastfeeding Politicians in the Australian Media’, *Feminist Media Studies*, 21, no 5 (2017) p. 775.

²⁰ Sawer & Maley, *Toxic Parliaments*, p. 28.

Table 1 – Provisions for maternity leave and infants in the chamber by jurisdiction²¹

Jurisdiction	Maternity/Parental Leave	Children in chamber
Commonwealth of Australia	Subject to member's vote	Standing Order (both chambers)
New South Wales	Subject to member's vote	Sessional Order (Legislative Council only)
Victoria	Subject to member's vote	Discretion of Speaker (Legislative Assembly only)
Queensland	Subject to member's vote	Discretion of Speaker
South Australia	Standing Order (both chambers)	Standing Order (both chambers)
Western Australia	Subject to member's vote	Standing Order (Legislative Council only)
Tasmania	Standing Order (House of Assembly only)	Standing Order (House of Assembly only)
Northern Territory	Subject to member's vote	Standing Order
Australian Capital Territory	Subject to member's vote	Standing Order

This table shows that South Australia is unique in that maternity leave and the allowance of children in the chamber is enshrined in the Standing Orders in both the House of Assembly and the Legislative Council. Tasmania's House of Assembly provides similar Standing Orders, but the corresponding Legislative Council does not. A question to be asked is how did South Australia reach this unique position within Australian parliaments?

²¹ Dixon, Jackson & McLeod, *Representing Care*, pp. 23-29; NT Legislative Assembly, *Annotated Standing Orders* (July 2023) p. 79; ACT Legislative Assembly, *Standing Orders* (June 2024) p. 61.

WOMEN IN SOUTH AUSTRALIAN PARLIAMENT AND EARLIER FAMILY-FRIENDLY REFORMS

South Australia was the first jurisdiction in the world to allow women to not only vote in elections in 1894, but also to allow them to stand for parliament.²² However it was not until the 1959 election that women were elected to the South Australian parliament, with Liberal Joyce Steele winning the seat of Burnside in the House of Assembly and Jessie Cooper becoming a Liberal MLC. Prior to this, 17 women had stood unsuccessfully for election in South Australia since 1918.²³ Since 1959, there have been 77 women as members of parliament, with the current parliament having 27 women across the House of Assembly and the Legislative Council.

Since the 1990s, there have been efforts by parliament to make the institution more gender inclusive and family-friendly, emphasising that more family-friendly conditions encouraged women to join and remain in parliament. After the Federal Joint Standing Committee on Electoral Matters conducted an inquiry titled *Women, Elections and Parliament* in 1993-94 and the celebrations for the centenary of women's suffrage in South Australia, a Joint Committee on Women in Parliament was established in May 1994.²⁴ One issue raised in the Joint Committee's interim report was the late sitting times for parliament. The interim report stated that 'late night sittings and the timings of the system of Parliamentary sitting are seen by many as incompatible with family life' and that there was 'overwhelming support for an earlier start and earlier finish for parliamentary sitting.'²⁵ In this report, the Joint Committee recommended:

The system of the days of sitting, and the sitting hours be changed to make them more suitable for Members with family responsibilities. Due consideration should be given to school holidays in the

²² Vicki Crowley, 'Acts of Memory and Imagination: Reflections on Women's Suffrage and the Centenary Celebrations of Suffrage in South Australia in 1994', *Australian Feminist Studies*, 16, no 35 (2001) p. 225.

²³ Jenny Tilby Stock, 'How Joyce Steele and Jessie Cooper Became South Australia's First Women MPs', *Journal of the Historical Society of Australia*, 44 (2016) pp. 103-116.

²⁴ Joint Standing Committee on Electoral Matters, *Women, Elections and Parliament* (Canberra: Parliament of the Commonwealth of Australia, 1994); Joint Committee on Women in Parliament, *Final Report*, PP 209, 48/3 (Adelaide: Parliament of South Australia, 1996) p. 3.

²⁵ Joint Committee on Women in Parliament (hereafter JCWP), *Interim Report*, PP199, 48/2 (Adelaide: Parliament of South Australia, 1996) pp. 2-3.

*organisation of sitting days, and late night sittings should be avoided.*²⁶

This recommendation was reiterated in the final report.²⁷ It also noted that this issue had ‘hardly been likely as a topic for consideration’ in the past because ‘the system was not designed to cater for the “private” sphere of family life’.²⁸

In the conclusion to its final report, the Joint Committee posed the question, ‘are our parliaments out of step with society?’ and asserted, ‘while gender discrimination issues may be being addressed within society, within parliaments they are not’.²⁹ The issue of women’s representation in parliament had seemed to reach a new height in Australia in the 1990s.³⁰ In South Australia, the centenary of women’s suffrage and events surrounding it drew a focus to the progress that had been made, and also to what steps could be taken to make the political sphere more gender inclusive.³¹

In 2001, the Select Committee on Parliamentary Procedures and Practices adopted the 1994 Joint Committee’s recommendations and proposed that to accommodate parliamentarians more with their family, sittings on Wednesday should begin at 11am and adjourn at 6pm, but the other sitting days would still sit later as important party and Executive Council business precluded earlier start and end times.³² However it was

²⁶ JCWP, *Interim Report*, p. 5.

²⁷ JCWP, *Final Report*, p. 26.

²⁸ JCWP, *Final Report*, p. 5.

²⁹ JCWP, *Final Report*, p. 22.

³⁰ See: Marian Sawer & Marian Simms, *A Women’s Place: Women and Politics in Australia* (Crows Nest, NSW: Allen & Unwin, 1994); Hester Eisenstein, *Inside Agitators: Australian Femocrats and the State* (Philadelphia: Temple University Press, 1996); Elizabeth Van Acker, *Different Voices: Gender and Politics in Australia* (South Yarra, VIC: Macmillan Education, 1999).

³¹ See: Department for Education and Children’s Services, *Women’s Suffrage Centenary Celebrations Report* (Adelaide: DECS, 1994); Women’s Suffrage Centenary Steering Committee, *A Woman’s Place: Celebrating Women in Politics 1894-1994 – An Exhibition to Mark the Centenary of Women’s Suffrage* (Adelaide: Women’s Suffrage Centenary Steering Committee, 1994).

³² House of Assembly Select Committee on Parliamentary Procedures and Practices, *Interim Report*, PP 223, (Adelaide: Parliament of South Australia, 2001) pp. 6-7.

In the 1980s, the Bannon Government had introduced reforms to sitting times, including sittings to end at midnight and for Thursday sittings to start at 11am. The ending of sittings at midnight was sold as a benefit to younger members with families, while the earlier starting time on Thursdays was to accommodate private

not until 2007 that the recommendation regarding sitting times was enacted, with the House of Assembly's Standing Orders Committee (HOA SOC) noting that this had been proposed in both 1995 and 2001.³³ By this time, the appetite for changing the sitting times had grown and the Committee considered earlier starts for Tuesdays, Wednesdays and Thursdays.³⁴ It is also arguable that the parliament under the Rann Government at this time was less turbulent than the previous parliaments of the late 1990s and early 2000s and more agreeable to parliamentary reform.³⁵

Michael O'Brien MP, one of the members of HOA SOC, justified the change to sitting times by arguing that South Australia was 'the last parliament in Australia to adopt morning sittings' and that the sitting hours were 'now seriously at odds with conventions and expectations of the world around us'. Mr O'Brien cited the Joint Committee on Women in Parliament's previous work on this issue and declared, 'Our sitting hours were considered to be the major obstacle to increasing female representation in this parliament.'³⁶ Despite arguments that earlier starting times would impede regional members of parliament and increase accommodation costs for travelling members, Sessional Orders allowing for earlier start times came into effect in April 2007.³⁷ These Sessional Orders regarding earlier sitting times then became Standing Orders in November 2017.³⁸

members' business. House of Assembly, *Hansard*, 6 March, 1986, p. 1064; House of Assembly, *Hansard*, 19 February, 1986, p. 315.

³³ House of Assembly Standing Orders Committee, *Report on Sitting Times and a Right of Reply*, PP, 51/1 (Adelaide: Parliament of South Australia, 2001) p. 1.

³⁴ HOA SOC, *Report on Sitting Times and a Right of Reply*, p. 2.

³⁵ For an account of the South Australian parliament in this period, see: Greg McCarthy, 'The Revenge of the Legislature: The South Australian Election 2002', *Australasian Parliamentary Review*, 17/2 (2002) pp. 22-34.

³⁶ Michael O'Brien, *House of Assembly Hansard*, 24 April 2007, p. 24.

³⁷ HOA SOC, *Report of the Standing Orders Committee*, PP 377, 53/2 (Adelaide: Parliament of South Australia, 2017) p. 1.

For discussion of opposition to changes to sitting times, see: *House of Assembly Hansard*, 24 April 2007, pp. 20-29.

³⁸ HOA SOC, *Report of the Standing Orders Committee*, p. 1.

PARLIAMENTARIANS AS MOTHERS - A GRADUAL SHIFT IN CULTURAL NORMS

Whilst efforts were made to make parliament more family-friendly through a revision of sitting hours, other aspects, such as allowing the care for small children in the chamber, were not accommodated for a longer time. In late 1998, Karlene Maywald, the then Member for Chaffey, was the first South Australian MP to have a baby while in office, but when parliament resumed the following year, she was not allowed to bring her daughter onto the floor of the Chamber. Maywald was permitted to vote from the Stranger's Gallery while nursing. A few years later, in 2003, the first South Australian Minister to have a child while in office, Trish White MP, asked the Speaker's permission to take her child onto the floor of the Chamber, which was denied.³⁹ Speaker Peter Lewis MP claimed in the media at the time:

To change the standing orders, ultimately you'd find one member is on their feet making some points and if another member, who has a mischievous mind, should tweak the toe of the baby and make it cry ... That's why there's a rule about strangers. Members of Parliament are there to do a job and your mind has got to be focused.⁴⁰

Leave for women who had given birth was also administered on an ad hoc basis and was not always granted. Maywald told *InDaily* in 2021 that she was 'never offered maternity leave' and returned to work three weeks after giving birth.⁴¹ Meanwhile in 2015, Liberal Michelle Lensink MLC was granted maternity leave by a vote of the Legislative Council, from October 2015 until the first sitting day in 2016. When the motion was passed, John Dawkins MLC called this a 'momentous occasion', as it was 'the first time... that maternity leave has been needed to be granted in the Legislative Council'.⁴² Lensink's leave was extended when parliament resumed in February 2016

³⁹ Rick Crump, David Pegram & Josh Forkert, *Manual of the Practice, Procedure and Usage of the South Australian House of Assembly (Blackmore)* (Adelaide: Wakefield Press, 2024) p. 256.

⁴⁰ Cited in, Crump, Pegram & Forkert, *Manual of the Practice, Procedure and Usage of the South Australian House of Assembly*, pp. 256-257.

⁴¹ Stephanie Richards, 'SA Parliament to Finally Consider MP Maternity Leave', *InDaily*, 29 March, 2021, <https://www.indaily.com.au/news/2021/03/29/sa-parliament-to-finally-consider-mp-maternity-leave> (accessed 9 August, 2024).

⁴² Legislative Council, *Hansard*, 15 October, 2015, p. 1848.

and she was able to take six months' leave overall.⁴³ These incidents, alongside similar events in federal parliament, brought the issue to the fore and highlighted one of the barriers to women's involvement in parliament.

In 2015, Canberra's House of Representatives Standing Committee on Procedure inquired into provisions for a more family-friendly chamber. The Committee's report stated that 'to encourage a more representative Parliament, we need to create an environment where Members can balance work and family.' It acknowledged that vote by proxy was the current provision in the House of Representatives to allow Members who were nursing mothers to have their vote counted while caring for their baby and recommended that this practice continue.⁴⁴ It also recommended that:

*the House amend standing orders to allow Members to bring their infants into the Chamber and Federation Chamber to breastfeed, bottle feed and at other times when needed.*⁴⁵

However it must be noted that the Standing Committee did not make any recommendations about parental leave for Members, but did state, 'Given their unique role, it is difficult for a Member of Parliament to take extended maternity or paternity leave.'⁴⁶

Akin to the push for the revision of sitting hours after the events celebrating the centenary of women's suffrage in South Australia, the 125th anniversary of women's suffrage in 2019 also drew attention to issues regarding barriers for women involved in parliamentary politics. One of the findings of the Joint Committee on the 125th Anniversary of Women's Suffrage, held 25 years after the aforementioned 1994 Joint Committee, was that:

⁴³ Legislative Council, *Hansard*, 10 February, 2016, p. 2899; 8 March, 2016, p. 3210.

⁴⁴ House of Representatives Standing Committee on Procedure (hereafter HOR SCP), *Provisions for a More Family-Friendly Chamber* (Canberra: Parliament of Australia, 2015) non-paginated foreword.

⁴⁵ HOR SCP, *Provisions for a More Family-Friendly Chamber*, non-paginated foreword.

⁴⁶ HOR SCP, *Provisions for a More Family-Friendly Chamber*, p. 1.

Parliament has an obligation to ensuring that women do not face impediments to participating in political life and to continually review its Standing Orders and physical space to ensure it remains a family-friendly environment.⁴⁷

The Committee thus recommended that the Joint Parliamentary Services Committee and the Clerks of both chambers carry out an audit of ‘ways in which Parliament could become more family-friendly’, as well as the Standing Orders Committee undertake ‘a review of the Standing Orders for gender neutrality and to ensure the Orders do not impede women entering political life.’⁴⁸ The Committee noted that Standing Orders had already been altered to make sitting hours more family-friendly, such as sitting earlier and not sitting during school holidays, but more provisions to support parents could be included, such as the provisions of places for nappy changing, family dining experiences, and nursing mothers to feed or express breast milk.⁴⁹

THE ROLE OF THE STANDING ORDERS COMMITTEE

The Joint Committee’s interim report did not mention care for children in the chamber nor parental leave explicitly, limiting mentions of children to extra facilities in the parliamentary building for their care. However when these initiatives were eventually considered by the Standing Orders Committee in 2020-21, the Joint Committee’s recommendations were front and centre of Standing Orders Committee’s thinking, alongside the 2015 House of Representatives report.

In the HOA SOC report, it stated that introducing maternity leave was ‘consistent with many other legislatures that use a similarly worded standing order to provide members with the potential to be granted a period of leave in respect to maternity or paternity leave.’⁵⁰ It did not specifically identify the other legislatures with maternity leave provided for members, with only Tasmania’s House of Assembly having such provisions

⁴⁷ Joint Committee on the 125th Anniversary of Women’s Suffrage (hereafter JCAWS), *Interim Report*, PP 196, 54/1 (Adelaide: Parliament of South Australia, 2018) p. 3.

⁴⁸ JCAWS, *Interim Report*, p. 4.

⁴⁹ JCAWS *Interim Report*, p. 14.

⁵⁰ HOA SCP, *Response to the Interim Report of the Joint Committee in the 125th Anniversary of Women’s Suffrage*, PP 302, 54/2 (Adelaide: Parliament of South Australia, 2021) p. 2.

at this time (and still is the only chamber besides those in South Australia today). The wording of the Tasmanian House of Assembly's Standing Order is different to that which was proposed in South Australia, giving members 12 weeks leave and requiring that 'such leave to be taken in a consecutive period'.⁵¹

The HOA SOC also expressed that reform to the Standing Orders would align with various other industrial awards and noted that public sector employees in South Australia were at the time afforded 20 weeks of paid parental leave.⁵² By the 2010s, the right to unpaid parental leave and job protection, as well as at least 18 weeks paid parental leave, had been implemented at the Commonwealth level, with the *Fair Work Act 2009 (Cth)* and the *Paid Parental Leave 2010 (Cth)*.⁵³ However a decade on, parliaments around Australia, except for Tasmania's House of Assembly, did not extend these same rights to its members.

The HOA SOC proposed a 20 week period of maternity leave, which was consistent with what was offered to South Australian public sector employees.⁵⁴ Chris Picton, an Opposition Labor MP and member of the Committee, noted in a subsequent parliamentary debate that prior to this change, maternity leave required a motion to be passed by the house and said, 'it is unreasonable that a woman in that situation would have to submit herself for approval of the house to be able to take maternity leave in the same way that would be automatic if she were a public servant'.⁵⁵

Unlike the Tasmanian Standing Order, the Committee explicitly stated that it was 'of the view that maternity leave as an entitlement should not be subject to forfeiture by attending the service of the House before the expiration of a period of maternity leave.' The HOA SOC acknowledged that this was dissimilar to leaves of absence for those who were physically unable to attend the House due to ill health or being away from

⁵¹ HOA SOC, *Report of the Standing Orders Committee on Proposed Revision of the House of Assembly Standing Orders and Rules*, No 13 (Hobart: Parliament of Tasmania, 2017) p. 25.

⁵² HOA SOC, *Response to the Interim Report of the Joint Committee in the 125th Anniversary of Women's Suffrage*, p. 2.

⁵³ Marian Baird, Myra Hamilton & Andreea Constantin, 'Gender Equality and Paid Parental Leave in Australia: A Decade of Giant Leaps or Baby Steps?', *Journal of Industrial Relations*, 63 no 4 (2021) p. 550.

⁵⁴ HOA SOC, *Response to the Interim Report of the Joint Committee in the 125th Anniversary of Women's Suffrage*, p. 2.

⁵⁵ House of Assembly, *Hansard*, 30 March, 2021, p. 5095.

Adelaide, because 'maternity leave does not prevent a member from attending the House'.⁵⁶

Supporting the notion to make parliament more gender inclusive, the Committee pronounced in its report that incorporating the provision for maternity leave into the Standing Orders 'sends a strong message to women that the standing orders are not impeding women from entering political life.' The same point was made in the report in relation to allowing the care for small children in the chamber, incorporated into the Standing Orders at the same period of time. The HOA SOC, echoing sentiment from the 2019 Joint Committee, declared that 'parliament should better align itself with contemporary social values by adopting modern workplace and practices that encourage parents and in particular women to enter politics'. In this case, 'by offering the opportunity to participate fully in the work of the House while caring for an infant.'⁵⁷

This demonstrates that while cultural norms about women's role in the workplace were already shifting in broader society, similar shifts inside parliament needed a push from certain parliamentarians to make the necessary changes. The wording of the two revised Standing Orders were as such:

Leave of absence from the service of the House may be granted to any Member on notice of motion stating the reason and period of absence. Except that a Member who is pregnant shall be entitled, without a vote of the Assembly, to 20 weeks maternity leave of absence, and that leave shall commence at a time notified by the Member to the Speaker.*

A Member is excused from service in the House or on any committee for the period of the leave of absence.

⁵⁶ HOA SOC, *Response to the Interim Report of the Joint Committee in the 125th Anniversary of Women's Suffrage*, pp. 2-3.

⁵⁷ HOA SOC, *Response to the Interim Report of the Joint Committee in the 125th Anniversary of Women's Suffrage*, pp. 3-4.

A Member who has leave of absence forfeits that leave (except for a period of maternity leave) by attending the service of the House before the expiration of the leave.

**See Constitution Act 1934, sec 31(1)(a)*

No Member may bring any stranger into any part of the House appropriated to the Members of the House while the House or Committee of the whole House is sitting.

(1) A stranger does not include an infant cared for (which includes feeding and breastfeeding) by a Member.⁵⁸

Both were recommended as Sessional Orders before becoming Standing Orders, noting that if the Sessional Orders were successful, they could then be adopted or modified in light of practice.⁵⁹ This was common practice for the introduction of Standing Order reforms in the House of Assembly.

It is worth noting that both the South Australian and Tasmanian Standing Orders specifically referred to maternity leave, rather than parental leave, with the South Australian orders making leave exceptions only for ‘a Member who is pregnant’, rather than a Member who was welcoming a new child. The HOA SOC documents do not reveal the reason for this wording, but it may be a legacy of the push for a more family-friendly parliament being initially raised by specialised parliamentary bodies that focused on women in parliament. Marian Baird, Myra Hamilton and Andreea Constantin have argued that parental leave policies were originally introduced as a means of improving workplace gender equality, but risked reinforcing the perception of women as primary caregivers.⁶⁰ As this article will later demonstrate, this was raised in parliament when the Standing Orders were eventually consolidated in 2023.

⁵⁸ HOA SOC, *Response to the Interim Report of the Joint Committee in the 125th Anniversary of Women’s Suffrage*, pp. 3-4.

⁵⁹ HOA SOC, *Response to the Interim Report of the Joint Committee in the 125th Anniversary of Women’s Suffrage*, p. 3, 5.

⁶⁰ Baird, Hamilton & Constantin, ‘Gender Equality and Paid Parental Leave in Australia’, pp. 547-548.

SETTING THE STANDARD

While reforms to Standing Orders may have been gradually changing expectations of women parliamentarians, it must be remembered that this also occurred in a time when sexist and discriminatory behaviour in parliaments, at both federal and state level, became issues of national attention. In 2020, there were allegations of sexual harassment in Parliament House and in November of that year, the then Attorney General, Vicki Chapman, moved a motion for the Equal Opportunity Commissioner to conduct a review of harassment in the parliamentary workplace. The report was presented in February 2021.⁶¹

In the same month, revelations by Brittany Higgins of an alleged sexual assault at Parliament House in Canberra were made public and this led to a widespread discussion about sexism and sexual harassment in the Australian political landscape. The following month, Kate Jenkins, the Sex Discrimination Commissioner, was tasked with undertaking an inquiry into bullying, sexual harassment and sexual assault in the Commonwealth parliamentary workplace. The *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* report (often called the Jenkins report) was released in November 2021.⁶² Marian Sawer and Maria Maley described this report as a ‘watershed moment’, with 28 recommendations that were ‘radical and wide-ranging’ to ensure that parliament as a workplace was safe and respectful.⁶³ Part of the report was dedicated to making parliament more gender inclusive and noted ‘carer-friendly infrastructure and practices’ that had been implemented by other parliaments, writing:

Parliaments have established childcare centres; family rooms and breastfeeding rooms; ensured that all staff have access to adequate parental and carer’s leave; increased travel allowances for family members to accompany parliamentarians while on duty; and have instituted particular measures for parliamentarians to balance their

⁶¹ Equal Opportunity Commission, *Review of Harassment in the South Australian Parliament Workplace* (Adelaide: EOC, 2021) p. 7.

⁶² Australian Human Rights Commission, *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* (Canberra: AHRC, 2021) pp. 8-11.

⁶³ Sawer & Maley, *Toxic Parliaments*, p. 104.

*chamber duties, including voting, with caring responsibilities. These measures include proxy voting, pairing, and permission for infants/children to accompany their parents into the chamber.*⁶⁴

The report suggested that the parliament ‘should encourage and better accommodate the needs of working parents and carers’ and should consider good practice leave entitlements for parliamentarians and parliamentary staff.⁶⁵ While both the House of Representatives and Senate did already allow children into the chamber, the report also suggested that in the chamber, ‘party whips could encourage parliamentarians’ greater use of proxy votes, pairing provisions and hybrid parliamentary arrangements’ that would assist parents and carers to undertake their parliamentary duties without having a physical presence in the chamber.⁶⁶

Similar to the impact of the Jenkins report nationally, the South Australian report had significant impact on parliament at state level and made 16 recommendations regarding workplace practices and cultural change in parliament.⁶⁷ When the report was released, there was bipartisan agreement that its recommendations were to be taken seriously and aspects, such as the implementation of a code of conduct, were endorsed on both sides of the House of Assembly.⁶⁸

The report found that there were ‘limited arrangements currently in place to support employees with family caring responsibilities, including flexible working arrangements, carer’s leave and breastfeeding facilities’.⁶⁹ The report also mentioned the interim report of the Joint Committee on the 125th Anniversary of Women’s Suffrage and highlighted the recommendation that the Standing Orders be revised to encourage women to participate in political life, as well as ensuring parliament remained ‘a family-friendly environment’.⁷⁰ Thus, Recommendation 3 of the South Australian report stated:

⁶⁴ AHRC, *Set the Standard*, p. 163.

⁶⁵ AHRC, *Set the Standard*, p. 172.

⁶⁶ Dixon, Jackson & McLeod, *Representing Care*, p. 12; AHRC, *Set the Standard*, p. 172.

⁶⁷ EOC, *Review of Harassment in the South Australian Parliament Workplace*, pp. 149-155.

⁶⁸ House of Assembly, *Hansard*, 16 March, 2021, pp. 4865-4872.

⁶⁹ EOC, *Review of Harassment in the South Australian Parliament Workplace*, p. 36.

⁷⁰ EOC, *Review of Harassment in the South Australian Parliament Workplace*, p. 85.

That to ensure flexible work practices that support inclusivity operate across the parliamentary workplace:

The Houses as a matter of priority amend the Standing Orders to allow for women to breast or bottle feed infants in the Houses.

The Standing Order Committee, in accordance with recommendation 6a of the Interim Report of the Joint Committee on the 125th Anniversary of Women’s Suffrage ‘in collaboration with the Clerks, undertakes, and reports to the Houses, a review of the Standing orders for gender neutrality and to ensure the Orders do not impede women entering political life’...⁷¹

In a subsequent debate in the Legislative Council, Connie Bonaros asked the President if the Standing Orders were to be changed in line with this recommendation, to which the President replied that the Standing Orders Committee had met to consider these suggestions and was to do so again in the near future.⁷²

FURTHER CHANGES

The two external reports on harassment within the parliamentary workplace, at both Commonwealth and state level, dovetailed with existing, yet gradual, efforts to make South Australian parliament more family-friendly. The House of Assembly had been working on changing the Standing Orders after the Joint Committee on the 125th Anniversary of Women’s Suffrage report was tabled in 2018 and Sessional Orders were introduced the month after the Equal Opportunities Commission report was released.

At the same time, the Standing Orders of the Legislative Council had not been reviewed since 1999 and the suggestions made in the reports by both the Equal Opportunities Commission and the Joint Committee on the 125th Anniversary of Women’s Suffrage were taken into consideration as part of a broader review of Standing Orders in the

⁷¹ EOC, *Review of Harassment in the South Australian Parliament Workplace*, p. 87.

⁷² Legislative Council, *Hansard*, 17 March, 2021, pp. 2920-2921.

upper chamber.⁷³ The Committee stated that it was ‘of the view that an infant being breast or bottle fed by a Member should be admitted to the body of the Chamber without order or vote’ and recommended ‘a new Standing Order giving that effect’. Furthermore, the Committee expressed that ‘there should be specific recognition in the Standing orders for maternity leave entitlements for Members similar to that available in most industrial instruments’ and that ‘such entitlements should not be subject to a vote of the Council’. Similar to the House of Assembly, the Legislative Council Standing Orders Committee recommended that an amendment be made ‘to provide for a 20 week period of maternity leave to Members who are pregnant, for that leave not to be subject to a vote and for that leave not to be forfeited by attending the service of the Council before the expiration of that leave.’⁷⁴

The eventual Standing Order for maternity leave was worded as such:

33. Leave of absence may be given by the Council to any Member for any sufficient cause to be stated to the Council. With the exception that a Member who is pregnant shall be entitled, without vote of the Council, to twenty weeks maternity leave of absence, and that leave shall commence at a time notified by the President.

*34. Notice shall be given of a motion for giving leave of absence except for a period of maternity leave, to any Member, stating the cause and period of absence.*⁷⁵

As with the House of Assembly Standing Orders, the new Standing Order explicitly referred to ‘a Member who is pregnant’ as being entitled to leave. Meanwhile, the wording of the Standing Order related to infants being allowed in the Chamber now said:

447a. An infant being breast or bottle fed by a Member shall be permitted to the body of the Council Chamber, either within or

⁷³ Legislative Council Standing Orders Committee, *Report*, 54/2 (Adelaide: Parliament of South Australia, 2021) p. 1.

⁷⁴ LC SOC, *Report*, pp. 2-3.

⁷⁵ Legislative Council, *The Standing Orders of the Legislative Council Relating to Public Business Together with the Joint Standing Orders Agreed to by Both Houses* (Adelaide: Parliament of South Australia, 2022) p. 8.

*without the Bar, while the Council or a Committee of the Whole is sitting.*⁷⁶

Unlike the House of Assembly, these were recommended to be implemented as Standing Orders directly, while the lower house opted for Sessional Orders at first.

In Parliament, Committee member and the then Treasurer the Hon Rob Lucas stated that the proposed Standing Order of allowing infants to be fed on the chamber floor broadly reflected practice in other chambers and noted that one of these was now the adjoining House of Assembly. On the issue of maternity leave, Mr Lucas did comment that prior to the proposed new Standing Order:

by convention of the chamber, we have been well served in that we have been very generous, and sensible in my view, in terms of the way we have responded to individual requests from members for, on occasions, extended leave, whether it be for maternity-related leave and parenting or, in a number of cases, as a result of ill health.

But also stated that there was ‘a united view to support’ the changing of the Standing Orders to enshrine a 20 week period of maternity leave for Members of the Legislative Council.⁷⁷

By the end of the year, the House of Assembly Standing Orders Committee also decided to consolidate their Sessional Orders around maternity leave and children in the chamber into Standing Orders. The report suggested that this transition was taking place as an election was approaching and there was desire to maintain these Orders into the next parliament. It stated, ‘These changes provide for a more family-friendly environment which may encourage more women to become Members and to participate in the democratic process’, and adding these changes ‘will go some way to ensure the House operates as a modern workplace, by taking account of the work, health and safety of staff and members’.⁷⁸ This suggests the influence of the Equal

⁷⁶ LC, *Standing Orders*, p. 101.

⁷⁷ Legislative Council, *Hansard*, 9 September, 2021, p. 4210.

⁷⁸ HOA SOC, *Third Report of the House of Assembly Standing Orders Committee on Changes to Standing Orders*, PP 415, 54/2 (Adelaide: Parliament of South Australia, 2021) pp. 1-2.

Opportunities Commission's report, which focused heavily on the concept of parliament as a modern workplace.

However due to the 2022 state election, it was not until March 2023 that the Standing Orders were finally changed. The Sessional Orders first introduced during the 54th Parliament were again adopted by the new 55th Parliament in May 2022 and the Standing Orders Committee reiterated the call for the orders to be made permanent.⁷⁹ In parliament, the Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Labor's Katrine Hildyard MP, celebrated the changing of the Standing Orders, pronouncing:

In making the change before us, recommended by the Standing Orders Committee, we acknowledge this progress and we respect that women in their numbers are now taking their rightful place in this house. Gender equality in decision-making makes for better decisions, decisions that are much more reflective of community expectations. Our parliament should be an exemplar of equal representation. It should be representative of the diversity of our community, and our standing orders should reflect that there are men and women in this place.⁸⁰

This shows that parliament was responding to wider changes in the community and recognising action needed to be taken to move parliament in line with societal expectations.

Rhiannon Pearce, Labor member for King, pointed to a cultural change in terms of children being allowed on the chamber floor across Australian parliaments, such as the ACT, Queensland and Western Australia, while also acknowledging '[m]any reports in recent times [which] have detailed the important work that is required to make our workplace safer'. The implementation of the revised Standing Orders, Mrs Pearce argued, was 'one of the glaringly obvious ways our parliament can be brought into the

⁷⁹ HOA SOC, *First Report of the House of Assembly Standing Orders Committee on Changes to Standing Orders*, PP 212, 55/1 (Adelaide: Parliament of South Australia, 2023) p. 2.

⁸⁰ House of Assembly, *Hansard*, 9 March, 2023, p. 3356.

present day’ and ‘ensure a more family-friendly workplace that we can continue to work on improving’.⁸¹

Jayne Stinson, who would eventually be the first member to take advantage of the new Standing Order relating to maternity leave, also spoke in support of the reforms. She also raised that with parliament being more gender neutral, the needs of members of fathers regarding the care of children also should be considered. She commented:

*we should ensure that this is a welcoming place for women at all stage of their life, but also maybe as importantly or possibly more importantly, we should make sure that men feel that they can engage in caring responsibilities as part of their work, and that that is encouraged in this place as well.*⁸²

This is a significant point. Much of the discourse surrounding the care of children by parliamentarians has centred around encouraging increased participation by women. However there is a risk that this reinforces the notion that care for children is the duty of women, when it should be shared by men and women. Greater gender inclusivity in parliament, similar to elsewhere in society, requires both men and women to take responsibility for various duties, including parental and caring duties. As the *Representing Care* report stated, ‘While care is disproportionately allocated to women, it is far from solely a women’s issue.’⁸³

⁸¹ House of Assembly, *Hansard*, 9 March, 2023, p. 3359.

⁸² House of Assembly, *Hansard*, 9 March, 2023, p. 3362.

⁸³ Dixon, Jackson & McLeod, *Representing Care*, p. 29.

CONCLUSION

On 1 May, 2024, the Speaker of the House of Assembly announced:

This is a first for the South Australian parliament. I inform members that, pursuant to standing order 62, 20 weeks maternity leave has been granted to Ms Stinson commencing on 1 May 2024.

Two weeks later, Ashton Hurn was also granted maternity leave by the House's new Standing Orders. It was reported in *The Advertiser* in the same month that Ms Stinson's child was 'the first baby to be on the floor of the parliament without needing special permission',⁸⁴ as Ms Stinson took advantage of the clause in the Standing Orders which stated that maternity leave would not be forfeited if the member chose to attend parliament.

These actions were the result of a gradual process within the South Australian Parliament to make parliament more family-friendly, particularly encouraging greater accommodations for women parliamentarians with children. Issues facing women in parliament in South Australia were increasingly raised from the mid-1990s onwards and it was over a period of nearly 30 years that Standing Orders were changed to make the institution more family-friendly and inclusive to women – first through changing the sitting times and then the introduction of maternity leave and care for small children in the chamber.

This was often responding to broader societal trends, but also prompted by recognition of the anniversaries of women's suffrage in South Australia. The Joint Committees formed to recognise these anniversaries in 1994 and 2019 were specialised parliamentary bodies which became catalysts for promoting reforms to parliamentary procedure that would encourage more women to enter and remain in parliament. From there, various incarnations of the Standing Orders Committee in both the House of Assembly and Legislative Council who saw these changes into fruition. These were reactive to community pressure about the treatment of women in Australian politics,

⁸⁴ Kathryn Bermingham, 'Badcoe MP Jayne Stinson Opens Up on Her Journey to Motherhood Following the Birth of Baby Son Quinn Earlier This Year', *The Advertiser*, 8 May 2024, Accessed at <https://www.adelaidenow.com.au/news/south-australia/badcoe-mp-jayne-stinson-opens-up-on-her-journey-to-motherhood-following-the-birth-of-baby-son-quinn-earlier-this-year/news/c519c1d0a098a6f4138fdd4a1662721d>.

while concurrently proactive in comparison with several jurisdictions around the country, especially concerning leave for new mothers. Against the background of the increased formal recognition of parliament *as a workplace*, South Australia has made considerable strides towards greater gender inclusivity in parliament through its Standing Orders, while, as Ms Stinson's comments in *Hansard* attest, further challenges lay ahead.