The Senate

Procedure Committee

Questions to chairs of committees and other senators

Second report of 2008

October 2008

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PROCEDURE COMMITTEE

SECOND REPORT OF 2008

The committee reports to the Senate on the following matter referred to the committee on 18 September 2008 for further consideration.

QUESTIONS TO CHAIRS OF COMMITTEES AND OTHER SENATORS

In its first report of 2008, the committee recommended that the provisions in standing order 72 for questions to senators other than ministers and to chairs of committees be abolished for a trial period. The committee indicated that it would review this change to ascertain whether it caused any inconvenience to the Senate or senators, before recommending whether it should be adopted as a permanent amendment of the standing order.

The committee pointed out that the provisions in standing order 72 for questions to chairs of committees and other senators have rarely been used in modern times, and, when they have been used, have not been used for their intended purposes. The committee reported that question time should be reserved for its primary purpose of questions to ministers.

After debate in the Senate, the recommendation was referred back to the committee for further consideration. The main reason for this re-referral of the matter was that Senator Bob Brown thought that the provision for questions to senators other than chairs of committees should be retained.

Having considered the matter again, the committee remains of the view that the relevant provisions now serve no useful purpose and should be deleted from the standing order, on a trial basis subject to further review.

The committee points out that, under the explicit restrictions imposed by the standing order, questions to chairs of committees could not be used to interfere with the committee's work or to anticipate its report, and that such questions were therefore confined to questions about the progress of a committee's inquiry. Similarly, questions to other senators about items of business of which they had charge on the Notice Paper could not be used to anticipate debate on those items; such questions were therefore confined to asking senators about their intentions in bringing on the items of business for debate. There are ample opportunities for senators to ascertain this kind of information without using a question at question time. The provisions for such questions therefore remain unused for their original purpose, and are only used rarely for some unintended purpose.

The committee therefore repeats its recommendation that the amendments of standing order 72 contained in attachment 3 of its first report of 2008 (attached also to this report) be adopted as a temporary order for the remainder of 2008.

Senator Siewert would prefer to retain questions to senators other than chairs of committees.

Alan Ferguson
Deputy President
and Chair of Committees
Chair of the Procedure Committee

ATTACHMENT

STANDING ORDER 72 – AMENDMENTS REQUIRED TO ABOLISH QUESTIONS TO CHAIRS OF COMMITTEES AND TO OTHER SENATORS

72 Questions without notice

(1) At the time provided questions may be put to ministers relating to public affairs~~, and to other senators relating to any matter connected with the business on the Notice Paper of which such senators have charge~~.

~~(2) A question may be put to the chairman of a committee relating to the activities of that committee, provided that:~~

~~(a) unless leave of the Senate is granted for the question to be asked without notice, it may be asked only on notice;~~

~~(b) the question shall not attempt to interfere with the committee's work or anticipate its report; and~~

~~(c) the chairman shall answer only on behalf of the committee.~~

(3) (a) The asking of each question shall not exceed one minute and the answering of each question shall not exceed 4 minutes.

(b) The asking of each supplementary question shall not exceed one minute and the answering of each supplementary question shall not exceed one minute.

(4) (a) After question time motions may be moved without notice to take note of answers given that day to questions.

(b) A senator may speak for not more than 5 minutes on such a motion.

(c) The time for debate on all motions relating to answers to questions without notice on any day shall not exceed 30 minutes.