The Senate

Procedure Committee

Restructuring Question Time

Legislative and general purpose standing committees

Temporary orders

First report of 2009

February 2009

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ISBN 978-1-74229-060-7

This document was produced by the Office of the Clerk of the Senate and printed by the Senate Printing Unit, Parliament House, Canberra

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PROCEDURE COMMITTEE

FIRST REPORT OF 2009

The committee reports to the Senate on the following matters referred by the Senate to the committee and considered by the committee.

RESTRUCTURING QUESTION TIME

In accordance with the undertaking given by the Deputy President and Chair of the Committee, Senator Ferguson, during debate in the Senate on 4 December 2008, the committee has further considered the new rules for question time adopted by the Senate on a temporary basis on 13 November 2008 and renewed on 4 December 2008 for the whole of 2009.

Senators have indicated that they wish to consult their colleagues and discuss further the new rules and any modifications that might be made to them, and accordingly the committee will return to its consideration of the new rules at a later date.

LEGISLATIVE AND GENERAL PURPOSE STANDING COMMITTEES

The Senate on 4 December 2008 referred to the committee, for report by 25 February 2009, proposed amendments of standing order 25 relating to the membership of the legislative and general purpose standing committees.

The committee discussed the proposed amendments. A majority of the committee does not support the particular amendments, but senators have indicated that they wish to consult their colleagues and discuss adjustments that might be made to the membership provisions of the legislative and general purpose standing committees. The committee will further consider this matter accordingly at a later date.

TEMPORARY ORDERS

The committee has considered the following temporary orders of the Senate, which were first agreed to on the dates shown.

- No questions to chairs of committees or senators other than ministers at question time (15 October 2008)

- Temporary appointment of substitute members of committees (14 August 2006)

- Adjournment debate on Tuesdays – choice of senators to make a twenty minute speech (19 November 2002)

- No divisions on Thursdays after 4.30 pm (as against 6.00 pm in the standing order) (11 May 2004)

The committee considers that these temporary orders have been sufficiently tried and should now be incorporated into the standing orders. The committee recommends, however, that, in relation to the abolition of questions to chairs of committees and senators other than ministers, the Senate should recognise in the text of the standing orders the long-standing practice whereby questions may be put to the President on matters for which the President has responsibility.

Attached to this report are the recommended amendments of the standing orders accordingly.

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

ATTACHMENT

TEMPORARY ORDERS RECOMMENDED FOR PERMANENT ADOPTION

1. No questions to chairs of committees or senators other than ministers at question time (15 October 2008)

Standing Order 72 is amended as follows:

(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.~~

(2) A question may be put to the President in relation to matters for which the President has responsibility.

(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.

2. Temporary appointment of substitute members of legislative and general purpose standing committees (14 August 2006)

Standing Order 25 is amended by adding after subparagraph (7)(d):

(e) If a member of a committee is unable to attend a meeting of the committee, that member may in writing to the chair of the committee appoint a participating member to act as a substitute member of the committee at that meeting. If the member is incapacitated or unavailable, a letter to the chair of a committee appointing a participating member to act as a substitute member of the committee may be signed on behalf of the member by the leader of the party or group on whose nomination the member was appointed to the committee.

3. Adjournment debate on Tuesdays – choice of senators to make a twenty minute speech (19 November 2002)

Standing Order 54 is amended by adding after paragraph (5):

(6) On the question for the adjournment of the Senate on Tuesday, a senator who has spoken once subject to the time limit of 10 minutes may speak again for not more than 10 minutes if no other senator who has not already spoken once wishes to speak, provided that a senator may by leave speak for not more than 20 minutes on one occasion.

4. No divisions on Thursdays after 4.30 pm (as against 6.00 pm in the standing order) (11 May 2004)

Paragraph (3) of Standing Order 57 is amended as follows:

(3) If a division is called for on Thursday after ~~6~~ **4.30** pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.