

1 Senate business documents

This guide describes the formal documents of record of the Senate and other documents used in the Senate in the course of business. Most of the documents are available [online](#) or in hard copy from the Senate Table Office (extension 3010 or table.docs@aph.gov.au).

1. The basics

The Senate's operating rules are contained in [standing orders](#) which govern the conduct of proceedings. The standing orders are supplemented by other orders and resolutions relating to:

- [parliamentary privilege](#)
- the [registration and declaration of senators' interests and senators' qualifications](#)
- the [broadcasting of Senate and committee proceedings](#)
- a number of [miscellaneous procedural matters](#); and
- orders of the Senate on the [Notice Paper](#).

Standing orders are made and amended from time to time by the Senate under the authority of [section 50 of the Constitution](#). Proposed changes to standing or other orders are usually examined first by the [Procedure Committee](#), which reports periodically to the Senate.

Standing orders cover a wide range of topics, from the election of the President to the composition of and rules for committees, the consideration of legislation, the rules of debate, the routine of business and the conduct of senators. They are supplemented by other, miscellaneous procedural orders. When a procedural question arises that is not covered by the standing or other orders, the President of the Senate makes a ruling. If the President's ruling is challenged, the Senate itself determines the question.

Within the framework of the routine of business set by the standing orders, the Senate's proceedings are guided by an agenda and recorded in minutes and in a transcript of debate. The agenda is called the *Notice Paper*, the minutes the *Journals of the Senate* and the transcript of debate the *Parliamentary Debates* or *Hansard*. Publication of all three documents is authorised by [standing order 43](#).

Notice Paper

The [Notice Paper](#) contains a list of business before the Senate on a particular day, and also includes known forthcoming business and other useful information. Business is placed on the *Notice Paper* in accordance with the standing orders. For example, items of business are grouped in their several categories which are listed in order of priority as required by [standing order 58](#) (See [Guide No. 4](#)—Categories of Business). [Standing order 62](#) specifies how orders of the day for debate on committee reports and government responses are to be listed on Thursdays (see also [Guide No. 11](#)—Opportunities for debating documents and reports). Notices of motion and orders of the day are listed separately and in accordance with standing orders [76](#) and [97](#). The contents page of the *Notice Paper* and the "[Guide to the Notice Paper](#)" give an overview of the structure of the document and provide assistance to users.

The “Red”

The [Order of Business](#) or the “Red” (after the red flash printed on its front page), is an informal version of the agenda. The Red includes invaluable information for senators and staff alike because, although it is only a guide, it sets out the full day’s likely program. Based on the routine of business for that day in the standing orders, the Red incorporates lists of business from the *Notice Paper* where appropriate and also includes known details of expected business, such as the titles of documents or reports to be tabled that day. Otherwise unscheduled items are also included where details are known sufficiently in advance, such as messages from the House of Representatives, the topics of ministerial statements, committee reports and government responses.

The Dynamic Red

The [Dynamic Red](#) is the most useful source of up to date information for people who need to monitor Senate business as it progresses throughout the sitting day. It provides information on the outcomes of the various items of business as the day progresses, together with links to relevant documents, including bills, amendments, running sheets, formal motions, and lists of clerk’s documents.

The Dynamic Red and [Senate Live](#), which shows only the item of business currently being considered, are available through [ParlWork](#). This site also provides access to the Order of Business, bills, notices of motion and questions on notice, and is designed to be used on tablets and smartphones as well as desktop and laptop computers.

Journals of the Senate

The Senate’s minutes, the [Journals](#), are the procedural record of the day, noting every decision, vote, tabled document and all other procedurally significant events. Each *Journal* concludes with a record of attendance to ensure compliance with [section 20 of the Constitution](#), which provides that a senator’s place becomes vacant if he or she is absent without leave for 2 months. The *Journals* are issued in proof form at the end of each sitting day and a final version is published some weeks later when the contents have been rigorously checked.

Senate daily and weekly summaries

The [summaries](#) are an informal resource designed to make the work of the Senate more widely accessible to external audiences. The information is categorised under general headings such as “Legislation”, “Committees”, “Documents”, “Other business” and “Statistics”, bringing together for easy reference items that would otherwise need to be collated from other parliamentary records and resources. The summaries are intended to be used online and contain links to primary sources such as the *Journals*, *Hansard* and committee reports, as well as to bill homepages, video replays, and other useful information on the Parliamentary website.

The Week Ahead

[The Week Ahead](#) is an online resource that outlines business scheduled for the upcoming sitting week. It is published one or two days prior to the commencement of sittings.

Hansard

[Hansard](#) is the edited transcript of proceedings in both Houses and their committees. For the Houses, proof Hansards are produced after each day’s sitting. [Hansard](#) is available in PDF or HTML format.

2. Documents relating to the legislative process

Bills

The central document for the purposes of the legislative process is the *bill*. A bill is a proposed Act of Parliament which becomes law only after it has been agreed to in identical terms by both Houses and assented to by the Governor-General. Most bills are proposed by the government of the day. As soon as bills are introduced, they are made available online. Each bill has a homepage, from which you can access the text of the bill and related documents, and follow the progress of the bill through the Parliament. These homepages can be accessed from the [Bills and Legislation](#) page, as well as from links in the Dynamic Red, Senate daily and weekly summaries, and the Parlinfo Search database. A complete list of all bills before Parliament for the calendar year and details of their progress is available from the Senate [bills list](#).

Explanatory memoranda

Each government bill is accompanied on introduction by an *explanatory memorandum* (or EM for short). This document is meant to be a user's guide to the bill which explains its general policy and financial impact, followed by detailed explanations of the individual clauses or items. Every EM must also include a statement providing an assessment of the bill's compatibility with Australia's human rights obligations.

If a bill is amended by the initiating House, a *revised* EM incorporating the changes is tabled when the bill is introduced in the second House.

If the interpretation of a provision in an Act arises in legal proceedings, courts may use the explanatory memorandum and other extrinsic aids, that is, materials which do not form part of the Act, to confirm or determine the meaning of the provision if there is any ambiguity. Other extrinsic aids include the *Journals of the Senate*, parliamentary debates, particularly the Minister's second reading speech, and relevant parliamentary committee or other reports that were tabled in Parliament when the bill was considered.

Amendments

Amendments are circulated on the authority of the senator or minister sponsoring them. Non-government senators are assisted by the Clerk Assistant (Procedure) in drawing up their amendments while government amendments are usually produced by the government drafters (the Office of Parliamentary Counsel). Amendments are usually produced as A4 documents with a unique identifying number in the top right hand corner, the name of the bill, the name of the senator moving them and the stage at which they are to be moved. Textual amendments are made in committee of the whole but a senator may also wish to amend the second reading motion (see [Guide No. 16](#)—Consideration of legislation). Links to amendments are available on the Dynamic Red, and committee of the whole amendments are also available from the relevant [bill's homepage](#).

Requests

Requests look very similar to amendments but they are procedurally different. Under the Constitution, there are some bills the Senate may not amend and some amendments the Senate may not make. The Senate *requests* the House of Representatives to make such amendments and withholds agreement to the third reading of the bill until an agreed outcome is achieved (see [Guide No. 16](#)—Consideration of legislation). An order of the Senate requires requests to be accompanied by a statement explaining why the amendments are framed as requests, and a statement by the Clerk of the Senate on whether the amendments would be regarded as requests under the precedents of the Senate.

Supplementary explanatory memoranda

Government amendments and requests are normally accompanied by a ‘supplementary EM’ explaining the proposed changes. The supplementary EM is usually tabled by a minister or assistant minister at the beginning of the committee of the whole stage. If more government amendments or requests are circulated, new supplementary EMs are prepared and are distinguished from earlier documents by the inclusion of terms such as “further” or “additional” (or both) in the title.

The running sheet

An informal but invaluable aid to proceedings in committee of the whole, the running sheet is a marshalled list of circulated amendments for the guidance of the chair and participating senators and their advisers. Running sheets give a brief description of each amendment or group of amendments and provide a suggested order of proceeding. They also highlight conflicts between circulated amendments and whether amendments are consequential on others being agreed to. They are prepared only if complex amendments are circulated by two or more senators. If further or revised amendments are circulated, running sheets are updated, if practicable, to reflect the changes. Running sheets are available online via the Dynamic Red. Copies may be obtained from the Senate Table Office or Chamber Attendants and are easily identified because they are printed on grey, A4 sized paper.

For further information about the legislative process, see [Guide No. 16](#)—Consideration of legislation, [Guide No. 17](#)—Debating legislation under time limits and [Guide No. 18](#)—Communication between the Houses – dealing with messages.

3. Procedural documents

Procedural scripts are provided to senators, as required, to assist them to transact business in the Senate. They may relate to the giving of notices of motion, the discovery of formal business (see [Guide No. 8](#)—Notices of motion), the introduction of bills (see [Guide No. 16](#)—Consideration of legislation), the suspension of standing orders (see [Guide No. 5](#)—Suspension of standing orders), the presentation of reports, or other common or uncommon procedures.

The Clerk Assistant (Table) prepares procedural documents for ministers and other government senators, and for senators transacting business on behalf of committees.

The Clerk Assistant (Procedure) prepares procedural documents for non-government senators.

A document, based on the Red, together with other briefings and updates as required, is also provided to the President, Deputy President and the Temporary Chairs of Committees to assist them in the chair.

Need assistance?

For assistance with any of the matters covered by this guide, government senators or their staff should contact the Clerk Assistant (Table), on extension 3020 or ca.table.sen@aph.gov.au; and non-government senators or their staff should contact the Clerk Assistant (Procedure), on extension 3380 or ca.procedure.sen@aph.gov.au.

.....

Last reviewed: June 2019