

The Senate

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## Procedure Committee

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Routine of business – proposals for discussion

Second report of 2014

July 2014

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# **Procedure Committee**

## **Second report of 2014**

The committee reports to the Senate on the following matters discussed at its meeting of 10 July 2014.

### **Routine of business**

The committee has been reviewing the routine of business for some time but has not yet reached broad agreement on its future shape. However, the committee has considered a number of proposals to streamline and simplify business without detracting from the rights of senators, and to enhance opportunities for senators to participate in debate, bearing in mind the growth in the number of cross bench senators from 1 July 2014.

The committee presents to the Senate the following proposals for consultation, with a view to adopting them on a trial basis at some time later in the year. Temporary orders that would be necessary to implement any such trial are shown in Attachment 1.

### ***Consolidation of opportunities for tabling and considering documents and committee reports***

Senators have often reported confusion arising from the plethora of occasions on which documents and committee reports are tabled and the different rules, depending on the occasion, about whether debate is permitted. As a consequence, a great deal of debate occurs in an ad hoc manner and by leave, while the current opportunities at 6.50 pm on Tuesday and Wednesday (for documents) and under standing order 62(4) on Wednesday and Thursday (for committee reports) are underutilised.

The committee sees benefit in consolidating the presentation of documents and, where possible, committee reports and providing definite opportunities for debating each category. The committee proposes, for consultation purposes, a trial of three such opportunities each week for each category, in addition to the opportunity to reconsider documents and committee reports on Thursday as part of general business or pursuant to standing order 62(1).

### *Documents*

For documents, it is proposed that on Monday, Tuesday and Wednesday, any documents for presentation be handed to the Clerk immediately after Prayers, and that there be a period of up to 30 minutes after Discovery of Formal Business on those days for their consideration. During this period, the documents would be called on and senators would be able to move motions without notice to take note of them, with a time limit of 5 minutes per speaker, per document. Any documents not reached on any day would roll over to the next day and be available for consideration after that day's documents. Any document not reached on any day would roll over to general business on Thursday.

The categories of documents to which it is proposed this procedure would apply are as follows:

- documents on the list provided by the Department of the Prime Minister and Cabinet (normally appended to the Order of Business on Senate “Red” on Tuesday and Wednesday);
- any other documents to be tabled by ministers (other than responses to one-off orders for production of documents which are subject to standing order 63);
- documents that have been presented out of sitting; and
- documents tabled by the President, such as Auditor-General’s reports, responses to Senate resolutions, Senate business documents, Parliamentary administration documents and ad hoc documents.

Lists of these documents would be appended to the Order of Business (on Monday, Tuesday and Wednesday) and copies would be available in the usual way from the Table Office or online in many cases.

See Attachment 1, part (i) for the amendments to standing orders required to implement these changes (as a proposed temporary order).

### *Committee reports*

Similar adjustments are proposed to streamline the presentation of committee reports. Opportunities to present and speak to committee reports would be increased from two to three (on Tuesday, Wednesday and Thursday), “funded” by an expected decrease in the number of ad hoc debates.

All reports, other than reports presented pursuant to Selection of Bills Committee recommendations, would be listed for presentation during these three periods (regardless of whether the reports were to be presented pursuant to order or otherwise). A report presented on Monday could not be considered at the time of presentation except by leave, but a motion could be moved without notice after presentation (pursuant to standing order 169(1)(a)) for it to be considered at the next available opportunity under standing order 62(4) (Tuesday).

It is proposed that government responses be added to the reports that may be presented and considered under standing order 62(4).

It is now common practice for committee reports to be presented out of sitting and authorised for publication. Proposed changes would include provision for committee reports presented out of sitting to be recorded in the next day's *Journals* as having been presented out of sitting and authorised for publication. Reports other than those presented pursuant to Selection of Bills Committee recommendations would become available for consideration at the next relevant opportunity under standing order 62(4). Thus, a committee report presented out of sitting and recorded in the *Journals* on Monday would be listed for consideration under the next standing order 62(4) opportunity which would be on Tuesday.

See Attachment 1, part (ii) for the amendments to standing orders required to implement these changes (as a proposed temporary order).

***Streamlined procedures to manage routine extensions of time for standing committees and routine authorisations for committees to meet while the Senate is sitting***

*Extensions of time*

The committee proposes that instead of proceeding by individual motion on notice, all of which consume time and resources to process for the chamber, the Senate adopt a procedure similar to the procedure adopted in 1999 to streamline the postponement of notices (which was formerly done by individual motion on notice).

Standing order 67, as amended to implement the streamlined procedure for postponement of notices, makes it clear that the process also applies to the postponement of orders of the day. With some minor adjustments, it may therefore be used to obtain extensions for committees. To use the streamlined procedure, a committee would make a decision to seek an extension of time for a particular reference, and the chair, on behalf of the committee, would sign and lodge a notification of the committee's request. These would be announced by the Clerk at placing of business, along with other postponement notifications.

The procedure allows for any senator to ask that the question be put on any item. The question is then put without amendment or debate. In other words, the Senate may vote on a particular extension but if no such request is made the notification has effect according to its terms and the extension, like any other postponement, is taken to have been approved.

As a safeguard, the procedure would not apply to an extension of time for a select committee which would continue to be processed in the usual way.

See Attachment 1, part (iii) for the amendments to standing orders required to implement these changes (as a proposed temporary order).

*Authorisation to meet while the Senate is sitting*

The proposed amendment of standing order 33 streamlines the way committee authorisations are dealt with. Once a committee has made a decision that it needs to meet while the Senate is sitting to hold a public hearing or deliberate contrary to standing order 33(1)(a), the chair signs a notification to that effect, including for what purpose. These are handed in and announced by the Clerk immediately after Prayers. As with postponements, any senator may ask for the question to be put on a particular request and the Senate therefore votes on it. Otherwise, the committees are taken to be authorised to meet according to the terms of the notification.

This procedure does not rule out committees giving notice in the usual way, and this should continue to occur for multiple requests to meet during sittings. However, it provides a streamlined alternative to straightforward motions on notice, or by leave, and therefore saves time and resources of the Senate.

See Attachment 1, part (iv) for the amendments to standing orders required to implement these changes (as a proposed temporary order).

*MPI/Urgency motions on Thursdays*

With additional opportunities for debating documents and committee reports, additional opportunities on the adjournment debate (see below) and the need to accommodate general business on Thursday afternoons, the committee considered that the MPI/Urgency motion opportunity on Thursday afternoon could be dispensed with.

See Attachment 1, part (v) for the amendment to standing orders required to implement this change (as a proposed temporary order).

***Relocation of the open-ended adjournment debate to Thursday and extension of the adjournment debate on Tuesdays***

The committee considered ways to increase opportunities for participation by senators in the adjournment debate, without resulting in unreasonably long days for senators (and staff).

The committee suggests moving the open-ended adjournment debate, with the current tiered speaking time limits, from Tuesday to Thursday evening but instituting a longer fixed time on Tuesday of 2 hours and 10 minutes, with senators able to speak for 5 minutes (or 10 minutes when all 5 minute speakers have finished). Adjournment on Tuesday would be at 9.30pm at the latest.

See Attachment 1, part (vi) for the amendment to standing orders required to implement this change (as a proposed temporary order).

***Matters of public interest on Wednesdays***

The committee considers that the name of this session is confusing because it is too similar to matters raised under standing order 75. The committee proposes that this segment of business be renamed “Senators’ statements” and that senators be able to speak for up to 10 minutes rather than the current 15 minutes so that more senators may speak during the 75 minutes available at this time.

See Attachment 1, part (vii) for the amendments to standing orders required to implement this change (as a proposed temporary order).

***Recommendation***

The committee commends these proposals to the Senate for discussion.

Senator Gavin Marshall  
(Chair)



## ATTACHMENT 1

### **Proposed changes to standing orders to implement suggestions in the Second report of 2014**

#### **(i) *Consolidation of opportunities for tabling and considering documents***

That the following amendment of standing order 61 operate as a temporary order:

Omit paragraph (1), substitute:

- (1) (a) On Monday, Tuesday and Wednesday, documents presented by the President or by a minister shall be considered pursuant to this standing order at the time provided.
- (b) Immediately after prayers on any day when consideration of documents occurs, the President or a minister may present documents by handing them to the Clerk without any announcement to the Senate, and the presentation of such documents shall be reported to the Senate by the President when the consideration of documents is called on under this standing order.
- (c) Documents presented on Monday and not called on on Monday may be considered on Tuesday after the documents presented on that day, and documents presented on Monday and Tuesday and not called on on either day may be considered on Wednesday after documents presented on that day.

#### **(ii) *Consolidation of opportunities for tabling and considering committee reports***

That the following amendments of standing order 62 and 38 operate as a temporary order:

Standing order 62, omit paragraph (4), substitute:

- (4) (a) If a committee report or government response to a report is presented at the time provided on Tuesday, Wednesday or Thursday, a motion may be moved relating to the report or response.
- (b) A senator speaking to such a motion shall not speak for more than 10 minutes, and debate on all such motions shall not exceed 60 minutes.
- (c) If a debate is not concluded at the expiration of that time the debate shall be made an order of the day for Thursday at the time for consideration of committee reports and government responses.

Standing order 38, omit paragraph (7), substitute:

- (7) If the Senate is not sitting when a committee has prepared a report for presentation, the committee may provide the report to the President or, if the President is unable to act, to the Deputy President, or, if the Deputy President is unavailable, to any one of the Temporary Chairs of Committees, and, on the provision of the report:
- (a) the report shall be deemed to have been presented to the Senate;
- (b) the publication of the report is authorised by this standing order;
- (c) the President, the Deputy President, or the Temporary Chair of Committees, as the case may be, may give directions for the printing and circulation of the report; and
- (d) the presentation of the report shall be recorded in the Journals of the Senate for the next sitting; and
- (e) the report may be considered under standing order 62(4) at the next available opportunity after any reports presented that day.

***Consequential amendments in relation to documents and committee reports***

**Standing order 57(1), in relation to documents**

On Monday, Tuesday and Wednesday, after Discovery of formal business, insert:

Consideration of documents under standing order 61 for up to 30 minutes

On Tuesday and Wednesday, omit:

At 6.50 pm, consideration of government documents for up to 30 minutes under standing order 61.

**Standing order 57(1), in relation to committee reports**

On Tuesday, after Consideration of documents under standing order 61 for up to 30 minutes, insert:

Consideration of committee reports under standing order 62(4) for up to 60 minutes

On Thursday, after Discovery of formal business, omit:

Consideration of committee reports under standing order 62(4)

On Thursday, after Motions to take note of answers, insert:

Consideration of committee reports under standing order 62(4) for up to 60 minutes

**Standing order 169, in relation to motions after tabling**

Omit paragraph (2), substitute:

- (2) Where a motion is moved by leave in relation to a document or committee report presented to the Senate, including a document or committee report presented to the President when the Senate is not sitting, a senator speaking to such a motion shall not speak for more than the time provided for a document or committee report under standing order 61 or 62, as the case requires, and debate on the motion shall not exceed a multiple of three times the applicable speaking time limit; where 2 or more such motions are moved in succession, debate on all motions shall not exceed a multiple of six times the applicable speaking time limit.

(iii) ***Streamlined procedure for routine extension of time for a committee to report***

That the following amendment of standing order 67 operate as a temporary order:

Omit the standing order, substitute:

A senator, including a committee chair, who wishes to postpone a notice or order of the day of which the senator (or the committee) is in charge shall, before the time for postponement of business, deliver to the Clerk written notification of the postponement. At that time the Clerk shall read a list of such items, and they shall then be taken to be postponed accordingly, but, at the request of any senator, the question for the postponement of an item shall be put to the Senate for determination without amendment or debate.

This standing order does not apply to an order of the day for the presentation of a report of a select committee.

(iv) ***Streamlined procedure for authorising committees to meet during the sitting of the Senate***

That the following amendment of standing order 33 operate as a temporary order:

At the end of standing order 33, add:

- (5) For the purpose of paragraph (3), a committee that seeks to meet contrary to this standing order may deliver a notice in writing to the Clerk, signed by the chair of the committee, setting out the particulars of the meeting proposed to be held. Immediately after prayers on any day, the Clerk shall read a list of such proposals and they shall be taken to be approved accordingly but, at the request of any senator, the question for authorisation of a particular meeting contrary to this standing order shall be put to the Senate for determination without amendment or debate.

(v) ***MPI on Thursday***

That the following amendment of standing order 33 operate as a temporary order:

Standing order 57(1), Thursday, omit "Any proposal to debate a matter of public importance or urgency".

**(vi) *Adjournment***

That the following amendment of standing order 54 operate as a temporary order:

Omit paragraphs (5) and (6), substitute:

- (5) On Monday and Wednesday debate on the question for the adjournment shall not exceed 40 minutes, and a senator shall not speak to that question for more than 10 minutes. On Tuesday at the expiration of 2 hours and 10 minutes, on Thursday at the conclusion of debate, and on other days at the expiration of 40 minutes, at the conclusion of debate, or at the time specified for adjournment, whichever is the earlier, or if there is no debate, the President shall adjourn the Senate without putting the question.
- (5A) On the question for the adjournment of the Senate on Tuesday, a senator shall speak to that question for not more than 5 minutes, but if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes.
- (6) On the question for the adjournment of the Senate on Thursday, a senator shall speak to that question for not more than 5 minutes, except in accordance with the following paragraphs:
  - (a) if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes; and
  - (b) if no other senator wishes to speak under paragraph (a), a senator who has not already spoken may speak for up to 20 minutes.

***Consequential amendments in relation to the adjournment***

**Standing order 55**

Omit paragraph (1), substitute:

- (1) The days and times of meeting of the Senate in each sitting week shall be:

Monday 12.30 pm\*— 6.30 pm, 7.30 pm – 10.30 pm

Tuesday 12.30 pm – 9.30 pm

Wednesday 9.30 am – 8 pm

Thursday 9.30 am – adjournment.

*(\*note that under another temporary order, this time has been changed to 10 am)*

### **Standing order 57(1)**

On Tuesday, insert "At 9.30 pm," before "adjournment".

On Thursday, omit "At 8.40 pm, adjournment", substitute "Adjournment".

#### **(vii) *Senators' statements***

That the following amendment of standing order 57 operate as a temporary order:

Omit paragraph (2), substitute:

- (2) On Wednesday, at 12.45 pm till 2 pm senators may make statements without any question before the chair, provided that a senator shall not speak for more than 10 minutes, and if a division is called for, the division shall be taken at a later hour of the day, not being earlier than 2 pm.