

The Senate

Procedure Committee

Remote participation in Senate proceedings

First report of 2021

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Remote participation in Senate proceedings

1.1 On 24 August 2020, the Senate adopted for the first time the rules for remote participation in Senate proceedings contained in the committee's first report of 2020.

1.2 The rules were developed in the context of the COVID-19 pandemic and provided a means for senators to participate in Senate proceedings while they are prevented from physically attending the Senate because of travel restrictions, quarantine requirements or personal health advice. They were subsequently re-adopted for sitting periods commencing on 6 October, 9 November and 30 November 2020 and 15 February 2021.

1.3 On 17 February 2021, at the request of the Manager of Opposition Business (Senator Gallagher), the President referred to the committee a request to review the use of remote participation, including the process for approving its use.

1.4 The committee reviewed the process and agreed that the use of remote participation should be strictly limited to enabling senators to participate in Senate proceedings while they are prevented from physically attending the Senate because of **COVID-19 related** travel restrictions, quarantine requirements or personal health advice.

1.5 The committee also agreed that a different process should apply for adoption of the rules. It proposes that the use of remote participation should have effect on any sitting day on which the President and Deputy President, acting jointly and in consultation with senators, determine that the use of the system is warranted for one or more of the above reasons.

1.6 The committee therefore **recommends** that the Senate adopt the revised rules for remote participation in Senate proceedings in Appendix A as a temporary order with effect until 2 September 2021.

Remote participation in estimates

1.7 The committee also discussed remote participation for estimates hearings, and agreed that the following principles should apply:

- witnesses should expect to attend in person, unless otherwise explicitly approved by the relevant committee (replacing the presumption in last year's Budget estimates that most interstate witnesses would appear remotely); and

- senators should attend in person rather than seeking to participate remotely, unless the President and Deputy President determine that the requirement should be waived due to COVID-related restrictions.

1.8 The committee recommends that legislation committees considering estimates adopt these principles.

Senator Sue Lines
Chair

Appendix A

Rules for the remote participation of senators in Senate proceedings

- (1) The President and Deputy President may jointly determine that the system for remote participation in Senate proceedings should be made available to senators on specified days to enable them to participate in Senate proceedings while they are prevented from physically attending the Senate because of COVID-19 related:
 - travel restrictions,
 - quarantine requirements, or
 - personal health advice
- (2) Determinations under paragraph (1) will be made in writing after consultation with senators, and these rules will apply on any sitting day for which such a determination is made and published.
- (3) Senators participating remotely must connect from an electorate office or Commonwealth Parliamentary Office, unless the President and Deputy President determine that the requirement should be waived because of COVID-related travel restrictions, quarantine requirements or health advice.
- (4) While these rules are in effect, a senator may seek and receive the call to speak by video or audio link by addressing the President. Wherever practicable, this should be in accordance with a list of speakers provided through the whips.
- (5) Senators participating remotely:
 - (a) may not move motions or amendments, other than amendments and requests to legislation in committee of the whole; and
 - (b) may not propose or be counted in support of a proposal to discuss an MPI or urgency motion.
- (6) Senators may not be counted in the formation of a quorum, may not draw attention to the lack of a quorum, may not raise points of order, and may not call for or participate in a division unless they are physically present in the Senate chamber.
- (7) To avoid doubt:
 - (a) the standing orders and other orders of the Senate, including the standing orders relating to the conduct of senators and rules of debate, otherwise apply to senators participating remotely, to the extent they are capable of applying; and
 - (b) the contributions of remote participants form part of Senate proceedings and are to be incorporated in the *Hansard* record.
- (8) Standing orders that require or rely on the provision of documents to the President or the Clerk, as the case may be, or the presentation of documents to the Senate, will be satisfied by the provision or presentation of a digital copy of the document. A document provided in digital format will not be taken to be received unless its receipt is acknowledged by or on behalf of the President or the Clerk.