

Consideration of private senators' bills—Proposed amendment of standing orders

That the following amendments of standing orders 55(1), 57(1)(d) and 59 take effect from the first sitting day in August 2015:

55 Times of meetings

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

Monday 10 am – 6.30 pm, 7.30 pm – 10.30 pm

Tuesday 12.30 pm – adjournment

Wednesday 9.30 am – 8 pm

Thursday 9.30 am – 8.40 pm

57(1)(d) Routine of business for Thursday

Before "Petitions", insert:

- (i) General business orders of the day for consideration of bills only for up to 2 hours 20 minutes

59 Government and general business

Government business shall take precedence over general business, except that general business shall take precedence over government business on Thursday as follows:

- (a) from 9.30 am, for a period not exceeding 2 hours and 20 minutes, general business orders of the day for the consideration of bills shall be considered; and
- (b) from not later than 4.30 pm, for a period not exceeding 2½ hours, and general business orders of the day shall take precedence over general business notices of motion on alternate Thursdays.

ATTACHMENT 2**Changes to the routine of business —Proposed amendment of standing orders**

That the following amendments of standing orders take effect from the first sitting day in August 2015:

(1) Consolidation of opportunities for tabling and considering documents – standing order 61

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.

(2) Consolidation of opportunities for tabling and considering committee reports – standing order 62 and 38

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.

(3) Consequential amendments in relation to documents and committee reports

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

On Monday, Tuesday and Wednesday, after Any proposal to debate a matter of public importance or urgency, 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.

(b) 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

(c) 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.

(4) Streamlined procedure for routine extension of time for a committee to report – standing order 67

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.

(5) Streamlined procedure for authorising committees to meet during the sitting of the Senate – standing order 33

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.

(6) MPI on Thursday – standing order 57

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

(7) Senators’ statements – standing order 57

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.

ATTACHMENT 3**NSW Legislative Council Standing Order 52 – Order for the production of documents**

- (1) The House may order documents to be tabled in the House. The Clerk is to communicate to the Premier's Department, all orders for documents made by the House.
- (2) When returned, the documents will be laid on the table by the Clerk.
- (3) A return under this order is to include an indexed list of all documents tabled, showing the date of creation of the document, a description of the document and the author of the document.
- (4) If at the time the documents are required to be tabled the House is not sitting, the documents may be lodged with the Clerk, and unless privilege is claimed, are deemed to have been presented to the House and published by authority of the House.
- (5) Where a document is considered to be privileged:
 - (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege,
 - (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the House and:
 - (i) made available only to members of the Legislative Council,
 - (ii) not published or copied without an order of the House.
- (6) Any member may, by communication in writing to the Clerk, dispute the validity of the claim of privilege in relation to a particular document or documents. On receipt of such communication, the Clerk is authorised to release the disputed document or documents to an independent legal arbiter, for evaluation and report within seven calendar days as to the validity of the claim.
- (7) The independent legal arbiter is to be appointed by the President and must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court Judge.
- (8) A report from the independent legal arbiter is to be lodged with the Clerk and:
 - (a) made available only to members of the House,
 - (b) not published or copied without an order of the House.
- (9) The Clerk is to maintain a register showing the name of any person examining documents tabled under this order.

