

Procedure Committee

First report of 2017

The committee reports to the Senate on the following matters.

Hours of meeting and routine of business

The committee noted the work of a procedural working group comprising senators representing the parties and the crossbench, dealing with nominated elements of the routine of business. Following consideration by the working group, the committee agreed to recommend changes to the hours of meeting and routine of business, as follows:

- provide for 5-minute speeches, rather than 10-minute speeches, on the Wednesday adjournment, so that more senators may participate
- remove the option for 20-minute speeches on the Tuesday adjournment
- require that speakers' names for the Tuesday adjournment be provided to the Government Whips' Office by 5pm, but that this be a matter of practice not codified in the standing orders, and that senators may nevertheless speak if the need arises
- provide for an earlier start to sittings on Tuesday (noon, instead of 12.30pm), in line with the House of Representatives
- move consideration of private senators' bills from Thursday morning to Monday morning.

The committee agreed that the proposed changes should take effect from the next sitting week until 30 June 2018, and would be reviewed by the committee before that date.

Recommendation 1

The committee **recommends** that the Senate adopt the proposed amendments to the standing orders in Appendix 1, and that the changes take effect as temporary orders from the next sitting week until 30 June 2018.

The committee also considered, but did not reach agreement on, proposals from the working group to change arrangements for motions to take note of answers, under standing order 72(4). The committee notes that crossbench senators continue to be concerned about current opportunities to contribute to debate on such motions.

Tracking public interest immunity claims

The committee noted that there has been some improvement in adherence to guidance in the committee's [second report of 2015](#) about practices which should be followed in making public interest immunity claims.

However, the committee also noted that rates of compliance with orders were reasonably low and considered that there may be scope for compliance efforts to be sharpened by an order of continuing effect requiring governments to report to the Senate every 6 months on orders that remain on the Notice Paper.

Recommendation 2

Accordingly, the committee **recommends** that the Senate adopt an order of continuing effect in the following terms:

Report on outstanding orders for documents

- (1) That there be laid on the table by the Leader of the Government in the Senate, not later than 2 calendar months after the last day of each financial year and calendar year, a list showing details of all orders for the production of documents made during the current Parliament which have not been complied with in full, together with a statement indicating whether resistance to them is maintained and why, and detailing any changing circumstances that might allow reconsideration of earlier refusals.
- (2) This order is of continuing effect.

Absence of a senator during a vote due to misadventure

The committee considered a letter from Senator Reynolds, referred by the then President, requesting that it review the circumstances of a senator's absence for a vote on 11 May 2017, and a request on the next day of sitting (13 June) that the vote be taken again. The committee endorsed a background note about 'misadventure', the circumstances of the particular matter, and options for rescinding and revisiting votes. The note is published at Appendix 2.

Mode of dress and a possible 'time out' rule

The committee considered matters referred to the committee by then President Parry on 4 September 2017, and the possible 'time out' rule for the Senate attached to the referral (Appendix 3). The committee noted that, President Parry had indicated that he would not support introduction of the 'time out' rule unless there was broad support for it. Committee members indicated that there was not broad support for the proposal, and the committee resolved that the proposed time out rule should not progress.

On the question of the need to implement an order relating to the dress of senators, the committee agreed that existing rules were sufficient and that current practice (which leaves choice of dress to the good judgement of senators) should continue. The

committee agreed to incorporate in its report the exhortation to senators in the last part of President Parry's statement to the Senate on 4 September 2017, namely:

I again reiterate that the mode of dress is a matter for all senators but would ask that the respect and dignity of the Senate is forefront in the minds of each and every one of us when making such decisions.

Parliamentary Code for respecting cultural diversity and proposal to amend standing order 193—Rules of debate

The committee considered the two matters referred by the Senate on 6 September 2017 (Appendix 4) but did not agree to adopting the proposed code as an order of the Senate, and did not agree to the amendments proposed to standing order 193.

Senator Sue Lines
Chair

