

Appendix 2



PARLIAMENT OF AUSTRALIA

PRESIDENT OF THE SENATE
SENATOR THE HONOURABLE SCOTT RYAN

REF: PC18-000243

Senator Sue Lines
Deputy President of the Senate
Chair of Committees
Parliament House
CANBERRA ACT 2600

Dear Senator  Lines

I am writing to you as Chair of the Procedure Committee to ask that the Committee consider the adequacy of rules and practices concerning the format and content of Notices of Motion.

Standing order 76(7) requires that, *"A notice shall consist of a clear and succinct proposed resolution or order of the Senate relating to matters within the competence of the Senate, and shall not contain statements, quotations or other matter not strictly necessary to make the proposed resolution or order intelligible."*

An examination of Notice Papers from recent years would identify a significant drift away from both the requirement that notices be succinct and that they not contain extraneous matter, a fact that has been drawn to my attention by senators on multiple occasions. Although standing order 76(8) permits the President to delete extraneous matter or require senators to reframe notices which are not in order, these powers have been exercised with great circumspection for many years; a practice I would prefer not to change unilaterally – although I note that Presidents in the 1990s tended to be more active in this regard.

The language of these standing orders 76(7) and (8) was proposed by the Procedure Committee in a report dated June 1989. The committee noted the tendency of senators to include statements, arguments and materials which it regarded as more appropriate for debate on the motions, rather than included in the motion text itself. The report suggested that longer argumentative motions were contrary to the rationale of formal business, which was intended to be restricted to formalities necessary for the conduct of the chamber.

For my own part, I consider that longer, more complex notices moved at formal business time also tend to generate more of the already ubiquitous 'one minute statements'; a practice which tends to allow government, opposition and party leaders to put their party positions, but denies backbench senators the same opportunity. I am concerned at this particular impact as well as the possibility that as motions become increasingly complex and senators are denied opportunities, the only option remaining is to deny leave for a motion to be taken as formal, which in my view would impact the wider operation of the chamber.

It may also be relevant to consider that the growth in the contribution of 'one minute statements' was initially undertaken in lieu of divisions being called. This 'trade off' is slipping away and it is now common to have a division following statements by leave.

If the committee considers that any changes to the rules or practices for dealing with such notices are desirable, I would appreciate the committee reporting to the Senate on that matter.

Yours sincerely

SCOTT RYAN

29 May 2018