

Gender specific language in the standing orders: mark-up of affected standing orders

CHAPTER 2

OFFICE OF THE PRESIDENT

6 Election of President

- (1) Whenever the office of President becomes vacant, whether because of section 17 of the Constitution or of the standing orders, the Clerk shall act as ~~chairman~~ **chair** of the Senate prior to the election of the President, and shall have the powers of the President under the standing orders while so acting.
- (2) A senator, addressing the Clerk, shall propose to the Senate as President some senator then present, and move that that senator take the chair of the Senate as President. The senator proposing the motion and any senator speaking to it may speak for not longer than 15 minutes.
- (3) If only one senator is proposed as President, the senator so proposed is called by the Senate to the chair without any question being put, shall express a sense of the honour proposed to be conferred on the senator, and shall be conducted to the chair.
- (4) If 2 or more senators are proposed as President, a motion shall be made regarding each such senator, that that senator take the chair of the Senate as President, and each senator so proposed shall express a sense of the honour proposed to be conferred on the senator, and may address the Senate.

CHAPTER 3

DEPUTY PRESIDENT AND ~~CHAIRMAN~~ CHAIR OF COMMITTEES

9 Term of office

- (1) At the commencement of the sittings next ensuing after the 30th day of June following each periodical election, or at the commencement of the session after a general election of the Senate, or when any vacancy occurs, the Senate shall appoint a senator to be Deputy President and ~~Chairman~~ **Chair** of Committees.
- (2) The office of Deputy President and ~~Chairman~~ **Chair** of Committees shall become vacant:
 - (a) on the day next before the first sitting day of the Senate after the 30th day of June following a periodical election; and
 - (b) on the date of a proclamation dissolving the Senate.

(amended 6 May 1993)

10 Appointment of Deputy President

The Deputy President and ~~Chairman~~ **Chair** of Committees shall be appointed in a similar manner to the President.

11 Duty of ~~Chairman~~ Chair

The ~~Chairman~~ **Chair** of Committees shall take the chair of the committee at the table whenever a committee of the whole is constituted.

12 Temporary ~~Chairman~~ Chairs

The President shall nominate at the commencement of each Parliament a panel of not less than 2 senators who may act as Temporary ~~Chairmen~~ **Chairs** of Committees when requested so to do by the ~~Chairman~~ **Chair** of Committees, or when the ~~Chairman~~ **Chair** of Committees is absent.

CHAPTER 4

ABSENCE OF PRESIDENT, DEPUTY PRESIDENT AND OFFICERS

15 Relief of President

- (1) The Deputy President shall take the chair whenever requested so to do by the President during a sitting of the Senate, without any formal communication to the Senate.
- (2) During the absence of the Deputy President, the President may call upon any one of the Temporary ~~Chairmen~~ **Chairs** of Committees to relieve temporarily in the chair, without any formal communication to the Senate.

CHAPTER 5

STANDING AND SELECT COMMITTEES

Standing committees

19 Appropriations and Staffing

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- (6) The ~~chairman~~ **chair** of the committee shall be the President, who may from time to time appoint another member of the committee to be deputy ~~chairman~~ **chair**, who shall act as ~~chairman~~ **chair** at any time when there is no ~~chairman~~ **chair** or the ~~chairman~~ **chair** is not present at a meeting of the committee.
- (7) Where the votes on any question before the committee are equally divided, the ~~chairman~~ **chair**, or the deputy ~~chairman~~ **chair** when acting as ~~chairman~~ **chair**, shall have a casting vote.

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22A Senators' Interests

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- (5) The ~~chairman~~ **chair** may from time to time appoint a member of the committee to be deputy ~~chairman~~ **chair**, and the member so appointed shall act as ~~chairman~~ **chair** of the committee when there is no ~~chairman~~ **chair** or the ~~chairman~~ **chair** is not present at a meeting of the committee.
- (6) Where votes on a question before the committee are equally divided, the ~~chairman~~ **chair**, or the deputy ~~chairman~~ **chair** when acting as ~~chairman~~ **chair**, shall have a casting vote.
- (7) The committee shall have power to send for persons or documents, but shall not exercise that power, nor undertake an investigation of the private interests of any person, except in accordance with a decision agreed to by not less than 3 members of the committee other than the ~~chairman~~ **chair**.

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23 Regulations and Ordinances

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- (6) The committee shall elect as ~~chairman~~ **chair** a member appointed to the committee on the nomination of the Leader of the Government in the Senate.
- (7) The ~~chairman~~ **chair** may from time to time appoint a member of the committee to be deputy ~~chairman~~ **chair**, and the member so appointed shall act as ~~chairman~~ **chair** of the committee when there is no ~~chairman~~ **chair** or the ~~chairman~~ **chair** is not present at a meeting of the committee.

- (8) Where votes on a question before the committee are equally divided, the ~~chairman~~ **chair**, or the deputy ~~chairman~~ **chair** when acting as ~~chairman~~ **chair**, shall have a casting vote.

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24 Scrutiny of Bills

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- (4) The committee shall elect as ~~chairman~~ **chair** a member appointed to the committee on the nomination of the Leader of the Opposition in the Senate.
- (5) The ~~chairman~~ **chair** may from time to time appoint a member of the committee to be deputy ~~chairman~~ **chair**, and the member so appointed shall act as ~~chairman~~ **chair** of the committee when there is no ~~chairman~~ **chair** or the ~~chairman~~ **chair** is not present at a meeting of the committee.
- (6) When votes on a question before the committee are equally divided, the ~~chairman~~ **chair**, or the deputy ~~chairman~~ **chair** when acting as ~~chairman~~ **chair**, shall have a casting vote.

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General committee provisions

28 Time for reporting

On the appointment of every committee other than a standing committee a day shall be fixed for the reporting of its proceedings to the Senate, by which day the final report of the committee shall be presented by the ~~chairman~~ **chair**, unless further time is moved for and granted.

30 Meetings

- (1) The mover of a committee, if a member of it, shall fix the time for the first meeting of the committee; if the mover is not a member the secretary shall fix the time.
- (2) Notice of meetings subsequent to the first meeting shall be given by the secretary attending the committee:
- (a) pursuant to resolution of the committee;
 - (b) on instruction of the ~~chairman~~ **chair**; or
 - (c) upon a request by a quorum of members of the committee.
- (3) A committee is authorised to hold meetings by electronic communication without the members of the committee or witnesses being present in one place, provided that:
- (a) when a committee deliberates, members of the committee constituting a quorum are able to speak to, and hear, each other contemporaneously;

- (b) when a witness gives oral evidence, members of the committee constituting a quorum are able to hear the witness contemporaneously and to put questions to the witness in each other's hearing; and
- (c) the chair of such a meeting takes care to ensure that a quorum is maintained during the meeting and that the standing orders and rules of the Senate are observed.

(amended 13 February 1997)

31 Chairman Chair

A committee, before transacting any business, shall elect one of its members to be ~~chairman~~ **chair**, who, unless it is otherwise provided, shall have a deliberative vote only.

34 Powers

- (1) The Senate may give a committee power to send for persons and documents, and a committee with that power may summon witnesses and require the production of documents.
- (2) The ~~chairman~~ **chair** of a committee shall direct the secretary attending the committee to invite or summon witnesses and request or require the production of documents in accordance with the orders of the committee.

38 Reports

- (1) The ~~chairman~~ **chair** of a committee shall prepare a draft report and submit it to the committee.
- (2) After a draft report has been considered and agreed to by a committee, with or without amendment, a minority or dissenting report may be added to the report by any member or group of members, and any member or participating member may attach to the report relevant conclusions and recommendations of that member.
- (3) If any senator other than the ~~chairman~~ **chair** submits a draft report to a committee, the committee shall first decide upon which report it will proceed.
- (4) After a draft report has been considered the whole or any part of it may be reconsidered and amended.
- (5) A report of a committee shall be signed and presented to the Senate by the ~~chairman~~ **chair**.
- (6) By order of the Senate a committee may report from time to time its proceedings or evidence.
- (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 ~~Chairmen~~ **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 ~~Chairman~~ **Chair** of Committees, as the case may be, may give directions for the printing and circulation of the report; and
- (d) the President shall lay the report upon the table at the next sitting of the Senate.

(amended 24 August 1994, 13 February 1997)

CHAPTER 8

SITTINGS, QUORUM AND ADJOURNMENT OF THE SENATE

52 Quorum during sitting

- (1) If it appears, on the report of a division of the Senate by the tellers, that a quorum is not present, the President shall adjourn the Senate till the next sitting day; and no decision of the Senate shall be considered to have been arrived at by such division.
- (2) When the President is informed by the ~~Chairman~~ **Chair** of Committees that a quorum is not present, the bells shall be rung for 4 minutes; the President shall then count the Senate, and if no quorum is then present, shall adjourn the Senate till the next sitting day; but if a quorum is then present, the President shall leave the chair and the committee resume.
- (3) If a senator draws attention to the lack of a quorum, the bells shall be rung for 4 minutes; the President shall then count the Senate, and, if a quorum is not present, shall adjourn the Senate till the next sitting day.
- (4) When the attention of the President, or of the ~~Chairman~~ **Chair** of Committees, has been called to the absence of a quorum, a senator shall not leave the chamber until the Senate has been counted by the President.
- (5) The doors of the Senate shall be unlocked when the President is counting the Senate.
- (6) When the Senate is adjourned for lack of a quorum the names of the senators present shall be entered in the Journals.
- (7) Time taken to form a quorum shall not be regarded as part of the amount of time allowed for a senator to speak in a debate or ask a question or for a debate.

(amended 13 February 1997)

54 Adjournment without motion

- (1) At the time specified for each sitting day, the President shall propose the question that the Senate do now adjourn, and that question shall be open to debate.
- (2) If the Senate is in committee at that time, the ~~chairman~~ **chair** shall leave the chair and report to the Senate, and on such a report being made the President shall forthwith propose the question that the Senate do now adjourn, and that question shall be open to debate.
- (3) If the Senate or the committee is in division at that time the President shall not propose that question or the ~~chairman~~ **chair** leave the chair till the result of the division has been declared.

- (4) If the consideration of government documents under standing order 61 or the consideration of committee reports under standing order 62(1) concludes before the expiration of the times provided, the question for the adjournment shall then be proposed.
- (5) Except on Tuesday 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 any day. On Tuesday 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.
- (6) On the question for the adjournment of the Senate on Tuesday, a senator who has spoken once subject to the time limit of 10 minutes may speak again for not more than 10 minutes if no other senator who has not already spoken once wishes to speak, provided that a senator may by leave speak for not more than 20 minutes on one occasion.

(amended 13 February 1997, 7 December 1998, 28 August 2002, 10 March 2009)

CHAPTER 9

TIMES OF SITTINGS AND ROUTINE OF BUSINESS

55 Times of meetings

- (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 – adjournment
Wednesday	9.30 am – 8 pm
Thursday	9.30 am – 8.40 pm.
- (2) The President, at the request of an absolute majority of the whole number of senators that the Senate meet at a certain time, shall fix a time of meeting in accordance with that request, and the time of meeting shall be notified to each senator.
- (3) For that purpose a request by the leader or deputy leader of a party in the Senate shall be deemed to be a request by every senator of that party.
- (4) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.
- (5) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Temporary ~~Chairmen~~ **Chairs** of Committees, who shall be required to summon the Senate on behalf of the President, in accordance with this standing order.

(amended 13 February 1997, 4 September 1997, 7 December 1998, 28 August 2002, 14 May 2003)

68 Interruption of business

- (1) If any business before the Senate or a committee of the whole is interrupted by the operation of any standing or other order, such business may be dealt with at a later hour of the day, or shall be set down on the Notice Paper for the next day of sitting.
- (2) Where an order of the Senate specifies a time for the consideration of a matter, at the specified time:
 - (a) if a question is before the Senate consideration of that question shall be interrupted, a senator speaking shall be taken to have leave to continue the senator's speech, and resumption of debate on that question shall be made an order of the day for a later hour of the day without any question being put;
 - (b) if the Senate is in committee the ~~chairman~~ **chair** shall report progress, and further consideration of the business before the committee shall be made an order of the day for a later hour of the day without any questions being put; or

- (c) if a vote is being taken the vote shall be completed and the procedures in paragraph (a) or (b) then followed as appropriate.

CHAPTER 18

DIVISIONS

99 Voting by President

- (1) The President and the Deputy President and ~~Chairman~~ **Chair** of Committees shall in all cases be entitled to a vote.
- (2) The President and the Deputy President and ~~Chairman~~ **Chair** of Committees when in the chair may vote by stating to the Senate or to the committee whether they vote with the “ayes” or with the “noes”.

101 Taking of divisions

- (1) Before a division is taken the Clerk shall ring the division bells for 4 minutes.
- (2) The doors shall be closed and locked as soon after the bells cease ringing as the President directs, and then no senator shall enter or leave the chamber until after the division.
- (3) When successive divisions are taken, and there is no debate after the first division, the bells for each ensuing division shall be rung for one minute only.
- (4) When the doors have been locked, and senators are in their places, the President shall state the question to the Senate, and then direct the “ayes” to proceed to the right of the chair, and the “noes” to the left, and shall appoint one teller for each side.
- (5) Every senator present when the question is stated shall vote, except the President, or the ~~Chairman~~ **Chair** of Committees in the chair of a committee, for whom voting shall be optional.
- (6) When a division has been called for, senators shall take seats on the side of the chamber on which they intend to vote, and shall not move from those seats after tellers have been appointed until the result of the division has been declared.

CHAPTER 20

BILLS

116 Consideration in committee

In committee of the whole the preamble shall stand postponed without question put, and the clauses shall be read in their order separately by the ~~chairman~~ **chair**, and on each clause the question shall be put by the ~~chairman~~ **chair**, that the clause stand as printed. The words of enactment at the head of the bill shall not be put to the committee.

120 Report from committee

- (1) When the consideration of a bill in committee of the whole has been concluded the question shall be put that this bill (or this bill as amended) be reported, and if that question is agreed to the ~~chairman~~ **chair** shall leave the chair and report the bill forthwith.
- (2) On the motion that the bill be reported the reconsideration of any clauses may be moved as an amendment.
- (3) If a bill is reported with amendments a future day shall be appointed for taking the report into consideration and moving its adoption, and the bill, as reported, shall be printed, but if no amendments have been made the report may be at once adopted.

124 Corrections

Amendments of a formal nature may be made, and clerical or typographical errors may be corrected, in any part of a bill by the ~~Chairman~~ **Chair** of Committees.

140 Requests on bills not amendable by the Senate

- (1) Requests to the House of Representatives may be made at all or any of the following stages of a bill which the Senate may not amend:
 - (a) On the motion for the first reading of the bill.
 - (b) In committee after the second reading has been agreed to.
 - (c) On consideration of any message from the House of Representatives referring to the bill.
 - (d) On the third reading of the bill.
- (2) A committee may recommend that the Senate make, press, or modify, and may generally deal with, requests on the bill.
- (3) Proceedings in committee shall be as follows:
 - (a) The ~~chairman~~ **chair** shall call on each clause or item, and put the question—That the clause or item be now passed without requests.

- (b) If motions for requests are moved and passed, the ~~chairman~~ **chair** shall put a further question—That the clause or item be now passed, subject to the requests being complied with.
 - (c) If either of those questions is negatived, it shall again be proposed by the ~~chairman~~ **chair**, and consideration of the clause or item may continue until either question is agreed to.
 - (d) At the request of a senator a clause or item shall be divided.
- (4) When a request to the House of Representatives is made a message shall be sent to the House of Representatives returning the bill and requesting the House to make amendments in the bill in accordance with the request.

142 Limitation of debate on bills

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- (3) On such further motion or motions with regard to the allotment of time, debate shall not exceed 60 minutes, and in speaking, a senator shall not exceed 10 minutes, and if the debate is not sooner concluded, forthwith upon the expiration of that time the President or the ~~chairman~~ **chair** shall put any questions on any amendment or motion already proposed from the chair.
- (4) For the purpose of bringing to a conclusion any proceedings which are to be brought to a conclusion on the expiration of the time allotted under any motion passed under the provisions of this standing order, the President or the ~~chairman~~ **chair** shall at the time appointed put forthwith the question on any amendment or motion already proposed from the chair, and, in the case of the consideration of any bill in committee, shall then put any clauses and any amendments and new clauses and schedules, copies of which have been circulated among senators 2 hours at least before the expiration of the allotted time, and any other question requisite to dispose of the business before the Senate or committee, and no other amendments, new clauses or schedules shall be proposed.

CHAPTER 21

COMMITTEES OF THE WHOLE

144 Proceedings in committee

- (1) A committee shall consider only the matters referred to it by the Senate.
- (2) A question in committee shall be decided in the same manner as in the Senate.
- (3) A motion contradictory of a previous decision of a committee shall not be entertained in the same committee.
- (4) A motion for the previous question may not be made in committee.
- (5) In committee senators may speak more than once to the same question, and, when a question has been proposed from the chair, shall confine themselves to that question.
- (6) Motions that the question be now put and that the ~~chairman~~ **chair** report progress and ask leave to sit again shall be moved without discussion and immediately put and determined, but neither of those motions shall be repeated within 15 minutes after either of them has been moved.
- (7) Except as otherwise provided by the standing orders, the same rules of the conduct of senators and of debate, procedure, and the conduct of business shall be observed in committee as in the Senate, the ~~Chairman~~ **Chair** of Committees being invested with the same authority as the President for the preservation of order, but disorder in a committee may be censured only by the Senate, on receiving a report.

145 Objection to ~~chairman's~~ **chair's** ruling

If objection is taken to a decision of the ~~Chairman~~ **Chair** of Committees, such objection must be stated at once in writing. The ~~chairman~~ **chair** shall then leave the chair, and the Senate resume. The matter having been laid before the President, and senators having addressed themselves to it, shall be disposed of, and the proceedings in committee shall be resumed where they were interrupted.

147 Quorum

- (1) The quorum in committee of the whole shall be the same as for the Senate.
- (2) If notice is taken of the absence of a quorum in committee, the ~~chairman~~ **chair** shall count the committee, and if after the bells have been rung for 4 minutes a quorum is not formed, or if it appears on a division (by which division no decision shall be taken to have been arrived at) that a quorum is not present, the ~~chairman~~ **chair** shall leave the chair and report to the Senate.
- (3) If the proceedings of a committee are interrupted by lack of a quorum and consequent adjournment of the Senate, the resumption of the committee

shall be an order of the day for the next day of sitting, and when the order is called on the proceedings shall be resumed at the point where they were interrupted.

148 Report of committee

- (1) When all matters referred to a committee have been considered, the ~~chairman~~ **chair** shall be directed to report to the Senate, and when the consideration of those matters has not been concluded, the ~~chairman~~ **chair** may be directed to report progress and ask leave to sit again.
- (2) A motion may be made at any time during the proceedings of a committee that the ~~chairman~~ **chair** report progress and ask leave to sit again.
- (3) Resolutions reported from a committee may be agreed to or disagreed to by the Senate, or agreed to with amendments, recommitted to the committee, or the further consideration of them postponed.

CHAPTER 26
TABLING OF DOCUMENTS

166 Other methods of tabling documents

- (1) Other documents may be presented pursuant to statute, by the President, or by a minister.
- (2) If:
 - (a) the President certifies that a document is to be presented to the Senate; or
 - (b) a minister or the Auditor-General provides 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 ~~Chairmen~~ **Chairs** of Committees, a document which is to be laid before the Senate,
on the certification or the provision of the document, as the case may be:
 - (c) the document shall be deemed to have been presented to the Senate;
 - (d) the publication of the document is authorised by this standing order;
 - (e) the President, the Deputy President, or the Temporary ~~Chairman~~ **Chair** of Committees, as the case may be, may give directions for the printing and circulation of the document; and
 - (f) the President shall lay the document on the table at the next sitting of the Senate.

(amended 13 February 1997, 7 December 1998)

CHAPTER 30**WITNESSES****177 Senators as witnesses**

- (1) When the attendance of a senator is ordered by the Senate, the senator shall be summoned by the President to attend in the senator's place.
- (2) If a committee requires the attendance of a senator as a witness, the ~~chairman~~ **chair** shall, in writing, request the senator to attend, and if the senator declines to attend or to give evidence, the committee shall report the matter to the Senate.
- (3) The Senate may order a senator to attend a Senate committee and to give evidence to the committee.

CHAPTER 31

CONDUCT OF SENATORS AND RULES OF DEBATE

196 Tedious repetition

The President or the ~~Chairman~~ **Chair** of Committees may call the attention of the Senate or the committee, as the case may be, to continued irrelevance or tedious repetition, and may direct a senator to discontinue a speech, but that senator may require that the question whether the senator be further heard be put, and then that question shall be put without debate.

203 Infringement of order

- (1) If a senator:
 - (a) persistently and wilfully obstructs the business of the Senate;
 - (b) is guilty of disorderly conduct;
 - (c) uses objectionable words, and refuses to withdraw such words;
 - (d) persistently and wilfully refuses to conform to the standing orders; or
 - (e) persistently and wilfully disregards the authority of the chair,the President may report to the Senate that the senator has committed an offence.
- (2) If an offence has been committed by a senator in a committee of the whole, the ~~chairman~~ **chair** may suspend the proceedings of the committee and report the offence to the President.
- (3) A senator who has been reported as having committed an offence shall attend in the senator's place and be called upon to make an explanation or apology, and then a motion may be moved that the senator be suspended from the sitting of the Senate. No amendment, adjournment or debate shall be allowed on such a motion, which shall be immediately put by the President.