

The Senate

Procedure Committee

Routine of business – proposals for discussion

Photography in the Senate Chamber

Seating for members of the House of Representatives on
the floor of the Senate Chamber

Third report of 2014

September 2014

© Commonwealth of Australia 2014

ISBN 978-1-76010-087-2

This document was produced by the Office of the Clerk of the Senate and printed by the Senate Printing Unit, Parliament House, Canberra

MEMBERS OF THE COMMITTEE

Senator the Hon Stephen Parry
President of the Senate

Senator Gavin Marshall
Deputy President and Chair of Committees, **Chair**

Senator the Hon Eric Abetz
Leader of the Government in the Senate

Senator the Hon Penny Wong
Leader of the Opposition in the Senate

Senator David Bushby

Senator the Hon John Faulkner

Senator the Hon Mitch Fifield

Senator Anne McEwen

Senator Anne Ruston

Senator Rachel Siewert

The Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 3350
Facsimile: (02) 6277 3199
E-mail: clerk.sen@aph.gov.au
Internet: www.aph.gov.au

Procedure Committee

Third report of 2014

The committee reports to the Senate on the following matters discussed at its meeting on 4 September 2014.

Routine of business—proposals for discussion

Members of the committee provided feedback on the proposals presented for consultation in the committee's Second report of 2014. While there were some reservations about the proposals to change the arrangements for the adjournment debate, the committee agreed that the proposals should be tested on a trial basis.

The committee agreed that it should **recommend** that the Senate adopt as temporary orders the various changes to standing orders contained in Attachment 1, with effect from 30 September, in relation to the following procedures:

- the consolidation of opportunities for tabling and considering documents and committee reports – designed to simplify the current arrangements which can be a source of confusion for senators;
- streamlining of procedures to manage routine extensions of time for standing committees and routine authorisation for committees of all kinds to meet while the Senate is sitting;
- removal of the standing order 75 opportunity on Thursdays;
- relocation of the open-ended adjournment debate with its three-level speaking time limits to Thursdays and extension of the adjournment debate on Tuesdays to a fixed time of 2 hours and 10 minutes with senators able to speak for 5 minutes (or 10 minutes when all 5 minute speakers have finished);
- the renaming of Matters of public interest at 12.45 pm on Wednesdays to “Senators’ statements” and the imposition of a 10 minute speaking time limit to allow more senators to participate.

A new routine of business chart showing the effect of adopting the proposed changes is at Attachment 1A.

The committee will draw these proposals to the attention of those cross-bench senators not represented on the committee and has instructed the Clerk to offer briefings to those senators and any others who may be interested.

The committee intends to give notice on 22 September 2014 (for 24 September 2014) of motions to adopt these temporary orders with effect from 30 September 2014.

Photography in the Senate chamber

This matter was referred to the committee by the President of the Senate pursuant to standing order 17(3). The issue is described in a background paper at Attachment 2.

The committee agrees that the order of the Senate of 21 March 2002, restricting media photographers to taking photographs only of senators with the call, creates difficulties for the media because of different rules applied by each House. The committee also agrees that the order may be seen as unduly restrictive and inconsistent with the unrestricted broadcasting of the complete proceedings of the Senate through the internet.

The committee therefore **recommends** that the order of the Senate of 21 March 2002 should cease to have effect on and from 30 September 2014 and will be giving notice to this effect on 22 September 2014 (for 24 September 2014). The committee also urges the President of the Senate to inform senators in a prominent fashion of the change in procedure.

Seating for members of the House of Representatives on the floor of the Senate chamber

An order of the Senate of 18 May 1993 requires the President to provide chairs on the floor of the chamber in front of the broadcasting booth as a gallery for visiting members of the House of Representatives.

The committee notes that the space provided for advisers of cross-bench senators at the eastern end of the chamber has expanded since 1 July 2014 to accommodate advisers for a larger number of cross-bench senators. There is now little demarcation between seats for advisers attending in the chamber to advise senators, and the gallery for members of the House of Representatives attending to observe Senate proceedings.

The committee considers that it would assist the President of the Senate (in consultation with senators) to consider more effective arrangements for a Members' Gallery if the requirement for it to be located in front of the broadcasting booth were removed.

The committee **recommends** that the order be amended accordingly, and indicates that it proposes to give notice of a motion to this effect on 22 September 2014 (for 24 September 2014).

The committee thanks the President of the Senate for bringing this matter to its attention.

A handwritten signature in black ink, appearing to read "Gavin Marshall". The signature is written in a cursive style with a large, prominent initial "G" and "M".

Senator Gavin Marshall
(Chair)

Proposed temporary orders to implement changes to procedures

That the following amendments of standing orders operate as temporary orders until 30 June 2015, with effect from 30 September 2014:

(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) Adjournment – standing order 54

Omit paragraphs (5) and (6), substitute:

- (5) On Monday and Wednesday 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 Tuesday at the expiration of 2 hours and 10 minutes, on Thursday 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.
- (5A) On the question for the adjournment of the Senate on Tuesday, a senator shall speak to that question for not more than 5 minutes, but if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes.
- (6) On the question for the adjournment of the Senate on Thursday, a senator shall speak to that question for not more than 5 minutes, except in accordance with the following paragraphs:
- (a) if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes; and
 - (b) if no other senator wishes to speak under paragraph (a), a senator who has not already spoken may speak for up to 20 minutes.

(8) Consequential amendments in relation to the adjournment

(a) Standing order 55

Omit paragraph (1), substitute:

- (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 – 9.30 pm

Wednesday 9.30 am – 8 pm

Thursday 9.30 am – adjournment.

*(*note that under another temporary order, this time has been changed to 10 am)*

(b) Standing order 57(1)

On Tuesday, insert “At 9.30 pm,” before “adjournment”.

On Thursday, omit “At 8.40 pm, adjournment”, substitute “Adjournment”.

(9) 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 1A

Senate Routine of Business chart showing the effect of adopting the proposed changes

Monday	Tuesday
<p>10 am‡ Prayers and acknowledgement of country</p> <p>Documents (Presented pursuant to order)</p> <p>Committees—authorisation to meet</p> <p>Government business only</p> <p>2 pm Questions</p> <p>Motions to take note of answers (Time limit: 30 mins)</p> <p>Petitions</p> <p>Notices of motion</p> <p>Placing of business</p> <p>Discovery of formal business</p> <p>MPI or urgency motion (Time limit: 1 hr, or if no motions to take note, 90 mins)</p> <p>Consideration of documents tabled earlier in the day (SO 61—Time limit: 30 mins)</p> <p>Ministerial statements</p> <p>Committee memberships</p> <p>Messages from House of Representatives</p> <p>Order of business</p> <p>6.30 to 7.30 pm Sitting suspended— (DINNER BREAK)</p> <p>7.30 pm Order of business continued</p> <p>9.50 pm Adjournment proposed (Time limit: 40 mins)</p>	<p>12.30 pm Prayers and acknowledgement of country</p> <p>Documents (Presented pursuant to order)</p> <p>Committees—authorisation to meet</p> <p>Government business only</p> <p>2 pm Questions</p> <p>Motions to take note of answers (Time limit: 30 mins)</p> <p>Petitions</p> <p>Notices of motion</p> <p>Placing of business</p> <p>Discovery of formal business</p> <p>MPI or urgency motion (SO 75—Time limit: 1 hr, or if no motions to take note, 90 mins)</p> <p>Consideration of documents tabled earlier in the day (SO 61—Time limit: 30 mins)</p> <p>Tabling and consideration of committee reports (SO 62(4)—Time limit: 1 hr)</p> <p>Ministerial statements</p> <p>Committee memberships</p> <p>Messages from House of Representatives</p> <p>Order of business</p> <p>7.20 pm Adjournment proposed (Time limit: 2 hrs 10 mins)</p>

‡ Temporary order agreed to 22 November 2010 upon adoption of recommendation in the Procedure Committee's 4th report of 2010; continuation agreed to 12 May 2011, 24 November 2011, 27 June 2012 upon adoption of recommendation in the Procedure Committee's 1st report of 2012, 6 February 2013, and 14 November 2013

Wednesday	Thursday
<p>9.30 am Prayers and acknowledgement of country</p> <p>Documents (<i>Presented pursuant to order</i>)</p> <p>Committees—authorisation to meet</p> <p>Government business only</p> <p>12.45 pm Senators' statements (SO 57(2))</p> <p>2 pm Questions</p> <p>Motions to take note of answers (<i>Time limit: 30 mins</i>)</p> <p>Petitions</p> <p>Notices of motion</p> <p>Placing of business</p> <p>Discovery of formal business</p> <p>MPI or urgency motion (SO 75—<i>Time limit: 1 hr, or if no motions to take note, 90 mins</i>)</p> <p>Consideration of documents tabled earlier in the day (SO 61—<i>Time limit: 30 mins</i>)</p> <p>Tabling and consideration of committee reports (SO 62(4)—<i>Time limit: 1 hr</i>)</p> <p>Ministerial statements</p> <p>Committee memberships</p> <p>Messages from House of Representatives</p> <p>Order of business</p> <p>7.20 pm Adjournment proposed (<i>Time limit: 40 mins</i>)</p>	<p>9.30 am Prayers and acknowledgement of country</p> <p>Committees—authorisation to meet</p> <p>‡ General business, orders of the day for consideration of bills (SO 57(1)—<i>Time limit: 2 hrs and 20 mins</i>)</p> <p>Petitions</p> <p>Notices of motion</p> <p>Placing of business</p> <p>Discovery of formal business</p> <p>Committee memberships</p> <p>Messages from House of Representatives</p> <p>Order of business</p> <p>12.45 pm Non-controversial government business only</p> <p>2 pm Questions</p> <p>Motions to take note of answers (<i>Time limit: 30 mins</i>)</p> <p>Tabling and consideration of committee reports (SO 62(4)—<i>Time limit: 1 hr</i>)</p> <p>Ministerial statements</p> <p>Not later than 4.30 pm General business (<i>Notices of motion and orders of the day</i>)</p> <p>Not later than 6 pm General business, cont. (SO 61(3)—<i>Consideration of documents. Time limit: 1 hr</i>)</p> <p>Not later than 7 pm Consideration of committee reports and government responses and Auditor-General's reports (SO 62—<i>Time limit: 1 hr</i>)</p> <p>8 pm Adjournment proposed (<i>No time limit</i>)</p>

Background paper – Photography in the Senate Chamber

August 2014

Background

The Federal Parliamentary Press Gallery Committee has requested that the rules relating to photography in the Senate Chamber be reviewed. The President has referred this matter to the Senate Standing Committee on Procedure for its consideration. This paper provides background information to this issue.

Rules governing photography in the Senate Chamber

Photography in the Senate Chamber is governed by a resolution of the Senate and rules issued by the Presiding Officers.

Resolution of the Senate

In March 2002, the Senate resolved that “Photographs of any senator may be taken by the media in the chamber whenever that senator has the call.”¹

Rules for Media Related Activity in the Parliamentary Precincts

Media activity within the Parliamentary precincts is governed by the *Rules for Media Related Activity in Parliament House and its Precincts, November 2012* (‘Media Rules’). The Media Rules were issued by the Presiding Officers under authority of section 6 of the *Parliamentary Precincts Act 1988*, following a review of the existing guidelines conducted by the members of the Joint Committee on Broadcasting of Parliamentary Proceedings.² The Media Rules were disseminated in February 2013.

Photography in the Senate chamber

Under paragraph 5.7 of the Media Rules, Press Gallery photographers are permitted to take photographs in the Senate and the House of Representatives chambers under certain conditions, including:

¹ 21 March 2002 J.269 (on a motion of Senator Brown moved as formal business).

² In 2011 the Presiding Officers wrote to the members of the Joint Committee on Broadcasting asking them to conduct a review of media arrangements applying in Parliament House and the exiting *Guidelines for Filming and Photography and General Media Rules in Parliament House and its Precincts, December 2008*. Due to the narrow statutory role of the Joint Broadcasting Committee, the review was not conducted formally by the Committee. Rather, it was an informal review conducted by the members of the Broadcasting Committee upon the request of the Presiding Officers. Parliamentary Officers from the House of Representatives provided support for the review. The Parliamentary departments and the media made submissions to the review and meetings with media representatives were held. New draft rules were prepared and the chair and deputy chair of the Committee then recommended the document to the Presiding Officers to promulgate.

- directions from the Chair must be followed
- photographs must not be taken closer than head and shoulders distance
- photographs cannot be taken of documents on electronic devices
- photographs must not be taken of disturbances, persons in the galleries or persons in the chamber environs, and
- flashes must not be used.

As noted above, in the Senate Chamber a further restriction applies in accordance with the 2002 resolution of the Senate. This is reflected in the paragraph 5.7 of the Media Rules which states:

Authorised still photographic access in the Senate chamber is further subject to an undertaking to comply with the following condition: (a) photographs of any Senator may be taken by the media in the chamber whenever that senator has the call.

The effect of this resolution is that photographs can only be taken of senators with the call: broader shots of the chamber, senators without the call, or groups of senators are not permitted.

From time to time this rule is relaxed, with the permission of the President or his delegate (the Usher of the Black Rod), for significant events such as the opening of Parliament. This is reflected in paragraph 5.8 of the Media Rules which states:

Alternative arrangements for still photographic access may apply during other significant events (e.g. address to the houses by a Head of State). The Presiding Officers' delegates will consult the Federal Parliamentary press Gallery Committee in advance of such arrangements being made.

One further difference between the rules that apply in the Senate and the House of Representatives chambers relates to the number of photographers that can be in the galleries at any one time. In the Senate, there is no limit on the number of photographers that can be in the Press Gallery, however, there is a cap of five photographers that can be present across the public galleries at any one time. In the House of Representatives, the maximum number of photographers across all galleries at any one time is 20.

In addition to Press Gallery photographers, the Auspic photographer is also permitted to take photographs in the Senate and House of Representatives chambers. Auspic is a unit within DPS that provides photographic services to the parliamentary departments and members of parliament. It is currently staffed by one photographer who works in both chambers and across the Parliament. The Auspic photographer takes photographs from the press and public galleries in the chambers and abides by the same rules as the Press Gallery photographers. On occasion the Auspic photographer will, with prior approval, take photographs of the chamber more broadly than Senators with the call

during significant events such as openings of parliament and upon the request of the department or DPS for use in promotional and educative resources. The role of Auspic is reflected in the Media Rules (5.2).

Members of the public are not permitted to take photographs in the Senate or House of Representatives chambers when in session. This rule is communicated clearly through signage before the entrances to the chambers and is reflected in the Media Rules (5.2).

The rules in practice

Generally, the Press Gallery photographers abide by the rules and restrict their photography to Senators with the call. Over the years there have, however, been numerous incidences of Press Gallery photographers breaching the rules. Most recently, in May this year, the Usher of the Black Rod took action in relation to two photographers who took photographs of a Senator who did not have the call. The photographers were issued with a warning under the Media Rules. A sample of photographs that breach the Media Rules is included as Attachment B.

In the House of Representatives Chamber, where photographers aren't restricted to taking photographs of members with the call, a range of photographs are taken; of individual members with or without the call; groups of members; or small sections of the chamber.

During the July sittings requests were received from members of the Press Gallery to be permitted to take photographs during divisions. The President subsequently sought and obtained the concurrence of the Senate to permit photographs during divisions for the remainder of the July sittings on the condition that: photographs must be broad shots of the Chamber only; that individual Senators or groups of Senators not be the focus of any shot; and that the Media Rules are otherwise complied with.³

Concerns raised by the press gallery

The Federal Parliamentary Press Gallery Committee has raised concerns with being restricted to taking photographs only of Senators with the call, noting the following points:

- no such restriction applies to the House of Representatives and consistency in the rules would promote greater awareness among photographers and reduce inadvertent breaches of the rules
- the restriction does not allow photographers to capture the breadth of the proceedings of the Senate, including capturing images of the debate as a whole or closer shots of Senators or groups of Senators engaged in proceedings

³ The definition of 'broad shot' was subsequently defined by the Usher of the Black Rod (in consultation with the President's Office) as follows: "for a shot to be 'broad' it does not have to incorporate the whole Chamber, as in all senators seats, as long as it is sufficiently broad to capture a large representative portion of the Chamber, and for it not to focus only on one Senator or group of Senators."

- the restriction is inconsistent with the rules relating to broadcasting whereby broad shots of the Chamber, and of smaller sections of the Chamber are captured.

It was also noted that the Media Rules differ for the two Chambers in relation to the number of photographers that can be present in the public galleries, with the Senate taking a more restrictive approach with regard to the public galleries.

Implementation of any changes

Any change to the current restriction created by the 2002 resolution of the Senate would require a further resolution of the Senate. Any change to the rules relating to photography in the Chamber that was resolved by the Senate would require a subsequent amendment to the Media Rules. The Media Rules are drafted in such a way that if the Senate determined to remove or otherwise change the restriction on photography contained in its 2002 resolution, a minor amendment to the Media Rules to delete or amend paragraph 5.7 is all that is required. Such an amendment would have no impact on the rules as they relate to the House of Representatives. An amendment to the Media Rules can be achieved administratively.

Rachel Callinan

Usher of the Black Rod