



18 October 2016

Senator Ian Macdonald
Chair, Senate Standing Committee on Legal and Constitutional Affairs

Dear Senator Macdonald

FURTHER HEARINGS OF ESTIMATES COMMITTEES

The Committee has asked for advice about the effect of the Senate Procedural Orders of Continuing Effect 9A and 9B.

These Orders of the Senate provide for committees to hold further hearings and it is best to read both as a series of options.

Apart from the provision for cross-portfolio Indigenous matters to be heard on Friday 21 October 2016, the Order of the Senate of 31 August 2016 does not make general provision for hearings, if required, on Friday. This means that paragraph 9A(1)(b) is the operative provision.

It provides that the first option is for a further hearing to be held on a *relevant* Friday [emphasis added]. In the case of the 2016 Supplementary Estimates hearings, the relevant Friday is October 21st. With the cross-portfolio Indigenous matters hearing to be held on Friday, 21 October, the effect of paragraph 9A(3) is that not more than three other committees may schedule further hearings this Friday.

Order 9B provides an alternative option, that an additional hearing can be held at a date and time to be determined if three senators notify the chair in writing.

Where members require a further hearing, it is up to each committee to negotiate the best option to use, taking into account the availability of senators, the minister and officials. For the hearing to be held, a quorum would be required under Standing Order 29 (ie either a majority of the committee, or two members, one nominated by the Government and one by the Opposition).

Resolutions 9A and 9B are quite clear that if three members of the committee notify the chair of a requirement for an additional hearing, it must go ahead, noting that scheduling will have to be negotiated. The resolutions cannot validly be set aside by a resolution of a committee to the contrary.

Finally, I understand that some committee members have asked how the term *specified period of time* in paragraph 9B is defined. Quite simply, this means a period of time which can mean specified hours, or a date, or a combination of both.

Please let me know if I can provide any further assistance.

Yours sincerely

(Rosemary Laing)