



THE SENATE
PROCEDURE COMMITTEE

FIRST REPORT OF 2002

ADJOURNMENT DEBATE
UNANSWERED QUESTIONS ON NOTICE

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The committee reports to the Senate on the following matters considered by the committee.

Adjournment debate

The committee considers that it would be helpful to senators if the debate on the question for the adjournment of the Senate with an unlimited total time, allowing any senator to speak, were moved from Monday to Tuesday.

The adjournment debate with unlimited total time is an opportunity for senators to bring to the attention of the Senate matters of their choice, with the certainty that they will not be prevented from doing so by the total time limit. Placing the debate on Monday, however, in practice inhibits senators in using that opportunity because of the late hour at which the adjournment is proposed on Monday (9.50pm). If more than a few senators speak at that time they prolong the sitting to an unreasonable hour. Moving the opportunity to Tuesday would remove that inhibition and allow better use of the occasion.

Attachment A shows the necessary amendments of standing orders 54(5), 55 (1) and 57(1). The committee recommends that this change operate as a sessional order until the Senate considers whether it should be adopted as a permanent change.

Unanswered questions on notice

Standing order 74(5) allows a senator to seek an explanation from a minister of the failure to answer any question on notice within 30 days, and to initiate a debate, with no total time limit, on any failure to answer any question on notice within that period. In effect, this provision allows any senator to impose a significant time and inconvenience penalty on the government for failure to answer a question on notice within 30 days.

Some members of the committee consider that it would be more reasonable to allow this remedy to be invoked only after a question on notice remains unanswered for 60 days. They consider that, given the large number of questions placed on notice and the complexity of many questions, this would be a more realistic time limit. They point out that, in any event, senators now usually do not make use of the remedy in the standing order until a question has remained unanswered for 60 days or more.

Attachment B shows the necessary amendment of standing order 74(5). If this proposal is agreed to by the Senate, the committee recommends that this change operate as a temporary order to the end of 2003 and that the Senate then consider whether it ought to be adopted as a permanent change.

Sue West
Deputy President
Chair of the Committee

ADJOURNMENT DEBATE

AMENDMENTS OF STANDING ORDERS 54, 55 AND 57

- 54(5) Except on ~~Monday-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 ~~Monday-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.
- 55(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 – adjournment <u>10.30 pm</u> |
| Tuesday | 2 pm – 8 pm <u>adjournment</u> |
| Wednesday | 9.30 am – 8 pm |
| Thursday | 9.30 am – 8.40 pm. |
- 57(1) (a) On Monday
- (i) Government business only
 - (ii) At 2 pm, questions
 - (iii) Motions to take note of answers
 - (iv) Petitions
 - (v) Notices of motion
 - (vi) Postponement and rearrangement of business
 - (vii) Formal motions – discovery of formal business
 - (viii) Any proposal to debate a matter of public importance or urgency
 - (ix) Government business
 - (x) At 9.50 pm, adjournment proposed
 - (xi) ~~Adjournment.~~At 10.30 pm, adjournment.
- (b) On Tuesday:
- (i) Questions
 - (ii) Motions to take note of answers
 - (iii) Petitions
 - (iv) Notices of motion
 - (v) Postponement and rearrangement of business
 - (vi) Formal motions – discovery of formal business
 - (vii) Any proposal to debate a matter of public importance or urgency
 - (viii) Government business
 - (ix) At 6.50 pm, consideration of government documents for up to 30 minutes under standing order 61
 - (x) At 7.20 pm, adjournment proposed
 - (xi) ~~At 8 pm, adjournment.~~Adjournment.

UNANSWERED QUESTIONS ON NOTICE

AMENDMENT OF STANDING ORDER 74

- 74(5) If a minister does not answer a question on notice asked by a senator within ~~30~~60 days of the asking of that question, and does not, within that period, provide to the senator who asked the question an explanation satisfactory to that senator of why an answer has not yet been provided:
- (a) at the conclusion of question time on any day after that period, the senator may ask the relevant minister for such an explanation; and
 - (b) the senator may, at the conclusion of the explanation, move without notice – That the Senate take note of the explanation; or
 - (c) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion with regard to the minister's failure to provide either an answer or an explanation.