

The Senate

Procedure Committee

Chairs and quorums in committees
Adjournment debate on Tuesdays

Second report of 2002

November 2002

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THE SENATE
PROCEDURE COMMITTEE
SECOND REPORT OF 2002

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

CHAIRS AND QUORUMS IN COMMITTEES

The committee has considered three problems which have often arisen in relation to meetings of the standing committees, particularly estimates hearings:

- the inability of any other senator to preside over a meeting of a committee in the temporary absence of both the chair and the deputy chair: if both the chair and the deputy chair are absent, a committee has no option other than to remove the chair or the deputy chair from office and elect a new chair or deputy chair for a period
- the obligation on the chair of a committee to suspend a committee meeting whenever a quorum is not present: this means that chairs are obliged to suspend meetings even in the temporary absence of a quorum, in contrast with the procedure in the Senate itself, where the proceedings are suspended until a quorum is formed only when a senator draws attention to the absence of a quorum
- participating members of a committee do not count towards a quorum.

In order to overcome these problems, the committee recommends the following amendments of the standing orders:

1. CHAIRS OF COMMITTEES

The committee's recommendation is to amend the standing orders so that either the chair or the deputy chair when presiding at a meeting of a committee may appoint another member of the committee to act as chair during the temporary absence of the chair or deputy chair for that meeting only.

The following shows the appropriate amendment of standing order 25(10):

- 25 (10)** (a) Each of 6 references committees shall elect as its chair a member nominated by the Leader of the Opposition in the Senate, and each of 2 references committees shall elect as its chair a member of the largest minority group in the Senate.
- (b) The chairs to which members nominated by the Leader of the Opposition in the Senate and members of the largest minority group are elected shall be determined by agreement between the opposition and the largest minority group, and, in the absence of agreement duly notified to the President, any question of the allocation of chairs shall be determined by the Senate.

- (c) Each legislation committee shall elect as its chair a member nominated by the Leader of the Government in the Senate.
- (d) Each committee shall elect one of its members as its deputy chair, and the member so elected shall act as the chair of the committee when the member elected as chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
- (e) Where the chair of a committee is a member nominated by the Leader of the Government in the Senate, the deputy chair shall be a member nominated by the Leader of the Opposition in the Senate or minority groups and independent senators, and where the chair is a member nominated by the Leader of the Opposition in the Senate or minority groups and independent senators, the deputy chair shall be a member nominated by the Leader of the Government in the Senate.
- (f) When votes on a question before a committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
- (g) The chair, or the deputy chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

2. QUORUMS IN COMMITTEES

The committee makes two recommendations:

A. To remove from the standing orders the requirement for the chair to suspend a meeting of a committee whenever there is not a quorum present, and to place committees on the same basis as the Senate, namely, that a quorum is called only if a senator draws attention to the absence of a quorum. Following is the appropriate amendment of standing order 29:

- 29** (1) In each committee and sub-committee, unless otherwise provided, a quorum shall be:
 - (a) a majority of the members of the committee or sub-committee; or
 - (b) 2 members, where one member present was appointed to the committee on the nomination of the Leader of the Government in the Senate and one member present was appointed to the committee on the nomination of the Leader of the Opposition in the Senate.
- (2) ~~When a quorum is not present at a meeting of a committee the chairman shall suspend the proceedings of the committee until a quorum is present, or adjourn the committee.~~ If a senator draws attention to the lack of a quorum at a meeting of a committee, the proceedings shall be suspended until a quorum is present, or, if a quorum is not present after 15 minutes, the committee shall then be adjourned.
- (3) If within 15 minutes after the time appointed for the meeting of a committee there is not a quorum, the senators present may retire, after entering their names in the minutes; and the secretary attending the committee shall convene a meeting for another time.

This would allow a member, a participating member, or the minister or parliamentary secretary at an estimates hearing to draw attention to the absence of a quorum.

B. To amend the standing orders to provide that participating members may count towards a quorum.

Following is the appropriate amendment of standing order 25(7):

- 25 (7)** (a) Senators may be appointed to the committees as substitutes for members of the committees in respect of particular matters before the committees.
- (b) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committees.
- (c) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.
- (d) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

Consequential amendment to standing order 26:

- 26 (8)** Participating membership of legislation committees shall not have effect in respect of proceedings on estimates, other than the formation of a quorum, but any senator may attend a meeting of a legislation committee in relation to estimates, question witnesses and participate in the deliberations of the committee at such a meeting and add a reservation to a report relating to estimates.

ADJOURNMENT DEBATE ON TUESDAYS

It has been submitted to the committee that the Senate should restore the opportunity which senators had in the past, but which now no longer exists, in speaking on a subject of their choice, to make a longer submission to the Senate than is permitted by the current speaking time limits. It was suggested that this opportunity be restored by allowing 20 minute speeches, rather than 10 minute speeches, during the adjournment debate which has no total time limit on Tuesdays.

The committee considers that the general speaking time limit on Tuesdays should not be extended to 20 minutes, but that senators should have an opportunity to make a second contribution of 10 minutes when no other senator who has not previously spoken once wishes to speak, with the possibility of speaking for 20 minutes without interruption by leave (this would take account of situations where, for example, there are only two senators wishing to speak on the adjournment).

The committee suggests that this procedure be put in place temporarily and assessed after a trial period. The committee therefore recommends the adoption of the following temporary order:

- 1) 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.

2) This order shall cease to have effect at the conclusion of the last sitting day in 2003.

John Hogg
Deputy President
Chair of the Committee