

The Senate

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## Procedure Committee

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Formal motions

First report of 2003

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## **MEMBERS OF THE COMMITTEE**

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Leader of the Government in the Senate

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**THE SENATE**  
**PROCEDURE COMMITTEE**  
**FIRST REPORT OF 2003**

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

**TIME OF MEETING ON TUESDAY**

The committee has given consideration to means whereby more time may be made available for business, particularly government business, in the Senate.

The committee suggests that the Senate meet at 12.30 pm on Tuesday, with the period from 12.30 pm to 2 pm available for government business only, as is the same period on Monday.

This would provide an extra 90 minutes for government business each week, without taking time from other business. It should not disrupt the party meetings which traditionally occur on Tuesday mornings.

The committee recommends that this proposal not be adopted until senators have had adequate opportunity to consider it and consult their colleagues.

The following amendments of the standing orders would give effect to the proposal.

**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   | <b>12.30 pm</b> – adjournment          |
| Wednesday | 9.30 am – 8 pm                         |
| Thursday  | 9.30 am – 8.40 pm.                     |

**57 Routine of business**

- (1) The routine of business shall be:
- (b) On Tuesday:
- (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 6.50 pm, consideration of government documents for up to 30 minutes under standing order 61
  - (xi) At 7.20 pm, adjournment proposed
  - (xii) Adjournment.

## SENATORS BREASTFEEDING INFANTS

Standing order 175(2) prohibits any person other than a senator, a clerk at the table or an officer attending on the Senate from entering the part of the chamber reserved for senators while the Senate is sitting. The same rule applies in other houses and other jurisdictions in Australia.

A recent incident in the Victorian Legislative Assembly drew attention to the fact that this rule would prevent a senator holding a breastfeeding infant in the chamber, such an infant being a person prohibited from entering the chamber by the standing order. Occasion for this could well arise now that there are young women senators.

The committee recommends that this problem be overcome by the following amendment of the standing order:

### **175      *Conduct of visitors***

- (1) Visitors may attend, in the galleries provided, a sitting of the Senate.
- (2) A person other than a senator, a clerk at the table or an officer attending on the Senate may not:
  - (a) attend a meeting of the Senate in private session; or
  - (b) enter any part of the Senate chamber reserved for senators while the Senate is sitting.
- (3) Paragraph (2) does not apply in respect of a senator breastfeeding an infant.**
- (4) The Usher of the Black Rod shall, subject to any direction by the Senate or the President, take into custody any person who enters any part of the chamber reserved for senators while the Senate is sitting, or causes a disturbance in or near the chamber, and a person so taken into custody shall be discharged out of custody in accordance with an order of the Senate.

## DEADLINE FOR RECEIPT OF BILLS

It has been suggested that the deadline for the receipt of bills contained in standing order 111 should not apply to bills which come to the Senate for a second time in accordance with section 57 of the Constitution. Such bills are either identical to bills which were considered by the two Houses of the Parliament at least three months earlier, or include only amendments which have also been considered by the two Houses on the previous occasion.

The committee agrees with this suggestion. The rationale of standing order 111 is to create a presumption that bills will not be proceeded with in the same period of sittings as their introduction, so that senators have adequate time to examine bills, and so as to avoid the end-of-sittings rush of bills which was regarded as a serious problem before the adoption of the standing order. These considerations do not apply to bills which make their appearance for a second time after a three month interval.

The committee therefore suggests that this proposal be adopted. The committee recommends that the proposal not be adopted until senators have had adequate opportunity to consider it and consult their colleagues.

The proposal may be put into effect by the following amendment of the standing order:

**111      *Initiation***

(5) Where a bill:

- (a) is first introduced in the Senate by a minister in a period of sittings; or
- (b) is received from the House of Representatives and was introduced in that House in the same period of sittings; or
- (c) is received from the House of Representatives after the expiration of two-thirds of the total number of days of sitting of the Senate scheduled for that period of sittings,

and a motion is moved for the second reading of the bill, debate on that motion shall be adjourned at the conclusion of the speech of the senator moving the motion and resumption of the debate shall be made an order of the day for the first day of sitting in the next period of sittings without any question being put.

(6) Paragraph (5) does not apply to a bill introduced in the Senate or received from the House of Representatives within the first two-thirds of the total number of days of sitting of the Senate scheduled for the first period of sittings after a general election of the House of Representatives, but consideration of such a bill shall not be resumed after the second reading is moved in the Senate unless 14 days have elapsed after the first introduction of the bill in either House.

**(7) Paragraph (5) does not apply to a bill received by the Senate again in the circumstances described in the first paragraph of section 57 of the Constitution.**

(8) In paragraphs (5) and (6) “period of sittings” means a period during which the Senate adjourns for not more than 20 days.

### **PRESENTATION OF THE BUDGET**

For some years it has been suggested that it is tedious and unnecessary for the budget speech to be read in the Senate. The important and necessary steps to be taken in the Senate on budget night are for the tabling of the particulars of proposed expenditure and the portfolio budget statements and the motion to refer the documents to the legislation committees for the committees’ estimates hearings.

The committee agrees that it is unnecessary to have the budget speech read in the Senate. The committee therefore suggests that the Senate adjourn at 6.30 pm and resume at 8 pm for the tabling of the documents and the reference to the committees.

This change requires no amendment of the standing orders, as the budget procedures are a matter of practice only, with the Senate altering its meeting times for each budget day.

Again, the committee recommends that this proposal not be adopted until senators have had adequate opportunity to consider it and consult their colleagues. There should be time for this to occur before next budget day.

## COMMITTEE MEETINGS DURING ADJOURNMENT DEBATE

Standing order 33 prohibits public or in camera hearings or briefings of committees during the sittings of the Senate, and places conditions on private deliberative meetings during sittings.

Committees which need to hold hearings or briefings during the sittings are required to seek the permission of the Senate on each occasion.

This has caused difficulties in relation to the unlimited adjournment debate on Tuesdays; committees cannot schedule such meetings on Tuesday evenings because they cannot predict when the Senate will adjourn.

The committee considers that there is no rationale for maintaining the prohibition under standing order 33 after the commencement of the adjournment debate at the regular time on any day, as only those senators wishing to participate in the adjournment debate need be present in the Senate, and no business as such is transacted.

The committee therefore recommends that the prohibition in standing order 33 not apply to the time of the regular adjournment debate. If the adjournment is moved at an unscheduled time the restrictions would still apply. This proposal may be put into effect by the following amendment of the standing order:

### **33        *Meetings during sitting***

- (1) A committee of the Senate and a joint committee of both Houses of the Parliament may meet during sittings of the Senate for the purpose of deliberating in private session, but shall not make a decision at such a meeting unless:
  - (a) all members of the committee are present; or
  - (b) a member appointed to the committee on the nomination of the Leader of the Government in the Senate and a member appointed to the committee on the nomination of the Leader of the Opposition in the Senate are present, and the decision is agreed to unanimously by the members present.
- (2) The restrictions on meetings of committees contained in paragraph (1) do not apply after the question for the adjournment of the Senate has been proposed by the President at the time provided on any day.**
- (3) A committee shall not otherwise meet during sittings of the Senate except by order of the Senate.
- (4) Proceedings of a committee at a meeting contrary to this standing order shall be void.

## FORMAL MOTIONS

On Thursday, 27 March 2003, there was a debate in the Senate, by way of statements by leave, on what some senators see as overuse and misuse of the procedure under standing order 66 whereby notices of motion may be declared formal and put without amendment or debate.

The committee has this matter under consideration.

The committee invites senators to submit to the committee any proposals whereby the perceived problem may be overcome.

John Hogg  
Deputy President  
Chair of the Committee