

Procedure Committee

First report of 2014

The committee reports to the Senate on the following matters.

Temporary orders

Question time

The Senate adopted modified rules for question time as a temporary order on 25 November 2009 and has subsequently extended or renewed its operation on eight occasions, most recently on 13 November 2013. The current order expires on 30 June 2014.

Rather than continuing to extend the temporary order, the committee agreed that the Committee Chair, on behalf of the committee, should initiate a motion in the Senate to amend standing order 72 in the terms of the temporary order. The committee noted that, should a majority of the Senate desire changes in the future, the standing orders are as readily amended as temporary orders.

Consideration of private senators' bills, time of meeting and divisions on Mondays

The Senate adopted a temporary order for the consideration of private senators' bills on 22 November 2010 and has subsequently extended or renewed its operation on five occasions, most recently on 14 November 2013. The current order expires on 30 June 2014. The committee noted that extension of the order is required at the earliest opportunity to provide certainty in relation to the Senate's meeting time on 7 July 2014 when senators elected at the 2013 election and the 2014 Western Australian Senate re-election are due to take their seats.

Pending its completion of a review of the routine of business, the committee agreed that the Committee Chair, on behalf of the committee, should initiate a motion in the Senate to extend the operation of the temporary order for a further period of 12 months, but with one variation.

The committee draws senators' attention to a proposed variation in the order, namely, the cessation of the prohibition on divisions before 12.30 pm on Mondays. While this prohibition may have been appropriate when the order was first adopted, the committee agrees that it is no longer required and that the Senate should be able to determine the business before it in all but the most limited circumstances.

Matters referred by the Scrutiny of Bills Committee

By letter dated 24 March 2014, the President of the Senate referred to the committee, pursuant to standing order 17(3), a matter raised by the Chair of the Scrutiny of Bills Committee, Senator Polley, arising from that committee's 2012 inquiry into its future role and direction. The Scrutiny of Bills Committee sought the committee's consideration of various changes to its standing orders. Details of the changes are included at Attachment A. Proposed amendments of standing orders that would give effect to these changes are at Attachment B.

The committee draws these matters to the attention of the Senate, but leaves it to the Scrutiny of Bills Committee to consider and initiate the necessary amendments.

Question time

By letter dated 3 December 2013, the President of the Senate referred to the committee, pursuant to standing order 17(3), a matter raised by Senator Siewert, relating to the conduct of question time. Details of the matter are at Attachment C.

At its meeting on 19 June 2014, the committee considered a discussion paper prepared by the Clerk of the Senate and agreed that the principle of proportionality should continue to govern the allocation of the call in question time.

The principle of proportionality was explicitly endorsed by the committee in its *Second report of 1995* (Parliamentary Paper No. 284/1995) as meaning "that the allocation of questions between the various parties, groups and independent senators should be as near as practicable in proportion to their numbers in the Senate".

The committee notes that it has been the practice of successive Presidents of the Senate to propose allocations of questions based on this principle, and that the precise allocation of questions in the future is a matter for the President and senators after 1 July 2014.

Routine of Business

In its *First report of 2012*, the committee indicated that it would seek from the President under standing order 17(3) a reference to enable it to conduct a broad review of the routine of business. Having obtained such a reference by letter dated 26 June 2012, the committee sought proposals from senators and made various observations and recommendations in its *First report of 2013*. These recommendations resulted in the adoption of specific arrangements for the consideration of non-controversial legislation on Thursdays and of a graduated system of speaking time limits for the

open-ended adjournment debate on Tuesdays. The committee also considered the reduction of speaking times from 15 to 10 minutes during matters of public interest on Wednesdays, but reached no concluded view. Finally it noted the complexity that had developed around the tabling and consideration of documents and reports that left senators unsure of their rights to speak. The committee indicated that it would consider these matters further but was unable to conclude its review of the routine of business by the end of the 43rd Parliament.

In its *Second Report of 2013*, the committee advised the Senate that it proposed to keep the routine of business under review and report to the Senate in 2014 with any proposals for further changes.

The committee now reports that it has undertaken detailed further consideration of these matters, has made progress and proposes to report again to the Senate later in 2014.

Acknowledgement of service

The committee wishes to acknowledge the long service of the retiring President of the Senate, Senator the Hon John Hogg, as a member of the committee, including as its Chair from 2002 to 2008, and to place on record its appreciation of his contribution to the committee in those roles.

Senator Stephen Parry
(Chair)