

Procedure Committee

Second report of 2014

The committee reports to the Senate on the following matters discussed at its meeting of 10 July 2014.

Routine of business

The committee has been reviewing the routine of business for some time but has not yet reached broad agreement on its future shape. However, the committee has considered a number of proposals to streamline and simplify business without detracting from the rights of senators, and to enhance opportunities for senators to participate in debate, bearing in mind the growth in the number of cross bench senators from 1 July 2014.

The committee presents to the Senate the following proposals for consultation, with a view to adopting them on a trial basis at some time later in the year. Temporary orders that would be necessary to implement any such trial are shown in Attachment 1.

Consolidation of opportunities for tabling and considering documents and committee reports

Senators have often reported confusion arising from the plethora of occasions on which documents and committee reports are tabled and the different rules, depending on the occasion, about whether debate is permitted. As a consequence, a great deal of debate occurs in an ad hoc manner and by leave, while the current opportunities at 6.50 pm on Tuesday and Wednesday (for documents) and under standing order 62(4) on Wednesday and Thursday (for committee reports) are underutilised.

The committee sees benefit in consolidating the presentation of documents and, where possible, committee reports and providing definite opportunities for debating each category. The committee proposes, for consultation purposes, a trial of three such opportunities each week for each category, in addition to the opportunity to reconsider documents and committee reports on Thursday as part of general business or pursuant to standing order 62(1).

Documents

For documents, it is proposed that on Monday, Tuesday and Wednesday, any documents for presentation be handed to the Clerk immediately after Prayers, and that there be a period of up to 30 minutes after Discovery of Formal Business on those days for their consideration. During this period, the documents would be called on and senators would be able to move motions without notice to take note of them, with a time limit of 5 minutes per speaker, per document. Any documents not reached on any day would roll over to the next day and be available for consideration after that day's documents. Any document not reached on any day would roll over to general business on Thursday.

The categories of documents to which it is proposed this procedure would apply are as follows:

- documents on the list provided by the Department of the Prime Minister and Cabinet (normally appended to the Order of Business on Senate "Red" on Tuesday and Wednesday);
- any other documents to be tabled by ministers (other than responses to one-off orders for production of documents which are subject to standing order 63);
- documents that have been presented out of sitting; and
- documents tabled by the President, such as Auditor-General's reports, responses to Senate resolutions, Senate business documents, Parliamentary administration documents and ad hoc documents.

Lists of these documents would be appended to the Order of Business (on Monday, Tuesday and Wednesday) and copies would be available in the usual way from the Table Office or online in many cases.

See Attachment 1, part (i) for the amendments to standing orders required to implement these changes (as a proposed temporary order).

Committee reports

Similar adjustments are proposed to streamline the presentation of committee reports. Opportunities to present and speak to committee reports would be increased from two to three (on Tuesday, Wednesday and Thursday), "funded" by an expected decrease in the number of ad hoc debates.

All reports, other than reports presented pursuant to Selection of Bills Committee recommendations, would be listed for presentation during these three periods (regardless of whether the reports were to be presented pursuant to order or otherwise). A report presented on Monday could not be considered at the time of presentation except by leave, but a motion could be moved without notice after presentation (pursuant to standing order 169(1)(a)) for it to be considered at the next available opportunity under standing order 62(4) (Tuesday).

It is proposed that government responses be added to the reports that may be presented and considered under standing order 62(4).

It is now common practice for committee reports to be presented out of sitting and authorised for publication. Proposed changes would include provision for committee reports presented out of sitting to be recorded in the next day's *Journals* as having been presented out of sitting and authorised for publication. Reports other than those presented pursuant to Selection of Bills Committee recommendations would become available for consideration at the next relevant opportunity under standing order 62(4). Thus, a committee report presented out of sitting and recorded in the *Journals* on Monday would be listed for consideration under the next standing order 62(4) opportunity which would be on Tuesday.

See Attachment 1, part (ii) for the amendments to standing orders required to implement these changes (as a proposed temporary order).

Streamlined procedures to manage routine extensions of time for standing committees and routine authorisations for committees to meet while the Senate is sitting

Extensions of time

The committee proposes that instead of proceeding by individual motion on notice, all of which consume time and resources to process for the chamber, the Senate adopt a procedure similar to the procedure adopted in 1999 to streamline the postponement of notices (which was formerly done by individual motion on notice).

Standing order 67, as amended to implement the streamlined procedure for postponement of notices, makes it clear that the process also applies to the postponement of orders of the day. With some minor adjustments, it may therefore be used to obtain extensions for committees. To use the streamlined procedure, a committee would make a decision to seek an extension of time for a particular reference, and the chair, on behalf of the committee, would sign and lodge a notification of the committee's request. These would be announced by the Clerk at placing of business, along with other postponement notifications.

The procedure allows for any senator to ask that the question be put on any item. The question is then put without amendment or debate. In other words, the Senate may vote on a particular extension but if no such request is made the notification has effect according to its terms and the extension, like any other postponement, is taken to have been approved.

As a safeguard, the procedure would not apply to an extension of time for a select committee which would continue to be processed in the usual way.

See Attachment 1, part (iii) for the amendments to standing orders required to implement these changes (as a proposed temporary order).

Authorisation to meet while the Senate is sitting

The proposed amendment of standing order 33 streamlines the way committee authorisations are dealt with. Once a committee has made a decision that it needs to meet while the Senate is sitting to hold a public hearing or deliberate contrary to standing order 33(1)(a), the chair signs a notification to that effect, including for what purpose. These are handed in and announced by the Clerk immediately after Prayers. As with postponements, any senator may ask for the question to be put on a particular request and the Senate therefore votes on it. Otherwise, the committees are taken to be authorised to meet according to the terms of the notification.

This procedure does not rule out committees giving notice in the usual way, and this should continue to occur for multiple requests to meet during sittings. However, it provides a streamlined alternative to straightforward motions on notice, or by leave, and therefore saves time and resources of the Senate.

See Attachment 1, part (iv) for the amendments to standing orders required to implement these changes (as a proposed temporary order).

MPI/Urgency motions on Thursdays

With additional opportunities for debating documents and committee reports, additional opportunities on the adjournment debate (see below) and the need to accommodate general business on Thursday afternoons, the committee considered that the MPI/Urgency motion opportunity on Thursday afternoon could be dispensed with.

See Attachment 1, part (v) for the amendment to standing orders required to implement this change (as a proposed temporary order).

Relocation of the open-ended adjournment debate to Thursday and extension of the adjournment debate on Tuesdays

The committee considered ways to increase opportunities for participation by senators in the adjournment debate, without resulting in unreasonably long days for senators (and staff).

The committee suggests moving the open-ended adjournment debate, with the current tiered speaking time limits, from Tuesday to Thursday evening but instituting a longer fixed time on Tuesday of 2 hours and 10 minutes, with senators able to speak for 5 minutes (or 10 minutes when all 5 minute speakers have finished). Adjournment on Tuesday would be at 9.30pm at the latest.

See Attachment 1, part (vi) for the amendment to standing orders required to implement this change (as a proposed temporary order).

Matters of public interest on Wednesdays

The committee considers that the name of this session is confusing because it is too similar to matters raised under standing order 75. The committee proposes that this segment of business be renamed “Senators’ statements” and that senators be able to speak for up to 10 minutes rather than the current 15 minutes so that more senators may speak during the 75 minutes available at this time.

See Attachment 1, part (vii) for the amendments to standing orders required to implement this change (as a proposed temporary order).

Recommendation

The committee commends these proposals to the Senate for discussion.

Senator Gavin Marshall
(Chair)

