

Procedure Committee

First report of 2016

The committee reports to the Senate on the following matters discussed at its meeting on 10 October 2016.

Photography in the Senate chamber

The committee considered the order of the Senate of 21 March 2002 in its third report of 2014. The order allows the media to take photographs in the Senate chamber of any Senator with the call. Although the committee recommended that the order cease to have effect, action to achieve this did not proceed at the time in the absence of unanimity amongst senators.

Senator Hinch gave notice of a motion on 12 September 2016 for the order to cease to have effect, and the President referred the matter to the committee under standing order 17 (3).

Noting the different views within the committee as presently constituted, the committee leaves it to the Senate as a whole to determine the matter.

Ministerial statements

On 11 November 2015, at the recommendation of the committee in its third report of 2015, the Senate adopted a temporary order to provide for senators to speak to ministerial statements as of right.

The order was renewed on 31 August 2016. The purpose of the order was to create a right for a minister to deliver a ministerial statement and for a senator to move without notice to take note of the statement (whether given orally or tabled), with time limits of 10 minutes per speaker for a total not exceeding 30 minutes. The committee considers that the temporary order has served a useful purpose, and should be incorporated into standing order 169, with immediate effect.

Recommendation 1

That standing order 169 be amended as follows:

At the end of standing order 169, add:

- (3) If a ministerial statement is presented to or tabled in the Senate other than in accordance with standing order 61, it shall be in order for a senator to move a motion without notice to take note of the statement. On any such motion, a senator may speak for not more than 10 minutes and paragraph (2) applies to the total time limit for individual or successive motions.

Infants in the chamber

In February 2016, the President referred to the committee, pursuant to standing order 17(3), a change proposed by Senator Waters to standing order 175 as follows:

- (3) Paragraph (2) does not apply in respect of a senator **breastfeeding caring for** an infant.

Senator Waters also asked the committee to consider the implementation of proxy voting for senators who were nursing infants at the time of a division (except for divisions on the third reading of bills to alter the Constitution, which require an absolute majority).

During the 44th Parliament, the committee considered the matter but was of the view that proxy voting in the Senate was not possible because section 23 of the Constitution provides that “each senator shall have one vote”. The committee acknowledged the difficulties in defining the limits of the proposed change to standing order 175(3) and agreed to consider the issue further.

The committee has now had the opportunity to resume its consideration of the matter and is of the view that a proposed amendment considered in 2009 but not supported at that time contains the necessary qualifications to provide a degree of flexibility while recognising the essential character of the Senate as a forum for national debate and legislative deliberation.

Recommendation 2

The committee **recommends** that paragraph (3) of standing order 175 be amended in the following terms with immediate effect:

- (3) Paragraph (2) does not apply in respect of a senator breastfeeding an infant or, at the discretion of the President, a senator caring for an infant briefly, provided the business of the Senate is not disrupted.

The committee considers that the extension of the existing exception as proposed would provide senators with the necessary flexibility for those rare occasions when a senator has no alternative but to bring an infant into the chamber for brief periods.

Senator Sue Lines

Chair