

# Supplement to standing orders

The following amendments should be inserted in the standing orders and other orders of the Senate as at August 2015

## Amendments to standing orders

### 22 Publications

Paragraph (3)(a), omit “printing.”.

*(Amended 11 November 2015 J.3361)*

### 24 Scrutiny of Bills

At the end of paragraph (1), add:

- (d) The committee shall maintain on its website a list of bills in relation to which the committee has sought advice from the responsible minister and not yet received a response.
- (e) Where the committee has not finally reported on a bill because a ministerial response has not been received, then:
  - (i) immediately prior to the consideration of government business on any day;  
or
  - (ii) immediately prior to the consideration of the bill,any senator may ask the minister for an explanation of why the minister has not provided a response to the committee.
- (f) Where an explanation is sought under paragraph (e) and a minister provides an explanation, then at the conclusion of the explanation the senator may move, without notice, a motion:
  - (i) relating to the consideration of the bill; or
  - (ii) that the Senate take note of the explanation.
- (g) Where an explanation is sought under paragraph (e) and the minister does not provide an explanation, then the senator may, without notice, move a motion relating to:
  - (i) the consideration of the bill; or
  - (ii) the minister’s failure to provide an explanation.
- (h) The procedures in paragraphs (e) to (g) may only be used once on any sitting day in respect of any bill or bills taken together.

*(Amended 29 November 2017 J.2372-73)*

## 54 Adjournment without motion

- (5) ~~Except on Tuesday~~ **On Monday and Thursday** debate on the question for the adjournment shall not exceed 40 minutes, and a senator shall not speak to that question for more than 10 minutes ~~on any day.~~

**On Wednesday debate on the question for the adjournment shall not exceed 40 minutes, and a senator shall not speak to that question for more than 5 minutes.**

On Tuesday at the conclusion of debate, and on other days at the expiration of 40 minutes, at the conclusion of debate, or at the time specified for adjournment, whichever is the earlier, or if there is no debate, the President shall adjourn the Senate without putting the question.

- (6) On the question for the adjournment of the Senate on Tuesday, a senator shall speak to that question for not more than 5 minutes, except **that**, ~~in accordance with the following paragraphs:~~
- (a) ~~if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes; and~~
- (b) ~~if no other senator wishes to speak under paragraph (a), a senator who has not already spoken may speak for up to 20 minutes.~~

*(Amended by temporary order with effect from 5 February to 30 June 2018, 7 December 2017 J.2532-33)*

## 55 Times of meetings

- (1) The days and times of meeting of the Senate in each sitting week shall be:

Monday	10 am – 6.30 pm, 7.30 pm – 10.30 pm
Tuesday	<del>12.30 pm</del> <b><u>midday</u></b> – adjournment
Wednesday	9.30 am – 8 pm
Thursday	9.30 am – 8.40 pm

*(Amended by temporary order with effect from 5 February to 30 June 2018, 7 December 2017 J.2533)*

## 57 Routine of business

- (1) The routine of business shall be:

- (a) On Monday:

- (i) **General business orders of the day for consideration of bills only**

- (ia) At 12.20 pm**, government business only

...

- (d) On Thursday:

- (i) ~~General business orders of the day for consideration of bills only for up to 2 hours 20 minutes~~

- (i) Government business only**

- (ii) At 11.45 am**, Petitions

...

*(Amended by temporary order with effect from 5 February to 30 June 2018, 7 December 2017 J.2533)*

## 59 Government and general business

Government business shall take precedence over general business, except that general business shall take precedence over government business as follows:

- (a) **On Mondays, from 10 am until 12.20 pm** general business orders of the day for the consideration of bills shall be considered; and
- (b) from not later than 4.30 pm, for a period not exceeding 2½ hours, general business orders of the day shall take precedence over general business notices of motion on alternate Thursdays.

*(Amended by temporary order with effect from 5 February to 30 June 2018, 7 December 2017 J.2533)*

## 169 Motions after tabling

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.

*(Amended 8 November 2016 J.420)*

## 175 Conduct of visitors

Omit paragraph (3), substitute:

- (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.

*(Amended 8 November 2016 J.420)*

# Amendments to procedural orders of continuing effect

Page 139, insert:

## 20C Former ministers – Meetings

That—

- (1) There be laid on the table, by each minister in the Senate, in respect of each Commonwealth Department or Agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than 7 days before the commencement of the budget estimates, supplementary budget estimates and additional estimates hearings, a statement in accordance with the succeeding provisions of this order:

A statement, covering the period since the previous statement was tabled, in respect of each former minister, listing:

- (a) all meetings, including teleconferences, at which lobbying, advocacy or the consideration of business took place, including date, location and duration, between current ministers, secretaries or deputy secretaries (or equivalent), of any Commonwealth Department or Agency and former ministers;
  - (b) how many people attended or participated and the capacities in which people attended or participated; and
  - (c) what topics were considered at each of the meetings.
- (2) This order has immediate effect with the first statement for 2016-17 additional estimates covering all meetings from the date of commencement of this order to 7 days prior to additional estimates.
  - (3) In this order:
    - (a) “Commonwealth Department or Agency” means a Commonwealth entity, other than the Parliamentary Departments and the Office of the Official Secretary of the Governor-General, within the meaning of the *Public Governance, Performance and Accountability Act 2013*; and
    - (b) “former minister” means a person who is no longer a member of the Australian Parliament and who has been a minister in the 18 months prior to the estimates hearing at which the statement is due.
  - (4) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President under standing order 166.
  - (5) This order is of continuing effect.

(23 November 2016 J.580)

Page 139, insert:

## **20D Report on outstanding orders for documents**

- (1) That there be laid on the table by the Leader of the Government in the Senate, not later than 2 calendar months after the last day of each financial year and calendar year, a list showing details of all orders for the production of documents made during the current Parliament which have not been complied with in full, together with a statement indicating whether resistance to them is maintained and why, and detailing any changing circumstances that might allow reconsideration of earlier refusals.
- (2) This order is of continuing effect.

*(7 December 2017 J.2534)*

## **26 Photographs**

~~Photographs of any senator may be taken by the media in the chamber whenever that senator has the call. (21 March 2002 J.269)~~

That the order of the Senate of 21 March 2002 restricting photography in the Senate chamber ceases to have effect on and from 7 November 2016.

*(13 October 2016 J.328; varied 7 November 2016 J.381)*

Page 141, insert:

## **Miscellaneous**

### **27A Indigenous Australians – Closing the Gap report – Parliamentary consideration**

- (1) That the Senate—
  - (a) notes the national framework agreed to by the Council of Australian Governments (COAG) in 2008 to tackle Indigenous disadvantage and the six priority areas for change identified by COAG;
  - (b) further notes that reports are presented by the Prime Minister to the Australian Parliament annually on progress in meeting these ‘Closing the Gap’ targets, along with a response by the Leader of the Opposition;
  - (c) is of the view that the presentation of these annual reports should be marked by a special parliamentary procedure in recognition of the significance of these initiatives to all Australians;
  - (d) therefore proposes to the House of Representatives that it consider marking the presentation of the Prime Minister’s annual report on ‘Closing the Gap’ by:

- (i) hosting a meeting of the House to which senators are invited, and
  - (ii) inviting senior Indigenous leaders to be present when the Prime Minister's annual report is presented; and
- (e) resolves that, on its presentation to the Senate, the Prime Minister's annual report on 'Closing the Gap' and accompanying ministerial statement be listed for consideration as a government business order of the day, and that the Government undertake to provide for at least 2 hours consideration of the statement during government business time, not more than eight sitting days following the presentation of the report to the Senate.
- (2) This order have continuing effect.

*(9 February 2017 J.885)*

## Amendments to registration and declaration of senators' interests

Page 161, insert:

### **6 Establishment of citizenship register**

- (1) That not later than 5 pm Friday, 1 December 2017 (and within 21 days of making and subscribing an oath or affirmation as a Senator) each Senator shall provide to the Registrar of Senators' Interests a statement containing the following:
- (a) a declaration by the Senator that, at the time the Senator nominated for election to the Senate in this 45th Parliament he or she was an Australian citizen;
  - (b) a declaration that the Senator is not a citizen of any country other than Australia;
  - (c) a declaration stating:
    - the place and date of the Senator's birth;
    - the citizenship that the Senator held at the time of birth; and
    - if he or she did not obtain Australian citizenship at birth, the date he or she was naturalised as an Australian citizen;
  - (d) so far as the Senator is aware:
    - the place and date of birth of the Senator's parents and grandparents;
  - (e) whether the Senator has ever been a citizen of another country and if so which country or countries;
  - (f) what steps the Senator has taken to assure him or herself that they have not inherited citizenship of another country from a parent or grandparent;

- (g) if the Senator has answered the question in e) in the affirmative, then provide details and evidence of the date and manner in which the Senator's citizenship of that other country was renounced (if it was renounced) or the date and manner in which it came to an end in accordance with the laws of that other country;
  - (h) if the Senator's citizenship of that other country had not come to an end at the date of his or her nomination for the Senate, detail and provide evidence of any steps the Senator has taken to renounce the citizenship of that other country prior to the date of nomination; and
  - (i) if the Senator has declared that he or she was at the time of nomination or is now a citizen of a country other than Australia, on what basis the Senator contends that he or she is, nonetheless, not disqualified under section 44(i).
- (2) If at any time the Senator becomes aware that information provided in their statement is no longer accurate they shall update their statement as soon as practicable but not later than 21 days of being so aware.
- (3) Statements shall be made in accordance with this resolution and in a form determined by the Committee of Senators' Interests. The Registrar shall, in accordance with procedures determined by the committee, maintain a Citizenship Register comprising statements provided under this resolution. Other than as specifically provided for in this resolution, the committee has the same powers and functions in relation to the citizenship register as it does in relation to the Register of Senator's Interests.
- (4) The Registrar shall, upon the expiry of the time for providing statements under this resolution, and at other times determined by the committee, publish the register and any alterations or additions to the register on the Parliament's website.
- (5) Any Senator who:
- (a) knowingly fails to provide the statement required by this resolution to the Registrar of Senators' Interests by the due date; or
  - (b) knowingly fails to correct an inaccuracy in his or her statement within the required timeframe; or
  - (c) knowingly provides false or misleading information to the Registrar of Senators' Interests;
- shall be guilty of a serious contempt of the Senate and shall be dealt with by the Senate accordingly, but the question whether any senator has committed such a serious contempt shall first be referred to the Privileges Committee for inquiry and report.

*(13 November 2017 J.2179-82, J.2196)*