

**THE SENATE**

**STANDING ORDERS**

**AND OTHER ORDERS OF THE SENATE**

February 2004

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# THE SENATE

## STANDING AND OTHER ORDERS

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**Note:** The revised standing orders of the Senate were adopted on 21 November 1989 and came into effect on the first day of sitting in 1990. This reprint of the standing orders incorporates amendments made up to 31 December 2003.



## TIME LIMITS ON DEBATE

Time limits on speeches and for the consideration of particular items of business are provided for in a number of standing orders.

The following list consolidates these time limits and indicates where they can be located in this volume (SO – standing order).

### 1 Debate

General – 20 mins	SO 189(1)
Extension of time – 10 mins	SO 189(1)
In committee – 15 mins	SO 189(3)
In reply – 20 mins	SO 189(2)

### 2 Bills

First reading of non-amendable bill – 15 mins	SO 112(2)
Second reading – 20 mins	SO 189(1)
In committee – 15 mins	SO 189(3)
Third reading – 20 mins	SO 189(1)

Selection of Bills Committee – adoption of report – 5 mins (limit for debate 30 mins)	SO 24A(7)
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Reference of a bill to committee – 5 mins (limit for debate 30 mins)	SO 115(6)
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### 3 Matters of public importance/urgency – 10 mins SO 75

(limit for debate 60 mins, or if no motions are moved after question time to take note of answers, 90 mins)	SO 75(7)
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### 4 Matters of public interest – 15 mins SO 57(2)

### 5 Questions

Without notice: question – 1 min.; answer – 4 mins; supplementary questions and answers – 1 min. each	SO 72(3)
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Motions relating to answers – 5 mins (limit for debate 30 mins)	SO 72(4)
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## **6 Committee reports and government responses and Auditor-General's reports**

Motions relating to committee report on Wednesday or Thursday – 10 mins (limit for debate 60 mins) SO 62(4)

Resumption of debate on motions for consideration or adoption – 10 mins (limit for debate 60 mins) SO 62(1)

## **7 Government documents**

Motion to take note, Tuesday and Wednesday – 5 mins (limit for debate 30 mins) SO 61(3)

Resumption Thursday – 5 mins (limit for debate 60 mins) SO 61(3)

## **8 General – documents**

Motions moved by leave – 10 mins (limit for debate 30 mins per motion, 60 mins for all motions) SO 169(2)

## **9 Suspension of standing orders – 5 mins**

(limit for debate 30 mins) SO 209(4)

## **10 Adjournment – 10 mins**

(limit for debate 40 mins, except Tuesdays) SO 54(5)

**Note:** Time taken to make or determine points of order and form a quorum is not deducted from the time for the senator to speak or ask a question or the time for a debate except the adjournment debate (standing orders 52(7), 197(6)).

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## **SENATE NUMBERS**

Quorum 19 (one-quarter)

Absolute majority 39

# THE SENATE

## STANDING ORDERS

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ORDER NO.**

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# **CHAPTER 1**

## **THE OPENING OF PARLIAMENT**

### **1 Proceedings on opening**

- (1) On the first day of the meeting of a session of Parliament, after a general election for the Senate and the House of Representatives, or after a general election for the House of Representatives:
  - (a) If there is a President the President shall take the chair at the time specified in the proclamation.
  - (b) The Clerk shall read the proclamation calling Parliament together.
  - (c) Deputies appointed by the Governor-General shall be introduced by the Usher of the Black Rod to the Senate chamber.
  - (d) The Senior Deputy shall direct the Usher of the Black Rod to desire the attendance of the members of the House of Representatives to hear the commission read.
  - (e) Members of the House of Representatives shall sit in the Senate chamber and the Clerk shall read the commission.
  - (f) The Senior Deputy shall then inform the members of both Houses that the Governor-General will at a future time declare the cause of calling Parliament together.
  - (g) The certificate of election or choice of each senator whose term of office has begun since the last sitting of the Senate shall be laid on the table, and each such senator may then make and subscribe the oath or affirmation of allegiance in accordance with the Constitution.
  - (h) If the office of President is vacant the Senate shall elect a President.
- (2) On the first day of the meeting of a session of Parliament not after a general election for the Senate and the House of Representatives or a general election for the House of Representatives:

If there is a President:

- (a) The President shall take the chair at the time specified in the proclamation.
- (b) The Clerk shall read the proclamation calling Parliament together.
- (c) The Governor-General shall be introduced by the Usher of the Black Rod to the Senate chamber.
- (d) The certificate of election or choice of each senator whose term of office has begun since the last sitting of the Senate shall be laid on the table, and each such senator may then make and subscribe the oath or affirmation of allegiance in accordance with the Constitution.

If there is no President:

- (e) The Clerk shall at the time specified in the proclamation read the proclamation calling Parliament together.
- (f) Deputies appointed by the Governor-General shall be introduced by the Usher of the Black Rod to the Senate chamber.
- (g) The Clerk shall read the commission.
- (h) The Senior Deputy shall inform the Senate that the Governor-General will at a future time declare the cause of calling Parliament together.
- (i) The certificate of election or choice of each senator whose term of office has begun since the last sitting of the Senate shall be laid on the table, and each such senator may then make and subscribe the oath or affirmation of allegiance in accordance with the Constitution.
- (j) The Senate shall elect a President.

## **2 Governor-General's speech**

- (1) When the Governor-General has arrived at the chamber, the Usher of the Black Rod shall announce and conduct the Governor-General to the chair, the President leaving the chair and sitting to the right.
- (2) The Governor-General will direct the Usher of the Black Rod to command the immediate attendance of the House of Representatives in the Senate chamber.
- (3) When the members of the House of Representatives have come with their Speaker into the Senate chamber the Governor-General will declare the cause of calling the Parliament together.
- (4) The President and the Speaker will each receive a copy of the Governor-General's speech, the Governor-General will withdraw from the Senate chamber, and the President shall again take the chair.

## **3 Address-in-reply**

- (1) Before the Governor-General's speech is reported to the Senate, some formal business may be transacted, and petitions may be presented, notices of motion may be given, and documents laid upon the table.
- (2) The President shall report to the Senate the speech of the Governor-General.
- (3) Consideration of the Governor-General's speech may be made an order of the day for a future day, or a motion for an address-in-reply to the speech may be made.
- (4) Only formal business shall be entered into before the address-in-reply to the Governor-General's opening speech has been adopted.



- (5) When the address has been agreed to, a motion will be made that it be presented to the Governor-General by the President and senators.
- (6) The President shall report to the Senate the presentation of the address and the reply of the Governor-General.

#### **4 Opening of Parliament by the Queen**

When Her Majesty the Queen is present in Australia and intends to indicate in person the cause of the calling together of Parliament, references in this chapter to the Governor-General shall be read as references to Her Majesty the Queen.

## **CHAPTER 2**

### **OFFICE OF THE PRESIDENT**

#### **5 Term of office**

- (1) Subject to section 17 of the Constitution, the office of President shall become vacant:
  - (a) on the day next before the first sitting day of the Senate after the 30th day of June following a periodical election; and
  - (b) on the date of a proclamation dissolving the Senate.
- (2) A periodical election means any election for the purpose of filling the places of the senators of either of the 2 classes mentioned in section 13 of the Constitution.

*(amended 6 May 1993)*

#### **6 Election of President**

- (1) Whenever the office of President becomes vacant, whether because of section 17 of the Constitution or of the standing orders, the Clerk shall act as chairman of the Senate prior to the election of the President, and shall have the powers of the President under the standing orders while so acting.
- (2) A senator, addressing the Clerk, shall propose to the Senate as President some senator then present, and move that that senator take the chair of the Senate as President. The senator proposing the motion and any senator speaking to it may speak for not longer than 15 minutes.
- (3) If only one senator is proposed as President, the senator so proposed is called by the Senate to the chair without any question being put, shall express a sense of the honour proposed to be conferred on the senator, and shall be conducted to the chair.
- (4) If 2 or more senators are proposed as President, a motion shall be made regarding each such senator, that that senator take the chair of the Senate as President, and each senator so proposed shall express a sense of the honour proposed to be conferred on the senator, and may address the Senate.

#### **7 Ballot**

- (1) When 2 senators have been so proposed as President, each senator present shall deliver to the Clerk a ballot paper indicating the name of the candidate for whom the senator votes. The candidate who has the greater number of votes shall be the President, and be conducted to the chair.
- (2) When more than 2 senators have been so proposed, the votes shall be similarly taken, and the senator who has the greatest number of votes shall be the President, provided that senator has also a majority of the votes of the senators present.

- (3) If no candidate has such a majority, the name of the candidate having the smallest number of votes shall be withdrawn, and a fresh ballot shall take place; and this shall be done as often as necessary, until one candidate is elected as President by such a majority, and the senator elected shall be conducted to the chair.
- (4) If there is an equality of votes, the votes shall be again taken, and if again there is an equality of votes, the Clerk shall determine, by lot, which of the candidates, having the same number of votes, shall be withdrawn, as if that candidate had obtained the lesser number of votes.

## **8 Presentation to Governor-General**

- (1) Having been conducted to the chair, the senator so elected shall return acknowledgments to the Senate and assume the chair.
- (2) Senators may congratulate the President, and a minister shall inform the Senate of the time at which the Governor-General will receive the Senate for the purpose of presenting their President, and the sitting of the Senate shall then be suspended or adjourned until that time, unless the Governor-General receives the Senate at once.
- (3) Before the Senate proceeds to any business, the President, accompanied by senators, shall be presented to the Governor-General.

## **CHAPTER 3**

### **DEPUTY PRESIDENT AND CHAIRMAN OF COMMITTEES**

#### **9 Term of office**

- (1) At the commencement of the sittings next ensuing after the 30th day of June following each periodical election, or at the commencement of the session after a general election of the Senate, or when any vacancy occurs, the Senate shall appoint a senator to be Deputy President and Chairman of Committees.
- (2) The office of Deputy President and Chairman of Committees shall become vacant:
  - (a) on the day next before the first sitting day of the Senate after the 30th day of June following a periodical election; and
  - (b) on the date of a proclamation dissolving the Senate.

*(amended 6 May 1993)*

#### **10 Appointment of Deputy President**

The Deputy President and Chairman of Committees shall be appointed in a similar manner to the President.

#### **11 Duty of Chairman**

The Chairman of Committees shall take the chair of the committee at the table whenever a committee of the whole is constituted.

#### **12 Temporary Chairmen**

The President shall nominate at the commencement of each Parliament a panel of not less than 2 senators who may act as Temporary Chairmen of Committees when requested so to do by the Chairman of Committees, or when the Chairman of Committees is absent.

## **CHAPTER 4**

### **ABSENCE OF PRESIDENT, DEPUTY PRESIDENT AND OFFICERS**

#### **13 Absence of President**

- (1) When the Senate at the commencement of a sitting is informed by the Clerk of the absence of the President, the Deputy President shall perform the duties and exercise the authority of President in relation to all proceedings of the Senate until the next meeting of the Senate, subject to any order of the Senate.
- (2) If the Senate adjourns for more than 24 hours, the Deputy President shall continue to perform the duties and exercise the authority of President for 24 hours only after the adjournment, unless the Senate otherwise provides.

#### **14 Absence of both officers**

If both the President and the Deputy President are absent, the senators present, if a quorum, shall elect a senator present to act as President for that day only, the question being put to the Senate by the Clerk.

#### **15 Relief of President**

- (1) The Deputy President shall take the chair whenever requested so to do by the President during a sitting of the Senate, without any formal communication to the Senate.
- (2) During the absence of the Deputy President, the President may call upon any one of the Temporary Chairmen of Committees to relieve temporarily in the chair, without any formal communication to the Senate.

#### **16 Absence of Clerk**

In case of absence of the Clerk of the Senate, the Clerk's duties shall be performed by the Deputy Clerk, or, should the latter be absent, by a Clerk Assistant.

## **CHAPTER 5**

### **STANDING AND SELECT COMMITTEES**

#### **Standing committees**

##### **17 Procedure**

- (1) A Procedure Committee, consisting of the President, the Deputy President, the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and 6 senators, shall be appointed at the commencement of each Parliament, with power to act during recess and to confer with a similar committee of the House of Representatives.
- (2) If the Leader of the Government in the Senate or the Leader of the Opposition in the Senate is unable to attend a meeting of the committee, that senator may appoint a senator to act as a member of the committee at that meeting.
- (3) The committee may consider any matter relating to the procedures of the Senate referred to it by the Senate or by the President.
- (4) The Deputy President shall be the chair of the committee.

*(amended 24 August 1994)*

##### **18 Privileges**

- (1) A Committee of Privileges, consisting of 7 senators, shall be appointed at the commencement of each Parliament to inquire into and report upon matters of privilege referred to it by the Senate.
- (2) The committee shall have power to send for persons and documents, to move from place to place and to sit during recess.
- (3) The committee shall consist of 7 senators, 4 nominated by the Leader of the Government in the Senate and 3 nominated by the Leader of the Opposition in the Senate.
- (4) The committee shall elect as its chair a member nominated by the Leader of the Opposition in the Senate.

*(amended 24 August 1994)*

##### **19 Appropriations and Staffing**

- (1) A Standing Committee on Appropriations and Staffing shall be appointed at the commencement of each Parliament.
- (2) The committee shall inquire into:
  - (a) proposals for the annual estimates and the additional estimates for the Senate;

- (b) proposals to vary the staff structure of the Senate, and staffing and recruitment policies; and
  - (c) such other matters as are referred to it by the Senate.
- (3) The committee shall:
  - (a) in relation to the estimates –
    - (i) determine the amounts for inclusion in the parliamentary appropriation bills for the annual and the additional appropriations, and
    - (ii) report to the Senate upon its determinations prior to the consideration by the Senate of the relevant parliamentary appropriation bill;
  - (b) in relation to staffing –
    - (i) make recommendations to the President, and
    - (ii) report to the Senate on any matter; and
  - (c) make an annual report to the Senate on the operations of the Senate's appropriations and staffing, and related matters.
- (4) The committee shall consist of the President and 8 other senators: the Leader of the Government in the Senate or a Senate minister nominated to represent the Leader of the Government in the Senate from time to time, and 3 other members of the government party nominated by the Leader of the Government in the Senate, and the Leader of the Opposition in the Senate or a senator nominated to represent the Leader of the Opposition in the Senate from time to time, and 3 other senators not being members of the government party, nominated by the Leader of the Opposition in the Senate or by any minority groups or independent senators; and in the absence of agreement between the opposition and any minority groups or independent senators as to nominations, any question as to representation shall be determined by the Senate.
- (5) The committee shall have power to appoint sub-committees consisting of 3 or more of its members, and to refer to any such sub-committee any of the matters which the committee is empowered to consider.
- (6) The chairman of the committee shall be the President, who may from time to time appoint another member of the committee to be deputy chairman, who shall act as chairman at any time when there is no chairman or the chairman is not present at a meeting of the committee.
- (7) Where the votes on any question before the committee are equally divided, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.
- (8) A senator not a member of the committee may attend and participate in its deliberations, and question witnesses, unless the committee orders otherwise, but shall not vote.

- (9) The committee and any sub-committee shall have power to send for persons and documents, to move from place to place, and to meet and transact business in public or private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.
- (10) A daily Hansard shall be published of public proceedings of the committee.
- (11) The committee shall be provided with all necessary staff, facilities and resources.

*(amended 24 August 1994)*

## **20 Library**

- (1) A Library Committee, consisting of the President and 6 senators, shall be appointed at the commencement of each Parliament, with power to act during recess, and to confer and sit as a joint committee with a similar committee of the House of Representatives.
- (2) The committee may consider any matter relating to the provision of library services to senators.
- (3) The President shall be the chair of the committee.

*(amended 24 August 1994)*

## **21 House**

- (1) A House Committee, consisting of the President, the Deputy President and 5 senators, shall be appointed at the commencement of each Parliament, with power to act during recess, and to confer and sit as a joint committee with a similar committee of the House of Representatives.
- (2) The committee may consider any matter relating to the provision of facilities in Parliament House referred to it by the Senate or by the President.
- (3) The President shall be the chair of the committee.

*(amended 24 August 1994, 13 November 2002)*

## **22 Publications**

- (1) A Publications Committee, consisting of 7 senators, shall be appointed at the commencement of each Parliament, with power to act during recess and to confer and sit as a joint committee with a similar committee of the House of Representatives.
- (2) All documents presented to the Senate which have not been ordered to be printed by either House of the Parliament shall stand referred to the committee, which shall make recommendations on the printing of documents.
- (3) When sitting with a similar committee of the House of Representatives, the committee shall also have power:
  - (a) to inquire into and report on the printing, publication and distribution of parliamentary and government publications and on such related matters as are referred to it by the relevant minister; and



- (b) to send for persons and documents.
- (4) The committee shall elect as its chair a member nominated by the Leader of the Government in the Senate.

*(amended 24 August 1994)*

## **22A Senators' Interests**

- (1) A Committee of Senators' Interests shall be appointed at the commencement of each Parliament:
  - (a) to inquire into and report upon the arrangements made for the compilation, maintenance and accessibility of a Register of Senators' Interests;
  - (b) to consider any proposals made by senators and others as to the form and content of the register;
  - (c) to consider any submissions made in relation to the registering or declaring of interests;
  - (d) to consider what classes of person, if any, other than senators ought to be required to register and declare their interests; and
  - (e) to make recommendations upon these and any other matters which are relevant.
- (2)
  - (a) The membership of the committee shall as closely as possible reflect the composition of the Senate and, until modified by a subsequent resolution, shall consist of 8 senators, 3 nominated by the Leader of the Government in the Senate, 4 nominated by the Leader of the Opposition in the Senate and 1 nominated by any minority groups or independent senators.
  - (b) The nominations of the minority groups or independent senators shall be determined by agreement between the minority groups and independent senators, and, in the absence of agreement duly notified to the President, the question of the representation on the committee shall be determined by the Senate.
- (3) The committee shall elect as its chair one of its members nominated by the Leader of the Opposition in the Senate.
- (4) The quorum of the committee shall be 3 members.
- (5) The chairman may from time to time appoint a member of the committee to be deputy chairman, and the member so appointed shall act as chairman of the committee when there is no chairman or the chairman is not present at a meeting of the committee.
- (6) Where votes on a question before the committee are equally divided, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.

- (7) The committee shall have power to send for persons or documents, but shall not exercise that power, nor undertake an investigation of the private interests of any person, except in accordance with a decision agreed to by not less than 3 members of the committee other than the chairman.
- (8) The committee shall have power to confer with a similar committee of the House of Representatives.
- (9) The committee shall, as soon as practicable after 31 December in each year, prepare and table in the Senate a report on its operations during that year, and shall also have power to report from time to time.

*(adopted 17 March 1994, amended 24 August 1994)*

## **23 Regulations and Ordinances**

- (1) A Standing Committee on Regulations and Ordinances shall be appointed at the commencement of each Parliament.
- (2) All regulations, ordinances and other instruments made under the authority of Acts of the Parliament, which are subject to disallowance or disapproval by the Senate and which are of a legislative character, shall stand referred to the committee for consideration and, if necessary, report.
- (3) The committee shall scrutinise each instrument to ensure:
  - (a) that it is in accordance with the statute;
  - (b) that it does not trespass unduly on personal rights and liberties;
  - (c) that it does not unduly make the rights and liberties of citizens dependent upon administrative decisions which are not subject to review of their merits by a judicial or other independent tribunal; and
  - (d) that it does not contain matter more appropriate for parliamentary enactment.
- (4)
  - (a) The committee shall consist of 6 senators, 3 being members of the government party nominated by the Leader of the Government in the Senate, and 3 being senators who are not members of the government party, nominated by the Leader of the Opposition in the Senate or by any minority groups or independent senators.
  - (b) The nominations of the opposition or any minority groups or independent senators shall be determined by agreement between the opposition and the minority groups or independent senators, and, in the absence of agreement duly notified to the President, the question of the representation on the committee shall be determined by the Senate.
- (5) The committee shall have power to send for persons and documents, and to sit during recess.
- (6) The committee shall elect as chairman a member appointed to the committee on the nomination of the Leader of the Government in the Senate.

- (7) The chairman may from time to time appoint a member of the committee to be deputy chairman, and the member so appointed shall act as chairman of the committee when there is no chairman or the chairman is not present at a meeting of the committee.
- (8) Where votes on a question before the committee are equally divided, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.
- (9) The committee may appoint with the approval of the President counsel to advise the committee.

## **24 Scrutiny of Bills**

- (1) (a) At the commencement of each Parliament, a Standing Committee for the Scrutiny of Bills shall be appointed to report, in respect of the clauses of bills introduced into the Senate, and in respect of Acts of the Parliament, whether such bills or Acts, by express words or otherwise:
  - (i) trespass unduly on personal rights and liberties;
  - (ii) make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers;
  - (iii) make rights, liberties or obligations unduly dependent upon non-reviewable decisions;
  - (iv) inappropriately delegate legislative powers; or
  - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny.
- (b) The committee, for the purpose of reporting upon the clauses of a bill when the bill has been introduced into the Senate, may consider any proposed law or other document or information available to it, notwithstanding that such proposed law, document or information has not been presented to the Senate.
- (2) (a) The committee shall consist of 6 senators, 3 being members of the government party nominated by the Leader of the Government in the Senate, and 3 being senators who are not members of the government party, nominated by the Leader of the Opposition in the Senate or by any minority groups or independent senators.
- (b) The nominations of the opposition or any minority groups or independent senators shall be determined by agreement between the opposition and any minority groups or independent senators, and, in the absence of agreement duly notified to the President, the question of the representation on the committee shall be determined by the Senate.
- (3) The committee may appoint sub-committees consisting of 3 or more of its members, and refer to any such sub-committee any matters which the committee is empowered to consider.

- (4) The committee shall elect as chairman a member appointed to the committee on the nomination of the Leader of the Opposition in the Senate.
- (5) The chairman may from time to time appoint a member of the committee to be deputy chairman, and the member so appointed shall act as chairman of the committee when there is no chairman or the chairman is not present at a meeting of the committee.
- (6) When votes on a question before the committee are equally divided, the chairman, or the deputy chairman when acting as chairman, shall have a casting vote.
- (7) The committee and any sub-committee shall have power to send for persons and documents, to move from place to place, and to meet in private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.
- (8) The committee may appoint with the approval of the President counsel to advise the committee.
- (9) The committee may report from time to time its proceedings and evidence and any recommendations, and shall make regular reports of the progress of the proceedings of the committee.

*(amended 24 August 1994)*

## **24A Selection of Bills**

- (1) A Selection of Bills Committee shall be appointed at the commencement of each Parliament to consider all bills introduced into the Senate or received from the House of Representatives, except bills which contain no provisions other than provisions appropriating revenue or moneys, and to report –
  - (a) in respect of each such bill, whether the bill should be referred to a legislative and general purpose standing committee; and
  - (b) in respect of each bill recommended for referral to a standing committee:
    - (i) the standing committee to which the bill should be referred,
    - (ii) the stage in the consideration of the bill at which it should be referred to the standing committee, and
    - (iii) the day which should be fixed for the standing committee to report on the bill.
- (2) (a) The committee shall consist of the Government Whip and 2 other senators nominated by the Leader of the Government in the Senate, the Opposition Whip and 2 other senators nominated by the Leader of the Opposition in the Senate, and the whips of any minority groups.
- (b) The quorum of the committee shall be 4 members.

- (c) The chair of the committee shall be the Government Whip, and the chair shall appoint from time to time a deputy chair to act as chair when the chair is not present at a meeting.
  - (d) In the event of votes on a question before the committee being equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
- (3) Where the committee reports on any sitting day, the report shall be presented after the giving of notices of motion.
- (4) Following the presentation of a report by the committee, the chair of the committee, or a member of the committee on behalf of the chair, may move without notice a motion for the adoption of the report.
- (5) Amendments may be moved to a motion under paragraph (4), including amendments to refer to a standing committee any bill of the kind referred to in paragraph (1) which is not the subject of a motion moved pursuant to paragraph (4).
- (6) An amendment of the kind referred to in paragraph (5) shall specify –
  - (a) the standing committee to which the bill is to be referred;
  - (b) the stage in the consideration of the bill at which it is to be referred to the committee; and
  - (c) the day on which the committee is to report.
- (7) On a motion moved pursuant to paragraph (4), a senator shall not speak for more than 5 minutes, and at the expiration of 30 minutes, if the debate be not sooner concluded, the President shall put the question on the motion and any amendments before the chair, but if a senator wishes to move a further amendment at that time, that amendment may be moved and shall be determined without debate.
- (8) Where a motion moved pursuant to paragraph (4) is agreed to with or without amendment, at the conclusion of the stage of the consideration of a bill referred to in the report adopted by that motion or in an amendment, the bill shall stand referred to the standing committee specified, and the further consideration of the bill shall be an order of the day for the day fixed for the presentation of the report of the standing committee.
- (9) In considering a bill referred to it pursuant to this standing order, a standing committee shall have no power to make amendments to the bill or requests for amendments, but may recommend amendments or requests for amendments which would be in order if proposed in a committee of the whole.
- (10) A report from a standing committee relating to a bill referred to it under this order shall be received by the Senate without debate, and consideration of the report deferred until the order of the day relating to the bill is called on.

(11) Where:

- (a) the committee recommends that a bill be referred to a select committee; or
- (b) a senator indicates that the senator intends to move to establish a select committee to consider a bill or to refer a bill to an existing select committee,

this standing order shall have effect as if each reference to a standing committee included reference to a select committee.

*(adopted 13 February 1997)*

## **25 Legislative and general purpose**

- (1) At the commencement of each Parliament, legislative and general purpose standing committees shall be appointed, as follows:

Community Affairs

References Committee

Legislation Committee

Economics

References Committee

Legislation Committee

Employment, Workplace Relations and Education

References Committee

Legislation Committee

Environment, Communications, Information Technology and the Arts

References Committee

Legislation Committee

Finance and Public Administration

References Committee

Legislation Committee

Foreign Affairs, Defence and Trade

References Committee

Legislation Committee

Legal and Constitutional

References Committee

Legislation Committee

Rural and Regional Affairs and Transport

References Committee

Legislation Committee.

- (2) (a) The references committees shall inquire into and report upon matters referred to them by the Senate, other than the matters to be referred to the legislation committees.

- (b) The legislation committees shall inquire into and report upon estimates of expenditure referred to them in accordance with standing order 26, any bills or draft bills referred to them, annual reports in accordance with a reference of such reports to them, and the performance of departments and agencies allocated to them.
- (3) References concerning departments and agencies shall be allocated to the committees in accordance with a resolution of the Senate allocating departments and agencies to the committees.
- (4) The committees shall inquire into and report upon matters referred to their predecessor committees appointed under this standing order and not disposed of by those committees, in accordance with the allocation of matters in paragraph (2), and in considering those matters may consider the evidence and records of those committees relating to those matters.
- (5)
  - (a) The references committees shall consist of 6 senators, 2 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate and one nominated by minority groups and independent senators.
  - (b) The legislation committees shall consist of 6 senators, 3 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate and one nominated by minority groups and independent senators.
- (6)
  - (a) The committees to which minority groups and independent senators make nominations shall be determined by agreement between the minority groups and independent senators, and, in the absence of agreement duly notified to the President, any question of the representation on a committee shall be determined by the Senate.
  - (b) The allocation of places on the committees amongst minority groups and independent senators shall be as nearly as practicable proportional to the numbers of those minority groups and independent senators in the Senate.
- (7)
  - (a) Senators may be appointed to the committees as substitutes for members of the committees in respect of particular matters before the committees.
  - (b) On the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committees.
  - (c) Participating members may participate in hearings of evidence and deliberations of the committees, and have all the rights of members of committees, but may not vote on any questions before the committees.
  - (d) A participating member shall be taken to be a member of a committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

- (8) A committee may appoint sub-committees consisting of 3 or more of its members, and refer to any such sub-committee any of the matters which the committee is empowered to consider.
- (9) The references committee and the legislation committee for each subject area may meet together by decision of each committee to confer on any matter referred to either committee and to coordinate their work where necessary.
- (10)
  - (a) Each of 6 references committees shall elect as its chair a member nominated by the Leader of the Opposition in the Senate, and each of 2 references committees shall elect as its chair a member of the largest minority group in the Senate.
  - (b) The chairs to which members nominated by the Leader of the Opposition in the Senate and members of the largest minority group are elected shall be determined by agreement between the opposition and the largest minority group, and, in the absence of agreement duly notified to the President, any question of the allocation of chairs shall be determined by the Senate.
  - (c) Each legislation committee shall elect as its chair a member nominated by the Leader of the Government in the Senate.
  - (d) Each committee shall elect one of its members as its deputy chair, and the member so elected shall act as the chair of the committee when the member elected as chair is absent from a meeting of the committee or the position of chair is temporarily vacant.
  - (e) Where the chair of a committee is a member nominated by the Leader of the Government in the Senate, the deputy chair shall be a member nominated by the Leader of the Opposition in the Senate or minority groups and independent senators, and where the chair is a member nominated by the Leader of the Opposition in the Senate or minority groups and independent senators, the deputy chair shall be a member nominated by the Leader of the Government in the Senate.
  - (f) When votes on a question before a committee are equally divided, the chair, or the deputy chair when acting as chair, shall have a casting vote.
  - (g) The chair, or the deputy chair when acting as chair, may appoint another member of a committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.
- (11) The chairs of the committees, together with the chairs of any select committees appointed by the Senate, shall constitute the Chairs' Committee, which may meet with the Deputy President in the chair, and may consider and report to the Senate on any matter relating to the operations of the committees.



- (12) Except as otherwise provided by the standing orders, the reference of a matter to a committee shall be on motion after notice, and such notice of motion may be given:
- (a) in the usual manner when notices are given; or
  - (b) at any other time by a senator:
    - (i) stating its terms to the Senate, when no other business is before the chair, or
    - (ii) delivering a copy to the Clerk, who shall report it to the Senate at the first opportunity;
- and shall be placed on the Notice Paper for the next sitting day as business of the Senate and, as such, shall take precedence of government and general business set down for that day.
- (13) Matters referred to the committees should relate to subjects which can be dealt with expeditiously.
- (14) A committee shall take care not to inquire into any matters which are being examined by a select committee of the Senate appointed to inquire into such matters and any question arising in this connection may be referred to the Senate for determination.
- (15) A committee and any sub-committee shall have power to send for persons and documents, to move from place to place, and to meet and transact business in public or private session and notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.
- (16) All documents received by a committee during an inquiry shall remain in the custody of the Senate after the completion of that inquiry.
- (17) A committee shall be empowered to print from day to day any of its documents and evidence. A daily Hansard shall be published of public proceedings of a committee.
- (18) A committee shall be provided with all necessary staff, facilities and resources and shall be empowered to appoint persons with specialist knowledge for the purposes of the committee, with the approval of the President.
- (19) A committee may report from time to time its proceedings and evidence taken and any recommendations, and shall make regular reports on the progress of its proceedings.
- (20) A committee may authorise the broadcasting of its public hearings, under such rules as the Senate provides.
- (21) Annual reports of departments and agencies shall stand referred to the legislation committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:

- (a) Examine each annual report referred to it and report to the Senate whether the report is apparently satisfactory.
- (b) Consider in more detail, and report to the Senate on, each annual report which is not apparently satisfactory, and on the other annual reports which it selects for more detailed consideration.
- (c) Investigate and report to the Senate on any lateness in the presentation of annual reports.
- (d) In considering an annual report, take into account any relevant remarks about the report made in debate in the Senate.
- (e) If the committee so determines, consider annual reports of departments and budget-related agencies in conjunction with examination of estimates.
- (f) Report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.
- (g) Draw to the attention of the Senate any significant matters relating to the operations and performance of the bodies furnishing the annual reports.
- (h) Report to the Senate each year whether there are any bodies which do not present annual reports to the Senate and which should present such reports.

*(amended 24 August 1994, 13 February 1997, 11 November 1998, 3 December 1998, 13 February 2002, 19 November 2002)*

## **26 Estimates**

- (1) Annual and additional estimates, contained in the documents presenting the particulars of proposed expenditure and additional expenditure, shall be referred to the legislation committees for examination and report.
- (2) The committees shall hear evidence on the estimates in public session.
- (3) Not more than 4 committees shall hear evidence on the estimates simultaneously.
- (4) When a committee hears evidence on the estimates, the chair shall, without motion, call on items of expenditure in the order decided upon and declare the proposed expenditure open for examination.
- (5) The committees may ask for explanations from ministers in the Senate, or officers, relating to the items of proposed expenditure.
- (6) The report of a committee on the estimates may propose the further consideration of any items.
- (7) A Hansard report of the committees' hearings of evidence on the estimates shall be circulated, in a manner similar to the daily Senate Hansards, as soon as practicable after each day's proceedings.

- (8) Participating membership of legislation committees shall not have effect in respect of proceedings on estimates, other than the formation of a quorum, but any senator may attend a meeting of a legislation committee in relation to estimates, question witnesses and participate in the deliberations of the committee at such a meeting and add a reservation to a report relating to estimates.
- (9) After a committee has considered proposed expenditure referred to it by the Senate and agreed to its report to the Senate, the committee shall fix:
- (a) a day for the submission to the committee of any written answers or additional information relating to the proposed expenditure; and
  - (b) in respect of the annual estimates only, a day for the commencement of supplementary meetings of the committee to consider matters relating to the proposed expenditure.

The day fixed under subparagraph (9)(b) shall be not less than 10 days after the day fixed under subparagraph (9)(a).

- (10) A senator may lodge with a committee, not less than 3 working days before the day fixed under subparagraph (9)(b), notice of matters, relating to the written answers or additional information, or otherwise relating to the proposed expenditure referred to the committee, which the senator wishes to raise at the supplementary meetings of the committee. A notice shall be forwarded by the committee to the minister in the Senate responsible for the matters to which the notice relates.
- (11) A committee may determine at any time the number and duration of any supplementary meetings.
- (12) At a supplementary meeting, questions may be put to ministers or officers relating to matters of which notice has been given, and the proceedings of the committee shall be confined to those matters, but the committee shall otherwise conduct the proceedings in accordance with this standing order.
- (13) A committee may report to the Senate any recommendation for further action by the Senate arising from the committee's supplementary meetings.
- (14) Written questions relating to the estimates may be supplied to the secretaries of the committees, who shall distribute them to the relevant departments and to members of the committees. Answers shall be supplied to, and circulated by, the secretaries.

*(amended 24 August 1994, 13 February 1997, 6 March 1997, 6 February 2001, 19 November 2002)*

## **General committee provisions**

### **27 Membership**

- (1) Except as otherwise provided, the senators to serve on a committee shall be nominated by the mover, and if one senator so requires, they shall be selected by ballot.

- (2) A senator may be discharged from attending a committee and another senator appointed, either by nomination or ballot, after notice.
- (3) The President shall not be elected to any committee other than one of which the President is an ex officio member.
- (4) If the Deputy President is elected to serve on a committee and declines to do so, another senator shall be elected.
- (5) A senator shall not sit on a committee if the senator has a conflict of interest in relation to the inquiry of the committee.
- (6) Where a committee is empowered to appoint sub-committees, each sub-committee shall have at least one member appointed to the committee on the nomination of the Leader of the Government in the Senate and at least one member appointed to the committee on the nomination of the Leader of the Opposition in the Senate.

*(amended 13 February 1997)*

## **28 Time for reporting**

On the appointment of every committee other than a standing committee a day shall be fixed for the reporting of its proceedings to the Senate, by which day the final report of the committee shall be presented by the chairman, unless further time is moved for and granted.

## **29 Quorum**

- (1) In each committee and sub-committee, unless otherwise provided, a quorum shall be:
  - (a) a majority of the members of the committee or sub-committee; or
  - (b) 2 members, where one member present was appointed to the committee on the nomination of the Leader of the Government in the Senate and one member present was appointed to the committee on the nomination of the Leader of the Opposition in the Senate.
- (2) If a senator draws attention to the lack of a quorum at a meeting of a committee, the proceedings shall be suspended until a quorum is present, or, if a quorum is not present after 15 minutes, the committee shall then be adjourned.
- (3) If within 15 minutes after the time appointed for the meeting of a committee there is not a quorum, the senators present may retire, after entering their names in the minutes; and the secretary attending the committee shall convene a meeting for another time.

*(amended 24 August 1994, 19 November 2002)*

### **30 Meetings**

- (1) The mover of a committee, if a member of it, shall fix the time for the first meeting of the committee; if the mover is not a member the secretary shall fix the time.
- (2) Notice of meetings subsequent to the first meeting shall be given by the secretary attending the committee:
  - (a) pursuant to resolution of the committee;
  - (b) on instruction of the chairman; or
  - (c) upon a request by a quorum of members of the committee.
- (3) A committee is authorised to hold meetings by electronic communication without the members of the committee or witnesses being present in one place, provided that:
  - (a) when a committee deliberates, members of the committee constituting a quorum are able to speak to, and hear, each other contemporaneously;
  - (b) when a witness gives oral evidence, members of the committee constituting a quorum are able to hear the witness contemporaneously and to put questions to the witness in each other's hearing; and
  - (c) the chair of such a meeting takes care to ensure that a quorum is maintained during the meeting and that the standing orders and rules of the Senate are observed.

*(amended 13 February 1997)*

### **31 Chairman**

A committee, before transacting any business, shall elect one of its members to be chairman, who, unless it is otherwise provided, shall have a deliberative vote only.

### **32 Proceedings**

- (1) Unless it is otherwise provided, when the votes on any question before a committee are equally divided the question shall be negatived.
- (2) An entry shall be made in the minutes of proceedings of the names of the senators attending each committee meeting, of every motion or amendment proposed in the committee and the mover, and the names and votes of the senators voting in any division.
- (3) A committee may adjourn from time to time, and, by order of the Senate, from place to place, and may sit on those days over which the Senate is adjourned.

### **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.

*(amended 24 August 1994, 14 May 2003)*

### **34 Powers**

- (1) The Senate may give a committee power to send for persons and documents, and a committee with that power may summon witnesses and require the production of documents.
- (2) The chairman of a committee shall direct the secretary attending the committee to invite or summon witnesses and request or require the production of documents in accordance with the orders of the committee.

### **35 Witnesses**

- (1) The examination of witnesses before a committee shall be conducted by the members of the committee in accordance with procedures agreed to by the committee, subject to the rules of the Senate.
- (2) The examination of witnesses shall be recorded in a transcript of evidence.

### **36 Public and private meetings**

Persons other than members and officers of a committee may attend a public meeting of a committee but shall not attend a private meeting except by express invitation of the committee, and shall always be excluded when the committee is deliberating.

### **37 Disclosure of evidence and documents**

- (1) The evidence taken by a committee and documents presented to it, which have not been reported to the Senate, shall not, unless authorised by the Senate or the committee, be disclosed to any person other than a member or officer of the committee.
- (2) A senator who wishes to refer to in camera evidence or unpublished committee documents in a dissenting report shall advise the committee of the evidence or documents concerned, and all reasonable effort shall be made by the committee to reach agreement on the disclosure of the evidence or documents for that purpose. If agreement is not reached, the senator may refer to the in camera evidence or unpublished documents in the dissent only to the extent necessary to support the reasoning of the dissent. Witnesses who gave the evidence or provided the documents in question shall, if practicable, be informed in advance of the proposed disclosure of the evidence or documents and shall be given reasonable opportunity to object to the disclosure and to ask that particular parts of the evidence or documents not be disclosed. The committee shall give careful consideration to any objection by a witness before making its decision. Consideration shall be given to disclosing the evidence or documents in such a way as to conceal the identity of persons who gave the evidence or provided the documents or who are referred to in the evidence or documents.
- (3)
  - (a) The President is authorised to permit any person to examine and copy evidence submitted to, or documents of, committees, which are in the custody of the Senate, which have not already been published by the Senate or its committees, and which have been in the Senate's custody for at least 10 years.
  - (b) If such evidence or documents were taken in camera or submitted on a confidential or restricted basis, disclosure shall not take place unless the evidence or documents have been in the custody of the Senate for at least 30 years, and, in the opinion of the President, it is appropriate that such evidence or documents be disclosed.
  - (c) The President shall report to the Senate the nature of any evidence or documents made available under this standing order and the person or persons to whom they have been made available.

*(amended 13 February 1997, 29 April 1999)*

### **38 Reports**

- (1) The chairman of a committee shall prepare a draft report and submit it to the committee.
- (2) After a draft report has been considered and agreed to by a committee, with or without amendment, a minority or dissenting report may be added to the report by any member or group of members, and any member or participating member may attach to the report relevant conclusions and recommendations of that member.
- (3) If any senator other than the chairman submits a draft report to a committee, the committee shall first decide upon which report it will proceed.

- (4) After a draft report has been considered the whole or any part of it may be reconsidered and amended.
- (5) A report of a committee shall be signed and presented to the Senate by the chairman.
- (6) By order of the Senate a committee may report from time to time its proceedings or evidence.
- (7) If the Senate is not sitting when a committee has prepared a report for presentation, the committee may provide the report to the President or, if the President is unable to act, to the Deputy President, or, if the Deputy President is unavailable, to any one of the Temporary Chairmen of Committees, and, on the provision of the report:
  - (a) the report shall be deemed to have been presented to the Senate;
  - (b) the publication of the report is authorised by this standing order;
  - (c) the President, the Deputy President, or the Temporary Chairman of Committees, as the case may be, may give directions for the printing and circulation of the report; and
  - (d) the President shall lay the report upon the table at the next sitting of the Senate.

*(amended 24 August 1994, 13 February 1997)*

### **39 Proceedings on report**

- (1) Subject to standing order 62(4), on the presentation of a report of a committee no discussion shall take place, but the report and any documents accompanying it may be ordered to be printed.
- (2) Any proceeding on a report of a committee shall be by motion after notice.

### **40 Meetings with House of Representatives committees**

- (1) A committee may not confer or sit with a committee of the House of Representatives except by order of the Senate.
- (2) When such an order has been made, it shall be communicated by message to the House of Representatives with a request that leave be given to the committee of that House to confer or sit with the committee of the Senate.
- (3) A committee permitted or directed to confer with a committee of the House of Representatives may confer by writing or orally.
- (4) Proceedings of a conference or joint sitting of a committee of the Senate and a committee of the House of Representatives shall be reported to the Senate by its committee.

### **41 List of committees**

Lists of all committees, of the matters referred to them and of their reports shall be published in the Notice Paper.



## **42 Joint committees**

- (1) A proposal for a joint committee of the Senate and the House of Representatives agreed to by the Senate shall be forwarded to the House of Representatives by message.
- (2) The proceedings of a joint committee shall be reported to the Senate by one of the senators appointed to serve on the committee.

## **CHAPTER 6**

### **JOURNALS AND RECORDS OF THE SENATE**

#### **43 Publication of Journals and records**

- (1) All proceedings of the Senate shall be recorded by the Clerk in the Journals of the Senate, shall be signed by the Clerk and, except in so far as they relate to a meeting of the Senate in private session, be published.
- (2) Business before the Senate shall be placed on the Notice Paper in accordance with the standing orders, and the Notice Paper shall be published.
- (3) Publication of the record of debate in the Senate, known as Parliamentary Debates and Hansard, is authorised by this standing order.

*(amended 13 February 1997)*

#### **44 Custody of records**

The custody of the Journals, records and all documents laid before the Senate shall be in the Clerk, and they shall not be taken from the chamber or Senate offices without the permission of the Senate.

## **CHAPTER 7**

### **SENATORS' ROLL, ATTENDANCE AND PLACES OF SENATORS**

#### **45 Roll**

- (1) A senators' roll for each state and territory shall be kept by the Clerk, showing the names of the senators, the dates of election, of taking the oath or affirmation of allegiance, of ceasing to be a senator and the cause.
- (2) Each senator shall sign the roll on the day on which the senator takes the oath or affirmation of allegiance.
- (3) When senators have been divided into 2 classes under the provisions of section 13 of the Constitution, the Clerk shall enter on the roll opposite the name of each senator the class to which the senator belongs.

#### **46 Attendance of senators**

For the purposes of section 20 of the Constitution, a record shall be kept in the Journals each day of senators who do not attend at some time during the sitting.

#### **47 Leave of absence to senators**

- (1) Leave of absence may be given by the Senate to a senator on motion after notice, stating the cause and period of absence. The notice of motion shall have precedence as business of the Senate.
- (2) A senator shall be excused from service in the Senate or on a committee so long as the senator has leave of absence.
- (3) A senator having leave of absence shall forfeit it by attending the Senate before the expiration of the leave.

#### **48 Senators' seats**

- (1) The front seats on the right of the President shall be reserved for ministers.
- (2) The front seats on the left of the President shall be reserved for leaders of parties and for opposition senators designated as having responsibility for particular matters.
- (3) In relation to seats other than front seats, senators shall be entitled to retain the seats occupied by them at the time of their taking their seats for the first time after their election so long as they continue senators without re-election.
- (4) Subject to this standing order and to any other order of the Senate, any question relating to the occupation of seats by senators shall be determined by the President.

## **CHAPTER 8**

### **SITTINGS, QUORUM AND ADJOURNMENT OF THE SENATE**

#### **49 Meeting of Senate**

The bells shall be rung for 5 minutes prior to the time appointed for a meeting of the Senate, and the President shall then take the chair.

#### **50 Prayer**

The President, on taking the chair each day, shall read the following prayer:

Almighty God, we humbly beseech Thee to vouchsafe Thy special blessing upon this Parliament, and that Thou wouldst be pleased to direct and prosper the work of Thy servants to the advancement of Thy glory, and to the true welfare of the people of Australia.

Our Father, which art in Heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil: For thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

#### **51 Quorum at commencement of sitting**

- (1) If there is not a quorum present when the chair is taken at the time appointed for a meeting of the Senate, the bells shall be again rung for 5 minutes, and if there is still not a quorum present the President shall adjourn the Senate to the next sitting day.
- (2) A senator having entered the chamber at or after the time appointed for the meeting of the Senate shall not withdraw until a quorum is formed or the Senate adjourned.

#### **52 Quorum during sitting**

- (1) If it appears, on the report of a division of the Senate by the tellers, that a quorum is not present, the President shall adjourn the Senate till the next sitting day; and no decision of the Senate shall be considered to have been arrived at by such division.
- (2) When the President is informed by the Chairman of Committees that a quorum is not present, the bells shall be rung for 4 minutes; the President shall then count the Senate, and if no quorum is then present, shall adjourn the Senate till the next sitting day; but if a quorum is then present, the President shall leave the chair and the committee resume.
- (3) If a senator draws attention to the lack of a quorum, the bells shall be rung for 4 minutes; the President shall then count the Senate, and, if a quorum is not present, shall adjourn the Senate till the next sitting day.

- (4) When the attention of the President, or of the Chairman of Committees, has been called to the absence of a quorum, a senator shall not leave the chamber until the Senate has been counted by the President.
- (5) The doors of the Senate shall be unlocked when the President is counting the Senate.
- (6) When the Senate is adjourned for lack of a quorum the names of the senators present shall be entered in the Journals.
- (7) Time taken to form a quorum shall not be regarded as part of the amount of time allowed for a senator to speak in a debate or ask a question or for a debate.

*(amended 13 February 1997)*

### **53 Adjournment of Senate**

- (1) Except where the standing orders provide for the President to adjourn the Senate without putting a question, the Senate can be adjourned only by its own resolution.
- (2) The adjournment of the Senate may be moved at any time by or on behalf of a minister.
- (3) The motion for the adjournment of the Senate may not be amended.
- (4) On the question for the adjournment of the Senate matters not relevant to the question may be debated.

### **54 Adjournment without motion**

- (1) At the time specified for each sitting day, the President shall propose the question that the Senate do now adjourn, and that question shall be open to debate.
- (2) If the Senate is in committee at that time, the chairman shall leave the chair and report to the Senate, and on such a report being made the President shall forthwith propose the question that the Senate do now adjourn, and that question shall be open to debate.
- (3) If the Senate or the committee is in division at that time the President shall not propose that question or the chairman leave the chair till the result of the division has been declared.
- (4) If the consideration of government documents under standing order 61 or the consideration of committee reports under standing order 62(1) concludes before the expiration of the times provided, the question for the adjournment shall then be proposed.
- (5) Except on Tuesday 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 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.

*(amended 13 February 1997, 7 December 1998, 28 August 2002)*

## CHAPTER 9

### TIMES OF SITTINGS AND ROUTINE OF BUSINESS

#### 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	12.30 pm – adjournment
Wednesday	9.30 am – 8 pm
Thursday	9.30 am – 8.40 pm.
- (2) The President, at the request of an absolute majority of the whole number of senators that the Senate meet at a certain time, shall fix a time of meeting in accordance with that request, and the time of meeting shall be notified to each senator.
- (3) For that purpose a request by the leader or deputy leader of a party in the Senate shall be deemed to be a request by every senator of that party.
- (4) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.
- (5) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Temporary Chairmen of Committees, who shall be required to summon the Senate on behalf of the President, in accordance with this standing order.

*(amended 13 February 1997, 4 September 1997, 7 December 1998, 28 August 2002, 14 May 2003)*

#### 56 Conduct of business

A motion connected with the conduct of the business of the Senate may be moved by a minister at any time without notice.

#### 57 Routine of business

- (1) The routine of business shall be:
  - (a) On Monday:
    - (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 9.50 pm, adjournment proposed
    - (xi) At 10.30 pm, adjournment.

(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.

(c) On Wednesday:

- (i) Government business only
- (ii) At 12.45 pm, matters of public interest
- (iii) At 2 pm, questions
- (iv) Motions to take note of answers
- (v) Petitions
- (vi) Notices of motion
- (vii) Postponement and rearrangement of business
- (viii) Formal motions – discovery of formal business
- (ix) Any proposal to debate a matter of public importance or urgency
- (x) Consideration of committee reports under standing order 62(4)
- (xi) Government business
- (xii) At 6.50 pm, consideration of government documents for up to 30 minutes under standing order 61
- (xiii) At 7.20 pm, adjournment proposed
- (xiv) At 8 pm, adjournment.

(d) On Thursday:

- (i) Petitions
- (ii) Notices of motion
- (iii) Postponement and rearrangement of business
- (iv) Formal motions – discovery of formal business
- (v) Consideration of committee reports under standing order 62(4)
- (vi) Government business
- (vii) At 2 pm, questions
- (viii) Motions to take note of answers
- (ix) Any proposal to debate a matter of public importance or urgency
- (x) Not later than 4.30 pm, general business
- (xi) Not later than 6 pm, consideration of government documents under general business
- (xii) Not later than 7 pm, consideration of committee reports and government responses under standing order 62(1)
- (xiii) At 8 pm, adjournment proposed
- (xiv) At 8.40 pm, adjournment.

- (2) On Wednesday, at 12.45 pm till 2 pm matters of public interest may be discussed by senators without any question before the chair, provided that a senator shall not speak for more than 15 minutes, and if a division is called for, the division shall be taken at a later hour of the day, not being earlier than 2 pm.
- (3) If a division is called for on Thursday after 6 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate.

*(amended 13 February 1997, 7 December 1998, 28 August 2002, 14 May 2003)*

## **58 Business of the Senate**

The following business shall be placed on the Notice Paper as business of the Senate, and shall take precedence of government and general business for the day on which it is set down for consideration:

- (a) A motion for leave of absence to a senator.
- (b) A motion concerning the qualification of a senator.
- (c) A motion to disallow, disapprove, or declare void and of no effect any instrument made under the authority of any Act of Parliament which provides for the instrument to be subject to disallowance or disapproval by either House of the Parliament, or subject to a resolution of either House of the Parliament declaring the instrument to be void and of no effect.
- (d) An order of the day for the presentation of a report from a committee.
- (e) A motion to refer a matter to a standing committee.

## **59 Government and general business**

Government business shall take precedence of general business, except that general business shall take precedence of government business on Thursday at the time provided, for a period not exceeding 2½ hours, and general business orders of the day shall take precedence of general business notices of motion on alternate Thursdays.

*(amended 13 February 1997)*

## **60 Reports of committees—precedence**

A motion for the consideration or adoption of the report of a committee of the Senate and any government statement on such a report shall take precedence of any other general business on the day on which it is set down for consideration.

## **61 Consideration of government documents**

- (1) (a) On Tuesday and Wednesday, documents presented by a minister shall be considered pursuant to this standing order at the time provided.



- (b) Immediately after prayers on any day when consideration of government documents occurs, a minister may present documents by handing them to the Clerk without any announcement to the Senate, and the presentation of such documents shall be reported to the Senate by the President when the consideration of government documents is called on under this standing order.
- (2) When documents are called on by the President pursuant to this standing order a motion may be moved without notice that the Senate take note of one or several of them.
- (3) The debate on any motion moved pursuant to this standing order shall be conducted as follows:
  - (a) a senator shall not speak for more than 5 minutes;
  - (b) if debate pursuant to this standing order is not concluded it shall be interrupted after 30 minutes;
  - (c) if the debate is adjourned or interrupted, the resumption of the debate shall be an order of the day for the Thursday of that week at the time for the consideration of government documents under general business, or, if it is so ordered, for the next day of sitting; and
  - (d) on Thursdays, at the time provided, when an order of the day is called on under this standing order senators who have previously spoken to that order of the day may speak again for not more than 5 minutes, and debate under this standing order at that time shall not exceed 60 minutes.
- (4) Where a document is presented but is not called on under paragraph (1), the consideration of that document shall be made an order of the day for the next day on which general business is considered without any question being put, and where that order of the day is called on at that time, a motion may be moved without notice to take note of that document.
- (5) Where consideration of a document is an order of the day in accordance with paragraph (4), it shall remain an order of the day for each succeeding day on which general business is considered till:
  - (a) the order of the day is called on and no motion to take note of the document is moved;
  - (b) a motion to take note of the document is determined; or
  - (c) the order of the day is discharged from the Notice Paper,whichever first occurs.
- (6) Where debates on motions moved under the provisions of this standing order are adjourned or interrupted and are called on in the normal course of business, senators who have spoken to the motions under the provisions of this standing order may speak again for the time allowed by the standing orders for that business.

*(amended 13 February 1997)*

## **62 Consideration of committee reports and government responses and Auditor-General's reports**

- (1) Where in any week there are orders of the day for the resumption of debate on motions for the consideration or adoption of reports of committees or government responses to such reports:
  - (a) on Thursday at the time provided orders of the day relating to reports of committees or government responses presented to the Senate during that week shall be severally called on, in the order in which the respective reports or government responses were presented;
  - (b) if there are no orders of the day relating to committee reports or government responses presented during that week, or if debate on motions relating to such reports or government responses concludes before the expiration of 60 minutes, orders of the day relating to committee reports or government responses presented prior to that week shall then be severally called on in an order which is the reverse of the order in which the respective reports or government responses were presented;
  - (c) in any debate on such motions so called on, each senator may speak for not more than 10 minutes; and
  - (d) any debate pursuant to this standing order shall be interrupted at the expiration of 60 minutes.
- (2) Reports of the Auditor-General in respect of which no motion is moved on their presentation, and orders of the day for adjourned debates on such reports, shall be placed on the Notice Paper for consideration on Thursday at the time for the consideration of committee reports and government responses under general business, after those reports and responses.
- (3) Where debate on a motion under the provisions of this standing order is adjourned or interrupted, senators who have spoken to the motion under the provisions of this standing order may speak again to the motion for the time allowed by the standing orders when the debate on the motion is again called on in the normal course of business.
- (4)
  - (a) If a committee report is presented at the time provided on Wednesday or Thursday, a motion may be moved relating to the report.
  - (b) A senator speaking to such a motion shall not speak for more than 10 minutes, and debate on all such motions shall not exceed 60 minutes.
  - (c) If a debate is not concluded at the expiration of that time the debate shall be made an order of the day for Thursday at the time for consideration of committee reports.

*(amended 14 October 1991, 13 February 1997, 10 May 2000)*

### **63 Presentation of documents**

Documents ordered to be presented, returns, and reports of committees may be presented at any time when no other business is before the Senate.

### **64 New business**

No new business shall be commenced after the question for the adjournment of the Senate has been first put on any sitting day.

### **65 Government business on Notice Paper**

Ministers may arrange the order of their notices of motion and orders of the day on the Notice Paper as they think fit.

### **66 Formal motions**

(1) At the time provided for formal motions the President shall inquire with respect to each motion of which notice has been given for the day, at the request of the senator who gave the notice, whether there is any objection to its being taken as a formal motion, and if no objection is taken by any senator, the motion shall be deemed to be a formal motion.

(2) Formal motions shall take precedence of all other motions and orders of the day and shall be disposed of in the order in which they stand on the Notice Paper.

(3) A formal motion shall be put and determined without amendment or debate.  
*(amended 13 February 1997)*

### **67 Postponement of business**

A senator who wishes to postpone a notice or order of the day of which the senator is in charge shall, before the time for postponement of business, deliver to the Clerk written notification of the postponement. At that time the Clerk shall read a list of such items, and they shall then be taken to be postponed accordingly, but, at the request of any senator, the question for the postponement of an item shall be put to the Senate for determination without amendment or debate.

*(amended 13 February 1997, 30 November 1999)*

### **68 Interruption of business**

(1) If any business before the Senate or a committee of the whole is interrupted by the operation of any standing or other order, such business may be dealt with at a later hour of the day, or shall be set down on the Notice Paper for the next day of sitting.

(2) Where an order of the Senate specifies a time for the consideration of a matter, at the specified time:

(a) if a question is before the Senate consideration of that question shall be interrupted, a senator speaking shall be taken to have leave to continue the senator's speech, and resumption of debate on that question shall be made an order of the day for a later hour of the day without any question being put;

- (b) if the Senate is in committee the chairman shall report progress, and further consideration of the business before the committee shall be made an order of the day for a later hour of the day without any questions being put; or
- (c) if a vote is being taken the vote shall be completed and the procedures in paragraph (a) or (b) then followed as appropriate.

## CHAPTER 10

### PETITIONS

#### 69 Presentation of petitions

- (1) A petition shall be lodged with the Clerk, at least 3 hours before the meeting of the Senate at which it is proposed to have it presented, and in order to be presented must bear the Clerk's certificate that it is in conformity with the standing orders.
- (2) At the time provided the Clerk shall make an announcement that petitions have been lodged. At the commencement of the sitting a list shall be circulated indicating in respect of each petition the senator who presents it, the number of signatures, and the subject matter of the petition.
- (3) Every petition presented shall be deemed to have been received by the Senate unless a motion, moved at the time provided, that a petition be not received, is agreed to.
- (4) The texts of the petitions received shall be printed in Hansard.
- (5) A petition shall not be presented after notices of motion have been given, but when the mover of a motion is called or when an order of the day is read for the first time, a petition referring to it may be presented.
- (6) A senator presenting a petition shall place the senator's name at the beginning of it, together with a statement of the number of signatures.
- (7) Petitions may be presented to the Senate only by a senator, and a senator may not present a petition from that senator.
- (8) A petition not certified under paragraph (1) may be presented in accordance with this standing order with the approval of the President if the President is satisfied that exceptional circumstances warrant its presentation.

*(amended 6 March 1997)*

#### 70 Form of petitions

- (1) A petition shall be fairly written, typed, or printed without interlineation or erasure.
- (2) A petition shall contain a request for action by the Senate or the Parliament.
- (3) A petition shall be in the English language, or be accompanied by a translation, certified by the senator who presents it to be correct.
- (4) Every signature shall be written on a page bearing the petition, and shall not be pasted upon or otherwise transferred to it.
- (5) A petition shall be signed by the petitioners with their names, but may be signed by a person for another in case of incapacity by sickness. A person not able to write may make a mark in the presence of a witness, who shall sign as such.

- (6) Petitions of corporations may be made under their common seal.
- (7) No letters, affidavits, or other documents shall be attached to a petition.

## **71 Content of petitions**

- (1) No reference shall be made in a petition to any debate in Parliament of the same session, unless it is strictly relevant to the petition.
- (2) A petition shall be respectful, decorous, and temperate in its language, and shall not contain language disrespectful to any legislature or irrelevant statements.
- (3) A senator presenting a petition shall be acquainted with the contents of it, and shall take care that it is in conformity with the rules and orders of the Senate.

## CHAPTER 11

### QUESTIONS SEEKING INFORMATION

#### 72 Questions without notice

- (1) At the time provided questions may be put to ministers relating to public affairs, and to other senators relating to any matter connected with the business on the Notice Paper of which such senators have charge.
- (2) A question may be put to the chairman of a committee relating to the activities of that committee, provided that:
  - (a) unless leave of the Senate is granted for the question to be asked without notice, it may be asked only on notice;
  - (b) the question shall not attempt to interfere with the committee's work or anticipate its report; and
  - (c) the chairman shall answer only on behalf of the committee.
- (3)
  - (a) The asking of each question shall not exceed one minute and the answering of each question shall not exceed 4 minutes.
  - (b) The asking of each supplementary question shall not exceed one minute and the answering of each supplementary question shall not exceed one minute.
- (4)
  - (a) After question time motions may be moved without notice to take note of answers given that day to questions.
  - (b) A senator may speak for not more than 5 minutes on such a motion.
  - (c) The time for debate on all motions relating to answers to questions without notice on any day shall not exceed 30 minutes.

*(amended 13 February 1997)*

#### 73 Rules for questions

- (1) The following rules shall apply to questions:

questions shall not contain:

  - (a) statements of fact or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
  - (b) arguments;
  - (c) inferences;
  - (d) imputations;
  - (e) epithets;

(f) ironical expressions; or

(g) hypothetical matter;

questions shall not ask:

(h) for an expression of opinion;

(i) for a statement of the government's policy; or

(j) for legal opinion;

questions shall not refer to:

(k) debates in the current session; or

(l) proceedings in committee not reported to the Senate.

(2) Questions shall not anticipate discussion upon an order of the day or other matter which appears on the Notice Paper.

(3) The President may direct that the language of a question be changed if it is not in conformity with the standing orders.

(4) In answering a question, a senator shall not debate it.

#### **74 Questions on notice**

(1) Notice of a question shall be given by a senator signing and delivering it to the Clerk, fairly written, printed, or typed. Notice may be given by one senator on behalf of another.

(2) The Clerk shall place notices of questions on the Notice Paper in the order in which they are received.

(3) The reply to a question on notice shall be given by delivering it to the Clerk, a copy shall be supplied to the senator who asked the question, the publication of the reply is then authorised, and the question and reply shall be printed in Hansard.

(4) A senator who has received a copy of a reply pursuant to this standing order may, by leave, immediately after questions without notice, ask the question and have the reply read in the Senate.

(5) If a minister does not answer a question on notice asked by a senator within 30 days of the asking of that question, and does not, within that period, provide to the senator who asked the question an explanation satisfactory to that senator of why an answer has not yet been provided:

(a) at the conclusion of question time on any day after that period, the senator may ask the relevant minister for such an explanation; and



- (b) the senator may, at the conclusion of the explanation, move without notice – That the Senate take note of the explanation; or
- (c) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion with regard to the minister's failure to provide either an answer or an explanation.

*(amended 13 February 1997, 8 September 2003)*

## CHAPTER 12

### MATTERS OF PUBLIC IMPORTANCE AND URGENCY

#### 75 Proposal for debate

- (1) A senator may:
  - (a) propose that a matter of public importance be submitted to the Senate for discussion; or
  - (b) move a motion, without notice – That in the opinion of the Senate the following is a matter of urgency: [here to be specified the matter of urgency].
- (2) The senator proposing the matter of public importance or the motion to debate the matter of urgency shall hand to the President, not later than 12.30 pm on the day to which the proposal relates, a written statement of the proposed matter of public importance or urgency.
- (3) If the proposal is in order, the President shall read it to the Senate at the time provided.
- (4) In order to proceed the proposal must be supported by 4 senators, not including the proposer, rising in their places.
- (5) If more than one proposed matter of public importance or urgency is presented for the same day, priority shall be given to that which is first handed to the President. If 2 or more proposals are presented simultaneously, the proposal to be reported shall be determined by lot. No other proposal shall be read to the Senate that day.
- (6) A motion to debate a matter of urgency may not be amended.
- (7) Debate on a matter of public importance or urgency motion shall not exceed 60 minutes, or, if no motions are moved after question time to take note of answers, 90 minutes, and a senator shall not speak to such a matter or motion for more than 10 minutes. At the expiration of the time for a debate the question on a matter of urgency shall be put.
- (8) At any time during the discussion of a matter of public importance, a motion may be made by any senator, but not so as to interrupt another senator speaking, that the business of the day be called on. No amendment, adjournment or debate shall be allowed on such motion, which shall be put immediately by the President, and if the motion is agreed to, the business of the day shall be proceeded with immediately.

*(amended 13 February 1997)*

## CHAPTER 13

### NOTICES OF MOTION

#### 76 Giving of notices

- (1) Notice of motion may be given by a senator stating its terms to the Senate and delivering at the table a copy of the notice, or by delivering the copy only. A copy of a notice shall be legible, signed by the senator and show the day proposed for moving the motion.
- (2) If a notice of motion is given which contains matters not relevant to each other, the President may instruct the Clerk to divide the notice into 2 or more notices.
- (3) Notices shall be entered by the Clerk on the Notice Paper in the order in which they are delivered at the table.
- (4) A senator may, on request, give notice for any other senator not then present, and 2 or more senators may place their names on a notice as movers.
- (5) A notice of motion shall not be given after the Senate has proceeded to the business of the day, except by leave of the Senate.
- (6) A senator giving notice of motion in general terms shall deliver at the table a copy of the complete motion at least one day prior to that for which the notice has been given.
- (7) A notice shall consist of a clear and succinct proposed resolution or order of the Senate relating to matters within the competence of the Senate, and shall not contain statements, quotations or other matter not strictly necessary to make the proposed resolution or order intelligible.
- (8) The President may delete extraneous matter from notices and may require a senator giving a notice contrary to the standing orders to reframe the notice.
- (9) A senator may not give 2 notices of motion consecutively, if another senator has a notice to give.
- (10) No notice or contingent notice shall have effect for the day on which it is given.

*(amended 23 August 1990, 30 November 1999)*

#### 77 Alteration and withdrawal of notices

- (1) A senator may change the day for moving a motion by giving notice of the motion for any day subsequent to that first named, but not earlier, subject to the same rules as other notices of motion.
- (2) After a notice of motion has been given, the terms of it may be altered by the senator delivering at the table an amended notice, either on the same day or any day prior to that for proceeding with the motion.

- (3) A notice may be withdrawn when called on or at any time before the motion is moved.

## **78 Disallowance motions**

- (1) A senator who wishes to withdraw a notice of motion standing in the senator's name to disallow, disapprove, or declare void and of no effect any instrument made under the authority of any Act which provides for the instrument to be subject to disallowance or disapproval by either House of the Parliament, or subject to a resolution of either House of the Parliament declaring the instrument to be void and of no effect, shall give notice to the Senate of the intention to withdraw the notice of motion.
- (2) Such notice of intention shall be given in the same manner as a notice of motion, shall indicate the stage in the routine of business of the Senate at which it is intended to withdraw the notice of motion, and shall not have effect for the day on which it is given; except that, if given on a day on which by force of the statute the instrument shall be deemed to be disallowed if the motion has not been withdrawn or otherwise resolved, or on a day on which by force of the statute the motion must be passed in order to be effective, such notice of intention may have effect for a later hour of that day.
- (3) If another senator, at any time after the giving of such notice of intention and before the withdrawal of the notice of motion, indicates to the Senate an objection to the withdrawal of the notice of motion, that senator's name shall be put on the notice of motion, the name of the senator who wishes to withdraw the notice of motion shall be removed from it, and it shall not be withdrawn; but if no senator so objects to the withdrawal of the notice of motion, it may be withdrawn in accordance with such notice of intention.

## **CHAPTER 14**

### **MOTIONS AND QUESTIONS**

#### **79 Notice required**

Except by leave of the Senate, or as otherwise provided by the standing orders, a motion shall not be moved unless it is in accordance with a notice duly given.

#### **80 Disposal of motions**

- (1) Motions shall be called on in the order in which they appear on the Notice Paper.
- (2) If, at the adjournment of the Senate, a motion on the Notice Paper has not been called on, or has been moved but not determined, it shall be set down on the Notice Paper for the next sitting day.

#### **81 Privilege motions**

A matter of privilege, unless suddenly arising in relation to proceedings before the Senate, shall not be brought before the Senate except in accordance with the following procedures:

- (1) A senator intending to raise a matter of privilege shall notify the President, in writing, of the matter.
- (2) The President shall consider the matter and determine, as soon as practicable, whether a motion relating to the matter should have precedence of other business, having regard to the criteria set out in any relevant resolution of the Senate.
- (3) The President's decision shall be communicated to the senator, and, if the President thinks it appropriate, or determines that a motion relating to the matter should have precedence, to the Senate.
- (4) A senator shall not take any action in relation to, or refer to, in the Senate, a matter which is under consideration by the President in accordance with this resolution.
- (5) Where the President determines that a motion relating to a matter should be given precedence of other business, the senator may, at any time when there is no other business before the Senate, give notice of a motion to refer the matter to the Committee of Privileges, and that motion shall take precedence of all other business on the day for which the notice is given.
- (6) A determination by the President that a motion relating to a matter should not have precedence of other business does not prevent a senator in accordance with other procedures taking action in relation to, or referring to, that matter in the Senate, subject to the rules of the Senate.
- (7) Where notice of a motion is given under paragraph (5) and the Senate is not expected to meet within the period of one week occurring immediately after the day on which the notice is given, the motion may be moved on that day.

## **82 Motions concerning contempts**

A motion to:

- (a) determine that a person has committed a contempt; or
- (b) impose a penalty upon a person for a contempt,

shall not be moved unless notice of the motion has been given not less than 7 days before the day for moving the motion.

## **83 Moving of motions**

- (1) A senator at the request of another senator who has given notice may move the motion of which notice has been given.
- (2) If a senator fails to move a motion of which notice has been given when it is called on, it shall be withdrawn from the Notice Paper.
- (3) After a motion has been moved, it is in the possession of the Senate, and cannot be withdrawn without leave.
- (4) A motion which has been superseded, or, by leave of the Senate, withdrawn, may be moved again during the same session.

## **84 Putting of question**

- (1) When a motion has been moved, a question on it shall be proposed to the Senate by the President.
- (2) When the debate on a question is concluded, the President shall put the question to the Senate.
- (3) The President may order a complicated question to be divided.
- (4) A question being put shall be resolved in the affirmative or negative, by the majority of voices, “aye” or “no”.
- (5) The President shall state whether the “ayes” or “noes” have it, and if that opinion is challenged the question shall be decided by division.

## **85 Anticipatory motions**

A motion or amendment shall not anticipate an order of the day or another motion of which notice has been given, unless the new motion or amendment provides a more effective method of proceeding.

## **86 Same question**

- (1) A question shall not be proposed if it is the same in substance as any question which has been determined during the same session, unless the order, resolution, or vote on such question was determined more than 6 months previously or has been rescinded.
- (2) This standing order shall not prevent a motion for the disallowance of an instrument substantially the same in effect as one previously disallowed.

## **87 Rescission of order**

An order, resolution, or vote of the Senate may be rescinded, but not during the same session unless 7 days' notice is given and at least one-half of the whole number of senators vote in favour of its rescission, except that to correct irregularities or mistakes one day's notice shall be sufficient.

## **88 Leave of the Senate**

- (1) A motion otherwise requiring notice may be moved without notice by leave of the Senate.
- (2) Leave of the Senate is granted when no senator present objects to the moving of the motion or other course of action for which leave is sought.

## **89 Superseded question**

A question may be superseded by the moving of motions for:

- (a) the adjournment of the Senate;
- (b) the adjournment of the debate;
- (c) the orders of the day to be called on; and
- (d) the previous question.

## **CHAPTER 15**

### **AMENDMENTS**

#### **90 Moving of amendments**

- (1) A question having been proposed may be amended:
  - (a) by leaving out words;
  - (b) by leaving out words in order to insert or add words; or
  - (c) by inserting or adding words.
- (2) An amendment to a question must be in writing and signed by the proposer.
- (3) An amendment must be relevant to the question to which it is proposed to be made.
- (4) The mover of a motion or a senator who has spoken in the debate may not move an amendment, and a senator may not move more than one amendment to a question.

#### **91 Putting of amendments**

- (1) In respect of every amendment the President shall put a question – That the amendment be agreed to.
- (2) An amendment proposed shall be disposed of before another amendment to the original question may be moved.
- (3) An amendment proposed may be withdrawn by leave of the Senate.
- (4) When amendments have been made the main question shall be put as amended.
- (5) When amendments have been proposed but not made the question shall be put as originally proposed.

#### **92 Same amendment**

An amendment to a question may not be moved if it is the same in substance as an amendment already determined to the same question, or would have the effect only of reversing an amendment already made.

#### **93 Amendments to amendments**

Amendments may be proposed to a proposed amendment as if the proposed amendment were an original question.



## **CHAPTER 16**

### **PREVIOUS QUESTION**

#### **94 Form of previous question**

- (1) The previous question shall be put in the form – That this question be not now put.
- (2) The previous question cannot be moved to an amendment, nor in committee, nor can an amendment be moved to it.
- (3) The previous question temporarily supersedes the original question and any amendment, but in debating it the original question and any amendment may be debated.

#### **95 Determination of previous question**

- (1) If the Senate resolves the previous question in the affirmative, thereby resolving that the original question be not now put, the original question and any amendment before the Senate are thereby disposed of, and the Senate shall proceed to the next business.
- (2) If the Senate resolves the previous question in the negative, thereby resolving that the original question before the Senate be now put, the question and any amendment shall be put forthwith, without debate.
- (3) When the previous question is moved on any question consisting of a series of motions which are under discussion as one motion, with the understanding that the questions be put on the motions separately, the decision of the previous question, before the question on the first of the motions is put, shall be taken to be conclusive in respect of all of the motions.

## **CHAPTER 17**

### **ORDERS OF THE DAY**

#### **96 Source of orders**

An order of the day is a matter which the Senate has ordered to be taken into consideration on a particular day.

#### **97 Disposal of orders**

- (1) Orders of the day shall be called on and disposed of in the order in which they stand on the Notice Paper.
- (2) If, at the adjournment of the Senate, any orders of the day on the Notice Paper have not been called on or determined, they shall be set down on the Notice Paper as business for the next sitting day.
- (3) An order of the day, in the absence of the senator in charge of it, may, at the request of that senator, be moved or postponed by any other senator.
- (4) An order of the day may be discharged by motion on notice whether or not it has been debated.

## **CHAPTER 18**

### **DIVISIONS**

#### **98 Calling for divisions**

- (1) When the President states, on putting a question, that the “ayes” or the “noes” have it, that opinion may be challenged by senators calling “divide”.
- (2) A division may be called for only by senators who have given their voices against the majority as declared by the President.
- (3) At any time before the tellers are appointed a call for a division may be withdrawn by leave of the Senate, the division shall not be proceeded with, and the decision of the President which was challenged shall stand.

#### **99 Voting by President**

- (1) The President and the Deputy President and Chairman of Committees shall in all cases be entitled to a vote.
- (2) The President and the Deputy President and Chairman of Committees when in the chair may vote by stating to the Senate or to the committee whether they vote with the “ayes” or with the “noes”.

#### **100 Voting in divisions**

- (1) A division may be called for only by 2 or more senators, but one senator calling for a division shall be entitled to have that senator’s vote recorded in the Journals.
- (2) A senator calling for a division shall not leave the chamber until the division has taken place.
- (3) A senator shall vote in a division in accordance with that senator’s vote by voice.
- (4) A senator shall not be entitled to vote in a division unless the senator is present when the question is put with the doors locked.

#### **101 Taking of divisions**

- (1) Before a division is taken the Clerk shall ring the division bells for 4 minutes.
- (2) The doors shall be closed and locked as soon after the bells cease ringing as the President directs, and then no senator shall enter or leave the chamber until after the division.
- (3) When successive divisions are taken, and there is no debate after the first division, the bells for each ensuing division shall be rung for one minute only.

- (4) When the doors have been locked, and senators are in their places, the President shall state the question to the Senate, and then direct the “ayes” to proceed to the right of the chair, and the “noes” to the left, and shall appoint one teller for each side.
- (5) Every senator present when the question is stated shall vote, except the President, or the Chairman of Committees in the chair of a committee, for whom voting shall be optional.
- (6) When a division has been called for, senators shall take seats on the side of the chamber on which they intend to vote, and shall not move from those seats after tellers have been appointed until the result of the division has been declared.

## **102 Recording of divisions**

- (1) The name of every senator voting shall be taken down by the clerks at the direction of the tellers, who shall sign their respective lists, and present them to the President, who shall declare the result to the Senate.
- (2) If there is only one senator on a side on a division, the President, without completing the division, shall forthwith declare the decision of the Senate.
- (3) Divisions in the Senate and in committee shall be recorded in the Journals.

## **103 Points of order**

While the Senate is dividing senators may speak sitting to a point of order arising out of or during the division.

## **104 Correction of divisions**

In case of confusion or error concerning the numbers reported, unless it can be otherwise corrected, the Senate shall proceed to another division.

## **105 Divisions in committee**

Divisions shall be called for and taken in committee in the same manner as in the Senate.

## **CHAPTER 19**

### **ROLL CALL**

#### **106 Notice of order**

A notice for an order for a roll call of the Senate, as soon as practicable after the notice is given, shall be forwarded by the Clerk to each senator.

#### **107 Order for roll call**

- (1) An order for a roll call shall be made not less than 21 days before the day specified in the order as the day for the roll call.
- (2) An order for a roll call may be postponed or discharged as with other orders of the day.
- (3) An order for a roll call shall be the first order of the day for the day on which the roll call is to take place.

#### **108 Conduct of roll call**

- (1) When the order of the day for a roll call is read, the bells shall be rung as for a division.
- (2) The names of all senators shall then be called by the Clerk in alphabetical order and senators present shall answer their names.
- (3) The name of a senator who has not answered shall be called again, and if the senator does not then answer the President shall report the absence of the senator.

#### **109 Senators not present**

A senator reported as absent after a roll call may, on motion without notice, be excused from attendance or be ordered to attend at a future time.

#### **110 Roll call for Constitution alteration bills**

- (1) A roll call shall take place immediately before the third reading of a bill to alter the Constitution.
- (2) Where the third readings of more than one bill to alter the Constitution are determined in immediate succession, one roll call may be made in respect of all the bills.

## CHAPTER 20

### BILLS

#### 111 Initiation

- (1) A bill, unless received from the House of Representatives, shall be initiated by a motion for leave to bring in the bill, specifying its intended title, or by a motion for a committee of not less than 2 senators to prepare and bring it in, or by an order of the Senate.
- (2) The senator having leave, or one of the committee appointed to bring in a bill, shall present a signed copy to the Senate.
- (3) The title shall agree with the order of leave, and no clause shall be inserted in a bill which is irrelevant to its title.
- (4) A bill not in accordance with the order of leave, or with the rules and orders of the Senate, shall be ordered to be withdrawn.
- (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.

*(amended 13 February 1997, 14 May 2003)*

## **112 First reading**

- (1) Except in respect of bills which the Senate may not amend, the question – That this bill be now read a first time – shall be put by the President immediately after the bill has been received, and shall be determined without amendment or debate.
- (2) In respect of bills which the Senate may not amend, the question for the first reading may be debated, and in the debate matters relevant and not relevant to the subject matter of the bill may be discussed. A senator shall not speak for more than 15 minutes in that debate.
- (3) On every order for the reading of a bill the title only shall be read.
- (4) After the first reading, a future day shall be appointed for the second reading of the bill, and the bill shall be printed.

*(amended 13 February 1997)*

## **113 Expedited proceedings on bills**

- (1) A senator may present a bill or 2 or more bills after the Senate has agreed to a motion upon notice, setting out the title of the bill or bills, that the bill or bills be introduced.
- (2) After the presentation of a bill or bills, or after the receipt of a message or messages from the House of Representatives forwarding a bill or bills for concurrence, a motion may be moved without notice containing any of the following provisions:
  - (a) that the bill or bills may proceed without formalities (this shall have the effect of suspending any requirements for stages of the passage of the bill or bills to take place on different days, for notice of motions for such stages, and for the printing and certification of the bill or bills during passage);
  - (b) in respect of 2 or more bills, that the bills may be taken together (this shall have the effect of allowing the questions for the several stages of the passage of the bills (or any of them) to be put in one motion at each stage, the consideration of the bills (or any of them) together in committee of the whole, and the reading of the short titles only on every order for the reading of the bills, the words in parentheses being applicable where there are more than 2 bills);
  - (c) that the bill, or, where the provision referred to in subparagraph (2)(b) is agreed to, the bills, be now read a first time.
- (3) Where a motion is moved containing 2 or more of the provisions set out in paragraph (2), at the request of any senator the motion shall be divided and the provisions put as separate motions.

## **114 Second reading**

- (1) On the order of the day being read for the second reading of a bill, the question shall be proposed – That this bill be now read a second time.
- (2) An amendment may be moved to that question by leaving out “now” and inserting “this day 6 months”, which, if carried, shall finally dispose of the bill.
- (3) Other amendments may be moved to the question for the second reading provided that they are relevant to the bill.

## **115 Committal**

- (1) After the second reading, a bill shall be considered in a committee of the whole immediately, unless:
  - (a) the bill is referred to a standing or select committee; or
  - (b) no senator has:
    - (i) circulated in the Senate a proposed amendment or request for amendment of the bill, or
    - (ii) required in debate or by notification to the chair that the bill be considered in committee of the whole.
- (2) After a bill has been read a second time a motion may be moved:
  - (a) without notice for referring the bill to a committee;
  - (b) on notice for an instruction to the committee of the whole.
- (3) The further consideration of a bill referred to a standing or select committee shall be an order of the day for:
  - (a) where a day is fixed for the report of the committee, that day; or
  - (b) where no day is fixed for the report of the committee, the sitting day next occurring after the day on which the committee reports on the bill.
- (4) (a) Where proposed expenditure has been considered and reported on by a legislation committee, an appropriation bill authorising that proposed expenditure shall not be considered in committee of the whole, unless, prior to the further consideration of the bill subsequent to the second reading, a senator has circulated in the Senate a proposed amendment or request for amendment of the bill.



- (b) Where an appropriation bill is considered in committee of the whole in accordance with this paragraph:
    - (i) the only questions put by the chair shall be:
      - (A) that any amendment or request for amendment moved to the bill be agreed to, and
      - (B) that the bill be reported with any amendment or request for amendment agreed to by the committee; and
    - (ii) debate shall be confined to the purpose of any amendment or request for amendment moved to the bill.
  - (c) At any stage of the consideration of an appropriation bill, other than in committee of the whole, an amendment, other than an amendment or a request for an amendment to the bill, arising from a recommendation of a legislation committee, may be moved to the question before the chair.
- (5) When the order of the day relating to a bill which is the subject of a committee report pursuant to standing order 24A is called on, the following procedures shall apply:
- (a) A motion may be moved without notice that the report of the committee be adopted (if the committee has recommended amendments to the bill, this motion shall have the effect of amending the bill accordingly, but may not be moved if other proposed amendments to the bill have been circulated in the Senate by a senator).
  - (b) If a motion under subparagraph (a) is moved, following the disposal of that motion a motion may be moved by a minister, or, in respect of a bill introduced into either House of the Parliament other than by a minister, by the senator in charge of the bill, that consideration of the bill be an order of the day for a future day, or that the bill not be further proceeded with.
  - (c) If no motion under subparagraph (a) or (b) is agreed to, a motion may be moved without notice that the bill again be referred to the committee for reconsideration, provided that such motion:
    - (i) indicates the matters which the committee is to reconsider, and
    - (ii) fixes the day for the further report of the committee,
 and if such motion is agreed to the bill shall stand referred to the committee, and the further consideration of the bill shall be an order of the day for the day fixed for the further report of the committee.
  - (d) If no motion under subparagraph (b) or (c) is agreed to, consideration of the bill shall be resumed at the stage at which it was referred to the committee, provided that, if the consideration of the bill in committee of the whole has been concluded and the committee has recommended amendments to the bill or requests for amendments, the bill shall again be considered in committee of the whole.

- (6) On a motion on notice and a motion under this standing order to refer a bill to a committee, and on an amendment for that purpose to a question in respect of any stage in the passage of a bill after its second reading, a senator shall not speak for more than 5 minutes, and at the expiration of 30 minutes, if the debate be not sooner concluded, the President shall put the question on the motion and any amendments before the chair, but if a senator wishes to move a further amendment at that time, that amendment may be moved and shall be determined without debate.

*(amended 14 October 1991, 13 February 1997, 3 December 2003)*

## **116 Consideration in committee**

In committee of the whole the preamble shall stand postponed without question put, and the clauses shall be read in their order separately by the chairman, and on each clause the question shall be put by the chairman, that the clause stand as printed. The words of enactment at the head of the bill shall not be put to the committee.

## **117 Order of consideration**

- (1) The following order shall be followed in considering a bill:
  - (a) Clauses as printed, and proposed new clauses.
  - (b) Postponed clauses (not having been specially postponed till consideration of other clauses).
  - (c) Schedules as printed.
  - (d) Proposed new schedules.
  - (e) Preamble.
  - (f) Title.
- (2) In reconsidering a bill, the same order shall be observed as far as possible.
- (3) In reading the clauses of a bill it shall be sufficient to read the numbers only.
- (4) The discussion shall be confined to the clause or amendment before the committee.
- (5) A clause may be postponed, whether or not it has been amended.

## **118 Amendments in committee**

- (1) An amendment may be made to any part of a bill, provided it is relevant to the subject matter of the bill and otherwise in conformity with the rules and orders of the Senate.
- (2) No new clause or amendment shall be proposed which is substantially the same as one already negatived by the committee, or which is inconsistent with one that has been agreed to by the committee, unless a recommittal of the bill has intervened.

- (3) If a clause is amended, a further question shall be put, that the clause stand as amended.
- (4) If an amendment has been made in the bill, not coming within the original title, the title shall be amended, and that amendment shall be specially reported to the Senate.

### **119 Uncompleted proceedings in committee**

No notice may be taken of any proceedings of a committee of the whole, or of a standing or select committee, on a bill, until those proceedings have been reported, but the Senate may at any time order a bill to be printed as amended in committee.

### **120 Report from committee**

- (1) When the consideration of a bill in committee of the whole has been concluded the question shall be put that this bill (or this bill as amended) be reported, and if that question is agreed to the chairman shall leave the chair and report the bill forthwith.
- (2) On the motion that the bill be reported the reconsideration of any clauses may be moved as an amendment.
- (3) If a bill is reported with amendments a future day shall be appointed for taking the report into consideration and moving its adoption, and the bill, as reported, shall be printed, but if no amendments have been made the report may be at once adopted.

### **121 Recommittal on report**

On the motion for the adoption of the report the bill may, on motion, be recommitted, in whole or in part.

### **122 Third reading**

- (1) When the report of the committee of the whole is adopted, a future day shall be fixed for the third reading.
- (2) When the order of the day for the third reading of a bill is called on, the question shall be proposed – That this bill be now read a third time.
- (3) An amendment may be moved to that question by leaving out “now”, and adding “this day 6 months”, which, if carried, shall finally dispose of the bill. No other amendment may be moved to the question for the third reading.
- (4) After the third reading no further question shall be put, and the bill shall be taken to have been passed by the Senate.

### **123 Recommittal on third reading**

When the order of the day for the third reading is called on and before the motion for the third reading is carried, the bill may, on motion, be recommitted, in whole or in part.

## **124 Corrections**

Amendments of a formal nature may be made, and clerical or typographical errors may be corrected, in any part of a bill by the Chairman of Committees.

## **125 Transmission to House of Representatives**

- (1) When a bill originated in the Senate has been passed, the Clerk shall certify at the top of the first page: This bill originated in the Senate, and, having this day passed, is now ready for presentation to the House of Representatives for its concurrence.
- (2) After a bill has been so certified by the Clerk, it shall be sent with a message requesting the concurrence of the House of Representatives.

## **126 House of Representatives amendments on bills originated in the Senate**

- (1) When a bill has been returned from the House of Representatives with amendments, the message and the amendments shall be printed and a time fixed for taking them into consideration in a committee of the whole.
- (2) Amendments made by the House of Representatives may be agreed to with or without amendment, or disagreed to, or the consideration of them postponed, or the bill ordered to be laid aside.
- (3) An amendment shall not be proposed to an amendment of the House of Representatives that is not relevant to it, and an amendment may not be moved to the bill unless it is relevant to, or consequent upon, the acceptance, amendment or rejection of a House of Representatives amendment.
- (4) When amendments made by the House of Representatives have been agreed to by the Senate without amendments, a message shall be sent informing the House of Representatives accordingly.
- (5) If House of Representatives amendments have been agreed to with amendments, the bill shall be returned with a schedule of those amendments, in a message requesting the concurrence of the House of Representatives.
- (6) If House of Representatives amendments have been disagreed to, the bill may be laid aside, or it may be again sent to the House of Representatives, with a message requesting its reconsideration.
- (7) When a bill is returned to the House of Representatives with amendments made by the House of Representatives disagreed to, the message containing the bill shall also contain reasons for the Senate not agreeing to the amendments proposed by the House of Representatives.
- (8) The reasons shall be drawn up by a committee appointed for that purpose when the Senate adopts the report of the committee of the whole disagreeing to the amendments, or may be adopted by motion at that time.
- (9) When amendments have been made by the Senate on the amendments of the House of Representatives, a schedule of those amendments shall be prepared, shall be certified by the Clerk, and shall accompany the bill.

## **127 Bill again returned from the House of Representatives**

- (1) If the House of Representatives returns a bill with a message informing the Senate that it:
  - (a) insists on its original amendments to which the Senate has disagreed;
  - (b) disagrees to amendments made by the Senate on the original amendments of the House of Representatives; or
  - (c) agrees to amendments made by the Senate on the original amendments of the House of Representatives, with further amendments,

the Senate may:

- (d) agree, with or without amendment, to the amendments to which it had previously disagreed, and make, if necessary, consequent amendments to the bill;
- (e) insist on its disagreement to such amendments;
- (f) withdraw its amendments and agree to the original amendments of the House of Representatives;
- (g) make further amendments to the bill consequent upon the rejection of its amendments;
- (h) propose new amendments as alternative to the amendments to which the House of Representatives has disagreed;
- (i) insist on its amendments to which the House of Representatives has disagreed;
- (j) agree, with or without amendment, to such further amendments of the House of Representatives, making consequent amendments to the bill, if necessary; or
- (k) disagree to the further amendments and insist on its own amendments which the House of Representatives has amended,

and if agreement is not reached or if the bill is again returned by the House of Representatives with any of the requirements of the Senate still disagreed to, the Senate shall order the bill to be laid aside, or request a conference.

- (2) When the requirements of the House of Representatives in the bill have been finally agreed to, a message shall be sent informing the House of Representatives accordingly.
- (3) The Clerk shall, at every stage, certify on the first page of the bill the action taken by the Senate.

## **128 Bills received from the House of Representatives**

Bills coming to the Senate for the first time from the House of Representatives shall be proceeded with in the same manner as bills presented pursuant to orders of the Senate.

## **129 Requests**

- (1) If requests for amendments in a bill have been made (whether in addition to amendments or not), the requests shall, upon the conclusion of the committee's proceedings, be reported to the Senate, and upon the adoption of the report a message shall be sent to the House of Representatives requesting the House to make amendments in the bill in accordance with the requests, and returning the bill.
- (2) On the disposal of such requested amendments in accordance with the standing orders, the bill shall be read a third time, and, if the Senate has made amendments in the bill, the procedure with respect to amendments shall be followed.

## **130 Amendments changed to requests**

- (1) If a bill received from the House of Representatives, in which the Senate has made amendments, is returned by the House of Representatives with a suggestion that any of the amendments should be made the subject of a request by the Senate in accordance with section 53 of the Constitution, the Senate may forthwith, or on a future day, take the message into consideration in committee; and if any requests for amendments are made, the bill shall be returned to the House of Representatives with a message requesting that House to make the requested amendments.
- (2) In dealing with any such requests the same procedure shall be followed as for requests made in the first instance.
- (3) After the requests have been disposed of, if the amendments of the Senate have not been agreed to, the procedure with respect to amendments shall be followed.

## **131 Return of House of Representatives bill**

- (1) When a bill has been passed by the Senate with or without amendment, it shall be returned to the House of Representatives by message, with the Clerk's certificate that the bill has been agreed to by the Senate without amendment, or with the amendments indicated by the annexed schedule, as the case may require, and the concurrence of the House of Representatives shall be desired to such amendments.
- (2) When any amendments have been made by the Senate to a bill which has been first passed by the House of Representatives, a schedule of the amendments shall be prepared containing reference to the page and line of the bill where the words are to be inserted or omitted, and describing the amendments proposed, and this schedule shall be certified by the Clerk and shall accompany the bill.

### **132 Disagreement with Senate amendments**

- (1) If the House of Representatives returns a bill with amendments made by the Senate disagreed to, or further amendments made, the message returning the bill shall be printed and a time fixed for taking it into consideration in a committee of the whole.
- (2) Where the House of Representatives:
  - (a) disagrees to amendments made by the Senate; or
  - (b) agrees to amendments made by the Senate with amendments,  
the Senate may:
    - (c) insist, or not insist, on its amendments;
    - (d) make further amendments to the bill consequent upon the rejection of its amendments;
    - (e) propose new amendments as an alternative to the amendments to which the House of Representatives has disagreed;
    - (f) agree to the House of Representatives amendments on its own amendments, with or without amendment, making consequent amendments to the bill if necessary;
    - (g) disagree to those amendments and insist on its own amendments which the House of Representatives has amended; or
    - (h) order the bill to be laid aside,and, unless the bill is laid aside, a message shall be sent to the House of Representatives advising of the Senate's action.

### **133 House of Representatives amendments to Senate amendments**

- (1) When a bill is returned to the House of Representatives with amendments made by the House of Representatives on the Senate's amendments disagreed to, the message returning the bill shall also contain reasons for the Senate not agreeing to the amendments proposed by the House of Representatives.
- (2) The reasons shall be drawn up by a committee appointed for that purpose when the Senate adopts the report of the committee of the whole disagreeing to the amendments, or may be adopted by motion at that time.
- (3) When further amendments are made by the Senate on the House of Representatives amendments on the Senate's original amendments to a bill which has been first passed by the House of Representatives, a schedule of the further amendments shall be prepared, shall be certified by the Clerk and shall accompany the bill.
- (4) The Clerk shall, at every stage, certify on the first page of the bill the action taken by the Senate.

### **134 Amendments after disagreement**

Where the House of Representatives has disagreed with amendments made by the Senate in a bill first passed by the House, an amendment may not be proposed in any words of the bill which, having received the concurrence of the House of Representatives, have not been the subject of, or immediately affected by, some previous amendment, unless the proposed amendment is consequent on an amendment already agreed to or made by the Senate.

### **135 Bills amending the Constitution**

If the third reading of a bill proposing an alteration of the Constitution is not carried by an absolute majority of the Senate the bill shall be forthwith laid aside without any question being put, and shall not be revived during the same session.

### **136 Lapsed bills**

- (1) A bill which lapses by reason of a prorogation before it has reached its final stage may be proceeded with in the next session at the stage it had reached in the preceding session, if a periodical election for the Senate or general election for either House has not taken place between the 2 sessions, under the following conditions:
  - (a) If the bill is in the possession of the House in which it originated, not having been sent to the other House, or, if sent, then returned by message, it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper.
  - (b) If the bill is in the possession of the House in which it did not originate it may be proceeded with by resolution of the House in which it is, restoring it to the Notice Paper, but such resolution shall not be passed unless a message has been received from the House in which it originated, requesting that its consideration be resumed.
- (2) A bill so restored to the Notice Paper may be proceeded with in both Houses as if its passage had not been interrupted by a prorogation, and, if finally passed, shall be presented to the Governor-General for assent.
- (3) If a motion for restoration of a bill to the Notice Paper is not agreed to, the bill may be introduced and proceeded with in the ordinary manner.

### **137 Presentation for assent**

A bill originated in the Senate and finally passed by both Houses shall be printed and presented by the President to the Governor-General for assent, having been certified by the Clerk accordingly.

### **138 Amendments proposed by the Governor-General**

- (1) When the Governor-General returns a bill recommending amendments, the amendments shall be considered and dealt with in the same manner as amendments proposed by the House of Representatives.



- (2) When the Senate has agreed to an amendment proposed by the Governor-General, with or without amendment, the amendment, together with any alterations necessary to be made in the bill in consequence of the amendment, shall be forwarded to the House of Representatives for its concurrence; and any amendment made by the House of Representatives shall be dealt with in the same manner as amendments made by the House of Representatives on bills originated in the Senate.
- (3) Amendments recommended by the Governor-General in bills originated in the House of Representatives, which have been agreed to by the House of Representatives and forwarded for the concurrence of the Senate, shall be proceeded with in the same manner as amendments made by the House of Representatives on the Senate's amendments to bills first received from the House of Representatives.
- (4) When amendments recommended by the Governor-General in a bill originated in the Senate have been agreed to by both Houses with or without amendment, the bill shall be printed and presented by the President to the Governor-General, having been certified accordingly.
- (5) If any such amendment is disagreed to by the Senate, or if no agreement between the Houses is reached, the President shall again present to the Governor-General for assent the bill in the form as first presented for that purpose.

### **139 Assent to bill**

- (1) A copy of an Act resulting from a bill which originated in the Senate, bearing the Governor-General's signature and showing the date of assent, shall be retained by the Clerk.
- (2) There shall be laid on the table, on or before 31 August each year, details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, together with a statement of reasons for their non-proclamation and a timetable for their operation.

*(amended 13 February 1997, 22 November 1999)*

### **140 Requests on bills not amendable by the Senate**

- (1) Requests to the House of Representatives may be made at all or any of the following stages of a bill which the Senate may not amend:
  - (a) On the motion for the first reading of the bill.
  - (b) In committee after the second reading has been agreed to.
  - (c) On consideration of any message from the House of Representatives referring to the bill.
  - (d) On the third reading of the bill.

- (2) A committee may recommend that the Senate make, press, or modify, and may generally deal with, requests on the bill.
- (3) Proceedings in committee shall be as follows:
  - (a) The chairman shall call on each clause or item, and put the question – That the clause or item be now passed without requests.
  - (b) If motions for requests are moved and passed, the chairman shall put a further question – That the clause or item be now passed, subject to the requests being complied with.
  - (c) If either of those questions is negatived, it shall again be proposed by the chairman, and consideration of the clause or item may continue until either question is agreed to.
  - (d) At the request of a senator a clause or item shall be divided.
- (4) When a request to the House of Representatives is made a message shall be sent to the House of Representatives returning the bill and requesting the House to make amendments in the bill in accordance with the request.

#### **141 Requests not complied with**

- (1) Messages from the House of Representatives referring to requests by the Senate which do not completely comply with the requests as originally made or as modified shall be considered in committee.
- (2) If a bill is returned to the Senate by the House of Representatives with a request not agreed to, or agreed to with modifications, any of the following motions may be moved:
  - (a) That the request be pressed.
  - (b) That the request be not pressed.
  - (c) That the modifications be agreed to.
  - (d) That the modifications be not agreed to.
  - (e) That another modification of the original request be made.
  - (f) That the request be not pressed, or agreed to as modified, subject to a request relating to another clause or item, which the committee orders to be reconsidered, being complied with.
- (3) If a message is returned from the House of Representatives completely complying with requests of the Senate as originally made or as modified, the bill, as altered, may be proceeded with in the usual way.

## 142 Limitation of debate on bills

- (1) When a motion for leave to introduce a bill is called on, or when a message is received from the House of Representatives transmitting a bill for concurrence, or at any other stage of a bill, a minister may declare that the bill is an urgent bill, and move that the bill be considered an urgent bill, and such motion shall be put forthwith without debate or amendment.
- (2) If that motion is agreed to, a minister may forthwith, or at any time during any sitting of the Senate or committee, but not so as to interrupt a senator who is speaking, move a further motion or motions specifying the time which (exclusive of any adjournment or suspension of sitting, and notwithstanding anything contained in any other standing or other order) shall be allotted to all or any stages of the bill, and an order with regard to the time allotted to the committee stage of the bill may, out of the time allotted, apportion time to particular clauses, or to particular parts of the bill.
- (3) On such further motion or motions with regard to the allotment of time, debate shall not exceed 60 minutes, and in speaking, a senator shall not exceed 10 minutes, and if the debate is not sooner concluded, forthwith upon the expiration of that time the President or the chairman shall put any questions on any amendment or motion already proposed from the chair.
- (4) For the purpose of bringing to a conclusion any proceedings which are to be brought to a conclusion on the expiration of the time allotted under any motion passed under the provisions of this standing order, the President or the chairman shall at the time appointed put forthwith the question on any amendment or motion already proposed from the chair, and, in the case of the consideration of any bill in committee, shall then put any clauses and any amendments and new clauses and schedules, copies of which have been circulated among senators 2 hours at least before the expiration of the allotted time, and any other question requisite to dispose of the business before the Senate or committee, and no other amendments, new clauses or schedules shall be proposed.
- (5) The motion that the question be now put shall not be moved in any proceedings in respect of which time has been allotted under this standing order.
- (6) Where a time has been specified for the commencement of proceedings under this standing order, when the time so specified has been reached the business then before the Senate or committee shall be postponed forthwith and the consideration of the urgent bill proceeded with, and all steps necessary to enable this to be done shall be taken accordingly.

*(amended 22 November 1999)*

## **CHAPTER 21**

### **COMMITTEES OF THE WHOLE**

#### **143 Appointment of committee**

- (1) A committee of the whole shall be appointed by a resolution that the Senate resolve itself into a committee of the whole, immediately or at a future time.
- (2) When an order of the day is read for the Senate to resolve itself into a committee of the whole the President shall leave the chair without putting any question, and the Senate then resolve itself into committee, unless on notice an instruction to the committee is proposed.

#### **144 Proceedings in committee**

- (1) A committee shall consider only the matters referred to it by the Senate.
- (2) A question in committee shall be decided in the same manner as in the Senate.
- (3) A motion contradictory of a previous decision of a committee shall not be entertained in the same committee.
- (4) A motion for the previous question may not be made in committee.
- (5) In committee senators may speak more than once to the same question, and, when a question has been proposed from the chair, shall confine themselves to that question.
- (6) Motions that the question be now put and that the chairman report progress and ask leave to sit again shall be moved without discussion and immediately put and determined, but neither of those motions shall be repeated within 15 minutes after either of them has been moved.
- (7) Except as otherwise provided by the standing orders, the same rules of the conduct of senators and of debate, procedure, and the conduct of business shall be observed in committee as in the Senate, the Chairman of Committees being invested with the same authority as the President for the preservation of order, but disorder in a committee may be censured only by the Senate, on receiving a report.

#### **145 Objection to chairman's ruling**

If objection is taken to a decision of the Chairman of Committees, such objection must be stated at once in writing. The chairman shall then leave the chair, and the Senate resume. The matter having been laid before the President, and senators having addressed themselves to it, shall be disposed of, and the proceedings in committee shall be resumed where they were interrupted.

#### **146 President to resume chair**

- (1) If sudden disorder arises in committee, the President shall resume the chair.
- (2) The President shall resume the chair at the time for doing anything which the Senate has ordered to be done at a stated time.

#### **147 Quorum**

- (1) The quorum in committee of the whole shall be the same as for the Senate.
- (2) If notice is taken of the absence of a quorum in committee, the chairman shall count the committee, and if after the bells have been rung for 4 minutes a quorum is not formed, or if it appears on a division (by which division no decision shall be taken to have been arrived at) that a quorum is not present, the chairman shall leave the chair and report to the Senate.
- (3) If the proceedings of a committee are interrupted by lack of a quorum and consequent adjournment of the Senate, the resumption of the committee shall be an order of the day for the next day of sitting, and when the order is called on the proceedings shall be resumed at the point where they were interrupted.

#### **148 Report of committee**

- (1) When all matters referred to a committee have been considered, the chairman shall be directed to report to the Senate, and when the consideration of those matters has not been concluded, the chairman may be directed to report progress and ask leave to sit again.
- (2) A motion may be made at any time during the proceedings of a committee that the chairman report progress and ask leave to sit again.
- (3) Resolutions reported from a committee may be agreed to or disagreed to by the Senate, or agreed to with amendments, recommitted to the committee, or the further consideration of them postponed.

## **CHAPTER 22**

### **INSTRUCTIONS TO COMMITTEES**

#### **149 Effect of instruction**

An instruction empowers a committee to consider matters not otherwise referred to it, or extends or restricts its order of reference.

#### **150 Instructions on bills**

- (1) An instruction may be given to a committee to divide a bill into 2 or more bills, or to consolidate several bills into one.
- (2) An instruction may be given to a committee on a bill to amend an existing Act to consider amendments which are not relevant to the subject matter of the bill but are relevant to the subject matter of the Act it is proposed to amend.

#### **151 Notice required**

An instruction requires notice, and in respect of a committee of the whole may be moved only before going into committee.

## **CHAPTER 23**

### **COMMUNICATION BETWEEN THE TWO HOUSES**

#### **152 Methods of communication**

Communications with the House of Representatives may be by message, by conference, or by committees conferring with each other.

#### **153 Messages from the Senate**

A message from the Senate to the House of Representatives shall be in writing, signed by the President or Deputy President, and delivered by a clerk at the table or the Usher of the Black Rod.

#### **154 Communicating a resolution**

A motion may be moved at any time, without notice, that any resolution of the Senate be communicated by message to the House of Representatives.

#### **155 Messages from the House of Representatives**

A message from the House of Representatives shall be received, if the Senate is sitting, by a clerk at the table, and, if the Senate is not sitting, by the Clerk of the Senate, and shall be reported by the President as early as convenient, and a future time fixed for its consideration, or it may, by leave, be dealt with at once.

## **CHAPTER 24**

### **CONFERENCES**

#### **156 Request for conference**

- (1) Conferences sought by the Senate with the House of Representatives shall be requested by message.
- (2) In requesting a conference, the message from the Senate shall state, in general terms, the object for which the conference is sought and the number of managers proposed to serve, which shall be not less than 5.
- (3) A conference shall not be requested by the Senate on the subject of a bill or motion of which the House of Representatives is at the time of the request in possession.

#### **157 Appointment of managers**

- (1) A motion for requesting a conference shall contain the names of the senators proposed by the mover to be the managers for the Senate.
- (2) If, on such a motion, any senator so requires, the managers for the Senate shall be selected by ballot.
- (3) Managers to represent the Senate in a conference requested by the House of Representatives shall consist of the same number of members as those of the House of Representatives.

#### **158 Sitting suspended**

During a conference the sitting of the Senate shall be suspended.

#### **159 Time and place of conference**

- (1) In respect of any conference requested by the House of Representatives the time and place for holding the conference shall be appointed by the Senate; and when the Senate requests a conference, it shall agree to its being held at the time and place appointed by the House of Representatives, and such agreement shall be communicated by message.
- (2) At conferences requested by the House of Representatives the managers for the Senate shall assemble at the time and place appointed, and receive the managers of the House of Representatives.

#### **160 Proceedings at conference**

- (1) At all conferences the reasons or resolutions of the Senate communicated by the managers shall be in writing, and the managers shall not receive any such communication from the managers for the House of Representatives unless it is in writing.



- (2) At conferences the managers for the Senate shall deliver the reasons or resolutions of the Senate to the managers for the House of Representatives, or receive from the managers for the House of Representatives the reasons or resolutions communicated by the latter, after which the managers for the Senate shall be at liberty to confer freely with the managers for the House of Representatives.

#### **161 Report of conference**

The managers for the Senate shall, when the conference has concluded, report the proceedings to the Senate.

#### **162 One conference only**

There shall be only one conference on a bill or other matter.

## **CHAPTER 25**

### **BALLOTS**

#### **163 Conduct of ballot**

- (1) Before the Senate proceeds to a ballot, the bells shall be rung as in a division.
- (2) Each senator present shall give to the Clerk a list of the names of the senators for whom the senator votes, and if any list contains a larger or lesser number of names than are to be chosen it shall be void and rejected.
- (3) When all the lists are collected, the Clerk, with the mover acting as scrutineer, shall ascertain and report to the President the names of the senators having the greatest number of votes, which senators shall be declared to be chosen.
- (4) If 2 or more senators have an equality of votes, the President shall determine by lot which senator shall be chosen.

## CHAPTER 26

### TABLING OF DOCUMENTS

#### **164 Order for the production of documents**

- (1) Documents may be ordered to be laid on the table, and the Clerk shall communicate to the Leader of the Government in the Senate all orders for documents made by the Senate.
- (2) When returned the documents shall be laid on the table by the Clerk.

#### **165 Documents from the Governor-General**

- (1) When the royal prerogative is concerned in any document required by the Senate an address shall be presented to the Governor-General requesting that the document be laid before the Senate.
- (2) A motion for the production of correspondence addressed to the Governor-General shall be in the form of an address.

#### **166 Other methods of tabling documents**

- (1) Other documents may be presented pursuant to statute, by the President, or by a minister.
- (2) If:
  - (a) the President certifies that a document is to be presented to the Senate; or
  - (b) a minister or the Auditor-General provides to the President, or, if the President is unable to act, to the Deputy President, or, if the Deputy President is unavailable, to any one of the Temporary Chairmen of Committees, a document which is to be laid before the Senate,on the certification or the provision of the document, as the case may be:
  - (c) the document shall be deemed to have been presented to the Senate;
  - (d) the publication of the document is authorised by this standing order;
  - (e) the President, the Deputy President, or the Temporary Chairman of Committees, as the case may be, may give directions for the printing and circulation of the document; and
  - (f) the President shall lay the document on the table at the next sitting of the Senate.

*(amended 13 February 1997, 7 December 1998)*

## **167 Publication of tabled documents**

The publication of each document laid on the table of the Senate is authorised by this standing order.

## **168 Documents quoted in debate**

- (1) A document relating to public affairs quoted by a minister may be ordered to be laid on the table, unless the minister states that the document is of a confidential nature or should more properly be obtained by address.
- (2) A document quoted by a senator not a minister may be ordered to be laid on the table.
- (3) An order under paragraph (1) or (2) may be made by motion without notice moved immediately on the conclusion of the speech of the senator who quoted the document.

## **169 Motions after tabling**

- (1) On a document being laid before the Senate, it shall be in order to move:
  - (a) that a day be appointed for its consideration; or
  - (b) that it be printed.
- (2) Where a motion is moved by leave in relation to a document presented to the Senate, including a document presented to the President when the Senate is not sitting, a senator speaking to such a motion shall not speak for more than 10 minutes, and debate on the motion shall not exceed 30 minutes; where 2 or more such motions are moved in succession, debate on all motions shall not exceed 60 minutes.

*(amended 13 February 1997)*

## **170 Amendments after tabling**

Amendments not altering the substance of the document may be made, and clerical or typographical errors may be corrected, by authority of the President, in a document that has been ordered to be printed. No other amendments may be made except by authority of the Senate.

## **CHAPTER 27**

### **ADDRESSES TO THE QUEEN OR THE GOVERNOR-GENERAL**

#### **171 Making of address**

An address to the Queen or the Governor-General shall be proposed on motion after notice in the usual manner.

#### **172 Presentation of address**

- (1) Addresses to the Queen shall be transmitted to the Governor-General by the President, requesting that they be forwarded for presentation.
- (2) Addresses to the Governor-General shall be presented by the President, unless the Senate otherwise orders.
- (3) When an address is ordered to be presented by the Senate, the President, accompanied by senators, shall proceed to the place the Governor-General appoints, and, being admitted to the Governor-General's presence, the President shall read the address to the Governor-General, the senator who moved the address being with the President.
- (4) The Governor-General's answer to an address presented by the Senate shall be reported by the President.

## **CHAPTER 28**

### **MESSAGES FROM THE GOVERNOR-GENERAL**

#### **173 Presentation of message**

- (1) A message from the Governor-General shall be reported to the Senate by the President as soon as practicable after its receipt.
- (2) A message from the Governor-General may be presented to the Senate by a minister at any time, but not during a debate, or so as to interrupt a senator speaking.
- (3) The message may be at once taken into consideration, or ordered to be printed, or a future day may be fixed for taking it into consideration.

## CHAPTER 29

### VISITORS

#### **174 Distinguished visitors**

The President may, by leave of the Senate, admit distinguished visitors to a seat on the floor of the Senate.

#### **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.

*(amended 13 May 2003)*

## **CHAPTER 30**

### **WITNESSES**

#### **176 Summoning of witnesses**

- (1) Witnesses, other than senators, may be ordered to attend before the Senate by summons signed by the Clerk, or before a committee by summons signed by the secretary of the committee.
- (2) If a witness fails or refuses to attend or give evidence, the matter shall be reported to the Senate.

#### **177 Senators as witnesses**

- (1) When the attendance of a senator is ordered by the Senate, the senator shall be summoned by the President to attend in the senator's place.
- (2) If a committee requires the attendance of a senator as a witness, the chairman shall, in writing, request the senator to attend, and if the senator declines to attend or to give evidence, the committee shall report the matter to the Senate.
- (3) The Senate may order a senator to attend a Senate committee and to give evidence to the committee.

#### **178 Members or officers of the House of Representatives**

When the attendance of a member or officer of the House of Representatives is required by the Senate or a committee a message shall be sent to the House of Representatives requesting that the House of Representatives give leave to the member or officer to attend.

#### **179 Requests from the House of Representatives**

If the House of Representatives requests by message the attendance of a senator or an officer of the Senate before the House of Representatives or a committee, the Senate may authorise the senator or officer to attend.

#### **180 Witnesses in prison**

When a witness is in prison, the person in charge of the prison may be ordered to bring the witness, in safe custody, to be examined, and the President may be ordered to issue a warrant accordingly.

#### **181 Protection of witnesses**

A witness examined before the Senate or a committee is entitled to the protection of the Senate in respect of the evidence of the witness.



## **182 Witnesses before the Senate**

The examination of a witness before the Senate shall be conducted in accordance with procedures adopted by the Senate for the purpose.

## **183 Evidence given elsewhere by senators or officers**

A senator or officer of the Senate, or a person involved in recording the proceedings of the Senate or a committee, may not give evidence elsewhere in respect of proceedings of the Senate or the committee, without the permission of the Senate, or, if the President is authorised to give that permission, of the President.

## **CHAPTER 31**

### **CONDUCT OF SENATORS AND RULES OF DEBATE**

#### **184 Order maintained by President**

- (1) Order shall be maintained in the Senate by the President.
- (2) Whenever the President rises during a debate, a senator then speaking or offering to speak shall sit down, and the Senate shall be silent, so that the President may be heard without interruption.
- (3) When the President is putting a question a senator shall not walk out of or across the chamber.

#### **185 Conduct of senators**

- (1) A senator shall acknowledge the chair on entering or leaving the chamber.
- (2) A senator shall not pass between the chair and a senator who is speaking, nor between the chair and the table.
- (3) A senator on entering the chamber shall take the senator's place, and shall not stand in any of the passages.

#### **186 The call to speak**

- (1) A senator desiring to speak shall rise and address the President.
- (2) Subject to the practices of the Senate relating to the call to speak, when 2 or more senators rise together to speak, the President shall call upon the senator who, in the President's opinion, first rose in the senator's place.

#### **187 Speeches not to be read**

A senator shall not read a speech.

#### **188 Right to speak**

- (1) Unless otherwise provided, a senator may speak once:
  - (a) on a question before the Senate;
  - (b) on an amendment; and
  - (c) in reply, where a reply is permitted.
- (2) In committee, senators may speak more than once.

#### **189 Time limits on speeches**

- (1) Subject to other time limits specified, a senator shall not speak for more than 20 minutes in any debate in the Senate. A senator may move that that time limit be extended by not more than 10 minutes, and such a motion shall forthwith be put without debate.

- (2) Where a right of reply is allowed in a debate a senator speaking in reply shall speak for not more than 20 minutes.
- (3) In committee a senator shall not speak for more than 15 minutes at a time on any question, but where the speech of a senator is interrupted by this provision, and no other senator rises to speak, the senator so interrupted may continue to speak for a further 15 minutes but no longer continuously on a question.

*(amended 13 February 1997)*

## **190 Personal explanations**

By leave of the Senate, a senator may explain matters of a personal nature, although there is no question before the Senate, but such matters may not be debated.

## **191 Explanation of speeches**

A senator who has spoken to a question may again be heard, to explain some material part of the senator's speech which has been misquoted or misunderstood, but shall not introduce any new matter, or interrupt any senator speaking, and no debatable matter shall be brought forward or debate arise on such an explanation.

## **192 Reply**

- (1) A reply may be made by a senator who has made a substantive motion to the Senate on which debate is allowed, but not by a senator who has moved an amendment or the previous question.
- (2) The reply of the mover of the original question shall close the debate.

## **193 Rules of debate**

- (1) A senator shall not reflect on any vote of the Senate, except for the purpose of moving that the vote be rescinded.
- (2) A senator shall not refer to the Queen, the Governor-General or the Governor of a state disrespectfully in debate, or for the purpose of influencing the Senate in its deliberations.
- (3) A senator shall not use offensive words against either House of Parliament or of a House of a state or territory parliament, or any member of such House, or against a judicial officer, and all imputations of improper motives and all personal reflections on those Houses, members or officers shall be considered highly disorderly.

## **194 Relevance and anticipation**

- (1) A senator shall not digress from the subject matter of any question under discussion, or anticipate the discussion of any subject which appears on the Notice Paper.
- (2) This standing order shall not prevent discussion on the address-in-reply of any matter, or of any matter on the Notice Paper and not discussed during the preceding 4 weeks.

### **195 Question may be read**

A senator may require the question to be read by the Clerk at any time during a debate, but not so as to interrupt a senator speaking.

### **196 Tedious repetition**

The President or the Chairman of Committees may call the attention of the Senate or the committee, as the case may be, to continued irrelevance or tedious repetition, and may direct a senator to discontinue a speech, but that senator may require that the question whether the senator be further heard be put, and then that question shall be put without debate.

### **197 Interruption of speaker: points of order or privilege**

- (1) A senator shall not interrupt another senator speaking, except:
  - (a) to call attention to a point of order or privilege; or
  - (b) to call attention to the lack of a quorum.
- (2) A senator may draw attention at any time to a point of order or a matter of privilege arising in the proceedings then before the Senate.
- (3) A question of order or a matter of privilege so raised suspends the consideration and decision of every other question until determined.
- (4) On a question of order being raised the senator called to order shall sit down.
- (5) The President may hear argument on the question, and may determine it forthwith, or at a later time, at the President's discretion.
- (6) Time taken in raising and determining points of order during a debate shall not be regarded as part of the amount of time allowed for a senator to speak in a debate or ask a question or for a debate.

*(amended 13 February 1997)*

### **198 Objection to ruling**

- (1) If an objection is taken to a ruling or decision of the President, such objection must be taken at once and in writing, and a motion moved that the Senate dissent from the President's ruling.
- (2) Debate on that motion shall be adjourned to the next sitting day, unless the Senate decides on motion, without debate, that the question requires immediate determination.

### **199 Closure of debate**

- (1) The motion that the question be now put is not open to debate or amendment and shall be forthwith put by the President and determined.
- (2) If the motion that the question be now put is carried, the Senate shall vote on the question immediately before it without further debate or amendment.

- (3) A motion that the question be now put may not be moved by a senator, other than a minister, who has spoken in the debate or who has previously moved that motion.

## **200 Putting of question ends debate**

A senator may not speak to any question after it has been put by the President and the vote commenced.

## **201 Adjournment of debate**

- (1) A debate may be adjourned on motion or by the granting of leave for a senator to continue the senator's speech, either to a later hour of the same day or to any other day.
- (2) A motion to adjourn a debate is not open to debate or amendment.
- (3) When a debate is adjourned, by motion or by the granting of leave for a senator to continue the senator's speech, the resumption of the debate shall be made an order of the day for the next day of sitting without any question being put, unless a motion is agreed to fixing another time for the resumption of the debate.
- (4) The senator on whose motion a debate is adjourned shall be entitled to be first heard on the resumption of the debate.
- (5) If a motion for the adjournment of the debate on a question is negatived, the senator moving the motion may address the Senate at any time during the debate.
- (6) A motion for the adjournment of a debate may not be moved by a senator, other than a minister, who has spoken in the debate or who has previously moved the adjournment.

## **202 Interruption by adjournment of Senate**

If a debate is interrupted by an adjournment of the Senate, the debate shall be an order of the day for the next day of sitting.

## **203 Infringement of order**

- (1) If a senator:
  - (a) persistently and wilfully obstructs the business of the Senate;
  - (b) is guilty of disorderly conduct;
  - (c) uses objectionable words, and refuses to withdraw such words;
  - (d) persistently and wilfully refuses to conform to the standing orders; or
  - (e) persistently and wilfully disregards the authority of the chair,the President may report to the Senate that the senator has committed an offence.

- (2) If an offence has been committed by a senator in a committee of the whole, the chairman may suspend the proceedings of the committee and report the offence to the President.
- (3) A senator who has been reported as having committed an offence shall attend in the senator's place and be called upon to make an explanation or apology, and then a motion may be moved that the senator be suspended from the sitting of the Senate. No amendment, adjournment or debate shall be allowed on such a motion, which shall be immediately put by the President.

#### **204 Suspension of senator**

- (1) The suspension of a senator on the first occasion shall be for the remainder of that day's sitting, on the second occasion for 7 sitting days, and on the third or any subsequent occasion for 14 sitting days, where such suspensions occur within the same calendar year.
- (2) A senator who has been suspended shall not enter the chamber during the period of the suspension. If a senator enters the chamber during the senator's suspension, the President shall order the Usher of the Black Rod to remove the senator from the chamber.

#### **205 Quarrels between senators**

The Senate may intervene to prevent the prosecution of a quarrel between senators arising out of debates or proceedings of the Senate or of a committee.

#### **206 Disobedience of orders**

If a senator wilfully disobeys an order of the Senate, that senator may be ordered to attend the Senate and may be taken into custody.

## **CHAPTER 32**

### **DISPUTED RETURNS**

#### **207 Petitions disputing elections**

- (1) Any question concerning the election, choice or appointment of a senator which cannot, under the provisions of the Commonwealth Electoral Act, be brought before the Court of Disputed Returns, may be brought before the Senate by petition.
- (2) A petition shall be lodged with the Clerk within 40 days after the certificate of the Governor of the state for which the senator has been elected, chosen or appointed has been laid on the table.
- (3) The sum of \$100 shall be paid to the Clerk at the time the petition is lodged as surety for the payment of costs by the petitioners in case the Senate decides that the petitioners shall pay costs to the respondent.
- (4) If these conditions have been complied with, the Clerk shall so certify on the petition, and the President shall lay the petition on the table.

## **CHAPTER 33**

### **EFFECT AND SUSPENSION OF STANDING ORDERS**

#### **208 Powers, privileges and immunities not affected**

Except so far as is expressly provided, these standing orders do not restrict the mode in which the Senate may exercise and uphold its powers, privileges, and immunities.

#### **209 Motion for suspension**

- (1) In cases of urgent necessity, standing or other orders of the Senate may be suspended on motion without notice, if the motion is carried by an absolute majority of the whole number of senators.
- (2) When notice has been given of a motion for the suspension of a standing or other order, the motion may be carried by a majority of senators voting.
- (3) A motion for the suspension of standing or other orders moved during the consideration of a matter must be relevant to that matter.
- (4) On a motion for the suspension of a standing or other order a senator shall not speak for more than 5 minutes, and if the debate is not concluded at the expiration of 30 minutes after the moving of the motion the question on the motion shall then be put.

*(amended 13 February 1997)*

#### **210 Effect of suspension**

The suspension of a standing or other order shall be limited in its operation to the particular purpose for which the suspension has been sought.

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## **Parliamentary Privilege**

**Resolutions agreed to by the Senate  
on 25 February 1988**



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# PARLIAMENTARY PRIVILEGE

## RESOLUTIONS AGREED TO BY THE SENATE ON 25 FEBRUARY 1988

### **1 Procedures to be observed by Senate committees for the protection of witnesses**

In their dealings with witnesses, all committees of the Senate shall observe the following procedures:

- (1) A witness shall be invited to attend a committee meeting to give evidence. A witness shall be summoned to appear (whether or not the witness was previously invited to appear) only where the committee has made a decision that the circumstances warrant the issue of a summons.
- (2) Where a committee desires that a witness produce documents relevant to the committee's inquiry, the witness shall be invited to do so, and an order that documents be produced shall be made (whether or not an invitation to produce documents has previously been made) only where the committee has made a decision that the circumstances warrant such an order.
- (3) A witness shall be given reasonable notice of a meeting at which the witness is to appear, and shall be supplied with a copy of the committee's order of reference, a statement of the matters expected to be dealt with during the witness's appearance, and a copy of these procedures. Where appropriate a witness shall be supplied with a transcript of relevant evidence already taken.
- (4) A witness shall be given opportunity to make a submission in writing before appearing to give oral evidence.
- (5) Where appropriate, reasonable opportunity shall be given for a witness to raise any matters of concern to the witness relating to the witness's submission or the evidence the witness is to give before the witness appears at a meeting.
- (6) A witness shall be given reasonable access to any documents that the witness has produced to a committee.
- (7) A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard in private session, and shall be invited to give reasons for any such application. If the application is not granted, the witness shall be notified of reasons for that decision.
- (8) Before giving any evidence in private session a witness shall be informed whether it is the intention of the committee to publish or present to the Senate all or part of that evidence, that it is within the power of the committee to do so, and that the Senate has the authority to order the production and publication of undisclosed evidence.

- (9) A chairman of a committee shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a member of a committee requests discussion of a ruling of the chairman on this matter, the committee shall deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted.
- (10) Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which objection to answering the question is taken. Unless the committee determines immediately that the question should not be pressed, the committee shall then consider in private session whether it will insist upon an answer to the question, having regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination and the reasons for the determination, and shall be required to answer the question only in private session unless the committee determines that it is essential to the committee's inquiry that the question be answered in public session. Where a witness declines to answer a question to which a committee has required an answer, the committee shall report the facts to the Senate.
- (11) Where a committee has reason to believe that evidence about to be given may reflect adversely on a person, the committee shall give consideration to hearing that evidence in private session.
- (12) Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that that evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence, and to forbidding the publication of that evidence.
- (13) Where evidence is given which reflects adversely on a person and action of the kind referred to in paragraph (12) is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee.
- (14) A witness may make application to be accompanied by counsel and to consult counsel in the course of a meeting at which the witness appears. In considering such an application, a committee shall have regard to the need for the witness to be accompanied by counsel to ensure the proper protection of the witness. If an application is not granted, the witness shall be notified of reasons for that decision.
- (15) A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears.
- (16) An officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister.

- (17) Reasonable opportunity shall be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.
- (18) Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the Senate.

## **2 Procedures for the protection of witnesses before the Privileges Committee**

In considering any matter referred to it which may involve, or gives rise to any allegation of, a contempt, the Committee of Privileges shall observe the procedures set out in this resolution, in addition to the procedures required by the Senate for the protection of witnesses before committees. Where this resolution is inconsistent with the procedures required by the Senate for the protection of witnesses, this resolution shall prevail to the extent of the inconsistency.

- (1) A person shall, as soon as practicable, be informed, in writing, of the nature of any allegations, known to the committee and relevant to the committee's inquiry, against the person, and of the particulars of any evidence which has been given in respect of the person.
- (2) The committee shall extend to that person all reasonable opportunity to respond to such allegations and evidence by:
  - (a) making written submission to the committee;
  - (b) giving evidence before the committee;
  - (c) having other evidence placed before the committee; and
  - (d) having witnesses examined before the committee.
- (3) Where oral evidence is given containing any allegation against, or reflecting adversely on, a person, the committee shall ensure as far as possible that that person is present during the hearing of that evidence, and shall afford all reasonable opportunity for that person, by counsel or personally, to examine witnesses in relation to that evidence.
- (4) A person appearing before the committee may be accompanied by counsel, and shall be given all reasonable opportunity to consult counsel during that appearance.
- (5) A witness shall not be required to answer in public session any question where the committee has reason to believe that the answer may incriminate the witness.
- (6) Witnesses shall be heard by the committee on oath or affirmation.

- (7) Hearing of evidence by the committee shall be conducted in public session, except where:
  - (a) the committee accedes to a request by a witness that the evidence of that witness be heard in private session;
  - (b) the committee determines that the interests of a witness would best be protected by hearing evidence in private session; or
  - (c) the committee considers that circumstances are otherwise such as to warrant the hearing of evidence in private session.
- (8) The committee may appoint, on terms and conditions approved by the President, counsel to assist it.
- (9) The committee may authorise, subject to rules determined by the committee, the examination by counsel of witnesses before the committee.
- (10) As soon as practicable after the committee has determined findings to be included in the committee's report to the Senate, and prior to the presentation of the report, a person affected by those findings shall be acquainted with the findings and afforded all reasonable opportunity to make submissions to the committee, in writing and orally, on those findings. The committee shall take such submissions into account before making its report to the Senate.
- (11) The committee may recommend to the President the reimbursement of costs of representation of witnesses before the committee. Where the President is satisfied that a person would suffer substantial hardship due to liability to pay the costs of representation of the person before the committee, the President may make reimbursement of all or part of such costs as the President considers reasonable.
- (12) Before appearing before the committee a witness shall be given a copy of this resolution.

### **3 Criteria to be taken into account when determining matters relating to contempt**

The Senate declares that it will take into account the following criteria when determining whether matters possibly involving contempt should be referred to the Committee of Privileges and whether a contempt has been committed, and requires the Committee of Privileges to take these criteria into account when inquiring into any matter referred to it:

- (a) the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate;
- (b) the existence of any remedy other than that power for any act which may be held to be a contempt; and



- (c) whether a person who committed any act which may be held to be a contempt:
  - (i) knowingly committed that act, or
  - (ii) had any reasonable excuse for the commission of that act.

**4 Criteria to be taken into account by the President in determining whether a motion arising from a matter of privilege should be given precedence of other business**

Notwithstanding anything contained in the standing orders, in determining whether a motion arising from a matter of privilege should have precedence of other business, the President shall have regard only to the following criteria:

- (a) the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and
- (b) the existence of any remedy other than that power for any act which may be held to be a contempt.

**5 Protection of persons referred to in the Senate**

- (1) Where a person who has been referred to by name, or in such a way as to be readily identified, in the Senate, makes a submission in writing to the President:
  - (a) claiming that the person has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person; and
  - (b) requesting that the person be able to incorporate an appropriate response in the parliamentary record,
 if the President is satisfied:
  - (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Committee of Privileges; and
  - (d) that it is practicable for the Committee of Privileges to consider the submission under this resolution,

the President shall refer the submission to that committee.

- (2) The committee may decide not to consider a submission referred to it under this resolution if the committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Senate.

- (3) If the committee decides to consider a submission under this resolution, the committee may confer with the person who made the submission and any senator who referred in the Senate to that person.
- (4) In considering a submission under this resolution, the committee shall meet in private session.
- (5) The committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Senate.
- (6) In considering a submission under this resolution and reporting to the Senate the committee shall not consider or judge the truth of any statements made in the Senate or of the submission.
- (7) In its report to the Senate on a submission under this resolution, the committee may make either of the following recommendations:
  - (a) that no further action be taken by the Senate or by the committee in relation to the submission; or
  - (b) that a response by the person who made the submission, in terms specified in the report and agreed to by the person and the committee, be published by the Senate or incorporated in Hansard,and shall not make any other recommendations.
- (8) A document presented to the Senate under paragraph (5) or (7):
  - (a) in the case of a response by a person who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
  - (b) shall not contain any matter the publication of which would have the effect of:
    - (i) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
    - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

## **6 Matters constituting contempts**

Without derogating from its power to determine that particular acts constitute contempts, the Senate declares, as a matter of general guidance, that breaches of the following prohibitions, and attempts or conspiracies to do the prohibited acts, may be treated by the Senate as contempts.

### **Interference with the Senate**

- (1) A person shall not improperly interfere with the free exercise by the Senate or a committee of its authority, or with the free performance by a senator of the senator's duties as a senator.

**Improper influence of senators**

- (2) A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a senator in the senator's conduct as a senator or induce a senator to be absent from the Senate or a committee.

**Senators seeking benefits etc.**

- (3) A senator shall not ask for, receive or obtain, any property or benefit for the senator, or another person, on any understanding that the senator will be influenced in the discharge of the senator's duties, or enter into any contract, understanding or arrangement having the effect, or which may have the effect, of controlling or limiting the senator's independence or freedom of action as a senator, or pursuant to which the senator is in any way to act as the representative of any outside body in the discharge of the senator's duties.

**Molestation of senators**

- (4) A person shall not inflict any punishment, penalty or injury upon, or deprive of any benefit, a senator on account of the senator's conduct as a senator.

**Disturbance of the Senate**

- (5) A person shall not wilfully disturb the Senate or a committee while it is meeting, or wilfully engage in any disorderly conduct in the precincts of the Senate or a committee tending to disturb its proceedings.

**Service of writs etc.**

- (6) A person shall not serve or execute any criminal or civil process in the precincts of the Senate on a day on which the Senate meets except with the consent of the Senate or of a person authorised by the Senate to give such consent.

**False reports of proceedings**

- (7) A person shall not wilfully publish any false or misleading report of the proceedings of the Senate or of a committee.

**Disobedience of orders**

- (8) A person shall not, without reasonable excuse, disobey a lawful order of the Senate or of a committee.

**Obstruction of orders**

- (9) A person shall not interfere with or obstruct another person who is carrying out a lawful order of the Senate or of a committee.

### **Interference with witnesses**

- (10) A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Senate or a committee, or induce another person to refrain from giving such evidence.

### **Molestation of witnesses**

- (11) A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Senate or a committee.

### **Offences by witnesses etc.**

- (12) A witness before the Senate or a committee shall not:
- (a) without reasonable excuse, refuse to make an oath or affirmation or give some similar undertaking to tell the truth when required to do so;
  - (b) without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or
  - (c) give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.
- (13) A person shall not, without reasonable excuse:
- (a) refuse or fail to attend before the Senate or a committee when ordered to do so; or
  - (b) refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Senate or of a committee.
- (14) A person shall not wilfully avoid service of an order of the Senate or of a committee.
- (15) A person shall not destroy, damage, forge or falsify any document required to be produced by the Senate or by a committee.

### **Unauthorised disclosure of evidence etc.**

- (16) A person shall not, without the authority of the Senate or a committee, publish or disclose:
- (a) a document that has been prepared for the purpose of submission, and submitted, to the Senate or a committee and has been directed by the Senate or a committee to be treated as evidence taken in private session or as a document confidential to the Senate or the committee;

- (b) any oral evidence taken by the Senate or a committee in private session, or a report of any such oral evidence; or
- (c) any proceedings in private session of the Senate or a committee or any report of such proceedings,

unless the Senate or a committee has published, or authorised the publication of, that document, that oral evidence or a report of those proceedings.

## **7 Raising of matters of privilege**

Notwithstanding anything contained in the standing orders, a matter of privilege shall not be brought before the Senate except in accordance with the following procedures:

- (1) A senator intending to raise a matter of privilege shall notify the President, in writing, of the matter.
- (2) The President shall consider the matter and determine, as soon as practicable, whether a motion relating to the matter should have precedence of other business, having regard to the criteria set out in any relevant resolution of the Senate. The President's decision shall be communicated to the senator, and, if the President thinks it appropriate, or determines that a motion relating to the matter should have precedence, to the Senate.
- (3) A senator shall not take any action in relation to, or refer to, in the Senate, a matter which is under consideration by the President in accordance with this resolution.
- (4) Where the President determines that a motion relating to a matter should be given precedence of other business, the senator may, at any time when there is no other business before the Senate, give notice of a motion to refer the matter to the Committee of Privileges. Such notice shall take precedence of all other business on the day for which the notice is given.
- (5) A determination by the President that a motion relating to a matter should not have precedence of other business does not prevent a senator in accordance with other procedures taking action in relation to, or referring to, that matter in the Senate, subject to the rules of the Senate.
- (6) Where notice of a motion is given under paragraph (4) and the Senate is not expected to meet within the period of one week occurring immediately after the day on which the notice is given, the motion may be moved on that day.

## **8 Motions relating to contempts**

Notwithstanding anything contained in the standing orders, a motion to:

- (a) determine that a person has committed a contempt; or
- (b) impose a penalty upon a person for a contempt,

shall not be moved unless notice of the motion has been given not less than 7 days before the day for moving the motion.

## **9 Exercise of freedom of speech**

- (1) The Senate considers that, in speaking in the Senate or in a committee, senators should take the following matters into account:
  - (a) the need to exercise their valuable right of freedom of speech in a responsible manner;
  - (b) the damage that may be done by allegations made in Parliament to those who are the subject of such allegations and to the standing of Parliament;
  - (c) the limited opportunities for persons other than members of Parliament to respond to allegations made in Parliament;
  - (d) the need for senators, while fearlessly performing their duties, to have regard to the rights of others; and
  - (e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.
- (2) The President, whenever the President considers that it is desirable to do so, may draw the attention of the Senate to the spirit and the letter of this resolution.

## **10 Reference to Senate proceedings in court proceedings**

- (1) Without derogating from the law relating to the use which may be made of proceedings in Parliament under section 49 of the Constitution, and subject to any law and any order of the Senate relating to the disclosure of proceedings of the Senate or a committee, the Senate declares that leave of the Senate is not required for the admission into evidence, or reference to, records or reports of proceedings in the Senate or in a committee of the Senate, or the admission of evidence relating to such proceedings, in proceedings before any court or tribunal.
- (2) The practice whereby leave of the Senate is sought in relation to matters referred to in paragraph (1) is discontinued.
- (3) The Senate should be notified of any admission of evidence or reference to proceedings of the kind referred to in paragraph (1), and the Attorneys-General of the Commonwealth and the states are requested to develop procedures whereby such notification may be given.

## **11 Consultation between Privileges Committees**

In considering any matter referred to it, the Committee of Privileges may confer with the Committee of Privileges of the House of Representatives.

## **Privilege resolutions**

### **Responses to questions raised in debate on 25 February 1988**

- (1) Senator Puplick asked (Hansard p. 634) whether there would be any difference between publication of a response by a person named in the Senate and incorporation of the response in Hansard. The only difference between the 2 methods is that when a document is ordered to be published by resolution of the Senate copies are distributed by the Table Office to the normal list of recipients or other inquirers, but the text does not appear in Hansard. It is envisaged that in particular circumstances, e.g., if a response were of considerable length or, possibly, a considerable time had elapsed since the debate in the Senate, the Senate may think it appropriate that the response be published rather than incorporated in Hansard.
- (2) Senator Puplick asked (Hansard p. 634) whether a response published or incorporated in Hansard would attract absolute privilege. A response published or incorporated would attract absolute privilege; that is why the rules provided that a response be succinct and strictly relevant and not contain anything offensive in character.
- (3) Senator Cooney asked (Hansard p. 636) about the appropriateness of considering whether a person had a reasonable excuse for committing an act which might be a contempt in relation to such offences as obstructing the Senate in the performance of its functions. Resolution 3 merely indicates that the Senate will consider whether any defence of reasonable excuse is available. Of course, there may be contempts which, by their nature, exclude any defence of reasonable excuse (e.g., threatening a witness), but that does not prevent the Senate from considering whether such a defence is available.
- (4) Senator Cooney asked (Hansard p. 637) whether questions as to a witness's credit would be regarded as relevant to a matter under inquiry by a committee. As Senator Durack pointed out, the question of whether a question is relevant would be determined in the first instance by the committee. A committee may well regard questions as to the credit of a witness as relevant, depending on the circumstances, but it would be for the committee to decide, subject to any direction by the Senate. The same answer applies to a question asked by Senator Harradine (Hansard p. 638) concerning relevance of questions.
- (5) Senator Harradine questioned (Hansard pp. 638 and 639) the inclusion of the expression "improperly influence" in the list of matters which may be treated as contempts. Resolution 6, as its terms indicate, is intended to give some guidance as to matters which may be treated as contempts. It is in the nature of the offence concerned that it is not possible to specify in advance all methods of influencing senators which may be regarded as improper. It is analogous to such statutory offences as attempting to pervert the course of justice.

- (6) Senator Harradine asked (Hansard p. 638) whether the existence of another remedy for an act which may be held to be a contempt, in the criteria to be taken into account when determining matters relating to contempts, refers to the ability to sue a person for an act which may be held to be a contempt. The criterion does refer to the availability of any civil or criminal remedy, but it does not follow that, as Senator Harradine suggested, no account will be taken of a matter because a civil or criminal remedy is available; it is merely a matter to be considered.
- (7) Senator Haines referred (Hansard pp. 639 and 640) to the inclusion in the list of matters which may be treated as contempts of the references to influencing senators and senators seeking benefits in return for the discharge of their parliamentary duties. That these statements may be too broadly worded was suggested in the explanatory notes accompanying the draft resolutions. Again it must be stressed, however, that resolution 6 is simply an indication, for the guidance of the public, of matters which may be treated as contempts. The resolution does not commit the Senate committee to treat any particular matters as contempts, nor does it affect the ability of the Senate to judge particular cases on their merits and according to circumstances. The resolution therefore does not create any difficulties or give rise to any questions which did not exist before the resolution was passed.



## **Procedural orders and resolutions of the Senate of continuing effect**

The following procedural orders and resolutions of the Senate are those which were clearly intended to be of continuing effect, and are significant in that they relate to the manner in which the Senate conducts its legislative and inquiry functions and exercises and upholds its constitutional powers.

The text of each order and resolution is followed by the date on which it was passed, the page number in the Journals of the Senate at which it appears and any necessary explanatory note.

The orders and resolutions have been grouped into 2 sections – procedural orders affecting the procedures of the Senate and resolutions expressing opinions of the Senate. Those orders and resolutions relating to similar subjects have been placed together.

The orders in this section were agreed to by the Senate up to 31 December 2003. Any orders agreed to by the Senate on or after that date, or any sessional or temporary orders that operate for a limited period, may be found in the Notice Paper under “Orders of the Senate”.



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# PROCEDURAL ORDERS OF CONTINUING EFFECT

## Legislation

### 1 Circulation of requests

The Senate requires that all amendments circulated in the Senate chamber in the form of requests be accompanied by a statement of reasons for their being framed as requests together with a statement by the Clerk of the Senate on whether the amendments would be regarded as requests under the precedents of the Senate.

*(26 June 2000 J.2899)*

## Committees

### 2 Disclosure of minority or dissenting reports

(1) For the reasons, and bearing in mind the considerations, set out in paragraph (2), the Senate resolves and reaffirms that prior to the printing of a committee report a member or a group of members of the committee is not required to disclose to the committee any minority or dissenting report or any relevant conclusions and recommendations which the member or group of members proposes to add or attach to the report after it has been agreed to by the committee.

(2) The reasons and considerations referred to in paragraph (1) are:

- (a) the clear terms of standing order 38(2) which confers on committee members the right to add or attach minority or dissenting reports, conclusions or recommendations “after” the draft report has been agreed to by the committee;
- (b) the conclusions of the Procedure Committee that committee members “are not obliged to disclose minority reports to other members” and have a “right not to disclose their minority reports” (First Report of 1995);
- (c) the need to protect the integrity of the right of a minority group to dissent from the “agreed” report of a majority group; and
- (d) the need to recognise that use of procedures, practices or guidelines designed in effect to make the majority report provisional until the minority report is seen and dissected by the majority group, completely undermines the right of a minority to express its dissent from the “agreed” report of a majority group.

(3) This order is of continuing effect.

*(22 November 1995 J.4198)*

### **3 Unauthorised disclosure of committee proceedings, documents or evidence**

The Senate adopts the procedures, as outlined in the 20th report of the Committee of Privileges tabled on 21 December 1989, to be followed by committees in respect of matters on which such committees may wish action to be taken:

- (1) (a) a committee affected by any unauthorised disclosure of proceedings or documents of, or evidence before, that committee shall seek to discover the source of the disclosure, including by the chair of the committee writing to all members and staff asking them if they can explain the disclosure;
  - (b) the committee concerned should come to a conclusion as to whether the disclosure had a tendency substantially to interfere with the work of the committee or of the Senate, or actually caused substantial interference;
  - (c) if the committee concludes that there has been potential or actual substantial interference it shall report to the Senate and the matter may be raised with the President by the chair of the committee, in accordance with standing order 81.
- (2) Nothing in this resolution affects the right of a senator to raise a matter of privilege under standing order 81.
  - (3) This order is of continuing effect.

*(20 June 1996 J.361)*

### **4 Joint committee documents – disclosure**

The disclosure of evidence or documents of joint committees is authorised by the President of the Senate and the Speaker of the House of Representatives under the same conditions as are provided in standing order 37.

*(6 September 1984 J.1086)*

***Note:** Adopted by the Senate on 6 September 1984. Concurred with by the House of Representatives in relation to joint committees on 11 October 1984, message reported in the Senate on 16 October 1984.*

### **5 Witnesses' expenses**

In relation to the payment of witnesses' expenses, if departments, or any other bodies, pay the expenses of other witnesses, this fact should be made known to the committees concerned, so that the committees are not misled as to the position of the witnesses and the status of their evidence.

*(29 April 1999 J.815)*

## Accountability

### 6 Senate and Senate committees – claims of commercial confidentiality

The Senate and Senate committees shall not entertain any claim to withhold information from the Senate or a committee on the grounds that it is commercial-in-confidence, unless the claim is made by a minister and is accompanied by a statement setting out the basis for the claim, including a statement of any commercial harm that may result from the disclosure of the information.

*(30 October 2003 J.2654)*

## Orders for documents

### 7 Indexed lists of departmental and agency files

- (1) There be laid on the table, by each minister in the Senate, in respect of each department or agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than the tenth day of the spring and autumn sittings, a letter of advice that an indexed list of the titles of all relevant files, including new parts of existing files, created in the preceding six months commencing on 1 January and on 1 July, respectively, has been placed on the Internet.
- (2) Each department and agency shall provide, on its Internet home page, access to an indexed list of the titles of all relevant files, including new parts of existing files, created from 1 January 1998 in the central office of that department or agency (departments and agencies may choose to maintain online an indexed list of all new files created from that date or to maintain online an indexed list of, as a minimum, the most recent year's file creations).
- (3) For the purposes of this resolution:

**“autumn sittings”** means the period of sittings of the Senate first commencing on a day after 1 January in any year;

**“indexed list”** means a list in which file titles may be grouped by classifications used internally within departments or agencies, such as “policy”, “legislation”, “advisings”, etc.

**“relevant files”** includes files relating to the policy advising functions of the department or agency, including any relating to the development of legislation and other matters of public administration, but need not include:

- (a) files transferred to the Australian Archives;
- (b) case related files (e.g., personal representations or dealing with the personal affairs of departmental or agency clients or taxpayers); and
- (c) files essentially related to the internal administration of the department or agency (e.g., staff or personnel matters);

**“spring sittings”** means the period of sittings of the Senate first commencing on a day after 31 July in any year; and

“**title**” means the name or title of the file, excluding any part of that name or title which would necessarily disclose commercially confidential, identifiably personal or national security matters.

- (4) This order is of continuing effect.

*(30 May 1996 J.279, amended 3 December 1998 J.265)*

## **8 Departmental and agency contracts**

- (1) There be laid on the table, by each minister in the Senate, in respect of each agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than 2 calendar months after the last day of the financial and calendar year, a letter of advice that a list of contracts in accordance with paragraph (2) has been placed on the Internet, with access to the list through the department’s or agency’s home page.
- (2) The list of contracts referred to in paragraph (1) indicate:
- (a) each contract entered into by the agency which has not been fully performed or which has been entered into during the previous 12 months, and which provides for a consideration to the value of \$100 000 or more;
  - (b) the contractor, the amount of the consideration and the subject matter of each such contract, the commencement date of the contract, the duration of the contract, the relevant reporting period and the twelve-month period relating to the contract listings;
  - (c) whether each such contract contains provisions requiring the parties to maintain confidentiality of any of its provisions, or whether there are any other requirements of confidentiality, and a statement of the reasons for the confidentiality; and
  - (d) an estimate of the cost of complying with this order and a statement of the method used to make the estimate.
- (3) If a list under paragraph (1) does not fully comply with the requirements of paragraph (2), the letter under paragraph (1) indicate the extent of, and reasons for, non-compliance, and when full compliance is expected to be achieved. Examples of non-compliance may include:
- (a) the list is not up to date;
  - (b) not all relevant agencies are included; and
  - (c) contracts all of which are confidential are not included.
- (4) Where no contracts have been entered into by a department or agency, the letter under paragraph (1) is to advise accordingly.
- (5) In respect of contracts identified as containing provisions of the kind referred to in paragraph (2)(c), the Auditor-General be requested to provide to the Senate, by not later than 30 September each year, a report indicating that the Auditor-General has examined a number of such contracts selected by the Auditor-General, and indicating whether any inappropriate use of such provisions was detected in that examination.



- (6) In respect of letters including matter under paragraph (3), the Auditor-General be requested to indicate in a report under paragraph (5) that the Auditor-General has examined a number of contracts, selected by the Auditor-General, which have not been included in a list, and to indicate whether the contracts should be listed.
- (7) The Finance and Public Administration References Committee consider and report on the first and second year of operation of this order.
- (8) This order has effect on and after 1 July 2001.
- (9) In this order:

“**agency**” means an agency within the meaning of the *Financial Management and Accountability Act 1997*; and

“**previous 12 months**” means the period of 12 months ending on either 31 December or 30 June in any year, as the case may be.

*(20 June 2001 J.4358, amended 27 September 2001 J.4994, 18 June 2003 J.1881, 26 June 2003 J.2011, 4 December 2003 J.2851)*

## 9 Agency advertising and public information projects

- (1) There be laid on the table, by each minister in the Senate, in respect of each agency administered by that minister, or by a minister in the House of Representatives represented by that minister, a statement in accordance with the succeeding provisions of this order.
- (2) A statement be tabled in respect of each advertising or public information project undertaken by each agency where the cost of the project is estimated or contracted to be \$100 000 or more.
- (3) A statement be tabled within 5 sitting days of the Senate after the project is approved. If the Senate is not sitting when a statement is ready for presentation, the statement be presented to the President under standing order 166.
- (4) A statement indicate:
  - (a) the purpose and nature of the project;
  - (b) the intended recipients of the information to be communicated by the project;
  - (c) who authorised the project;
  - (d) the manner in which the project is to be carried out;
  - (e) who is to carry out the project;
  - (f) whether the project is to be carried out under a contract;
  - (g) whether such contract was let by tender;
  - (h) the estimated or contracted cost of the project;

- (i) whether every part of the project conforms with the Audit and JCPAA guidelines; and
  - (j) if the project in any part does not conform with those guidelines, the extent of, and reasons for, the nonconformity.
- (5) In this order, “**Audit and JCPAA guidelines**” means the guidelines set out in Report No. 12 of 1998-99 of the Auditor-General, entitled *Taxation Reform: community education and information programme*, and Report No. 377 of the Joint Committee of Public Accounts and Audit, entitled *Guidelines for Government Advertising*, respectively.
- (29 October 2003 J.2641)

## 10 Shipping Grants Legislation Bill 1996

There be laid on the table of the Senate, on or before the final sitting day of each calendar year, a report setting out developments and progress in relation to the matters raised in paragraphs (a) and (b) of the resolution of the Senate of 29 November 1996.

*Paragraphs (a) and (b) of the resolution are as follows:*

The Senate:

- (a) calls on the government to pursue multilateral agreements in all possible international fora to:
  - (i) ensure that there are international standards for conditions, treatment, receipt of pay, and occupational safety adequate to protect the human rights of seafarers,
  - (ii) ensure that there are international standards for safety, including minimum levels of crew actively present and attentive on the deck or bridge, and
  - (iii) actively support, propose and lobby for agreements by other nations that nations have a duty to inspect ships and enforce compliance with such international standards;
- (b) calls on the government to pursue multilateral agreements in all possible international fora to include in an international comprehensive liability regime:
  - (i) compensation for environmental harm, and non-economic loss from marine-based pollution, and
  - (ii) compensation for any efforts that need to be taken in defence of the rights of seafarers, including legal costs and the costs of repatriation.

*(Agreed to 29 November 1996, by means of an amendment to the motion that the Shipping Grants Legislation Bill 1996 be read a second time. J.1161)*

## **11 Health – Assessment reports by the Australian Competition and Consumer Commission**

There be laid on the table as soon as practicable after the end of each period of 12 months ending on or after 30 June 2003, a report by the Australian Competition and Consumer Commission containing an assessment of any anti-competitive or other practices by health funds or providers which reduce the extent of health cover for consumers and increase their out-of-pocket medical and other expenses.

*(Agreed to 25 March 1999, by means of an amendment to the motion that the report of the committee on the Health Legislation Amendment Bill (No. 2) 1999 be adopted. J.626, amended 18 September 2002 J.761)*

## **Senate chamber**

## **12 Australian flag**

The Senate –

- (a) agrees to furnish the chamber with an Australian flag which is in keeping with the proportions and architecture of the chamber;
- (b) notes that this would:
  - (i) give a permanent outward sign of the allegiance which we all owe to the nation of Australia,
  - (ii) show respect for the commitment Australian men and women have demonstrated to the Australian flag throughout the history of Australia in times of peace and war, and now as the unifying symbol for our sports people in the international arena, and
  - (iii) demonstrate that the Senate is proud to display the Australian flag; and
- (c) directs that the flag be installed within 3 weeks after the passage of this resolution.

*(8 October 1992 J.2861)*

## **13 Seating**

- (1) The President shall provide chairs on the floor of the chamber in front of the broadcasting booth as a gallery for visiting members of the House of Representatives.
- (2) The President shall request the Speaker of the House of Representatives to provide similar seating in the House of Representatives chamber for senators.
- (3) This order has effect notwithstanding anything contained in the standing orders and is of continuing effect.

*(18 May 1993 J.164)*

## **14 Media representatives and advisers – dress code**

The Senate does not require media representatives in the Senate gallery, or senators' advisers, to wear coats.

*(20 March 2002 J.244)*

## **15 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)*

# **Questions**

## **16 Disallowed questions**

(1) In accordance with the recommendation contained in the Procedure Committee's second report of 1994, the terms of disallowed questions are to be shown in Hansard.

(2) This order has effect from 7 February 1995 and is of continuing effect.

*(6 February 1995 J.2885)*

# **Parliamentary secretaries**

## **17 Powers**

(1) Any senator appointed a parliamentary secretary under the *Ministers of State Act 1952* may exercise the powers and perform the functions conferred upon ministers by the procedures of the Senate, but may not be asked or answer questions which may be put to ministers under standing order 72(1) or represent a Senate minister in relation to that minister's responsibilities before a legislation committee considering estimates.

(2) This order is of continuing effect.

*(6 May 1993 J.100, amended 24 August 1994 J.2054, 1 May 1996 J.64, 11 November 1998 J.54, 4 April 2000 J.2525, 6 February 2001 J.3860: with effect from 1 January 2002)*

# RESOLUTIONS EXPRESSING OPINIONS OF THE SENATE

## Parliament

### 18 Parliamentary appropriations

The committee, having considered the report of Estimates Committee A, recommends that –

- (a) the provisions of the resolution of the Senate dated 25 March 1982, relating to the responsibilities of the Standing Committee on Appropriations and Staffing with respect to the estimates for the Senate, are reaffirmed;
- (b) the estimates of expenditure for the Senate to be included in the Appropriation (Parliamentary Departments) Bill shall continue to be those determined by the Standing Committee on Appropriations and Staffing;
- (c) if before the introduction of the bill the Minister for Finance should, for any reason, wish to vary the details of the estimates determined by the committee the minister should consult with the President of the Senate with a view to obtaining the agreement of the committee to any variation;
- (d) in the event of agreement not being reached between the President and the minister, then the Leader of the Government in the Senate, as a member of the Appropriations and Staffing Committee, be consulted;
- (e) the Senate acknowledges that in considering any request from the Minister for Finance the committee and the Senate would take into consideration the relevant expenditure and staffing policies of the government of the day; and
- (f) in turn the Senate expects the government of the day to take into consideration the role and responsibilities of the Senate which are not of the executive government and which may at times involve conflict with the executive government.

(2 December 1985 J.676)

*Note: Resolution of a committee of the whole, adopted by the Senate on 2 December 1985. The resolution of 25 March 1982 appointed the Standing Committee on Appropriations and Staffing with the responsibility, inter alia, of determining appropriations for the Senate.*

### 19 Parliamentary appropriations

The committee, having considered the Eleventh Report of the Standing Committee on Appropriations and Staffing –

- (a) reaffirms the resolution of 2 December 1985 concerning the determination of the estimates of expenditure for the Senate to be included in the Appropriation (Parliamentary Departments) Bill;
- (b) requires the Minister for Finance to process the Senate department's estimates as early as practicable to enable any differences between the minister and the committee to be resolved in accordance with the resolution; and

- (c) expects that the resolution will be adhered to in determining those estimates in the future.

*(30 November 1988 J.1214)*

*Note: Resolution of a committee of the whole, adopted by the Senate on 30 November 1988.*

## **20 Parliamentary appropriations**

The committee, having considered the report of Estimates Committee A, recommends –

That the Senate reaffirms the resolution of 2 December 1985 relating to the determination of appropriations for the Senate, and calls upon the President, the Leader of the Government in the Senate and the Minister for Finance to observe and comply with the procedures set out in that resolution.

*(29 November 1989 J.2273)*

*Note: Resolution of a committee of the whole, adopted by the Senate on 29 November 1989.*

## **21 Parliamentary departments – structure and responsibilities**

The Senate declares that no changes in the structure or responsibilities of the parliamentary departments should be made until –

- (a) particulars of proposed changes have been provided to all senators;
- (b) the Standing Committee on Appropriations and Staffing has examined the proposed changes and reported to the Senate; and
- (c) the Senate has approved of the changes.

*(3 June 1987 J.1951)*

## **Privilege**

On 25 February 1988 the Senate passed 11 resolutions, setting out procedures and making declarations in relation to matters of parliamentary privilege. These resolutions are in a separate section of this volume.

## **22 Witnesses – powers of the Senate**

- (1) The Senate affirms that it possesses the powers and privileges of the House of Commons as conferred by section 49 of the Constitution and has the power to summon persons to answer questions and produce documents, files and papers.
- (2) Subject to the determination of all just and proper claims of privilege which may be made by persons summoned, it is the obligation of all such persons to answer questions and produce documents.
- (3) The fact that a person summoned is an officer of the Public Service, or that a question related to his departmental duties, or that a file is a departmental one does not, of itself, excuse or preclude an officer from answering the question or from producing the file or part of a file.

- (4) Upon a claim of privilege based on an established ground being made to any question or to the production of any documents, the Senate shall consider and determine each such claim.

*(16 July 1975 J.831)*

## **23 Detention of senators**

The Senate, having considered the Fifth Report of the Committee of Privileges, resolves that –

- (1) It is the right of the Senate to receive notification of the detention of its members.
- (2) Should a senator for any reason be held in custody pursuant to the order or judgment of any court, other than a court martial, the court ought to notify the President of the Senate, in writing, of the fact and the cause of the senator's being placed in custody.
- (3) Should a senator be ordered to be held in custody by any court martial or officer of the Defence Force, the President of the Senate ought to be notified by His Excellency the Governor-General of the fact and the cause of the senator's being placed in custody.
- (4) The Presiding Officers of the Parliament should confer with the Presiding Officers of the Parliaments of the states, and the Attorney-General should confer with the Attorneys-General of the states, upon the action to be taken to secure compliance with the foregoing resolutions.
- (5) The terms of these resolutions be communicated to Presiding Officers of the Parliaments of the states and the Attorneys-General of the states.

*(26 February 1980 J.1153)*

## **24 Detention of senators**

- (1) The Senate reaffirms its resolutions of 26 February 1980, as follows:
  - (a) It is the right of the Senate to receive notification of the detention of its members.
  - (b) Should a senator for any reason be held in custody pursuant to the order or judgment of any court, other than a court martial, the court ought to notify the President of the Senate, in writing, of the fact and the cause of the senator's being placed in custody.
  - (c) Should a senator be ordered to be held in custody by any court martial or officer of the Defence Force, the President of the Senate ought to be notified by His Excellency the Governor-General of the fact and the cause of the senator's being placed in custody.
- (2) Where a senator is arrested, and the identity of the senator is known to the arresting police, the police ought to notify the President of the Senate of the fact and the cause of the senator's arrest.

*(18 March 1987 J.1693)*

## **25 Interference with witnesses**

The Senate –

- (a) reaffirms the long-established principle that it is a serious contempt for any person to attempt to deter or hinder any witness from giving evidence before the Senate or a Senate committee, or to improperly influence a witness in respect of such evidence; and
- (b) warns all persons against taking any action which might amount to attempting to improperly influence a witness in respect of such evidence.

*(13 September 1984 J.1129)*

*Note: See also the Privilege Resolutions, 25 February 1988, no. 6, paragraphs (10) and (11).*

## **26 Meetings after dissolution of House of Representatives**

The Senate declares that where the Senate, or a committee of the Senate which is empowered to do so, meets following a dissolution of the House of Representatives and prior to the next meeting of that House, the powers, privileges and immunities of the Senate, of its members and of its committees, as provided by section 49 of the Constitution, are in force in respect of such meeting and all proceedings thereof.

*(22 October 1984 J.1276)*

## **Senate**

## **27 Appropriations – ordinary annual services of the government**

The Senate resolves:

- (1) To reaffirm its constitutional right to amend proposed laws appropriating revenue or moneys for expenditure on all matters not involving the ordinary annual services of the government.
- (2) That appropriations for expenditure on:
  - (a) the construction of public works and buildings;
  - (b) the acquisition of sites and buildings;
  - (c) items of plant and equipment which are clearly definable as capital expenditure;
  - (d) grants to the states under section 96 of the Constitution; and
  - (e) new policies not previously authorised by special legislation, are not appropriations for the ordinary annual services of the government and that proposed laws for the appropriation of revenue or moneys for expenditure on the said matters shall be presented to the Senate in a separate appropriation bill subject to amendment by the Senate.

*(17 February 1977 J.572)*



## 28 Casual vacancies

Where the place of a senator who is a member of a particular political party becomes vacant before the expiration of the senator's term of service, in the opinion of the Senate a person chosen to fill the vacant place in accordance with section 15 of the Constitution should be the member of the political party duly nominated by that party to fill that place; ...

*(19 March 1987 J.1698)*

*Note: Part of a longer resolution, dealing with the case of a vacancy in the representation of Tasmania.*

## 29 Casual vacancies

The Senate –

- (a) believes that casual vacancies in the Senate should be filled as expeditiously as possible, so that no state is without its full representation in the Senate for any time longer than is necessary;
- (b) recognises that under section 15 of the Constitution an appointment to a vacancy in the Senate may be delayed because the Houses of the Parliament of the relevant state are adjourned but have not been prorogued, which, on a strict construction of the section, prevents the Governor of the state making the appointment; and
- (c) recommends that all state parliaments adopt procedures whereby their Houses, if they are adjourned when a casual vacancy in the Senate is notified, are recalled to fill the vacancy, and whereby the vacancy is filled:
  - (i) within 14 days after the notification of the vacancy, or
  - (ii) where under section 15 of the Constitution the vacancy must be filled by a member of a political party, within 14 days after the nomination by that party is received,

whichever is the later.

*(3 June 1992 J.2401, reaffirmed 7 May 1997 J.1866)*

## 30 Taxation bills – retrospectivity

Where the government has announced, by press release, its intention to introduce a bill to amend taxation law, and that bill has not been introduced into the Parliament or made available by way of publication of a draft bill within 6 calendar months after the date of that announcement, the Senate shall, subject to any further resolution, amend the bill to provide that the commencement date of the bill shall be a date that is no earlier than either the date of introduction of the bill into the Parliament or the date of publication of the draft bill.

*(8 November 1988 J.1104)*

*Note: Part of a resolution agreed to by way of an amendment to the motion for the second reading of a bill.*

### 31 Quorum

The Senate ...

- (d) notes that it is the clear responsibility of all senators to maintain the quorum in the Senate.

(4 October 1989 J.2083)

*Note: Part of a longer resolution relating to a count-out of the Senate and a motion of censure.*

### 32 Committee reports – government responses

- (1) The Senate declares its opinion that, following the presentation of a report from a standing committee or select committee of the Senate which recommends action by the government, the government should, within the ensuing 3 months, table a paper informing the Senate of its observations and intentions with respect to such recommendations.
- (2) The Senate resolves that the President communicate this resolution to the government with a request that the foregoing procedure apply, from the date of the passing of this resolution, to reports already presented during the present session and, in respect of future reports, from the date of presentation of a report.
- (3) A government response to a committee report under this resolution shall respond to any minority or dissenting report and any matter added to the report by any member or participating member of the committee.

(14 March 1973 J.51, amended 24 August 1994 J.2054)

*Note: Government responses to committee reports have since been the subject of undertakings by governments. Undertakings were given on:*

26 May 1978 – *Senate Debates (Hansard)* p. 1933.

24 August 1983 – *Senate Debates (Hansard)* p. 141.

5 November 1991 – *Journals* p. 1625.

### 33 Division of bills

The committee ... reasserts the principle that the division of any bill by the Senate is a form of amendment of a bill, not different in principle from any other form of amendment, and should be considered as such.

(12 December 2002 J.1363)

*Note: Resolution of a committee of the whole, adopted by the Senate on 12 December 2002 following consideration of a message from the House of Representatives relating to the Family and Community Services Legislation Amendment (Australians Working Together and other 2001 Budget Measures) Bill 2002.*

## Accountability

### 34 Statutory authorities

The committee is of the opinion that, unless the Parliament has expressly provided otherwise, there is no area of expenditure of public funds by statutory authorities which cannot be examined by Parliament or its committees, and in this regard confirms the opinion expressed in the report to the Senate by Estimates Committee B, viz.: “The committee is of the opinion that whilst it may be argued that these bodies are not accountable through the responsible minister of state to Parliament for day-to-day operations, statutory corporations may be called to account by Parliament itself at any time and that there are no areas of expenditure of public funds where these corporations have a discretion to withhold details or explanations from Parliament or its committees unless the Parliament has expressly provided otherwise.”.

*(9 December 1971 J.846)*

*Note: Resolution of a committee of the whole agreed to on 2 December 1971, adopted by the Senate on 9 December 1971.*

### 35 Statutory authorities

The Senate reaffirms the principle expressed in the resolution agreed to in committee of the whole on 2 December 1971 and adopted by the Senate on 9 December 1971, viz.: “That whilst it may be argued that statutory authorities are not accountable through the responsible minister of state to Parliament for day-to-day operations, they may be called to account by Parliament itself at any time and that there are no areas of expenditure of public funds where these corporations have a discretion to withhold details or explanations from Parliament or its committees unless the Parliament has expressly provided otherwise.”.

*(23 October 1974 J.283)*

### 36 Statutory authorities

The committee, having considered the report of Estimates Committee B, ... recommends ...

- (ii) that the principle, espoused by the Senate in 1971 and 1974, that there are no areas of expenditure of public funds where statutory authorities have a discretion to withhold details or explanations from Parliament or its committees unless the Parliament has expressly provided otherwise, be reaffirmed;
- (iii) the affirmation, in accordance with this principle, that the right to privacy of individual counsel accepting a brief on behalf of the Commonwealth for which money is appropriated by Parliament is supervened by such acceptance, subject to the reasons for the information being clearly defined and to the proviso that injudicious or unwarranted invasion of privacy is not the intention of the Parliament or its committees; and ...

*(18 September 1980 J.1563)*

*Note: Resolution of a committee of the whole, adopted by the Senate on 18 September 1980. Part of a longer resolution dealing also with other matters.*

### 37 Statutory authorities

The committee, having considered the reports of Estimates Committees, recommends –

- (a) that the Senate again reaffirm the principle – first adopted by the Senate following consideration of the report by Estimates Committee B in 1971, and reaffirmed in 1974:

“That whilst it may be argued that statutory authorities are not accountable through the responsible minister of state to Parliament for day-to-day operations, they may be called to account by Parliament itself at any time and that there are no areas of expenditure of public funds where these corporations have a discretion to withhold details or explanations from Parliament or its committees unless the Parliament has expressly provided otherwise.” ...

(4 June 1984 J.902)

*Note: Resolution of a committee of the whole, adopted by the Senate on 4 June 1984. Part of a longer resolution dealing also with other matters. The above principle was again reaffirmed by the Senate on 29 May 1997 (J.2042).*

### 38 Public funds

The Senate reaffirms the principle, stated previously in resolutions of 9 December 1971, 23 October 1974, 18 September 1980, 4 June 1984 and 29 May 1997, that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the Parliament or its committees unless the Parliament has expressly provided otherwise.”.

(25 June 1998 J.4075)

*Note: Part of a longer resolution agreed to by means of an amendment to the motion that the Stevedoring Levy (Collection) Bill 1998 and the Stevedoring Levy (Imposition) Bill 1998 be read a second time.*

### 39 Australian Broadcasting Corporation

The Senate ...

- (a) agrees with the committee’s conclusion that the Australian Broadcasting Corporation’s (ABC) approach to the committee’s inquiry was incorrect and that the ABC and any summoned officers of the ABC should have answered the committee’s questions;
- (b) asserts that the ABC and any other witnesses before Senate committees have an obligation to co-operate and to answer questions within the terms of reference of Senate standing committees and Senate estimates committees alike; ...

(19 November 1986 J.1424)

*Note: Part of a longer resolution taking note of a report by the Standing Committee on Education and the Arts.*

## 40 Public servants

The Senate is of the opinion that all heads of departments and other agencies, statutory office holders and Senior Executive Service officers should be required, as part of their duties, to undertake study of the principles governing the operation of Parliament, and the accountability of their departments, agencies and authorities to the Houses of Parliament and their committees, with particular reference to the rights and responsibilities of, and protection afforded to, witnesses before parliamentary committees.

*(21 October 1993 J.684, reaffirmed 1 December 1998 with adoption of Committee of Privileges 73rd report, paragraph 2.42, J.226)*

## Miscellaneous

## 41 Australian Bureau of Statistics surveys

...(b) The committee is of the opinion that the government should not in the future proceed with any ABS survey unless –

- (i) where the survey is significantly different from surveys conducted prior to July 1988, the proposed survey and the proposed terms of conduct of the survey are tabled in Parliament and the parliamentary debate on the proposed survey is fully taken into account, and
- (ii) the proposed survey is not extraordinarily burdensome and intrusive towards those members of the Australian public selected for inclusion in the survey.

*(2 December 1988 J.1233)*

***Note:** Resolution of a committee of the whole, adopted by the Senate on 2 December 1988. Part of a longer resolution dealing with a particular statistical survey conducted by the Australian Bureau of Statistics.*

## 42 Voluntary voting

The Senate is of the view that having regard to the fact that the system of voluntary voting provided for in the Constitutional Convention (Election) Bill 1997 is for the election of delegates to a specific Constitutional Convention for a limited and temporary purpose in special circumstances, the system should not be seen as a precedent for elections of members of Parliament or for any other ballots including referendums.

*(28 August 1997 J.2354)*

***Note:** Resolution agreed to as a consequence of an amendment to the question that the report of the committee on message no. 347 from the House of Representatives relating to the Constitutional Convention (Election) Bill 1997 be adopted.*



## **Registration and declaration of senators' interests**





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## **Senators' interests**

### **1 Registration**

(1) Within:

- (a) 28 days after the first meeting of the Senate after 1 July first occurring after a general election; and
- (b) 28 days after the first meeting of the Senate after a simultaneous dissolution of the Senate and the House of Representatives; and
- (c) 28 days after making and subscribing an oath or affirmation of allegiance as a senator for a Territory or appointed or chosen to fill a vacancy in the Senate;

each senator shall provide to the Registrar of Senators' Interests a statement of:

- (a) the senator's registrable interests; and
- (b) the registrable interests of which the senator is aware:
  - (i) of the senator's spouse or partner, and
  - (ii) of any children who are wholly or mainly dependent on the senator for support;

in accordance with this resolution and in a form determined by the Committee of Senators' Interests from time to time, and shall also notify any alteration of those interests to the Registrar within 28 days of that alteration occurring.

(2) Any senator who:

- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Senators' Interests by the due date;
- (b) knowingly fails to notify any alteration of those interests to the Registrar of Senators' Interests within 28 days of the change occurring; 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 and may not be considered by any other committee.

### **2 Registrable interests of spouses or partners and dependants**

Statements of the registrable interests of a senator's spouse or partner or of any dependent children submitted in accordance with paragraph (1) shall be maintained in a separate part of the register and shall remain confidential to the Committee of Senators' Interests except where the committee considers that a conflict of interest arises, at which time the committee may table the declaration.

### 3 Registrable interests

The statement of a senator's registrable interests to be provided by a senator shall include the registrable interests of which the senator is aware of the senator's spouse or partner and of any children who are wholly or mainly dependent on the senator for support, and shall cover the following matters:

- (a) shareholdings in public and private companies (including holding companies) indicating the name of the company or companies;
- (b) family and business trusts and nominee companies:
  - (i) in which a beneficial interest is held, indicating the name of the trust and the nature of its operation and beneficial interest, and
  - (ii) in which the senator, the senator's spouse or partner, or a child who is wholly or mainly dependent on the senator for support, is a trustee (but not including a trustee of an estate where no beneficial interest is held by the senator, the senator's spouse or partner or dependent children), indicating the name of the trust, the nature of its operation and the beneficiary of the trust;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned;
- (d) registered directorships of companies;
- (e) partnerships, indicating the nature of the interests and the activities of the partnership;
- (f) liabilities, indicating the nature of the liability and the creditor concerned;
- (g) the nature of any bonds, debentures and like investments;
- (h) saving or investment accounts, indicating their nature and the name of the bank or other institutions concerned;
- (i) the nature of any other assets (excluding household and personal effects) each valued at more than \$7 500;
- (j) the nature of any other substantial sources of income;
- (k) gifts valued at more than \$750 received from official sources (such sources being an Australian or foreign national, state, provincial or local government or a person holding an office in such a government) or at \$300 or more where received from other than official sources, provided that a gift received by a senator, the senator's spouse or partner or dependent children from family members or personal friends in a purely personal capacity need not be registered unless the senator judges that an appearance of conflict of interest may be seen to exist;
- (l) any sponsored travel or hospitality received where the value of the sponsorship or hospitality exceeds \$300;

- (m) being an officeholder of or financial contributor donating \$300 or more in any single calendar year to any organisation; and
- (n) any other interests where a conflict of interest with a senator's public duties could foreseeably arise or be seen to arise.

#### **4 Register and Registrar of Senators' Interests**

- (1) At the commencement of each Parliament, and at other times as necessary, the President shall appoint an officer of the Department of the Senate as the Registrar of Senators' Interests and that officer shall also be secretary of the Committee of Senators' Interests.
- (2) The Registrar of Senators' Interests shall, in accordance with procedures determined by the Committee of Senators' Interests, maintain a Register of Senators' Interests in a form to be determined by that committee from time to time.
- (3) As soon as possible after the receipt of statement of registrable interests in accordance with resolution 1(1), the chairman of the Committee of Senators' Interests shall table in the Senate a copy of the completed Register of Senators' Interests and shall also table every 6 months any notification by a senator of alteration of those interests.
- (4) The Register of Senators' Interests shall be available for inspection by any person under conditions to be laid down by the Committee of Senators' Interests from time to time.
- (5) That part of the Register of Senators' Interests relating to spouses or partners and dependent children shall remain confidential to the Committee of Senators' Interests as provided for in paragraph 2.

#### **5 Interpretation**

For the purposes of paragraphs 1 to 4 of this resolution "partner" means a person who is living with another person in a *bona fide* domestic relationship.

*(17 March 1994 J.1421, amended 21 June 1995 J.3473, 13 May 1998 J.3753, 22 November 1999 J.2009, 15 September 2003 J.2365)*

### **Receipt of gifts – declaration**

The Senate resolves that the following procedures apply for the declaration by senators of their receipt of any gift intended by the donor to be a gift to the Senate or the Parliament:

- (1) (a) Any senator, including any Senate office holder and any senator who is a leader or a member of a parliamentary delegation, who in any capacity receives any gift which is intended by the donor to be a gift to the Senate or the Parliament must, as soon as practicable, place the gift in the custody of the Registrar of Senators' Interests and declare receipt of the gift to the Registrar.

- (b) A gift is to be taken as intended to be a gift to the Senate or the Parliament where:
  - (i) the donor expressly states that the gift is to the Senate or to the Parliament; or
  - (ii) the identity of the donor, the nature of the occasion, or the intrinsic significance or value of the gift is such that it is reasonable to assume that the gift was intended for the Senate or the Parliament.
- (ba) In the absence of express intent, it will not be assumed that a gift was intended for the Senate or the Parliament where the gift has a value below the following thresholds:
  - (i) \$750 when given by an official government source; or
  - (ii) \$300 when given by a private person or non-government body on any occasion when the senator is present in his or her capacity as a senator, Senate office holder or delegation leader or member.
- (bb) In the absence of express intent, it will not be assumed that a gift was intended for the Senate or the Parliament merely because the gift has a value above those thresholds.
- (c) The Registrar of Senators' Interests is to maintain a public Register of Gifts to the Senate and the Parliament.
- (d) The Committee of Senators' Interests is to recommend to the President whether, and how, the gift may be used or displayed in Parliament House, including in the office of any senator, or used or displayed on loan elsewhere, including in a museum, library, gallery, court building, government building, government office or other place.
- (e) Where a gift given to a senator is intended to be for the Parliament, the President is to consult with the Speaker prior to agreeing to a recommendation of the committee as to its use, display or loan.
- (f) Where the President disagrees with a recommendation of the committee, the President is to report the disagreement to the Senate, which may determine the use, display or loan of the gift in question.
- (g) In making recommendations the committee is to take into account the intention of the Senate that gifts are to be used, displayed or loaned in a way which:
  - (i) reflects proper respect for the intentions of the donor and the dignity of the Senate or the Parliament;
  - (ii) recognises the interest of the public in gifts to the Senate or the Parliament; and
  - (iii) takes account of practical issues including space, custody, preservation and propriety in the use, display or loan of such gifts.

- (h) Where a senator is uncertain of the nature of a gift the senator may request advice from the committee.
- (i) When a senator who is using or displaying a gift ceases to be a senator, the senator may retain the gift:
  - (i) if its value does not exceed the stated valuation limits of \$750 for a gift received from an official government source, or \$300 from a private person or non-government body; or
  - (ii) if the senator elects to pay the difference between the stated valuation limit and the value of the gift, as obtained from an accredited valuer selected from the list issued by the Committee for Taxation Incentives for the Arts. The Department of the Senate will be responsible for any costs incurred in obtaining the valuation.
- (j) If the senator does not retain the gift in accordance with paragraph (i), the senator must return the gift to the Registrar, who shall:
  - (i) dispose of it in accordance with instructions from the Committee of Senators' Interests, as set out in paragraph 1(d) of this resolution; or
  - (ii) arrange its donation to a nominated non-profit organisation or charity, at the discretion of the senator who has returned the gift and the Committee of Senators' Interests.
- (k) Any senator subject to paragraph (j) must formally acknowledge relinquishment of the senator's claim to ownership of any surrendered gifts.
- (l) Where a senator disagrees with the advice of the committee the senator is to report the disagreement to the Senate, which may determine the nature of the gift and its use, display or loan, if any.
- (m) In paragraph (1) a reference to a gift to the Parliament includes a gift given to a senator for the House of Representatives.
- (2) This resolution applies to a gift received by the spouse, family member or staff member of a senator on any occasion when the senator is present in his or her capacity as a senator, Senate office holder or delegation leader or member, as if the gift had been received by the senator.
- (3) The committee:
  - (a) is empowered to consider any matter placed before it pursuant to this resolution, and for the purposes of this resolution the committee has the powers provided in the resolution of 17 March 1994 establishing the committee; and
  - (b) may make, and must as soon as practicable thereafter table, procedural rules to facilitate the operation of this resolution.

(4) Any senator who:

- (a) knowingly fails to tender and declare a gift that is taken to be a gift to the Senate or the Parliament as required by this resolution; or
- (b) knowingly fails to return to the Registrar a gift which it was agreed or determined the senator might use or display; or
- (c) knowingly provides false or misleading information to the Registrar or the committee,

is guilty of a serious contempt of the Senate and is to be dealt with by the Senate accordingly, but the question whether any senator has committed such a contempt is to be referred to the Privileges Committee for inquiry and report and may not be considered by any other committee.

*(26 August 1997 J.2324, amended 8 December 1999 J.2212, 15 September 2003 J.2365)*



**Broadcasting of Senate and  
committee proceedings**



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## **Broadcasting of Senate and committee proceedings**

### **1 Radio and television broadcasting of Senate proceedings**

- (1) The Senate authorises the broadcasting by Australian Broadcasting Corporation television of question time in the Senate.
- (2) If the House of Representatives allows the television broadcasting of question time in that House, the distribution of the television broadcast between the 2 Houses shall be in accordance with the distribution of the radio broadcast, provided that the Senate is broadcast on not less than 3 days in any 2-week sitting period.
- (3) The Senate authorises the broadcasting by radio and television stations of excerpts of its proceedings in accordance with the following conditions:

#### *Conditions governing the broadcasting of excerpts of proceedings by radio and television stations*

1. Access to the proceedings of the Senate for the recording and broadcasting of excerpts of proceedings is subject to an undertaking to observe, and to compliance with, the following conditions.
2. Recordings and broadcasts may be made only from channel 2 on the house monitoring system.
3. Broadcasts of excerpts shall be used only for the purposes of fair and accurate reports of proceedings, and shall not be used for:
  - (a) political party advertising or election campaigns;
  - (b) satire and ridicule; or
  - (c) commercial sponsorship or commercial advertising.
4. Reports of proceedings shall be such as to provide a balanced presentation of differing views.
5. Excerpts of proceedings which are subsequently withdrawn may be broadcast only if the withdrawal is also reported.
6. The instructions of the President of the Senate or his or her delegates in respect of the broadcasting of excerpts, which are not inconsistent with these conditions, shall be observed.

### **2 Radio and television broadcasting of committee proceedings**

The following rules apply in relation to radio and television broadcasting, including rebroadcasting, of the proceedings of a committee.

- (1) Recording and broadcasting of proceedings of a committee may occur only in accordance with the authorisation of the committee by a deliberate decision of the committee.

- (2) A committee may authorise the broadcasting of only its public proceedings.
- (3) A committee may determine conditions, not inconsistent with these rules, for the recording and broadcasting of its proceedings, may order that any part of its proceedings not be recorded or broadcast, and may give instructions for the observance of conditions so determined and orders so made. A committee shall report to the Senate any wilful breach of such conditions, orders or instructions.
- (4) Broadcasting of committee proceedings shall be for the purpose only of making fair and accurate reports of those proceedings, and, in particular:
  - (a) shall not be the subject of commercial sponsorship or be used for commercial advertising; and
  - (b) shall not be used for election advertising.
- (5) Recording and broadcasting of proceedings of a committee shall not be such as to interfere with the conduct of those proceedings.
- (6) Where a committee intends to permit the broadcasting of its proceedings, a witness who is to appear in those proceedings shall be given reasonable opportunity, before appearing in the proceedings, to object to the broadcasting of the proceedings and to state the ground of the objection. The committee shall consider any such objection, having regard to the proper protection of the witness and the public interest in the proceedings, and if the committee decides to permit broadcasting of the proceedings notwithstanding the witness's objection, the witness shall be so informed before appearing in the proceedings.

### **3 Broadcasting of proceedings of legislation committees when considering estimates**

The public proceedings of legislation committees when considering estimates may be relayed within Parliament House and broadcast by radio and television stations in accordance with the conditions contained in paragraphs (4) and (5) of the order of the Senate relating to the broadcasting of committee proceedings, and in accordance with any further conditions, not inconsistent with the conditions contained in those paragraphs, determined by a committee in relation to the proceedings of that committee.

### **4 Access to video recordings of Senate proceedings**

Persons other than television stations may make use of video recordings of Senate proceedings, subject to the following conditions:

Recordings of proceedings are to be used only for the purposes of:

- (a) providing fair and accurate reports of Senate proceedings; or
- (b) providing information about the proceedings and operations of the Senate,

and shall not be used for:

- (c) political party advertising or election campaigns;
- (d) satire or ridicule; or
- (e) commercial advertising.

## **5 House Monitoring Service — extension**

- (1) The Senate authorises the extension of the House Monitoring Service television coverage of the proceedings of the Senate and Senate committees to persons and organisations, as determined by the President, on terms and conditions determined by the President.
- (2) The President shall report to the Senate on persons and organisations in receipt of the service and on any terms and conditions determined under paragraph (1).

*(13 February 1997, 1 – 5 being a consolidation of earlier orders)*

## **6 Electronic broadcasting of Senate and committee proceedings**

The Senate authorises the publication by electronic means, including by the Internet, in sound and visual images, of proceedings of the Senate and its committees, subject to the rules applying to radio and television broadcasting of Senate and committee proceedings.

*(31 August 1999 J.1606)*





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