



Procedural Information Bulletin

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For the sitting period 6 to 9 March 2023

Legislation

The Senate passed a handful of government bills, including two with government amendments. A bill to reform the payments system for, and expand access to, [paid parental leave](#) passed on 6 March. Australian Greens' amendments to increase the entitlement from 22 to 26 weeks did not find support, with the government foreshadowing another bill to provide for a staged increase over 3 years. An opposition senator moved amendments that were circulated but not moved by independent Senator David Pocock to address a potential administrative burden on small business by allowing an 'opt-in' period. While those amendments were negatived, Senator Pocock secured government support for an inquiry into the matter.

Nothing in Senate procedure prevents a senator moving amendments circulated by someone else. Technically there is no requirement to circulate amendments. However, when a bill is considered under a guillotine, circulating amendments at least two hours before debate expires guarantees the right to have them dealt with: SO. 142.

A government [bill to provide grants](#) to support industry-led postgraduate research was passed with an amendment from the Australian Greens. The amendment specifies that the Economic Acceleration Advisory Board's research commercialisation strategy must not be inconsistent with Australia's greenhouse gas emissions reduction targets.

On 8 March a [private senator's bill](#) to compel the Government to offer transfer to Australia to most of those in offshore processing was defeated at the second reading stage.

Privilege

The [Committee of Privileges reported](#) on its inquiry into whether Senator Thorpe's failure to declare a relationship with Mr Dean Martin obstructed the work of the Parliamentary Joint Committee on Law Enforcement: see Bulletin 366. Media reports which prompted the inquiry suggested Mr Martin was a former member of an outlaw motorcycle gang and that the joint committee was examining matters related to such gangs.

The committee considered that the media coverage was intended to suggest Senator Thorpe had used her membership of the joint committee to further the interests of an outlaw motorcycle gang. As the committee noted, such conduct, if it was proven, could only be addressed by the Senate exercising its power to determine and punish contempts.

However, on the basis of submissions from the joint committee and from Senator Thorpe, the Privileges Committee concluded that the media coverage of this matter was inaccurate in some important respects. In particular, the implication Senator Thorpe used her position inappropriately or even had

access to information of the type speculated about in the media coverage was not borne out. The Senate adopted the committee's conclusion that a contempt should not be found.

The committee did consider that Senator Thorpe should have declared her relationship as a potential conflict of interest with her work on the joint committee (because it was possible that she would receive sensitive material of interest to outlaw motorcycle gangs through her work on the committee). The committee urged senators to exercise caution in relation to the possibility of conflicts of interest as well as the perception that their personal relationships may conflict with their official duties. To support a more consistent approach to these matters, the committee recommended that declarations of any conflicts of interest should be a standard agenda item at all private meetings of committees.

Orders and explanations

The sitting period saw further proceedings relating to the 2023-24 Budget Process Operational Rules, following the government maintaining public interest immunity (PII) claims over the documents on the basis they would or may disclose the deliberations of Cabinet (see Bulletins [367](#) and [368](#)). On 8 March the Senate agreed to an order requiring the Minister for Finance to attend the chamber the next day to explain the failure to comply with the order and to provide the documents. The minister reiterated the government's PII claim, again indicating its intention to release the BPOs following the October Budget 'as a sign of transparency and accountability'.

The government tabled 12 responses to orders for the production of documents (OPDs), with a number raising PII claims over the information sought. This included a response from the Treasurer to an order of 7 March for the report of an investigation into allegations concerning the conduct of the Australian Securities and Investment Commission Deputy Chair, refused primarily on the basis that its release would negatively impact the privacy of the subject of the allegations, as well as the privacy of the complainants and informants involved in the investigation. Modelling of the usage of Australian Carbon Credit Units (ACCUs) over the decade to 2030, the subject of another order agreed on 7 March, was also withheld, with the Minister for Climate Change claiming that the modelling would reveal the deliberations of Cabinet as well as negatively impact ACCUs through the release of market-sensitive forecasts. The Senate had already rejected these claims, which were also previously raised before the legislation committee considering the safeguards mechanism legislation.

A response to an OPD of 6 March, relating to the cost of recalling the Parliament to consider legislation related to energy prices on 15 December 2022, indicated that the information could not be provided due to the (presumably technical) inability to differentiate between parliamentarians' travel 'for the purpose of parliament versus other official business'.

The Senate agreed to eight new OPDs in the sitting period. One proposed OPD, relating to a January 2023 visit of the Secretary of the Department of Agriculture, Fisheries and Forestry to the Middle East, was negated.

The cumulative list of orders and responses can be found on the Senate's [business pages](#).

Inquiries

Five bills were referred to legislation standing committees as a result of [report no. 2 of 2023](#) of the Selection of Bills Committee.

Another new select committee was established, on [Dental Services in Australia](#), and an inquiry into [management and assurance of integrity by consulting services](#) was referred to the Finance and Public Administration References Committee.

Reports

Three legislation committees reported during the sitting period:

- the Environment and Communications Legislation Committee tabled a [report](#) on the Safeguard Mechanism (Crediting) Amendment Bill 2022
- the Legal and Constitutional Affairs Legislation Committee tabled a [report](#) into the Migration Amendment (Evacuation to Safety) Bill 2023, and
- the Finance and Public Administration Legislation Committee tabled its [Annual Reports \(No. 1 of 2023\)](#).

The Select Committee on Work and Care tabled its final [report](#), making 33 wide-ranging recommendations aimed at improving how people balance their paid work and unpaid care roles. The recommendations include reform of the early childhood education and care sector, ways to increase wages in the care sector, pathways to increase the paid parental leave period, and trials of a four-day working week.

Correcting the record

The Economics Legislation Committee recalled the chair and other senior officials from the Australian Securities and Investments Commission (ASIC) for a further supplementary estimates hearing on 1 March 2023. The hearing canvassed evidence provided by ASIC at its initial estimates appearance on 16 February regarding an investigation commissioned by the Treasury into the conduct of a Deputy Chair of ASIC. The chair of ASIC and the Minister both provided letters to the committee clarifying their original evidence to the committee on this matter. Privilege Resolution 6(12) declares that witnesses giving evidence they know to be false or misleading in a material respect may be treated by the Senate as a contempt. As a result, the *Government Guidelines for Official Witnesses before Parliamentary Committees* counsels that:

Once the need to provide a committee with revised information has been established, it is most important that the committee receive that revised information at the earliest opportunity. ...Officials need to keep in mind that, while their evidence remains uncorrected or unclarified they are vulnerable to allegations that they have misled a committee.

Evidence to the committee on 1 March left the committee with differing interpretations of the outcome of the Treasury investigation. Correspondence from the Secretary of the Treasury to the Chair of ASIC noted that the investigation found that ‘...many of the instances of alleged conduct could be wholly or partially substantiated’. However, the Deputy Chair maintained, on the basis of the information provided to her regarding the outcomes of the investigation, that she had not been the subject of any adverse findings.

RELATED RESOURCES

[Dynamic Red](#) – updated continuously during the sitting day, the Dynamic Red displays the results of proceedings as they happen.

[Senate Daily Summary](#) – a convenient summary of each day’s proceedings in the Senate, with links to source documents.

Like this bulletin, these documents can be found on the Senate website: www.aph.gov.au/senate

Inquiries: **Clerk’s Office (02) 6277 3364**