



DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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For the sitting period 10 to 20 September 2012

LEGISLATION

The issue of fishing quotas and the so-called super-trawler, FV *Margiris*, renamed the FV *Abel Tasman* and reflagged as an Australian vessel, continued to occupy the Senate during the sitting period.

A deferred vote on a motion to disallow the Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination (see [Bulletin No. 265](#)) was taken on 10 September and lost, with only the Australian Greens and Senator Xenophon supporting the motion. Soon after, concerns raised about the potential impact of the large-scale fishing operation led the Government to announce a two-year ban on such enterprises, to allow further scientific assessment of the situation. A bill was introduced into the House of Representatives and amended at the behest of some of the non-aligned members to narrow its focus. After being exempted from the provisions of standing order [111](#), the bill was introduced in the Senate on 17 September and debated. Amendments moved by the Australian Greens to make use of oversized fishing vessels an offence and to remove the sunset provision were not successful and the bill was finally passed on 19 September.

The Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012, a bill with the distinction of having a short title longer than its long title (A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999*, and for related purposes), was passed on 10 September with Government amendments and a group of amendments sponsored by Senators Xenophon, Heffernan, Nash, Madigan and Waters to broaden the matters that the expert committee could examine. The bill became the first bill during the life of the current Parliament to have amendments disagreed by the House of Representatives. However, the House made amendments in substitution for the disagreed amendments. The message will be dealt with in the next period of sittings.

Extended hours on 18 and 20 September were agreed to in order to facilitate consideration of the Marriage Amendment Bill (No. 2) 2012. The bill was introduced by Senators Crossin, Brown, Pratt and Marshall on 10 September, and designated as government business on 11 September. While Government senators exercised a free vote, Opposition senators did not and the bill was defeated at the second reading on 20 September. (It seems that free votes now, in contrast to traditional parliamentary practice, are regarded as the gift of a party leader.) The House of Representatives considered a similar bill but rejected it at the second reading on 19 September. An unusual feature of the debate was the President's participation. In accordance

with practice, he spoke from the chair. Standing order [184\(2\)](#) provides that when the President is speaking, he shall be heard without interruption.

Another private senator's bill, the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill 2010, introduced by Senator Ludlam, was defeated at the second reading on 13 September.

DETERMINATION APPROVED

A determination made under section 198AB of the *Migration Act 1958* and designating the Republic of Nauru as a regional processing country was tabled on 10 September, along with information specified in section 198AC (see [Bulletin No. 265](#)). A motion approving the designation was rebadged as government business and called on during government business-only time on 11 and 12 September before being agreed. Two amendments were moved to the motion by the Opposition and the Australian Greens and negatived (one Government senator inadvertently finding herself on the wrong side of the chamber during the vote on the Opposition's amendment). Such determinations are exempted from the normal disallowance procedures by exclusions listed in section 44 of the *Legislative Instruments Act 2003*.

CASUAL VACANCY

The casual vacancy caused by the resignation of Senator Fisher was filled by Senator Anne Ruston who was chosen by the South Australian Parliament on 5 September and sworn in on 10 September. Senator Ruston will make her first speech on 10 October.

SENATORS' INTERESTS

The publication of a searchable database of senators' and members' interests by a newspaper publisher, based on contributions from university students, was loudly heralded in the press. Senator Faulkner made a personal explanation on 12 September identifying 10 errors in his own profile which remained uncorrected after two weeks.

COMMITTEES

An attempt to instruct the Education, Employment and Workplace Relations Legislation Committee to publish a very large quantity of documents referred to by Fair Work Australia in its report on the Health Services Union and Mr Craig Thomson was defeated on 12 September, thereby leaving the decision to the committee. The matter was discussed again on the tabling of the report by the Joint Standing Committee on Electoral Matters of its inquiry into the AEC analysis of the FWA report on the HSU on 20 September.

Also on 12 September, the Senate rejected a proposal by Senators Xenophon and Milne to refer to the Economics References Committee the allegations concerning Reserve Bank subsidiaries, Securrency International Limited and Note Printing Australia. Subsequently,

it was revealed in the press that the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity would call the Governor of the Reserve Bank, Mr Stevens, and others associated with the events as witnesses in connection with its inquiry into the integrity of overseas Commonwealth law enforcement operations.

The Senate also rejected, on 20 September, a proposal by Senators Xenophon and Madigan to refer a private senator's bill relating to wind farm noise to the Environment and Communications References Committee. Although the bill had been referred to another committee, that committee held no hearings and indicated that aspects of the bill were beyond its area of expertise. The rejection of proposals to refer bills to committees is relatively rare.

In speaking to the government response to the report of the Community Affairs References Committee on the health effects of wind farms, the Committee Chair, Senator Siewert, commented on the relative timeliness of the response, a trend which has been more evident (with exceptions – see [Bulletin 264](#)) during the current Parliament, possibly as a result of the various agreements on parliamentary reform underpinning minority government in the House of Representatives. However, another response to a report of that committee on the funding of mental health services, which was tabled on 20 September, drew criticism because, although a response had been provided to the committee in April, five months passed before a response was tabled in the Senate.

The Parliamentary Joint Committee on Human Rights, in its Fourth Report of 2012, presented on 20 September, recommended that the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 be deferred till after the Education Employment and Workplace Relations References Committee reports on its inquiry into the adequacy of the allowance payment system for jobseekers. The bill would reduce eligibility for parenting payment, affecting many single parents.

For new inquiries and reports presented, see the *Senate Daily Summary*.

ORDERS FOR PRODUCTION OF DOCUMENTS

An order for details of the number of free carbon permits issued or expected to be issued to Australian export businesses, agreed to on 23 August, was complied with on 10 September when the responsible minister provided a written response to the Senate. A continuing order for production of monthly revenue collection updates relating to the Minerals Resource Rent Tax, broken down by state/territory and commodity type was met with a statement from the Manager of Government Business on 11 September that the Government could not comply with the order in its current form but, once the first quarterly instalment of MRRT became due later in the year, the Government would publish resource tax estimates on a monthly basis (presumably in the monthly financial statements referred to below).

Further orders were agreed to on 17 September for information about the impact on the Budget of lower expected MRRT revenue, and for details of contracts for provision of services at the regional processing centre on Nauru. In relation to the first order, a response from the Treasurer was tabled, indicating that it was not possible to comply

with the order for a number of reasons, including that it would disclose commercial-in-confidence information. The response further indicated that updated estimates, taking into account relevant changes (such as State decisions on royalties), would be provided in the Mid-Year Economic and Fiscal Outlook statement, and that monthly financial statements are published which include updates on all revenue, including resources rent revenue. Furthermore, the Government was awaiting the report of a review of GST distribution which was examining incentives for states to reduce MRRT revenue by increasing their royalties.

One of three Nauru service provision contracts was presented out of sitting on 21 September with some redaction of commercially sensitive pricing information. The other two contracts had not yet been finalised.

A proposed order for production of documents relating to wind turbines, held by the National Health and Medical Research Council, listed specific files which the Council would have been required to produce, in whole or in part, depending on their contents, had the order been agreed to. A continuing order of the Senate requires Commonwealth agencies to publish lists of policy files on their websites and this motion clearly drew on that resource, an initiative of former Senator Harradine's in the 1990s. The motion was defeated on 19 September. An order for production of data analysis behind the study, "Footprints in Time – The Longitudinal Study of Indigenous Children", initially defeated on 19 September, was agreed to on 20 September in a modified form and falls due out of sitting on 28 September.

RELATED RESOURCES

The [Dynamic Red](#) records proceedings in the Senate as they happen each day.

The [Senate Daily Summary](#) provides more detailed information on Senate proceedings, including progress of legislation, committee reports and other documents tabled and major actions by the Senate.

Like this bulletin, these documents may be reached through the Senate home page at <http://www.aph.gov.au/About/Parliament/Senate>.

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