No. 262 11 May 2012

For the sitting period 8 - 10 May 2012

There was little of procedural significance in a short sitting week which included the presentation of the annual Budget.

CASUAL VACANCY AND ADJOURNMENT AS A MARK OF RESPECT

The death of Senator Judith Adams on 31 March created a casual vacancy in the representation of her state of Western Australia which was filled by the Western Australian Parliament in accordance with the provisions of section 15 of the Constitution. The choice of the Western Australian Parliament was Senator Dean Smith who was sworn in on 8 May.

Senators then supported a motion of condolence for the late Senator Adams, followed by a motion of condolence for the late former Deputy Prime Minister and Attorney-General, the Hon. Lionel Bowen, MP. The Senate then adjourned as a mark of respect to the late Senator Adams, a practice followed whenever a serving senator dies in office.

Two further casual vacancies have been foreshadowed with the pending retirement of Senators Bob Brown and Sherry, both from Tasmania, bringing to five the number of casual vacancies in the current Parliament so far, compared with two in the previous one. Actual retirement will occur when the President receives a letter to that effect. Retirements cannot be prospective.

BUDGET

As a result of the early adjournment on 8 May, the budget papers were not tabled in the Senate until the following morning, the portfolio budget statements having been presented out of sitting the previous evening so that they could be distributed along with the other budget papers. Particulars of proposed expenditure were also tabled and referred to legislation committees for their consideration of the estimates.

As was the case last year, Appropriation Bill (No. 2) contained amendments to the *Commonwealth Inscribed Stock Act 1911* to raise the government's borrowing limit from \$250 million to \$300 million (see <u>Bulletin No. 252</u>). Unlike the bill appropriating money for the ordinary annual services of the government, Appropriation Bill (No. 2) is amendable by the Senate provided the amendments do not increase any proposed charge or burden on the people (see the third paragraph of <u>section 53</u> of the Constitution). Amendments which would have this effect must be moved in the form of requests for amendments.

LEGISLATION

Several bills were passed during the period and one bill was the subject of accelerated treatment to enable a measure announced in the budget to take effect for the current financial year. The Family Assistance and Other Legislation Amendment (Schoolkids Bonus)

<u>Budget Measures</u>) <u>Bill 2012</u> was subject to a limitation of debate. The attempt to impose a limitation was fiercely contested but was implemented on 9 May after the Government successfully moved to suspend standing orders. The bill was passed without amendment on 10 May.

REFERENCE OF BILLS TO COMMITTEES

In accordance with the usual practice, the Senate agreed to a motion on 9 May to provide for the automatic referral of any bills introduced into the House of Representatives during the estimates hearings which have a commencement date on or before 1 July 2012. The mechanism ensures that Senate committees, and the Senate itself, have an adequate opportunity to consider any such bills which are usually budget-related. Under the resolution, the committee to which a bill has been referred may determine, by unanimous decision, that there are no substantive matters that require examination and report that fact to the Senate.

ORDERS FOR PRODUCTION OF DOCUMENTS

The Senate agreed to a resolution on 9 May calling on the government to require the Productivity Commission to inquire into the affordability, flexibility, accessibility and quality of early childhood education and care. Such a resolution is not an order for production of documents but a request to the government to commission an inquiry from the relevant statutory body. An order for the production of documents requiring tabling of information about meetings between the Secretary of the Attorney-General's Department and various media and Internet service providers failed to gain the necessary support on the same day.

COMMITTEE REPORTS

Pressure of business during the week meant that the opportunity to present committee reports at the usual times was curtailed. Special arrangements were made on 10 May, however, and numerous reports were presented at that time. For details, see the Senate Daily Summary. One of the reports presented was on the future direction and role of the Scrutiny of Bills Committee which will no doubt be the subject of much interest. The Appropriations and Staffing Committee also presented its report determining the amounts to be included in the appropriation bills for the Department of the Senate, in accordance with standing order 19.

RELATED RESOURCES

The **Dynamic Red** records proceedings in the Senate as they happen each day.

The <u>Senate Daily Summary</u> 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.

Inquiries: Clerk's Office

(02) 6277 3364