



DEPARTMENT OF THE SENATE

PROCEDURAL INFORMATION BULLETIN

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LEGISLATION

The remaining nine bills in the package of bills to repeal the carbon tax legislation and related measures were negatived at third reading on 20 March 2014, joining the Clean Energy Finance Corporation (Abolition) Bill 2013 (negatived at second reading on 10 December 2013) and the Climate Change Authority (Abolition) Bill 2013 (negatived at second reading on 3 March 2014). The Clean Energy Finance Corporation (Abolition) Bill 2013 [No. 2] was introduced in the House of Representatives on 20 March and passed on 27 March.

A motion to extend the Senate's hours of meeting on 20 March to deal with the bills was negatived on 19 March and proved unnecessary.

Section 57 of the Constitution (the simultaneous or “double” dissolution procedures) requires that there be an interval of three months between the rejection of a bill by the Senate and its passage again by the House before a second rejection, failure to pass or unacceptable amendment by the Senate in order for a bill to qualify as a “trigger” for such a dissolution. The Clean Energy Finance Corporation (Abolition) Bill 2013 [No. 2] passed the House after the required interval and is therefore a potential trigger depending on its fate in the Senate.

The Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 was negatived at second reading on 25 March.

A bill introduced in and passed by the House of Representatives with much fanfare was the Omnibus Repeal Day (Autumn 2014) Bill 2014, said to repeal approximately 5,000 pages of redundant legislation and so-called red tape from the statute books. It was accompanied by two other repeal bills. The scale of such an exercise makes unintended consequences almost inevitable.

The Social Services and Other Legislation Amendment Bill 2013 (see Bulletin No. [279](#)) was returned by the House of Representatives with some amendments disagreed to and alternative amendments proposed in their place. The remaining amendments were agreed to. The message was considered in committee of the whole on 25 March with the Senate not insisting on its amendments and agreeing to the proposed substitute amendments.

MINISTERIAL ACCOUNTABILITY

The Assistant Treasurer stood aside just before question time on 19 March after the Opposition had suspended standing orders at the commencement of business that day to move a motion requiring the Assistant Treasurer to make a further explanation to the Senate about his interest in Australian Water Holdings following allegations about the company raised in the NSW Independent Commission Against Corruption. The motion also included provision for follow

up action after the explanation or in the event of its not being provided. Further action was prevented by a long and determined series of points of order from Government senators that consumed the available time.

The previous day, some Opposition supplementary questions without notice had been ruled out of order because they involved no issue of ministerial accountability but sought information about historic events. After the Assistant Treasurer had stood aside, questions were raised about his access to ministerial entitlements, including additional salary, while he remained technically a minister. In the event, he made a written request to the President not to be paid additional salary and the request was acted on in the same way that similar requests from senators have been acted on in the past (for example, not to receive committee chair's allowance for a short period or because another allowance was already being paid in respect of another office). Unusually, the letter was tabled by the Prime Minister in the House of Representatives.

Ministerial standards, the National Commission of Audit and the forthcoming re-election in Western Australia were all the subject of matters of public importance discussion and general business debates during the fortnight.

DISALLOWANCE

Several instruments were disallowed.

Two sets of guidelines made under the *Higher Education Support Act 2003* (Commonwealth Scholarship Guidelines and amendments to the Commonwealth Grant Scheme Guidelines) were disallowed on 17 March.

The Aboriginal Land Rights (Northern Territory) Amendment (Delegation) Regulation was disallowed on 20 March.

Further amendments to the migration regulations in relation to unauthorised maritime arrivals and their access to visas were disallowed on 27 March. Unusually the motion was dealt with as formal business without debate. Brief statements by senators reiterated their policy positions on the issue.

Instruments repealing certain benefits under the *Military Rehabilitation and Compensation Act 2004* and the *Veterans' Entitlements Act 1986* were disallowed on 25 March, ensuring that the payments could continue (subject to funds being appropriated).

The Regulations and Ordinances Committee continued to revive former practices by giving a protective notice on 19 March (for the maximum 15 sitting days) for disallowance of a declaration under the *Research Involving Human Embryos Act 2002*. The notice was withdrawn on 27 March after the committee chair made a statement to the Senate on 26 March.

ORDERS FOR PRODUCTION OF DOCUMENTS

Several orders for production of documents agreed to during the period met with the following responses:

- for further modelling and reports (referred to in a press release of December

2013) relating to the economic costs and benefits of the Korea-Australia Free Trade Agreement (agreed on 17 March) – further reports dated November and December 2013 produced on 18 March but the Government was not in possession of any further modelling which was the intellectual property of a private research company;

- for a copy of the Heads of Agreement on National Education Reform and bilateral agreements or funding commitments with the states and territories (agreed 17 March) – not produced (21 March, tabled 24 March) on the basis that some were publicly available, some were under consideration as a result of requests by committees and some documents were declined on the basis that they related to past confidential intergovernmental communications where agreement had not been reached but where negotiations were continuing, and disclosure would be both premature and prejudicial;
- for applications for various approvals under environmental legislation for dredging at Abbot Point in Queensland (agreed 18 March) – documents and potential immunities (prejudice to legal proceedings) under consideration; response expected by 30 April (interim response provided 27 March)
- for a review of offsets and associated correspondence and briefs relating to the Maules Creek coal project (agreed 18 March) – documents and potential legal immunities (prejudice to commercial interests, law enforcement operations, heritage sensitivities requiring consent of Traditional Owners) under consideration; response expected by 15 April (interim response provided 20 March);
- for copies of the Review of the South Australian Economy and the Victorian Manufacturing and Industry Economic Review (agreed 20 March) – reports have not been finalised after events led to broadening of the initial reviews; an announcement expected “in the coming weeks” (response tabled 24 March)
- for copies of communications relating to the possible massaging of labour market growth rate projections (agreed 25 March) – declined on the same day on the basis that a parallel Freedom of Information request was under consideration (further order agreed to on 27 March providing an opportunity to debate the minister’s non-compliance – not acted on).

FORMAL MOTIONS

In denying formality to a motion relating to Israel and settlements in the West Bank, the Opposition signalled an intention to return to a position often-enunciated when the ALP was formerly in Opposition, that formal motions were an unsuitable vehicle for dealing with complex and contentious foreign policy matters.

COMMITTEES

The presentation of committee reports during the period represented a prodigious workload undertaken by committees and their staff. Substantial references committee reports were presented on the Direct Action Plan (for climate change), ticket scalping,

Qantas' future as a strong national carrier, the re-establishment of the Australian Building and Construction Commission, the Fair Work (Registered Organisations) Amendment Bill 2013, NAPLAN, the overseas aid and development assistance program, breaches of Indonesian international waters by border protection vessels, and care and management of younger and older Australians living with dementia and its symptoms. There were more opportunities than usual to debate the reports, given the absence of a lengthy legislative program.

An interim report of the National Broadband Network Select Committee was hotly debated as senators clashed over differing policy positions and the operations of the committee.

Legislation committees were also prolific in presenting reports on additional estimates, annual reports and numerous reports on bills.

Although a large number of reports were presented, new inquiries were referred at a similar rate, leaving committee workload at historically high levels.

SWEARING IN OF THE NEW GOVERNOR-GENERAL

An event which occurred in the Senate chamber on 28 March that had no connection with the proceedings of the Senate was the swearing in of the new Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd), an event organised by the executive government. There is no constitutional reason for the ceremony to take place in the Senate chamber and it is one of many persisting myths that it cannot occur in the House of Representatives chamber because the Monarch and her representative cannot enter the lower house. For the purposes of the ceremony on 28 March, the Senate chamber was simply a room of the right size and configuration, albeit a rather nice one and appropriately grand (but not too grand) for such an occasion.

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/Powers_practice_n_procedures](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures).

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