



DEPARTMENT OF THE SENATE

PROCEDURAL INFORMATION BULLETIN

No. 285

5 September 2014

For the Sitting Period 26 August — 4 September 2014

LEGISLATION

After the first week of the sitting period, a seasoned Senate-watcher might have observed that the legislative process had returned to its accustomed patterns, with the Senate making amendments proposed by multiple parties, the House of Representatives agreeing to the amendments or not, and the normal bicameral negotiations proceeding along with a degree of flexibility in programming business.

For example, agreement was reached on 28 August to devote some of the time for consideration of private senators' bills to the completion of proceedings on the Land Transport Infrastructure Amendment Bill 2014, which was agreed to with a minor Opposition amendment, although numerous amendments were moved by Opposition and Australian Greens senators and debated vigorously. The amendment was subsequently agreed by the House of Representatives.

In contrast, proceedings on the Minerals Resource Rent Tax Repeal and Other Measures Bill 2014 included some less usual features. At the end of the last sitting period (see [Bulletin No. 284](#)), the Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 [No. 2] had been returned to the House of Representatives with the Senate insisting on the amendments to which the House had disagreed. On 1 September the bill was laid aside in the House, creating another occasion of a bill satisfying the requirements of section 57 of the Constitution.

However, on the same day a new bill with some different provisions was introduced in the House and rushed through all stages, its receipt by the Senate being reported later that day. In accordance with the provisions of [SO 111](#) (the “cut-off” order), further consideration of the bill was adjourned till 27 October. At the commencement of business on 2 September, the responsible minister was refused leave to move a motion to bring the bill on for accelerated consideration. A suspension of standing orders occurred with the support of several cross-bench senators and the substantive motion providing for consideration of the bill was agreed to after a closure motion. When the bill was called on, the question for the second reading was put immediately in accordance with the terms of the order agreed to. Several sets of amendments were circulated.

Immediately after the second reading of the bill, Senator Conroy used an old procedure available under [SO 115](#) to move a motion without notice to refer a bill to a committee. Like any other motion to refer bills to committees, such motions may be debated for up to 30 minutes. During this debate, the total time allowed by the order for consideration of the bill expired and the questions necessary to determine the outcome of the bill and any amendments were put, in accordance with the guillotine-like procedures applied by the order. In an exception to those procedures, the two hour rule was lifted allowing the question to be put on all circulated amendments. As the bill had been adjourned till October and the total time allowed for the bill was considerably less than 2 hours, this rule, if applied, would have severely

truncated the rights of senators to circulate amendments, rather than preserving them as intended.

Part of the way through putting the questions necessary to determine the outcome of the bill, the Leader of the Opposition sought leave to make a statement and, when refused leave, moved to suspend standing orders. This motion lapsed at 2pm, when Question Time was due to commence, but the remaining questions on the bill continued to be put in accordance with the guillotine rules, and questions without notice were not called on until that process was complete. The bill was agreed to with Government amendments that were subsequently agreed by the House.

The Social Security Legislation Amendment (Stronger Penalties for Serious Failures) Bill 2014 met with widespread opposition and was negatived at second reading on 3 September.

PARLIAMENTARY APPROVAL OF TROOP DEPLOYMENTS

On 1 September, the Leader of the Australian Greens sought leave to move a motion in relation to parliamentary approval for the deployment of troops in Iraq. When leave was refused Senator Milne sought unsuccessfully to suspend standing orders to enable such a motion to be moved and debated.

Later the same day, the Senate, by universal consent, agreed to dispense with the Matter of Public Importance and instead spend 2 hours debating a Prime Ministerial statement on Iraq.

DISALLOWANCE MOTIONS AND COMMITTEE INQUIRIES

A question asked on 27 August by Senator Leyonhjelm in relation to proposed increases in certain primary industries levies not only elicited a very detailed answer from the minister, but also a commitment to support terms of reference for a wider inquiry into the whole question of research and development levies in the agricultural sector. [Terms of reference](#) to that effect to the Rural and Regional Affairs and Transport References Committee were agreed to on 2 September. In the meantime, Senator Leyonhjelm postponed disallowance motions in respect of levy rises for the onion, mushroom and mango sectors, having amended three notices of motion to disaggregate provisions relating to the three products into three separate motions (the instruments to be disallowed having each contained provisions relating to two or more products). Although the amendment did not reduce the scope of the three original disallowance motions, use of the procedure under standing order [78](#) to give notice of the amendment, ensured that the process was transparent to all senators.

A motion to disallow the Social Security (Reasonable Excuse—Participation Payment Obligations)(Employment) Determination was agreed to on 28 August.

ORDERS FOR PRODUCTION OF DOCUMENTS

Numerous orders for the production of documents were agreed to and/or fell due during the period.

- An order of 17 July for information about the Australian Defence Force Tender for boots was partially complied with on 18 July (tabled 26 August) with provision of some information about one part of the tender. Potential commercial harm was given as the reason for more information not being provided.
- Another order of 17 July for information about the water quality offset at the controversial Abbot Point dredging and dumping site resulted in the production of 42 documents with a public interest immunity claim made over a further 9 documents on the basis of likely prejudice to current legal proceedings, including potential prejudice to the Commonwealth's position, and possibly that of other parties, in those proceedings. As usual, a detailed explanation justifying the claim and explaining the potential harm, was provided by the Minister representing the Environment Minister, Senator Cormann.
- An order of 27 August for production of the final report into the Renewable Energy Target was complied with in full.
- An order of the same day for the distributional and cameo analysis of the impact of prospective policy measures in the 2014-15 Budget, and related matters, was partially complied with and in a public interest immunity claim made in respect of analytical material which, had it been prepared, would have been prepared to assist the deliberations of Cabinet.
- A third order agreed to on 27 August for a definition of "metadata" and a copy of a confidential report distributed to the telecommunications industry was partially complied with on 4 September by the production of the report and the promise of further information on the definition of "metadata" when it has been fully developed.
- An order of 28 August for documents relating to an efficiency review of the ABC and SBS was met with an explanation of the efficiency study and its current status and a public interest immunity claim for the working draft on the basis of damage to the commercial interests of both organisations.

The annual return under standing order [139\(2\)](#) on unproclaimed legislation was tabled on 27 August. The oldest unproclaimed provisions are from the *Interstate Road Transport Act 1985* and relate to heavy vehicle regulatory measures. Previous Bulletins have covered the history of this report.

OTHER COMMITTEE REPORTS AND INQUIRIES

The Environment and Communications References Committee presented a significant [report](#) on the Great Barrier Reef on 3 September. Continuing a focus on the north, the Joint Select Committee on Northern Australia presented its final [report](#) on 4 September but will remain in operation to monitor developments.

Also on 4 September, the Senate agreed to establish two new joint select committees, one on Trade and Investment Growth to report within 12 months (moved by Senator Smith), and one on the establishment of an Australia fund to report by 30 June 2015 (moved by

Senators Lazarus and O’Sullivan). Formality was denied for a motion to establish a select committee on Certain Aspects of Queensland Government Administration, but a new version of it is on the *Notice Paper*. Inquiries were also established into the marketing of Australian sugar and the implications of financial advice reforms.

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.

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