



DEPARTMENT OF THE SENATE

PROCEDURAL INFORMATION BULLETIN

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For the sitting period 23 November - 3 December 2015

LEGISLATION

Additional hours needed to deal with the list of bills required by the Government before the summer break were relatively modest, and the Senate rose as expected on 3 December.

Government negotiations with different groups of non-government senators succeeded in reaching agreement on some bills considered during the period, but others were unresolved. One of those was the Migration and Maritime Powers Amendment Bill (No. 1) 2015 which had been passed with Australian Greens amendments concerning the release of children in detention, agreed to against the wishes of the Government. The message remained before the House of Representatives. Debate on the Australian Crime Commission Amendment (Criminology Research) Bill 2015 was adjourned on 30 November when Opposition and the Australian Greens both indicated that they would not support the proposed absorption of the Australian Institute of Criminology by the ACC.

Only one bill was rejected outright, the always-contentious Shipping Legislation Amendment Bill 2015 which was negatived at second reading on 26 November.

The fate of the Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015 (see [Bulletin No. 298](#)) involved the most protracted and complex proceedings of all the bills considered during the fortnight. The message from the House of Representatives disagreeing with the Senate's amendments was considered on 3 December under a revised routine of business for the day that was agreed to only after determined opposition. The rule against multiple suspensions of standing orders was invoked by the Chair to ensure that the will of a majority of the Senate ultimately prevailed after the minority had had the opportunity to resist the measure. When the message was considered in committee of the whole, the amendments were not insisted on but alternative amendments were agreed to in place of two of the three disputed amendments. The alternative amendments resulted from a compromise reached between the Government and the Australian Greens and were subsequently agreed by the House.

The Australian Greens were also instrumental in securing the passage of the Foreign Acquisitions and Takeovers Legislation Amendment Bill 2015 after the Government agreed to accept Australian Greens amendments to provide for a register of foreign ownership of water entitlements. The amendments were agreed by the House of Representatives on 24 November.

Senate scrutiny of the Future of Financial Advice (FOFA) regulations attracted considerable attention during the second half of 2014 (see Bulletin Nos. [284](#), [286](#) and [288](#)). Follow up legislation, the Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014, was finally passed on 24 November with Government amendments – including for a new moniker, Financial Advice Measures replacing FOFA. The Superannuation Legislation

Amendment (Trustee Governance) Bill 2015 which required industry superannuation funds to have a certain number of independent directors, was opposed by the Opposition and Australian Greens and did not proceed after it failed to attract the necessary cross bench support.

The Veterans' Affairs Legislation Amendment (2015 Budget Measures) Bill 2015, Schedule 2 of which had been referred to the Foreign Affairs, Defence and Trade Legislation Committee (see [Bulletin No. 296](#)), was passed with amendments on 30 November, the Government moving to omit Schedule 2 from the bill and return with more considered amendments next year in light of the committee's report. On the same day, the Opposition successfully moved to omit certain items from an Education Services for Overseas Students bill, while the Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015 was the subject of vigorous debate on 1 and 2 December, resulting in Government amendments and a request for an amendment being agreed to. All were agreed to by the House of Representatives.

The Australian Citizenship Amendment (Allegiance to Australia) Bill 2015, providing for the loss of Australian citizenship by dual nationals in particular circumstances, was expected to be the most contentious bill dealt with during the period but it was extensively amended in the House of Representatives, including at the suggestion of the Parliamentary Joint Committee on Intelligence and Security, and attracted Opposition support in its amended form. The motion to exempt the bill from the bills cut-off order was debated on 30 November; the bill passed the Senate after a lengthy debate but without further amendment on 3 December.

An attempt by Senator McKim to discharge a government bill (the Tax and Superannuation Laws Amendment (2015 Measures No. 3) Bill 2015) from the Notice Paper, by way of motion on notice, was unsuccessful on 2 December.

ORDERS FOR PRODUCTION OF DOCUMENTS

Another order for production of documents relating to the controversial Perth Freight Link, agreed to on 12 November, was responded to on 23 November with advice that some of the requested information was not held by either Infrastructure Australia or the relevant department. Other information was the subject of a public interest claim on the grounds that it was the property of the Western Australian Government, was commercial in nature and its publication would prejudice commercial negotiations and impact on Commonwealth-State relations.

Information about the sale or lease of the old Gosford Public School site and a proposed building development for the Australian Taxation Office was ordered on 26 November to be produced on 30 November. At the time the motion was agreed to, the duty minister explained that there were no documents. At the beginning of the following sitting day (30 November), the minister corrected the advice and indicated that some documents had been identified. The formal response, tabled later that day noted the short time frame for the return and gave an undertaking to respond as soon as possible following receipt of advice from relevant agencies. Documents were tabled out of sitting on 4 December with some documents relating to financial aspects of the tender process withheld on the public interest ground that tabling may affect the competitive nature of future tendering processes on the basis of the "insights" provided to the documentation and strategies associated with the process.

An order for detailed information about media awareness, performance or confidence training for public servants preparing to appear before Senate estimates was agreed on 30 November after it was amended to reduce the period of time covered by the order. A response is due on 3 February, shortly before the additional estimates hearings. It will no doubt make interesting reading.

Finally, an order for production of documents relating to newly announced reforms to child care assistance was agreed to on 2 December for return on 8 December.

DISALLOWANCE

A motion to disallow the Small Pelagic Fishery (Closures Variation) Direction was debated and negatived on 25 November. A motion to disallow the Child Care Benefit (Children in respect of whom no-one is eligible) Determination was negatived without debate on 3 December after all other scheduled business for that day had been dealt with.

MINISTERIAL STATEMENTS

The new temporary order providing for motions to be moved without notice to take note of ministerial statements had its first use during the fortnight in relation to a ministerial statement on defence and national security (24 November). Further use was made on 1 December in relation to two ministerial statements on the Centenary of Anzac program and national infrastructure.

COMMITTEES

The Privileges Committee on 24 November sought and obtained access to records of the former Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru for the purpose of its inquiry into possible false or misleading evidence given to that committee (see [Bulletin No. 298](#)).

As is usual at this time of year, references committees completed a number of substantial inquiries and presented reports to the Senate on the following matters: violence, abuse and neglect of people with disability in institutional and residential care (Community Affairs), the future of Australia's automotive industry, third party certification of food, insolvency in the construction industry, Australia's innovation system (Economics), stormwater management (Environment and Communications), arts programs and funding (Legal and Constitutional Affairs) and Australia's relationship with Mexico (Foreign Affairs, Defence and Trade). Many reports on bills were presented, including by the Scrutiny of Bills Committee, and made valuable contributions to the legislative process.

Numerous inquiries were granted extensions of time, indicating the continuing heavy workload of committees. However, just as some inquiries were completed, new references committee inquiries were agreed to including four new references for Economics which will now inquire into the development of bauxite resources in Cape York, penalties for white-collar crime, Foreign Investment Review Board processes and the national interest, and the future sustainability of the steel industry. Other new inquiries include the role of gender inequality and stereotyping (including through toy marketing) in contributing to domestic violence (Finance and Public Administration), contamination at Australian Defence Force facilities, the operation of Defence Housing Australia, the

acquisition of the Joint Strike Fighter (Foreign Affairs, Defence and Trade), access to pornography on the internet by children (Environment and Communications), detention of people with cognitive and psychiatric impairment and Australia's aged care workforce (Community Affairs).

Protracted proceedings to implement revised arrangements for 3 December meant that the usual opportunity for discovery of formal business was overtaken. A Selection of Bills Committee Report, presented late in the day, recommended the reference of more than a dozen bills to committees over the summer, but notices of motion for several new references committee inquiries were not dealt with and remain on the Notice Paper for the first sitting day in 2016. Committees continue to carry a record number of inquiries heading into an election year.

A motion agreed to on 24 November drew attention to the government's failure to provide a response to the report of the Community Affairs References Committee on grandparent carers, presented over a year ago.

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 can be found on the [Senate website](#).

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