



# Procedural Information Bulletin

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For the sitting period 9 to 19 September 2019

## Senators and the Senate

On 11 September a joint sitting of the Houses of the Victorian Parliament chose the Hon. Sarah Henderson to fill the vacancy caused by the resignation of Senator the Hon. Mitch Fifield. Senator Henderson was sworn in the following morning. The remaining new senators elected in the 18 May election made their first speeches during the fortnight.

The Senate's address-in-reply to the Governor General's speech on the opening of the Parliament was adopted after debate on 16 September, and presented to His Excellency at the close of the sittings.

## Legislation

The Australian Greens' [National Integrity Commission Bill 2018](#), which had been restored to the *Notice Paper* in July, was passed by the Senate on 9 September. The House declined to allow debate on the bill when it was received.

Seventeen government bills passed the Senate during the fortnight, some with amendments put forward by the government to meet opposition and cross-bench concerns. These included a bill to allow [royal commissions to hear evidence in private session](#), a bill criminalising [incitement to trespass on agricultural land](#), and a bill appointing an [Inspector-General of Live Animal Exports](#). The Treasury Laws Amendment ([Putting Members' Interests First](#)) Bill 2019 was also passed with government amendments, modified by One Nation amendments, delaying the commencement of new insurance rules.

The annual appropriation bills were received on 19 September, the particulars of the expenditure they contain having earlier been referred to estimates committees. The appropriations made by the Supply bills passed during the Budget sittings (see Bulletins [305](#), [333](#)) expire at the end of November, so the appropriation bills must be passed by then.

## Orders for documents and explanations

Several orders requiring the production of documents were made and responded to throughout the fortnight.

Two orders noted the Senate requirement that [government responses to committee reports](#) should be provided within three months of a report being tabled. On 10 September the Senate noted that the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade into the management of per- and polyfluoroalkyl substance (PFAS) contamination in and around Defence bases was tabled on 3 December 2018, and that the twice yearly [President's report](#) on the status of government

responses indicated that one had yet to be tabled. The Senate ordered the Minister for Defence to table the government's response the following day. Instead, the Minister tabled a letter indicating that a comprehensive response would be forthcoming.

The Senate agreed to a similar order on 18 September relating to the report of the Environment and Communications References Committee into the Great Barrier Reef 2050 Partnership Program, requiring the Minister representing the Minister for the Environment to table the government's response by 14 October.

On 10 September the Senate ordered the Commissioner of Taxation to provide to the Economics Legislation Committee documents relating to disclosures made by a former employee under the *Public Interest Disclosure Act 2013*. A near-identical motion was rejected by the Senate in July. On this occasion, the documents were duly supplied. The order requires the committee, following its consideration of the documents, to report to the Senate as to whether the ATO's handling of disclosures by whistleblowers warrants further inquiry.

The cumulative list of orders and responses is online on the Senate's [business pages](#).

On 17 September the Senate ordered the Minister representing the Prime Minister to make a statement regarding the Member for Chisolm, which was duly made and debated the following day. A similar motion had been negatived the previous week.

## Disallowance

Following the tabling of the report of the Standing Committee on Regulations and Ordinances on [Parliamentary scrutiny of delegated legislation](#), the committee has resolved to take a more targeted approach to its work with a view to enhancing the parliamentary oversight and control of delegated legislation. This includes the use of disallowance processes to highlight and prosecute the committee's more significant scrutiny concerns. Consistent with this approach, on 1 August the Chair of the committee gave notice of a motion to disallow the Water Amendment (Murray-Darling Basin Agreement—Basin Salinity Management) Regulations 2018. The committee's decision to place the notice was based on concerns that the instrument incorporated certain documents as in force from time to time, without the legal authority to do so. In tabling the committee's [Delegated Legislation Monitor](#) on 18 September, the Deputy Chair of the committee reported that the Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management had advised the committee that he will seek to progress amendments to the Water Act 2007 to remove doubt about this issue. In light of the minister's undertaking, the committee resolved to withdraw the notice of motion to disallow the instrument.

Among other disallowance matters was a notice of motion given by Senator Farrell on 11 September to disallow the Fair Work Amendment (Casual Loading Offset) Regulations 2018. Former Senator Cameron had given a similar notice last year, but it lapsed when the Parliament was prorogued in April. Where a proposal to disallow an instrument is pending at the end of a parliament, the instrument is deemed to be tabled again on the first day of the new parliament, restarting the clock on the disallowance procedure: *Legislation Act 2013*, s 42(3). The motion was debated on 18 September and negatived, meaning the regulations continue in force.

## Committees

It was fourth time lucky for a proposed inquiry on the impact of seismic testing on fisheries and the marine environment for the Environment and Communications References Committee. The proposal had previously been defeated on 12 and 14 November 2018 and 31 July 2019. The Community Affairs References Committee received an inquiry into Fetal Alcohol Spectrum Disorder, and the Economics References Committee received inquiries into Australia's oil and gas reserves and Australia's sovereign naval shipbuilding capability. The Rural and Regional Affairs and Transport References Committee commenced inquiries into water quality outcomes in the Great Barrier Reef and management of the Inland Rail Project.

A new Senate select committee was established into Financial Technology and Regulatory Technology to report by October 2020. This brings to four the number of Senate select committees established in the first four sitting weeks of the 46th Parliament. Three joint select committees have also been established in this parliament into Road Safety (reporting July 2020), the implementation of the National Redress Scheme following the Royal Commission into Institutional Responses to Child Sexual Abuse (reporting May 2022) and Australia's Family Law System (reporting October 2020).

In relation to the joint committee on the redress scheme, the Senate initially agreed to establish the committee with four members and four senators, and neither a government nor an opposition majority. The proposal was amended in the House on 10 September to increase the number of government members and provide for a government chair. The Senate agreed to the amendments the following day.

A motion proposing a reference to the Foreign Affairs, Defence and Trade References Committee to inquire into Australia's relations with China was debated and defeated during the first sitting week. A slightly modified version of the proposal reappeared in the second sitting week and was similarly debated and defeated.

A total of 15 bills were referred to legislation committees over the sitting fortnight, pushing the total number of committee inquiries past 50 for the first time this parliament.

Two matters were also referred to the Privileges Committee. The first, referred on 11 September, involves development of a parliamentary foreign influence transparency scheme, a matter which lapsed at the end of the previous parliament. The second, raised with the President as a matter of privilege, asks the committee to consider whether comments by Mr John Setka directed to crossbench senators, reported in the media, amount to attempted improper interference with their duties as senators and a possible contempt. The President made a statement on the matter on 16 September, and it was referred the following day.

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## RELATED RESOURCES

[Dynamic Red](#) – updated continuously during the sitting day, the Dynamic Red displays the results of proceedings as they happen.

[Senate Daily Summary](#) – a convenient summary of each day's proceedings in the Senate, with links to source documents.

Like this bulletin, these documents can be found on the Senate website: [www.aph.gov.au/senate](http://www.aph.gov.au/senate)

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