



Procedural Information Bulletin

4 October 2022 • No. 365

For the sitting period 23 to 28 September 2022

Address to His Majesty

The Senate met on 23 September 2022 following a request from the Leaders of the Government and the Opposition in the Senate under standing order 55(2), which provides for the President to fix a day and time for the Senate to meet at the request of an absolute majority of senators. The meeting was to enable the Senate to consider an address to His Majesty the King, Charles III expressing sympathy on the death of Her Late Majesty the Queen, Elizabeth II, and acknowledging his accession to the throne.

Before adjourning as a mark of respect, the Senate agreed to meet from 26 to 28 September to make up for days set aside in observance of the Queen's death.

Acknowledgement of country and prayers

On 28 September the Senate amended standing order 50, which provides for prayers to be read at the start of each sitting, followed by an acknowledgement of country. Prayers have been a part of proceedings in the Senate and the House of Representatives since 1903, comprising a 'parliamentary prayer' as a preamble to the Lord's Prayer. The standing orders were amended to add an acknowledgement of country in 2010. The changes reverse the order, so that the acknowledgement is now to be made first, followed by a new prelude to the prayer:

Senators, I invite you, as I read the prayer, to pray or reflect in your own way on your responsibilities to the people of Australia and the future generations.

These changes substantially align the Senate's practices with those of the House.

Legislation

On 26 September the Senate debated a private senator's bill to allow greater use of parliamentary materials by Royal Commissions inquiring into government activities, as recommended in the interim report of the Royal Commission into Defence and Veteran Suicide. Several speakers raised concerns about undermining the protections that privilege provides to participants in parliamentary proceedings, including whistleblowers and witnesses to committees. A [government response](#) to the interim report noted that 'many Royal Commissions have engaged with in the past without coming into conflict with the Parliamentary Privileges Act', adding that 'There are alternative approaches available to the Royal Commission to engaging with materials to which Parliamentary Privilege might apply'.

The government moved to extend sittings on 27 September to allow detailed consideration of its [bill to abolish the Cashless Debit Card](#). The bill passed with government and Australian Greens amendments, including amendments to establish an 'enhanced income management scheme' and adjust transitional

arrangements. Amendments from the Australian Greens to abolish all forms of income management did not find support. The House agreed to the Senate's amendments the following day.

The hours motion also gave precedence to the [Restoring Territory Rights bill](#) for an hour on 28 September, allowing further debate on the bill's second reading. The government indicated its intention to provide time to allow the bill to be voted on before the end of the year.

An uncontroversial [bill to lift the income limit](#) for the Seniors Health Card became contentious when the Opposition introduced amendments to remove possible disincentives for age pension, disability support pension and veterans' entitlement recipients to engage in paid employment. Those amendments were drawn from an [opposition bill](#), while a [separate government bill on the same subject](#) had been introduced and referred to the Community Affairs Legislation Committee, with a reporting date in November. All non-government parties combined to pass the opposition amendments, and the amended bill was read a third time at the close of proceedings on 28 September. It will be a matter for the House whether to agree to the Senate's amendments.

Racism, discrimination and respect

On 27 September the Senate granted Senator Faruqi leave to move a motion seeking to censure Senator Hanson for a 'divisive, anti-migrant and racist statement' contained in a tweet. The motion invited the Senate to affirm that 'if Parliament is to be a safe place for all who work and visit here, there can be no tolerance for racism or discrimination in the course of parliamentarians' public debate'.

The Leader of the Government in the Senate (Senator Wong) condemned Senator Hanson's comment 'without reservation', but moved (with the Leader of the Opposition in the Senate) to amend the motion to remove the 'offending statement' so that it was not repeated in the Senate. Senator Wong also said 'we don't think that a censure can be our default response in such a situation, particularly in reference to social media and other comments'. The Leaders' amendment replaced the censure with a clause calling on all senators 'to engage in debates and commentary respectfully, and to refrain from inflammatory and divisive comments, both inside and outside the chamber at all time'.

The amendment and the motions as amended were agreed to on the voices.

Disallowance

In the last sitting period the government announced that it did not intend to fund the Australian Future Leaders Foundation, as proposed by the previous government. Senators had criticised the proposal for lack of transparency, particularly about the involvement of the Governor-General and the basis on which the decision to award the grant was made. On 26 September, on a motion moved by Senator Tyrell, the Senate disallowed the regulation that would have provided the funds. The disallowance passed on the voices. The Committee for the Scrutiny of Delegated Legislation subsequently gave notice of its intention to withdraw a similar motion.

Orders for documents

Two government responses tabled in this period related to orders made in the previous parliament seeking, respectively, certain animal welfare incident reports and a 2019 report on public perceptions of Atlantic Salmon farming. As noted in [Bulletin 364](#), this is a sound practice that recognises the continuing nature of Senate orders for the production of documents.

Responses complying with orders made in the new parliament were also tabled, relating to requests for tabulated information on Australian Research Council funding applications; the reintroduction of multi-

employer bargaining; and correspondence between the government and an officeholder of the online video-sharing platform TikTok. Three other responses provided some relevant information while withholding certain documents on the basis of public immunity claims—such responses usually being described as ‘partially complying’ with the relevant orders. These were:

- a response relating to pension changes raising a public interest immunity claim over documents said to disclose Cabinet deliberations or ‘private information about individuals’ (Cabinet confidentiality having been previously asserted over documents held by the Treasury and Prime Minister and Cabinet departments (see [Bulletin 364](#)));
- a response providing a range of published and unpublished statistical information concerning births and deaths, but claiming public interest immunity over more recent unpublished statistics on the basis they had not been subject to quality and assurance checks and, if released, could undermine ‘Australians’ trust in the reliability of ABS statistics’;
- a response concerning disaster recovery funding and the Special Envoy for Disaster Recovery, claiming immunity over documents related to a New South Wales request for disaster recovery support on the grounds that their disclosure would ‘cause prejudice’ to Commonwealth-State relations.

On 27 September, the Senate made two new orders for documents regarding technical assessments and studies of the Murray-Darling river system; and the greenhouse gas emissions safeguard mechanism reforms consultation process. An order sought by the less common means of an amendment to the motion for the second reading of the government’s Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022 was not supported.

The cumulative list detailing orders and responses can be found on the Senate’s [business pages](#).

Inquiries

Eight bill inquiries were referred to legislation standing committees as a result of [report no. 5](#) of the Selection of Bills Committee.

Two other matters were referred to committees: [Influence of international digital platforms](#) was referred to the Economics References Committee, and [Universal access to reproductive healthcare](#) was referred to the Community Affairs legislation Committee

The Parliamentary Joint Committee on Corporations and Financial Services established a self-referred inquiry on [corporate insolvency in Australia](#), and the Joint Committee on Law Enforcement established an inquiry on [Australia’s illicit drug problem: challenges and opportunities for law enforcement](#).

Finally, two new select committees were established: The Joint Select Committee on the National Anti-Corruption Commission Legislation and the Senate Select Committee on Cost of Living.

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

Inquiries: **Clerk’s Office (02) 6277 3364**