



# Procedural Information Bulletin

21 February 2023 • No. 368

For the sitting period 6 to 9 February 2023 and  
Supplementary estimates hearings 13 to 17 February 2023

## The Senate and senators

The first sitting day for the year was set aside for a condolence motion for Senator Andrew James (Jim) Molan AO, DSC, who died on 16 January 2023, following a cancer diagnosis in 2021. He was the third senator to die in office in 18 months. Senators paid tribute to his service in the armed forces over a period of 40 years, as well as his service in the Senate from 2017 to 2019, and again from late 2019.

The New South Wales Parliament is not scheduled to sit ahead of its pending general election, which is likely to delay the choice of a senator to fill the resulting vacancy.

On 7 February, Senator Lidia Thorpe informed the Senate that she had resigned from the Australian Greens and would sit on the crossbench as an independent.

## Legislation, approval and disallowance

The Senate passed three (3) government bills during the week, one with opposition amendments. The Migration Amendment (Aggregate Sentences) Bill 2023 passed both Houses, having been exempted from the provisions of standing order 111, which defer consideration of new government bills to the next sitting period.

The Senate also approved the designation of the Republic of Nauru as a 'regional processing centre' under s. 198AB of the *Migration Act 1958*. The previous designation, approved in 2012, lapsed in October 2022 under sunset arrangements for legislative instruments, but this was not drawn to the government's attention until last year's sittings concluded.

On 9 February the Senate disallowed the Superannuation Industry (Supervision) Amendment (Annual Members' Meetings Notices) Regulations 2022, with all non-government senators voting for the disallowance.

An unusual business order made on 8 February required two disallowance motions dealing with different carbon capture and storage instruments to be debated together, although in practice they were moved and voted on separately, after a period of cognate debate.

## Deferred votes

The routine of business adopted in October 2022 carves out times for Senate business to proceed on a 'no divisions' basis; from 6.30pm on Mondays, Tuesdays and Wednesdays and from 4.30pm on Thursdays: SO 57(3). If a division is called for, the vote is taken on the next day. If the matter cannot

proceed until the division is taken, the matter is adjourned and the Senate proceeds to its next business. On 8 February, a division was called on a disallowance motion. Clearly, consideration of the motion could not proceed until the vote was taken, so the matter was adjourned. In considering the next item, the Senate (sitting as committee of the whole) heard debate on a series of amendments, stockpiling votes for the next day where divisions were called.

When a vote is deferred, the Senate's practice is to put the question again when the item is next called upon, rather than proceeding directly to a division. So it was that, the following day, the questions on the amendments were put again and determined without divisions being required; while the division on the disallowance motion proceeded.

## Orders and explanations

The first sitting of the year saw renewed activity around two orders for the production of documents (OPDs), relating to the Hahndorf township improvements and program funding in the 2022-23 Budget. This followed the government's reassertion in November 2022 of public interest immunity (PII) claims citing prejudice to Commonwealth-state relations, which had been rejected by the Senate on the basis that the government had not sought the agreement of the relevant states to release the documents sought (see PIB 367). On 7 February, the Senate ordered the minister representing the infrastructure minister to attend the Senate to explain the failure to comply with the orders. The minister's explanations—in each case a bare restatement of the rejected PII claims—were provided and debated on 8 and 9 February, respectively.

An order made on 7 February sought the 2023-24 Budget Process Operational Rules (BPOR). The Finance Minister responded the next day by raising a PII claim on the basis that the documents would or may disclose the deliberations of Cabinet, but said the Government would 'consider further requests' once the 2023-24 Budget was delivered. On 9 February the Senate rejected the claim, noting that the government had complied with an order that was 'substantially the same' relating to the 2022-23 BPOR, and ordered that the documents be tabled by 5pm that day. A government response provided on 13 February, restated the PII claim, but confirmed that the documents would be released 'after the delivery of the 2023-24 Budget'.

The Senate agreed to seventeen new OPDs in the sitting period. Three proposed OPDs, relating to the deployment of the Australian Defence Force to Iraq in 2003, were negated.

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

## Inquiries

Eight bills were referred to legislation standing committees as a result of [report no. 1 of 2023](#) of the Selection of Bills Committee.

Three references inquiries were established:

- [bank closures in regional Australia](#) – referred to Regional and Rural Affairs and Transport References Committee; and
- [national cultural policy](#) and [feral horses in the Australian Alps](#) – both referred to Environment and Communications References Committee.

Both Houses also passed resolutions appointing a [joint select committee](#) to oversee the National Anti-Corruption Commission, in accordance with the Act passed by the Parliament at the end of last year.

## Reports

Two legislation committees tabled reports on the 2022-23 budget estimates during the sitting period. The Foreign Affairs, Defence and Trade References Committee tabled a [report](#) earlier in February on the human rights implications of recent violence in Iran. The committee made twelve recommendations, including that the Australian Government oppose the election of the Islamic Republic of Iran to any United Nations' bodies, and increase the intake under Australian visa programs of Iranians, especially those most at risk of persecution.

## Supplementary budget estimates

Supplementary budget estimates 2022-23 took place 13-17 February 2023. During supplementary hearings, only questions on matters nominated at least three working days prior to the meeting may be asked – [SO 26 \(10\)](#).

Areas of examination involving public funds and administration included:

- the cost to the Commonwealth of taking legal action against whistleblowers
- invasive marine pests
- preparations for abolition of the Administrative Appeals Tribunal
- Centrelink call wait times and staff shortages
- the impact of inflation on the Australian community and the role of the Reserve Bank of Australia; and
- the role of statutory Indigenous land councils in obtaining free, prior and informed consent from traditional owners when acting on their behalf.

---

## 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)

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