



Procedural Information Bulletin

19 September 2023 • No. 374

For the sitting period 4 to 14 September 2023

Legislation

The Senate passed 22 government bills during the fortnight. Six were amended including one – the Housing Australia Future Fund Bill 2023 – that was also subject to requests for amendments.

The housing bill and two related bills passed the Senate under a guillotine on 13 September, removing the possibility they might be used to trigger a double dissolution election: see [Bulletin 372](#). They had been brought on the previous day, after the government reached an agreement with the Greens to support their passage. New iterations of the bills introduced in August remain on the House Notice Paper, having also been referred to a Senate committee to report in October 2023.

Bills to establish a statutory Parliamentary Workplace Support Service and to reform the employment framework for parliamentarians and their staff passed the Senate on its final sitting day, implementing further recommendations of the Jenkins review of parliamentary workplaces.

On 9 March this year the Senate discharged a package of financial accountability bills, after the government reneged on an apparent deal with the Australian Greens to introduce civil penalties of up to \$1.1 million for banking, superannuation and insurance executives who breach their accountability obligations. New versions of those bills were introduced into the House at around the same time, and passed the Senate on 5 September. Amendments from the Greens to insert those penalty provisions found support around the crossbench, but were opposed by the government and opposition.

Orders and explanations

The sitting fortnight was bookended by orders for the production of documents (OPDs) relating to the National Disability Insurance Scheme (NDIS) financial sustainability framework. On 5 September the Senate agreed to a new order for all documents relating to and including the framework. This followed OPDs in May and June resisted by the government on the basis of a public interest immunity (PII) claim citing prejudice to Commonwealth-State relations.

In a separate order on 5 September, the Senate outlined its rejection of the government's claims and ordered the minister representing the Minister for the NDIS to attend the Senate the next day to provide an explanation. The minister's explanation, which maintained the PII claim, was duly debated. On 11 September, the minister indicated that more time was required to respond to the new order of 5 September. However, on 14 September, the Senate agreed to a further order restating its rejection of the government's PII claim and requiring the minister to attend the Senate on the first day of each sitting week to explain the failure to comply with the orders. This requirement stands until the Senate resolves that there has been satisfactory compliance with the orders.

Overall, the Senate agreed to 20 new OPDs, including multiple orders for documents relating to the application by Qatar airways to run additional services in Australia and to information about special purpose flights.

Fourteen government responses were tabled during the period. Responses to two orders concerning an ASIC Deputy Chair (see [Bulletin 373](#)) reasserted previously rejected PII claims based on potential impacts on individual privacy and future investigations; and a response to an order relating to a Makarrata Commission withheld all relevant documents on the basis of Cabinet confidentiality: see [Bulletin 373](#). Seven responses—including in relation to Qatar airways, the Murray-Darling Basin Plan and GST distribution between the states—advised that more time was needed to provide a substantive response. The cumulative list of orders and responses can be found on the Senate's [business pages](#).

Inquiries

Nine bill inquiries were established as a result of [report no. 10](#) and [report no. 11](#) of the Selection of Bills Committee, including sending the Fair Work Legislation Amendment (Closing Loopholes) Bill 2023 to the Education and Employment Legislation Committee for inquiry and report by 1 February 2024. The government had sought an earlier reporting date, so that the bill could be dealt with in the final sittings for the year.

A reference on the matter of the [Middle Arm Industrial Precinct](#) was made to the Environment and Communications References Committee for inquiry and report by 28 February 2024, and a [select committee](#) on Commonwealth Bilateral Air Service Agreements was established with a reporting date of 9 October 2023.

Reports

Sixteen reports were tabled during the sitting period, including interim reports of the [Select Committee on Australia's Disaster Resilience](#) and the Rural and Regional Affairs and Transport References Committee's inquiry into [Australia's preparedness to host Commonwealth, Olympic and Paralympic games](#). The Community Affairs References Committee tabled its [report](#) on concussions and repeated head trauma in contact sports.

The Legal and Constitutional Affairs References Committee tabled its [report](#) on current and proposed sexual consent laws in Australia. The committee made seventeen recommendations. These focused on elevating the rights and agency of victim-survivors and maximising the use of existing structures and processes to improve the systemic response to sexual consent laws. For example, the Committee recommended that the Commonwealth government, through the Police Ministers' Council, develop principles for specialist education and training of state and territory law enforcement officers to ensure their responses to victim-survivors are culturally appropriate and trauma informed. The committee directed one of its recommendations to Universities Australia to conduct a second National Student Safety Survey, to make survey results publicly available no later than 2025, and recommended Universities Australia commit to conducting the survey every three years.

A report from the Procedure Committee was tabled on 12 September, dealing with three matters:

- a proposal to amend procedures around matters of public importance and urgency, which was not supported
- the use of cultural artefacts in the Senate with the agreement of the President and Deputy President

- confirmation that the standing orders and the practices of the Senate are sufficiently flexible to cover matters identified in *Set the Standard* and the report of the Joint Committee on Parliamentary Standards: see [Bulletin 367](#).

The committee indicated that it remains open to assessing the need for changes to the language and interpretation of standing orders as the final recommendations of *Set the Standard* are implemented, including through establishment of an Independent Parliamentary Standards Commission and the consequent formalisation of codes of conduct for parliamentarians and their staff.

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**