



# Procedural Information Bulletin

31 October 2023 • No. 375

For the sitting period 16 to 19 October 2023 and  
Supplementary Budget estimates hearings 23 to 27 October 2023

## The Senate and senators

Valedictory statements were made in the previous sittings for Senator the Hon. Marise Payne, who resigned her place as a senator for New South Wales on 30 September. With a term of more than 26 years, Senator Payne is the Senate's longest serving female senator. On 16 October the President tabled the letter of resignation and a letter notifying the Governor of New South Wales of a vacancy in the representation of the state.

The Senate sat for extended hours on 17 October to debate a motion on the Hamas attacks on Israel on 7 October 2023 and the ongoing conflict in the region.

On 19 October the Senate agreed to its days of meeting and estimates hearings for 2024.

## Legislation

The Senate passed seven government bills. These included bills intended to make the [family law system](#) safer and simpler for separating families to navigate; to implement a [visa pre-application process](#); and to establish a [National Occupational Respiratory Disease Registry](#). Five bills were passed under a guillotine on 19 October after a short extension of hours the previous evening.

A private senator's bill intended [to override an Australian Capital Territory \(ACT\) law](#) was negated at the second reading stage on 19 October. The bill, introduced by shadow Attorney-General Senator the Hon. Cash, would have reversed laws passed in the ACT last year to decriminalise personal use of a range of drugs of dependence. A proposal to refer the bill to a committee was also defeated.

Another private senator's bill introduced by the Opposition – the Australian Capital Territory ([Self Government\) Amendment Bill](#) 2023 – was also negated by the Senate on 13 September. At the start of the sittings the President tabled [a letter from the Speaker and members of the ACT Legislative Assembly](#) that characterised these bills as part of a 'concerted campaign' to interfere in the Assembly's business, contrary to the principles of responsible government.

## Orders for documents and explanations

On 16 October, the government tabled its response to a Senate order for the production of documents (OPD), agreed on 6 September, relating to the National Disability Insurance Scheme (NDIS) financial sustainability framework; the third OPD since May relating to the framework (see [Bulletin 374](#)). The response maintained the government's public interest immunity claim (PII) that the release of the framework and related documents 'would result in the disclosure of Cabinet deliberations.' The next

day, pursuant to a separate order agreed on 14 September, the Minister representing the Minister for the NDIS attended the Senate to explain the government's continuing failure to provide the documents. The order requires such explanations to be provided on the first day of each sitting week until the Senate resolves that the orders have been complied with satisfactorily (see [Bulletin 374](#)). A government motion to discharge this requirement was defeated on 19 October.

Responding to a number of other orders, the government provided documents relating to the assessment of bushfire risk and preparedness; invoices issued to special purpose flight passengers; and the Snowy Hydro 2.0 project. The government indicated that it would need more time to respond to an order on cultural heritage and protection laws. Similarly, the government advised there would be a delay in responding to an order on the Murray-Darling Basin Plan due to the very large number of documents involved. Despite this, the Senate made a further order requiring a minister to attend the Senate on 6 November to explain the failure to comply.

Ministers were also required to attend the Senate to provide explanations of the government's responses to OPDs concerning GST revenue distribution (16 October) and special purpose flights (17 October).

The Senate agreed to four new OPDs relating to the CBUS Super Fund; parole applications; draft recycling and waste reduction rules; and unanswered questions on notice. A proposed order for monthly tabling of information relating to parole decisions by the Commonwealth Attorney-General was negated.

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

## Inquiries

Four bills were referred for inquiry and report as a result of [report no 12. of 2023](#) of the Selection of Bills Committee.

The Senate made three references:

- an inquiry into the costs and impacts of [red imported fire ants in Australia](#) was referred to the Rural and Regional Affairs and Transport References Committee;
- an inquiry to develop [appropriate terms of reference for a COVID-19 Royal Commission](#) was referred to the Legal and Constitutional Affairs References Committee; and
- an inquiry into the efficacy of the [due diligence framework of the Department of Foreign Affairs and Trade](#) was referred to the Foreign Affairs, Defence and Trade References Committee.

Committees also adopted the following inquiries:

- the Law Enforcement Joint Committee adopted an inquiry into [capability of law enforcement to respond to cybercrime](#);
- the Community Affairs References Committee resolved to [review three Social Security determinations](#), pursuant to [section 243B](#) of the *Social Security (Administration) Act 1999*; and
- the NDIS Joint Committee adopted an inquiry into [NDIS participant experience in rural, regional and remote Australia](#).

## Reports

Three reports were tabled during the sitting period, including the Foreign Affairs, Defence and Trade Legislation Committee's [interim report](#) into the performance of the Department of Defence in supporting the capability and capacity of Australia's defence industry. The report made a single recommendation focused on further examination of sovereign capability, and improvements to defence procurement processes and to innovation pipelines.

Ten reports were tabled out of sitting, including the Environment and Communications References Committee [report](#) on the impacts and management of feral horses in the Australian Alps. The committee made 14 recommendations, including monitoring the impact of feral horses on Murray-Darling Basin water quality, measures to protect threatened species from extinction, and that the Australian Government take the lead to achieve cooperation between states and territories to prepare management plans for National Heritage listed places, and to resolve disputes.

The whirlwind select committee inquiry into Commonwealth Bilateral Air Services Agreements recommended that the committee be reestablished to hear from witnesses who were unavailable prior to its original reporting date, including former Qantas CEO, Mr Alan Joyce. The committee also recommended that the Senate request the House to require the responsible minister, the Hon. Catherine King, to appear before the resurrected committee. However, on 18 and 19 October, the Senate negated motions proposing to reestablish the committee.

## Supplementary Budget estimates

Supplementary Budget estimates hearings were held from 23 to 27 October 2023.

Committees examined a wide range of issues relating to Commonwealth expenditure, public funds and administration, including:

- assistance to Australian citizens in Israel, Lebanon and Gaza
- governance and integrity in Aboriginal and Torres Strait Islander organisations and agencies
- possible reduction in the number of Australia Post outlets
- lifting the quality of aged care services
- gill net fishing
- live export of eleven animal species.

The Finance and Public Administration Committee heard evidence from 16 witnesses from four Land Councils appearing together in its cross-portfolio Indigenous matters hearing. A number of witnesses appearing before the committee spoke in an Indigenous Australian language while giving evidence to the committee.

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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)

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