



# Procedural Information Bulletin

20 February 2024 • No. 378

For the sitting period 6 to 8 February 2024 and  
additional estimates hearings 12 to 16 February 2024

## The Senate and senators

At a joint sitting on 1 February 2024 the Houses of the Western Australian Parliament chose Varun Ghosh to fill the vacancy in the representation of the state caused by the resignation of Senator Pat Dodson, which took effect on 26 January. Senator Ghosh took his seat on 6 February, swearing an oath of allegiance on the Bhagavad Gita.

On 7 February an Acting Deputy President informed the Senate that the President would be temporarily absent from the sittings the following day and that, in accordance with standing orders, the Deputy President would take the Chair.

On 8 February the Senate suspended from 9.30 am to enable senators to attend an address in the House of Representatives by the Hon. James Marape, Prime Minister of Papua New Guinea following an invitation from the House. On 13 February, during the additional estimates round, committees suspended shortly before midday to enable senators to attend the annual Closing the Gap statement in the House.

## Legislation

On the final sitting day in 2023, the Senate divided the Workplace Relations Amendment ([Closing Loopholes](#)) Bill 2023 into two bills, by incorporating various provisions into a separate bill ([the 'No. 2 bill'](#)) before passing the original bill, with amendments: see [Bulletin 377](#). The No. 2 bill was debated and passed with further amendments under a guillotine on 7 and 8 February. Because the provisions of the bill had originated in the House of Representatives, the message from the Senate did not seek the concurrence of the House in the No. 2 bill. Instead, the Senate sought the concurrence of the House in the amendments consequent on the division of the bill, and on the further amendments to the bill. The House agreed to those amendments on 12 February.

The amendments included provisions introducing a 'right to disconnect', so that employees can ignore contact from their employers during hours they are not being paid. A government amendment to ensure employers wouldn't incur criminal penalties under those provisions was circulated too late to be moved under the guillotine provisions in standing order 142. Leave was refused to move the amendment, so the bill was passed without it. On 15 February the Workplace Relations Minister introduced a bill into the House to rectify the matter.

On 6 February the Manager of Government Business moved the usual motion designating private senators' bills for consideration during the week. Senator Fawcett was granted leave to move an amendment to put a guillotine on one of the bills – the [Defence Capability Assurance and Oversight Bill 2024](#) – which he had introduced last year. Leave was required to move the amendment because standing order 56, which allows ministers to move motions relating to the conduct of business, does not authorise motions to limit debate. The Senate passed the bill the following day with amendments from the Opposition and the Greens.

## Orders and explanations

Pursuant to a previous order of the Senate (see [Bulletins 374 to 377](#)), the Minister for Trade and Tourism attended the Senate on 6 February to explain the government's failure to provide the National Disability Insurance Scheme (NDIS) financial sustainability framework. On 8 February, the minister responded to a related but separate order for the production of documents (OPD) by tabling the final report of the Independent Review into the NDIS, along with a statement that the tabling of the review was 'relevant' to the earlier order for the framework. Later in the day, the government lodged a notice of motion that, if agreed to by the Senate, will discharge the minister from the requirement to attend the Senate on the first day of each sitting week to provide an explanation. A previous such attempt was defeated on 19 October (see [Bulletin 375](#)).

The government tabled four other responses to OPDs, including large returns relating to Launceston City Deal projects (4,080 pages) and the Swift Parrot Recovery Plan (914 pages). In contrast, the government raised a public interest immunity claim to withhold all documents relating to the location of the Federal Family Circuit Court of Australia in Burnie, Tasmania, citing potential prejudice to Commonwealth-State relations. The claim also cited concerns over Cabinet and commercial confidentiality, in the context of current negotiations over the funding of the court complex.

An initial response to an order seeking modelling and documents relating to new vehicle emissions standards was silent on the government's reasons for not providing the information sought. However, further correspondence presented out of sitting (and tabled at an estimates hearing on 12 February), advised that the documents were being withheld on the basis of Cabinet confidentiality and commercial sensitivity. The claim that the disclosure of inputs to Cabinet processes would reveal the deliberations of Cabinet is a long bow that has been drawn for many years. The Senate has tended not to accept it, but governments of both stripes continue to make it.

The Senate agreed to seven new OPDs, including multiple orders relating to the Murray-Darling Basin; school funding; a review of the school-resourcing loading for students with disability; and carbon capture, utilisation and storage.

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

## Inquiries

The issue of [impact and mitigation of aircraft noise](#) was referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 8 October 2024.

Four bill inquiries were referred to legislation committees as a result of [Report No. 1 of 2024 of the Selection of Bills Committee](#).

## Reports

Legislation committees tabled 8 reports, with 7 of those tabled out of sitting. The Select Committee on the Perth Mint and Commonwealth regulatory compliance tabled an interim [report](#) out of sitting in late December 2023.

The Education and Employment References Committee tabled its [report](#) on disruption in Australian school classrooms. The Community Affairs References Committee tabled its [review](#) of legislative instruments made under certain parts of the *Social Security (Administration) Act 1999* which concern income management. This is the first review undertaken by the committee, a requirement that came into force by way of a legislative amendment in 2023. The committee made one recommendation focused on improved consultation before instruments are made, and that better information be provided to Parliament to allow adequate scrutiny.

## 2023-24 additional estimates

Additional estimates hearings took place from 12 to 16 February. Areas of examination involving public funds and administration included:

- The search for a location for a nuclear waste facility in Australia
- Waiting times for aged care assessments and home care packages
- Integrity processes connected with ministerial appointments to government boards
- Economic modelling prepared for the New Vehicle Efficiency Standards
- Programs to attract international tourists to Australia
- Effective management of conflicts of interest for Commonwealth funded organisations
- Governance and member services provided by statutory Indigenous land councils
- Construction of Paradise Dam.

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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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