



DEPARTMENT OF THE SENATE

PROCEDURAL INFORMATION BULLETIN

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For Budget week, 11 to 14 May 2015

LEGISLATION

Unusually, Budget week included an extra sitting day on Monday 11 May so that the Senate could consider a list of legislation for which there had been insufficient time in the previous sittings.

While presentation of the Budget was a focus of the House, the Senate worked its way through a number of packages or pieces of legislation, several involving committee stages to consider amendments. An unusual number of bills originating in the Senate was also considered during the week, some requiring third reading prints after their amendment.

Packages passed included the Biosecurity Bill 2014 and related bills and the Norfolk Island Legislation Amendment Bill 2015 and associated legislation to change the status of Norfolk Island as a self-governing territory and apply a range of Commonwealth legislation, including tax laws, to which it had not previously been subject. Despite determined opposition from residents, the bills passed without dissent as non-controversial legislation on 14 May. Some employment legislation relating to the construction and maritime industries was agreed to and the National Water Commission was abolished with support from six of the cross-bench senators. Legislation establishing the new Australian Border Force within Customs and Immigration was passed. Many of the bills had been the subject of legislation committee reports including the Tribunals Amalgamation Bill 2014 which was amended in accordance with the recommendations of the Legal and Constitutional Affairs Legislation Committee.

Referral of private senators' bills to legislation committees is now quite common. One such bill, the Food Standards Amendment (Fish Labelling) Bill 2015 was the subject of a report by the Rural and Regional Affairs and Transport Legislation Committee which recommended passage of the bill while acknowledging the Commonwealth's limited legislative power in this area and the need for legislative action by the states and territories. The bill was debated during the time for consideration of private senators' bills on 14 May and debate adjourned, but a procedural motion, moved by the Manager of Government Business, provided for a vote on the second reading of the bill, and on any subsequent questions, to occur on 12 August during government business time.

CASUAL VACANCIES

The casual vacancy arising from the resignation of Senator Faulkner was finally filled, New South Wales having chosen not to use the alternative method for filling such vacancies provided by section 15 of the Constitution when the state parliament is not in session and thus denying itself full representation in the Senate for the autumn sittings. When the Parliament resumed after the recent state election, a joint sitting chose Senator McAllister to fill the vacancy and she was sworn in on 11 May.

On the same day, the President informed the Senate of a vacancy in the representation of Queensland caused by the resignation of Senator Mason who has subsequently accepted a diplomatic appointment. Although the Queensland Parliament had indicated it would choose a replacement on 7 May, the party processes for selecting a replacement had not been completed and another date was therefore set for the meeting.

COMMITTEES

Numerous reports on bills were presented during the week and in the preceding non-sitting period. There were also several major reports presented, including on housing affordability (Economics References), the capacity of law enforcement agencies to eliminate gun-related violence in the community (Legal and Constitutional Affairs References), and environmental biosecurity (Environment and Communications References). Substantial interim reports were presented on the performance of the Department of Parliamentary Services (Finance and Public Administration Legislation), the performance and management of electricity network companies (Environment and Communications References), and the impacts of recent Commonwealth community service tendering processes (Community Affairs References).

The Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs wrapped up on 27 March, the report including a dissenting report from Coalition senators that was highly critical of the committee's operations.

A significant number of extensions were granted and some new references agreed to, including on food certification schemes relating to organic, halal, kosher and genetically modified food, and general safety certification schemes.

On 12 May, the particulars of proposed expenditure were referred to legislation committees for inquiry and report, this reference being a trigger for the main budget estimates hearings for the year.

SENATE ORDER FOR CONTRACTS

A long-standing accountability device requiring details of department and agency contracts to be published online, initiated by Senator Murray in 2001, was the subject of a report by the Finance and Public Administration References Committee in May 2014 after its most recent review of the order. The committee recommended certain adjustments to bring the order up to date by reflecting changes made by the *Public Governance, Performance and Accountability Act 2013*, to relax the reporting burden on the Auditor-General and to include a new certification requirement about the inclusion of confidentiality provisions in contracts.

Notice to amend the order was given by the committee chair, Senator Gallagher, on 11 May and subsequent negotiations resulted in an amended proposal being agreed to on 14 May. The most significant changes were to delay the application of the order to entities not presently covered, until 1 July 2017 and, in respect of certification that no inappropriate confidentiality clauses had been included, to delay implementation to the

same date and shift the responsibility for certification from the Senate minister to the entity head, creating a specific and direct obligation for entity heads to be accountable to the Senate.

ORDERS FOR PRODUCTION OF DOCUMENTS

An order of 26 March for correspondence between ministers regarding the Automotive Transformation Scheme reiterated the minister's earlier public interest immunity claim based on the documents disclosing Cabinet deliberations.

An order of 12 May for advice relating to the status of crops developed with EXZACT Delete technology as non-GMO and therefore unregulated was met with a response from the minister referring to the answer to a specific question on notice having been tabled.

RELATED RESOURCES

The [Dynamic Red](#) records proceedings in the Senate as they happen each day.

The [Senate Daily Summary](#) provides more detailed information on Senate proceedings, including progress of legislation, committee reports and other documents tabled and major actions by the Senate.

Like this bulletin, these documents may be reached through the Senate home page at [http://www.aph.gov.au/About Parliament/Senate/Powers_practice_n_procedures](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures).

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