



DEPARTMENT OF THE SENATE

PROCEDURAL INFORMATION BULLETIN

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For the sitting period 12 to 15 September 2016

LEGISLATION

The major legislative achievement of the week was the Budget Savings (Omnibus) Bill 2016 which passed with Opposition support after it had been amended in the House of Representatives to reflect an agreement between the major parties. Amendments moved by Senators Xenophon, Lambie and Hinch to remove specific savings measures were negatived.

Because the bill was held up in the House, a change in the routine of business was necessary on 15 September to deal with it. Bills delayed in the House earlier in the week left the Senate debating the address-in-reply or engaged in lengthy debates on the second reading of relatively routine bills for extensive periods.

At the commencement of a Parliament, the bills cut-off mechanism in standing order 111 operates in a modified form, requiring at least 14 days to elapse between the introduction of a bill in either House and resumption of the second reading debate in the Senate. A motion to exempt several bills from these provisions, including the Budget Savings (Omnibus) Bill 2016, was debated on 13 September. At the request of senators, the chair divided the question in respect of several bills. Consequently, two bills relating to the establishment of a National Cancer Screening Register were not exempted from the cut-off and were later referred to the Community Affairs Legislation Committee for inquiry and report by early in the next sitting period.

DISALLOWANCE

A Greens motion to disallow the East Kimberley trial of the so-called welfare card failed to gain support. A motion to disallow the determination had been debated in the 44th Parliament but had not concluded, so the instrument was deemed to have been tabled again at the commencement of the current Parliament in order that a fresh disallowance notice could be given (see [Bulletin No. 305](#)).

A notice of motion to disallow the controversial Legal Services Amendment (Solicitor-General Opinions) Direction 2016, given by the Leader of the Opposition in the Senate, Senator Wong, was postponed and the matter was referred to the Legal and Constitutional Affairs References Committee on 15 September for a brief inquiry after suggestions that the Solicitor-General had not been adequately consulted on the direction.

COMMITTEES

The first legislation committee report of the Parliament, of the Economics Legislation

Committee on the Budget Savings (Omnibus) Bill 2016, was presented on 14 September.

Three references committees presented reports on 13 September recommending the re-adoption, in most cases, of inquiries referred in the previous Parliament and not concluded by the time of the dissolution. Two further references committees presented reports on 15 September, also recommending that certain inquiries be continued. Several additional references were also agreed to, including into allegations of abuse against asylum seekers in regional processing centres, current difficulties in the dairy industry, impacts of climate change on fisheries and marine biodiversity and the Trans-Pacific Partnership.

A motion moved by Senator Leyonhjelm on 13 September resulted in the restoration to the Notice Paper of orders of the day for the consideration of committee reports presented in the last Parliament, all relating to aspects of the Economics References Committee's inquiry into personal choices and government regulation.

Messages from the House of Representatives proposing the establishment of numerous joint committees were considered and agreed to on 12 and 14 September.

A ballot was held on 13 September for a contested minor party position on a joint committee, following a ballot held in the previous sitting period for a similar position on a references committee.

A resolution dating from 2011 providing for the chair of the Legal and Constitutional Affairs References Committee to be a minor party senator was amended on 13 September to change the committee to the Environment and Communications References Committee. The resolution continues in effect until the President is duly notified of an agreement that meets the terms of standing order 25(9)(c) (relating to the amicable sharing of chairs amongst the non-government parties).

FIRST SPEECHES

The day after a very lengthy and controversial first speech by Senator Hinch on 12 September, the President made a brief statement reiterating the conventions that apply to first speeches and the latitude that is given on the basis that the conventions are honoured. The President also drew senators' attention to Privilege Resolution 9 which is about the onus on senators to use their great freedom of speech responsibly. After the statement, Senator Hinch withdrew unparliamentary remarks that he had directed at a member of the House of Representatives.

ORDERS FOR THE PRODUCTION OF DOCUMENTS

Attempts to obtain information about the Perth Freight Link infrastructure project continued in the new Parliament. An order agreed to on 1 September was refused on public interest grounds of prejudice to Commonwealth-state relations and commercial negotiations, including potential damage to the commercial interests of the

Commonwealth and/or states (tabled 12 September).

A further order agreed to on 12 September sought five specified classes of documents or information. The response, tabled on 15 September, provided weblinks in relation to two categories and claimed there were no documents for another two categories. For the final category, a summary of requests made to the Government for traffic modelling or the business case that had been refused on commercial-in-confidence or public interest grounds, the response, somewhat provocatively, listed 6 Senate orders and an FOI request.

An order for legal advice received by the Australian Bureau of Statistics in relation to the census, also agreed to on 12 September, was refused on the basis of “long-standing practice of successive governments”. While there was no public interest claim as such, and no statement of the harm that would ensue from disclosure of the advice, the minister argued that, “[a]ccess by government to confidential legal advice is, in practical terms, critical to the development of sound Commonwealth policy and robust law-making”. The true position was revealed some years ago in correspondence between the then Secretary of the Department of the Prime Minister and Cabinet and the Secretary of the Attorney-General’s Department, tabled at an estimates hearing in 2008. Governments will disclose legal advice when it is in their interests to do so.

Further orders were agreed to as follows:

- for the cost-benefit analysis and any correspondence about the proposed relocation of the Australian Pesticides and Veterinary Medicines Authority to Armidale, NSW (agreed 13 September, due 10 October)
- for the government response to the report of the Community Affairs References Committee on the availability of cancer drugs in Australia (agreed 13 September, due 10 October)
- for the government response to the report of the Economics References Committee on the future of Australia’s automotive industry (agreed 14 September, due 10 October).

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 can be found on the [Senate website](#).

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