



# Procedural Information Bulletin

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For the sitting period 22 July to 1 August 2019

## Senators

Nine senators made their first speeches, following their election in May this year, with a further eight scheduled next month, and valedictory statements were made pending the retirement of Victorian Senator the Hon. Mitch Fifield before the September sittings.

## Establishing committees in a new parliament

The beginning of the sitting fortnight saw the Senate put the finishing touches to establishing of committees for the 46th Parliament by concurring with the resolutions of the House of Representatives relating to the formation of 15 joint standing committees. Membership for all committees, joint and Senate, standing and select, was also finalised during the fortnight.

## Orders for documents and explanations

There were three matters on which the Senate required the Leader of the Government to provide explanations during the fortnight, each connected to ministerial standards and accountability. The first, concerning post-parliamentary employment of two former ministers, was provided on 22 July. The next, concerning allegations connecting two ministers to unlawful destruction of endangered grassland species, was provided on 23 July. The last, concerning allegations about Crown Resorts, was provided on 1 August. On each occasion, the explanation was the subject of debate.

In relation to the first matter, the Leader of the Government tabled advice from the Secretary of the Department of Prime Minister and Cabinet to the Prime Minister, which concluded that on the available information the statement of ministerial standards has not been breached. An inquiry into compliance with the statement of ministerial standards was referred to the Finance and Public Administration References Committee for report by 10 September. An amendment from the Australian Greens to broaden the terms of reference to include the second matter was not carried.

Two later attempts to refer the grasslands matter to a committee were also unsuccessful, although the Senate supported an order requiring the production of constituent correspondence referred to in debate. The government responded to that order on 31 July, but declined to provide constituent correspondence on the basis that “Communications between Members, Senators and their constituents are not ministerial documents”.

In a similar vein, there were two competing motions relating to a proposed inquiry into accusations of Crown Casino’s links to organised crime and fast-tracked visa applications. One was withdrawn and the other was negatived. The Government separately referred the matter to the Australian Commission for Law Enforcement Integrity for investigation.

Numerous other orders for documents were made. These can be tracked online on the [Senate's business pages](#).

## Other references to committees

An inquiry into the disclosure and public reporting of sensitive and classified information was referred to the Environment and Communications References Committee for report by 4 December 2019. This inquiry began life as a proposal for a joint select committee, which was negated on a tied vote, and had a brief incarnation as a proposed Senate select committee, which was eventually withdrawn. A similar inquiry by the Parliamentary Joint Committee on Intelligence and Security on the impact of the exercise of law enforcement and intelligence powers on the freedom of the press is also underway.

Motions proposing overlapping inquiries into income support payments and the level of Newstart were postponed on one day and then merged the next, to become a single inquiry for the Community Affairs References Committee for report by 27 March 2020.

A further six inquiries curtailed by the end of the 45th Parliament were readopted following the Senate's agreement to recommendations in reports from the relevant committees that the inquiries resume.

During the fortnight, the Selection of Bills committee presented reports 3 and 4 of 2019, which, following amendment and adoption by the Senate, saw the number of bill inquiries referred to legislation committees since the start of the 46th Parliament grow to 17.

Finally, on 31 July and for the first time in 35 years, motions were moved in the Senate under the *Public Works Act 1969* to refer works to the Public Works Committee for consideration and report. Such references have generally been moved in the House, however, with both ministers from the Finance portfolio currently in the Senate, it was thought appropriate the references originate there.

## Select committees

Three Senate select committees were established: on the Australian Government's northern Australia agenda; on the management and execution of the Murray Darling Basin Plan; and on jobs for the future in regional areas. A proposal for a select committee on the integrity of government administration was postponed until a later date.

A joint select committee on road safety was also established, and a proposal to re-establish a joint select committee on implementation of the National Redress Scheme following the Royal Commission into Institutional Responses to Child Sexual Abuse will be considered in the next sittings.

By the end of the fortnight, more than 30 inquiries were underway, two of which related to the Murray-Darling Basin. It was ever thus; one of the [first petitions](#) the Senate received, in 1902, was from citizens of South Australia about the diversion of water from the Murray River.

## Committee for the Scrutiny of Delegated Legislation

In June the Regulations and Ordinances Committee reported on its inquiry into [Parliamentary Scrutiny of Delegated Legislation](#). On 31 July the chair of the committee gave notice of her intention, in the November sittings, to move a motion to substitute new terms of reference for the committee, as recommended in the report. The scrutiny principles under which the committee currently operates were initially set out in a report of the Senate Select Committee on the Standing Committee System in

1930 and adopted when “R&O” was established in 1932. It is also proposed to change the name of the committee and to amend standing order 25 to expand the remit of the Senate’s legislation committees to include oversight of legislative instruments made in the portfolios allocated to them.

## Reports on annual reports

Twice a year, as part of their general scrutiny role, Senate legislation committees report on the annual reports of Commonwealth departments and agencies which are tabled in the Senate. In an unusual but appropriate move, the Foreign Affairs, Defence and Trade Legislation Committee included a recommendation in its report that the *Veterans’ Entitlement Act 1986* should be amended to require the Repatriation Medical Authority to table an annual report.

## Estimates questions

A motion was agreed requiring answers to outstanding questions taken on notice in relation to the 2018-19 additional estimates and the 2019-20 Budget estimates, and which remained unanswered at the beginning of the 46th Parliament, to be provided to legislation committees by 31 July 2019.

This underlines the advice that the Senate department routinely provides to Commonwealth departments and agencies that all questions taken on notice at estimates hearings are required to be answered even though one parliament has finished and a new one has begun.

## Legislation

Some 16 government bills were passed during the fortnight, including two with opposition and crossbench amendments. Among those passed were bills establishing a [Future Drought Fund](#) to provide a revenue stream for drought resilience, introducing [temporary exclusion orders](#) to delay Australians of counter-terrorism interest re-entering Australia, and again [extending the operation](#) of ASIO’s questioning and detention powers.

The [Treasury Laws Amendment \(Consumer Data Right\) Bill 2019](#), which passed unamended, was subject to an undertaking by the government to pursue further amendments proposed by the Opposition to strengthen privacy protections. In tabling a draft of the further amendments, the minister explained that this approach had been adopted to ensure passage of the bill on the final sitting day and thus provide certainty to industries affected by the new legislative scheme.

A private senator’s bill proposing a plebiscite on future migration levels was defeated on a division, 2 Ayes to 54 Noes.

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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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