



Procedural Information Bulletin

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For the sitting period 14 to 17 October 2019 and
Supplementary Budget estimates hearings 21 to 25 October 2019

Legislation

The Crimes Legislation Amendment ([Police Powers at Airports](#)) Bill 2019 was amended on the initiative of crossbench senators to require a review of the new provisions and insert a sunset clause. The latter amendment succeeded by one vote after the Opposition was persuaded to support it in the committee of the whole stage. Another crossbench senator, who was absent during the committee stage, indicated they would have voted against the amendment, depriving it of majority support. Rather than seeking to remedy the matter as “misadventure” (see *Odgers’ Australian Senate Practice*, 14th ed., under [Divisions](#)) – which would have been difficult given the bill had been read a third time (see Bulletin [324](#), under *Proposed recommittal of a bill already passed*) – the government simply allowed the bill to be returned to the House of Representatives, which rejected the amendment. The resulting disagreement was put before another committee of the whole in the usual way, with the government moving that the committee not insist on its amendment. That motion resulted in an equally divided vote. The chair reminded the committee that an equally divided vote in those circumstances indicates that the amendment lacks majority support. This meant the committee did not insist on its amendment, and the bill proceeded without it: see *Odgers*, under [Disagreement of House with Senate amendments](#).

The [Emergency Response Fund](#) Bills establish a “future fund” for use in natural disaster recovery efforts. The main bill passed the Senate on 17 October, with requests for amendments proposed by the Opposition increasing the quantum of funds involved and allowing funds to be directed to a broader range of activities. Arguably the requests could have been dealt with as amendments, as their legislative language contained a degree of ministerial discretion. [The Senate’s usual test for requests turns on whether they would “necessarily, clearly and directly” lead to additional expenditure.] In the short time available to consider them, however, no-one demurred at the apparent shared view of the shadow minister and minister leading the debate that they ought be framed as requests. The final stages of consideration of the bills was conducted under a limitation of debate (colloquially, a guillotine), with the committee reporting progress to enable the minister to move motions in the Senate to put the limitation in place. This was achieved without objection or division, suggesting that there was broad agreement that proceedings on the bills should be completed on the timetable proposed.

Questions, documents and explanations

On 15 October opposition senators sought and debated under standing order 74(5) an explanation for questions placed on notice remaining unanswered beyond the 30-day deadline mentioned in that order. Similarly, the following day, an Australian Greens senator sought, and senators debated, an explanation

under the rarely-invoked standing order 164(3) for the government not complying with an order for documents, seeking an overdue government response to the Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into the management of PFAS contamination.

The cumulative list of orders for documents and responses is online on the Senate's [business pages](#).

Disallowance

After a time-limited debate on 17 October, the Senate did not support a proposal to disallow the Civil Aviation ([Community Service Flights – Conditions on Flight Crew Licences](#)) Instrument 2019. Several senators set out their views in a debate later that evening on a [report of the Rural and Regional Affairs and Transport Legislation Committee](#) on the performance of the Australian Transport Safety Bureau, which considered the ATSB's actions following the 2017 crash of a flight conducted on behalf of Angel Flight Australia.

Committees

Two new references inquiries were established during the sitting week. The Community Affairs References Committee commenced an inquiry into a possible cancer cluster on the Bellarine Peninsula, and the Rural and Regional Affairs and Transport References Committee commenced an inquiry into Australia's dairy industry. In addition, the Joint Committee on the Australian Commission for Law Enforcement Integrity recommenced an inquiry (which had lapsed in the previous parliament) into the integrity of Australia's border arrangements.

As well, three bills were referred to legislation committees via the regular sitting week mechanism of adoption, by the Senate, of the Selection of Bills Committee's report.

The Senate Procedure Committee presented its [second report of 2019](#), containing two recommendations both of which were agreed to by the Senate. The first provides for attendance by senators at the presentation of the annual report on progress in meeting the "Closing the Gap" targets by the Prime Minister in the House of Representatives. The second provides for the transcription in *Hansard* of evidence given in an Indigenous Australian language.

On 14 October the Regulations and Ordinances Committee held a private briefing with senior officers of the Department of Home Affairs to discuss the committee's scrutiny concerns relating to the [Immigration \(Guardianship of Children\) Regulations 2018](#). This reflects the committee's recent commitment, outlined in the [report](#) of its inquiry into parliamentary scrutiny of delegated legislation, to resume its past practice of calling on departmental officers or ministers to appear before the committee to assist it in resolving its technical scrutiny concerns. The committee last conducted such a private briefing in June 2000, with officers from the Great Barrier Reef Marine Park Authority (see the committee's [109th report](#)).

Supplementary Budget estimates hearings

The supplementary Budget estimates hearings provided an opportunity for senators to ask questions of the executive. While procedurally uneventful, committees were able to canvass a range of matters including:

- the environmental impact statement for the first stage of the Snowy 2.0 Project

- the impact of the decision of the US to withdraw armed forces from Syria
- ongoing Australian Federal Police investigations into journalists
- the Roads of Strategic Importance infrastructure investment program
- the conduct of the Financial Adviser Standards and Ethics Authority in administering new education and training requirements for financial advisers
- the Royal Commission into Aged Care
- implementation of the Migrant Work Taskforce recommendations
- PFAS contamination including compensation claims and payments, and
- Debt recovery processes (colloquially known as “robodebt”) undertaken by the Department of Human Services.

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

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