



Procedural Information Bulletin

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For the sitting period 26 to 29 February 2024

The Senate and senators

The sitting week closed with the sad news that Senator Linda White had died, having earlier taken leave from the Senate over health concerns. Senator White had a formidable career as a lawyer and union official before being elected to the Senate at the 2022 election. Key roles during her time as a senator included chairing the committee examining the legislation to establish the National Anti-Corruption Commission and, later, the committee charged with overseeing its implementation. It is expected that a condolence motion will be moved during the forthcoming sittings.

Censure

On 29 February the sittings of the Senate were suspended to allow senators to attend an address in the House of Representatives chamber by His Excellency Ferdinand Marcos Jr, President of the Republic of the Philippines. During the address, Senator Rice held up a sign reading 'End Human Rights Abuses'. Later in the day the Senate, after suspending standing orders, censured Senator Rice for 'unparliamentary conduct, disrespect of proceedings and disregard for the importance of Australia-Philippines relations.' Senator Rice took the opportunity of debate on the motion to explain the rationale for her conduct.

In 2003 there was controversy over the right of the Speaker of the House to control the conduct of senators attending addresses by foreign Heads of State in the House chamber: see [Bulletin 176](#). At the time, such proceedings were framed as joint sittings of the Houses. More accurately, they were simultaneous meetings of the Senate and the House occurring in the House chamber. The then Speaker purported to suspend two senators from the sitting for disrupting proceedings and to exclude their attendance from a similar sitting the following day. His authority to do so was challenged: how could senators be excluded from a meeting of the Senate except by decision of the Senate itself? To avoid such disputes, each House later resolved that future addresses should take the form of an address to the House, to which senators are invited.

On this occasion, it appears that the Speaker simply asked that Senator Rice leave the chamber and she did so.

Legislation

The key legislation dealt with in the sitting week was the government's [bill to redesign the so-called Stage 3 Tax Cuts](#). The changes reinstate the 37% tax bracket, which was set to be abolished, reduce the rate for the bottom tax bracket to 16%, and reduce the threshold for the top tax rate to \$190,000. There was little of procedural interest in the passage of the bill; merely a stoush over a motion to provide for extra hours of debate or a guillotine, neither of which were needed. The bill passed shortly

before the scheduled adjournment debate on 27 February. The bill was a bill imposing taxation for the purposes of section 53 of the Constitution so proposed amendments had to be framed as requests to the House of Representatives. Requests for amendments from crossbench senators to automatically index the tax thresholds and to abolish the 37% tax bracket from 2026-27 were unsuccessful.

The Senate passed the [Crimes Legislation Amendment \(Combatting Foreign Bribery\) Bill 2023](#) with an Opposition amendment to review its operation. Further Opposition amendments to add a regime for deferred prosecution agreements were not successful. Those provisions had been included in earlier iterations of the bill introduced by the former government in [2017](#) and [2019](#), neither of which were brought on for debate.

Orders for documents and explanations

An ongoing order of the Senate requires a minister to attend each sitting week to explain the government's continuing failure to table the National Disability Insurance Scheme financial sustainability framework (see [Bulletins 374](#) to [378](#)). A second attempt by the government to discharge the order was defeated on 27 February (see [Bulletins 375](#) and [378](#)).

The government made a variety of responses to orders for documents. These included:

- Providing the documents sought (correspondence between the Department of Defence and KPMG; Services Australia's Enterprise Watchlist)
- Indicating that no relevant documents had been identified (Digital Transformation Agency's Enhanced Notification Process; carbon capture, utilisation and storage).

The government also raised a range of PII claims. These included:

- potential prejudice to Commonwealth-state relations (Disability Loadings Settings Review; school funding (26 February))—claims rejected by the Senate the following day
- Cabinet confidentiality (final report on Aged Care Taskforce)
- national security (documents relating to the Islamic Revolutionary Guard Corps, ordered to be provided to the Parliamentary Joint Committee on Intelligence and Security). An earlier order for the documents to be tabled in the Senate was resisted on the same basis (28 November 2023).

Research conducted by Kantar Public was withheld on the basis that it was prepared for the purposes of providing 'advice to government' (28 and 29 February). This is not recognised by the Senate as an acceptable ground for refusing to comply: see *Odgers' Australian Senate Practice*, 14th ed., p. 667-8.

A response tabled on 29 February withheld documents relating to Services Australia application processing data on the basis that the order did not seek a document already in existence and the data should be pursued instead by way of question on notice. This argument is at odds with explicit statements by the Senate that orders may require the creation of documents from information available to a person, as well as the numerous orders over the years requiring information to be compiled in this way: see [Bulletin 363](#).

On 27 February the Senate rejected PII claims in response to an order on the Higher Education Loan Program and Australian Taxation Office payments system, requiring compliance the following day. An order made on 29 February requires the Minister representing the Minister for the Environment and Water to provide an explanation to the Senate if documents relating to the Murray-Darling Basin are not tabled by 26 March, in accordance with an undertaking given on 26 February.

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

Inquiries

Five bill inquiries were established as a result of [Report No. 2 of 2024](#) of the Selection of Bills Committee.

An inquiry into [waste reduction and recycling policies](#) was referred to the Environment and Communications References Committee for inquiry and report by 22 November 2024.

Reports

Six reports were tabled during the sitting plus one presented out of session earlier in February.

The Joint Standing Committee on the National Disability Insurance Scheme tabled [Annual Report No. 1 of the 47th Parliament](#), providing a comprehensive review of the committee's work over the past ten years. The Committee reflected on the achievements of the scheme, what has worked, and what has not. The committee charted its work over the last decade, scrutinising and analysing the NDIS since its trial phase and establishment ten years ago. The committee also identified and discussed three key principles on which all future work of the NDIS must be based: choice and control; co-design; and sustainability.

The Community Affairs References Committee tabled its [report](#) on the extent and nature of poverty in Australia, making 14 recommendations. These recommendations included measures to improve the adequacy and effectiveness of the income support system, and action on reducing child poverty and increasing investment in place-based initiatives to address disadvantage.

Additional estimates spillover hearing

The Environment and Communications Legislation Committee held a spillover estimates hearing on 27 February taking evidence from the Bureau of Meteorology and the Australian Institute of Marine Science.

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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