

ODGERS'
AUSTRALIAN SENATE PRACTICE

TWELFTH EDITION, 2008

SUPPLEMENT

UPDATES TO 31 DECEMBER 2010

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AUSTRALIAN SENATE PRACTICE**

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SUPPLEMENT

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ISBN 978-1-74229-402-5

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National Library of Australia Cataloguing-in-Publication data:

Odgers' Australian Senate Practice. Supplement updates to 31 December 2010.

12th ed.

Includes index.

ISBN 978 0 642 71958 4

I. Australia. Parliament. Senate - Rules and practice. I. Evans, Harry, 1946- . II. Odgers, J. R. (James Rowland), 1914-1985. Australian Senate practice. III. Australia. Parliament. Dept. of the Senate. IV. Title : Australian Senate practice.

328.9405

Produced by Department of the Senate

Internet: <http://www.aph.gov.au/senate/pubs/odgers/index.htm>

INTRODUCTION

This supplement updates to 31 December 2010 material in the 12th edition of *Odgers' Australian Senate Practice*, edited by Harry Evans, which reflected developments to 30 June 2008.

The supplement is issued in printed and electronic form, and updated every six months until the next edition is published.

Users of the book should refer to the material in the supplement by the page and paragraph number of the text in the book. New material appears in blue font.

Rosemary Laing
Clerk of the Senate
February 2011

CHAPTER 1

THE SENATE AND ITS CONSTITUTIONAL ROLE

p. 24 Table 1: Votes and Seats in elections, 1949 – 2010

Election	SENATE				HOUSE OF REPRESENTATIVES		
	Party	% of vote	Seats	% of seats	% of vote	Seats	% of seats
2010	ALP	35.13	15	37.5	37.99	72	48
	LP }	38.63	18	45	30.46	44	29.33
	NP }				3.73	7	4.67
	LNP }				9.12	21	14
	CLP }				0.31	1	0.67
	Greens	13.11	6	15	11.76	1	0.67
	DLP	1.06	1	2.5	0.04	0	0
	Others	12.07	0	0	6.59	4	2.66

p. 26 Table 2: Party affiliations in the Senate, 1901 – 2010*

2010 Labor 31 Independent 1 Liberal 29 The Nationals 5 Greens 9 DLP 1

* Figures reflect composition of the Senate after newly-elected Senators have taken their seats; i.e., from 1 July 2011.

CHAPTER 2

PARLIAMENTARY PRIVILEGE: IMMUNITIES AND POWERS OF THE SENATE

p. 40 paragraph 1, end

This provision is not infringed by the tendering of committee evidence to a court where no inferences are to be drawn from that evidence. In any case, it is permitted for the purpose of proving that a report of the proceedings is a fair and accurate report (*AMI Australia Holdings Pty Ltd v Fairfax Media Publications Pty Ltd* [2009] NSWSC 863) (see under Qualified privilege).

p. 45 paragraph 1, end

No further action has been taken in any Australian jurisdiction.

p. 47 after paragraph 5,

In the United Kingdom, a Speaker's Protocol, dated 8 December 2008, makes clear the requirement for a judge's search warrant for searches on the Parliamentary Estate, and the Speaker's responsibility, on behalf of the House of Commons, to ensure that any search warrant is executed with proper respect for the functioning of parliament. The existence of the protocol was apparently not known to officers who permitted the police to search a member's office without a

warrant in the Damian Green case (see Committee on Issue of Privilege, First Report, Police Searches on the Parliamentary Estate, March 2010, HC 62)

p. 49 paragraph 1

also *US v Jefferson*, US Court of Appeals, 12/11/2008, not reported (mere incidental reference to legislative acts does not amount to using them to support a prosecution)

p. 54 after paragraph 6

For an episode of confusion, see the 144th report of the Committee of Privileges, *Statutory secrecy provisions and parliamentary privilege – an examination of certain provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009* (PP No. 127/2010). In drawing together and standardising various secrecy provisions across the taxation legislation, the bill purported to criminalise the giving of evidence to a parliamentary committee in certain circumstances. Although the bill was not dealt with before the conclusion of the 42nd Parliament in 2010, the government had circulated amendments in accordance with the committee's recommendation to address the problems created by the bill. The amendments were incorporated in a new version of the bill reintroduced and passed later in 2010 in the following Parliament.

p. 55 paragraph 4, end

For a statement by President Hogg on this point, see SD, 28/8/2008, p. 3981.

p. 57 paragraph 6, end

(see advice and correspondence tabled on 22 February 2010, J.3163).

p. 60 after paragraph 4

A reference to the Economics Committee in 2008 required it to “call for” documents in the possession of the Western Australian government, a phrase interpreted to mean that the committee would request the state government to produce the documents (28/8/2008, J.748-9).

p. 76 paragraph 1

responses by members of organisations: see also 127th report of the committee, PP No. 122/2006, adopted 21/6/2006, J.2328; 135th report, PP No. 338/2008, adopted 24/9/2008, J.940; 137th report, PP No. 5/2009, adopted 10/2/2009, J.1579; 138th report, PP No. 176/2009, adopted 14/9/2009, J.2467; 143rd report, PP No. 9/2010, adopted 4/2/2010, J.3147-48; 145th report, PP No. 133/2010, adopted 22/6/2010, J.3663; 146th report, PP No. 134/2010, adopted 22/6/2010, J.3663.

CHAPTER 3

PUBLICATION OF SENATE PROCEEDINGS

p. 80 paragraph 3, end

For an inquiry into the conduct of members of the Press Gallery as a possible contempt, see Committee of Privileges, 142nd report, PP 396/2009.

CHAPTER 4

ELECTIONS FOR THE SENATE

p. 93 paragraph 3, end

in an ultimately unsuccessful attempt to avoid the problem of unsynchronised elections for both Houses.

p. 95 paragraph 4, replace with

Claims for enrolment or transfer of enrolment may not be considered if lodged after 8 pm on the date of issue of the writs, and the rolls close on the third working day after the writs are issued. These provisions were ruled invalid by the High Court in *Rowe v Electoral Commissioner* [2010] HCA 46 and replacement legislation providing for the rolls to close seven days after the date of the writs is currently before the Parliament.

p. 97 paragraph 8, replace second sentence with

Some prisoners are excluded from voting although some of the relevant provisions of the Commonwealth Electoral Act were ruled invalid in the case of *Roach v Electoral Commissioner* (2007) HCA 43. Replacement legislation is currently before the Parliament.

p. 98 paragraph 6, replace third sentence with

Results are relayed through a computer network to the AEC's Virtual Tally Room and also to the National Tally Room in Canberra where progressive figures are displayed. Proposals to discontinue the National Tally Room have not yet eventuated.

p. 103 paragraph 3, end

An identical motion was moved by Senator Ronaldson (Shadow Special Minister of State) on 22 June 2010 and agreed to without debate (22/6/2010, J.3652).

CHAPTER 5

OFFICERS OF THE SENATE: PARLIAMENTARY ADMINISTRATION

p. 112 paragraph 1, end

In the course of attempts to form a minority government in the House of Representatives after the 2010 election, there was much debate about the Speaker's role. Unlike the President, the Speaker exercises a casting vote only. Advice on the matter by Senator Brandis SC was tabled in the Senate on 26/10/2010, J.216.

p. 115 paragraph 6

Number of temporary chairs: up to 16

p. 116 paragraph 6

The practice whereby questions could be addressed to the President was put into standing order 72 in 2009 (adopted 10/3/2009, J.1657-8).

paragraph 7, end

, if relevant amendments or requests for amendments are circulated to the parliamentary departments appropriation bill.

p. 119 paragraph 3

Duties of Deputy Clerk: the Deputy Clerk supports and deputises for the Clerk, has various corporate governance responsibilities and is responsible for information management and interparliamentary relations on behalf of the department.

p. 120 paragraph 1, last sentence

In 2010, under pressure from independent and minor party members, the minority government agreed to the establishment of an equivalent committee in the House.

CHAPTER 6

SENATORS

p. 127 paragraph 5, end

In 2010, a challenge to the election of Senator Abetz was withdrawn when it became clear that the Senator had taken all necessary steps to renounce his German nationality (*Hawkins v Abetz* [2010] HCA Trans 310; see statement by Senator Abetz, SD, 25/10/2010, p.55-60).

p. 136 paragraphs 1-3

Questions to senators and to chairs of committees at question time were abolished in 2009 (adopted 10/3/2009, J.1657-8).

CHAPTER 7

MEETINGS OF THE SENATE

p. 143 paragraph 1

A "Welcome to Country" ceremony is conducted by local Indigenous people.

p. 147 paragraph 6, end

, as occurred in 2010 when both Houses supported the inclusion of an Indigenous "Welcome to Country" ceremony before openings of Parliament. Such a ceremony had preceded the opening in 2008 (23/6/2010, J.3671).

p. 147. second last paragraph, end

, followed by an acknowledgement of country (adopted 26/10/2010, J.203).

p. 149 paragraph 2, end

(This time limit may be extended to 20 minutes on Tuesday by leave or at the end of debate: SO 54(6), adopted 10/3/2009, J.1657-8.)

CHAPTER 8

CONDUCT OF PROCEEDINGS

p. 160 paragraph 1, end

Under a temporary order agreed to in late 2010, general business orders of the day for the consideration of bills take precedence over all other business for a period of two hours and 20 minutes on Thursday mornings (adoption of Procedure Committee's Fourth report of 2010, PP305/10 22/11/2010, J.375-6). This arrangement gives effect to agreements reached after the 2010 election between the government and independent and minor party members for greater opportunities for the consideration of private members' and senators' bills. The opportunity applies only to private senators' bills with other arrangements made on a case by case basis for consideration of private members' bills received from the House (see Chapter 12, Legislation, under Proposed laws).

paragraph 2

As part of the arrangements for consideration of private senators' bills under the 2010 temporary order, the Senate meets at 10 am on Mondays and government business only is considered till 2 pm with no divisions before 12.30 pm.

paragraph 6, end

, except for the period on Thursday mornings when, under a temporary order, only general business orders of the day for the consideration of bills may be dealt with.

p. 161 paragraph 9

Precedence of Business of the Senate: except on Thursday mornings under the temporary order. (If this aspect of general business were to be dispensed with by order, the "normal" routine of business for Thursday mornings would be restored.)

p. 162 paragraph 1, end

For government business called on by leave after the conclusion of general business, see 24/6/2010, J.3775, 3776. The unsatisfactory nature of these proceedings was the subject of criticism in debate (SD, 24/6/2010, p. 4414).

p. 169 paragraph 1, end

For precedents for suspensions of standing orders moved pursuant to standing order 209 in circumstances not covered by any of the available contingent notices see proceedings on 25/11/2010, J.434, 437-9, and 26/11/2010, J.470.

- p. 169 paragraph 2
- Repeated suspensions of standing orders: ruling of President Hogg, 25/11/2010, J.439.
- p. 170 paragraph 2
- Suspensions of standing orders in committee of the whole: 26/11/2010, J.468-9.
- paragraph 3
- Suspensions moved before any business commenced: 25/11/2010, J.432-7
- p. 171 paragraph 1
- Questions to senators and chairs of committees at question time were abolished in 2009 (adopted 10/3/2009, J.1657-8).

CHAPTER 9

MOTIONS AND AMENDMENTS

- p. 177 paragraph 1, end
- In 2008 a disallowance motion was brought on early by leave and then withdrawn pursuant to notice of intention under standing order 78 (15/9/2008, J.833, 16/9/2008, J.848; see Chapter 15, Delegated legislation and disallowance, under Withdrawal of notice of motion).
- p. 177 last paragraph, end
- (For precedents, see Chapter 15, Delegated legislation and disallowance, under Withdrawal of notice of motion).
- p. 182 paragraph 2, end
- proposed rescission of disallowance motion: also 16/9/2008, J.857

CHAPTER 10

DEBATE

- p. 192 last paragraph, (c)

The 10 minute time limit may be extended to 20 minutes on Tuesday by leave or at the end of debate (SO 54(6), adopted 10/3/2009, J.1657-8).

- p. 205 paragraph 2, end

See statement by President Hogg, SD, 11/8/2009, p.4419.

- p. 216 paragraph 7

Reading of question: SD 25/11/2010, p. 2193-4.

- p. 217 paragraph 1, third sentence, end

, or where a subject is taken to replace a pronoun (28/10/2010, J.237).

CHAPTER 11

VOTING AND DIVISIONS

- p. 222 paragraph 2

Divisions taken again by leave: 28/10/2010, J.236 and J.238-9.

- p. 222 paragraph 2, before last sentence

A proposal to amend SO 104 to provide for divisions to be held automatically in these circumstances was referred to the Procedure Committee on 29 September 2010 (J.91). In its Third report of 2010 (PP No. 203/2010, adopted 28/10/2010, J.246), the Procedure Committee the committee affirmed current practice but agreed to reconsider the matter if any incident raised specific concerns. Current practice reflects the principle that the Senate, as master of its own proceedings, should have the right to determine the circumstances in which divisions are held again if necessary on case-by-case basis.

- p. 223 paragraph 5

The temporary order (no divisions after 4.30pm on Thursdays) was put into standing order 57 in 2009 (adopted 10/3/2009, J.1657-8). The temporary order for consideration of private senators' bills, adopted on 22/11/2010 (J.375-6) provides for divisions to be deferred till after 12.30 pm on Mondays.

p. 223 after paragraph 5

For a question put again by leave after a division was deferred, see 24/6/2010, J.3771, 3772.

On 11 March 2010, a division on a motion for the closure on the second reading of a private senator's bill was deferred till the next day of sitting after the discovery of formal business. Subsequently, the closure was carried and the remaining stages of the bill were dealt with on the basis that the bill was being considered under the expedited proceedings and the vote had been deferred to a time not designated for any specific category of business (11/3/2010, J.3302; 15/3/2010, J.3311-13).

p. 223 last paragraph, end

; also see statement by Senator Ludwig, SD, 17/3/2010, p. 2019).

p. 224 paragraph 3, end

For a ballot held again pursuant to order, see 17/3/2010, J.3345, 3367.

CHAPTER 12

LEGISLATION

p. 228 paragraph 6, before last sentence

The only modification to this principle occurred during a period of minority government in the 43rd Parliament. However, private members' bills passed with the support of the ministry were then dealt with as government business in the Senate. See Evidence Amendment (Journalists' Privilege) Bill 2010 introduced in the House by Mr Wilkie MP and ordered to be listed on the Notice Paper as government business, 15/11/2010, J.263.

p. 231 paragraph 2, after second sentence

(For an instance of the motion in paragraph (a) being negatived and the bills proceeding by the deliberate method, see carbon pollution reduction scheme bills 17/11/2009, J.2728-30; subsequently altered, 26/11/2009, J.2884; and 22/2/2010, J.3171-73).

p. 231 paragraph 2, after third sentence

(For an instance of the motion in paragraph (b) being negatived and the bills proceeding separately, see three private health insurance incentives bills

4/2/2010, J.3132; subsequently altered in respect of two of the bills, 22/2/2010, J.3157).

p. 232 paragraph 1

Bills taken together by subsequent motion: 4/2/2010, J.3126.

p. 239 paragraph 3

provisions of bills referred to committees in advance of their introduction into either House: 15/10/2008, J.1023-4; 14/5/2009, J.1957-8, 1966-7, 13/5/2010, J.3485

p. 239 last paragraph

Also personal property securities bill, 13/11/2008, J.1193; Australian privacy amendment legislation, 24/6/10, J.3763, 30/9/10, J.160.

p. 242 paragraph 3

National Rental Affordability Scheme Bill 2008 and an associated bill, 13/11/2008, J.1213

p. 243 paragraph 4, replace

Referral of bills may take place at any stage with recent trends indicating that most referrals occur at the earliest possible stage (usually soon after introduction in either House but sometimes contingent on a bill's introduction).

p. 253 paragraph 7, end

Simple method for recommittal after third reading: 4/2/2010, J.3145-47.

p. 258 paragraph 4, end

see also customs and excise bills, 18/3/2009, J.1761-2; Fair Work Bill 2008, 19/3/2009, J.1866-8; Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, 24/11/2009, J.2842-4.

p. 258 paragraph 5, end

(statement by President Hogg in respect of the Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009, 24/11/2009, J.2846).

p. 264 paragraph 3, end

also luxury car tax bills, 17/9/2008, J.872; Social Security Legislation Amendment (Employment Services Reform) Bill 2008, 4/2/2009, J.1525

p. 265 paragraph 3

private senator's bill given precedence: Urgent Relief for Single Age Pensioners Bill 2008, 22/9/2008, J.889-90; Independent Reviewer of Terrorism Laws Bill 2008 [No. 2], 11/11/2008, J.1131-2

p. 265 after paragraph 3

On 13 May 2009 government legislation to establish the National Broadband Network was postponed until the government produced information required by an order of the Senate (13/5/2009, J.1934; 25/6/2009, J.2194).

On 23 and 25 June 2009, the non-government parties in the Senate gave precedence over the government's Carbon Pollution Reduction Scheme legislation to several other government bills, and postponed the former to the next period of sittings, while specifying the day on which it would finally be dealt with (23/6/2009, J.2146; 25/6/2009, J.2195-8).

On 23 November 2009, the Health Insurance Amendment (Compliance) Bill 2009 was brought on by the non-government senators and given precedence over other business, against the wishes of the government, to allow amendments to be moved to it (J.2810-11). The message containing the government's rejection of the amendments was also brought on by the non-government senators on 26 November 2009 (J.2896-7).

p. 267 paragraph 6, end

Special orders for consideration of bills: 23/6/2010, J.3690 (moved by an Opposition senator), 25/11/2010, J.435-7.

For special orders in relation to private senators' bills, see 25/2/2010, J.3227-28; 22/6/2010, J.3650.

Such orders are drafted to apply as if they were limitations of debate under standing order 142. Motions to suspend standing orders pursuant to contingent notices based on standing order 142 have been accepted in relation to these special orders (see proceedings on the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2010, 25-26/11/2010).

CHAPTER 13

FINANCIAL LEGISLATION

p. 273 after paragraph 4

Where a statute contains a standing and indefinite appropriation of money for the purposes of the statute, for example, to pay for entitlements conferred on recipients of benefits, a bill which alters the terms of the statute may lead to increased expenditure from the appropriation, but is clearly not an appropriation bill as such; if such a bill were to be so misclassified as an appropriation bill, there would be no principled way of distinguishing it from many other bills which lead to increased expenditure but do not appropriate the money. In spite of this, the government in 2008, wishing to resist a private senator's bill passed by the Senate, claimed that it was "unconstitutional" in extending pension entitlements, and suppressed debate on both this claim and the bill itself in the House of Representatives. (Urgent Relief for Single Age Pensioners Bill 2008; see Clerk's advice to senators, SD, 24/9/2008, pp 5528-30; see also below under When requests are required: (c) proposed charge or burden.) The same objections were raised in 2010 in relation to the Social Security Amendment (Income Support for Regional Students) Bill (see correspondence between the Leader of the Government in the Senate and the President of the Senate, tabled 17/11/2010, J.324, and Clerk's submission on the bill to the Education, Employment and Workplace Relations Legislation Committee).

On 12 November 2008 the government circulated in the Senate government amendments to be moved to a bill, including an amendment to insert a standing appropriation into the bill. When it was pointed out by Senate officers that moving such an amendment would involve initiating an appropriation in the Senate, the amendment was withdrawn from circulation (Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008).

p. 275 paragraph 1, end

The purposes for which appropriations may be made, however, may yet be limited by the Constitution: *Pape v Commissioner of Taxation*, [2009] HCA 23.

p. 275 after paragraph 5

In 2009, as part of its legislation to deal with the global financial crisis, the government presented, and the Senate passed, an amendment of the Commonwealth Inscribed Stock Act giving the government a permanent authority to borrow money by issuing bonds. The Senate, however, amended legislation providing a Commonwealth guarantee of state and territory borrowings to require that a register of all government borrowings be established (18/6/2009, J.2111-2).

p. 283 paragraph 1, end

also luxury car tax bills, SD, 22/9/2008, p. 5274; excise (condensate) bills, SD, 25/9/2008, p. 5638; road charges bills, SD, 3/12/2008, p. 7989 (government amendments circulated as amendments).

p. 287 paragraph 2, before last sentence

A similar amendment was passed to the additional appropriation bills in 2009 (19/3/2009, J.1865, 1868-9). In a 2009 response to the 2007 report of the Finance and Public Administration Committee on the transparency and accountability of Commonwealth public funding and expenditure, the government “noted” the committee’s recommendation that the matter of ordinary annual services be resolved (SD, 11/8/2009, p. 4483). A resolution passed on 16 September 2009 required the Minister for Finance and Deregulation to respond to the reports of the Appropriations and Staffing Committee and the Finance and Public Administration Committee by 16 November 2009 (16/9/2009, J.2511). In its 50th report (PP No. 129/2010), the Appropriations and Staffing Committee reported that the minister had responded as ordered, indicating that the government saw no need to change its position. The committee recommended that the Senate reassert its position in a consolidated resolution which was agreed to on 22 June 2010 in the following terms:

That, in accordance with the recommendation made in the 50th Report of the Appropriations and Staffing Committee, the Senate resolves:

- (1) To reaffirm its constitutional right to amend proposed laws appropriating revenue or moneys for expenditure on all matters not involving the ordinary annual services of the Government.
- (2) That appropriations for expenditure on:
 - (a) the construction of public works and buildings;
 - (b) the acquisition of sites and buildings;
 - (c) items of plant and equipment which are clearly definable as capital expenditure (but not including the acquisition of computers or the fitting out of buildings);
 - (d) grants to the states under section 96 of the Constitution;
 - (e) new policies not previously authorised by special legislation;
 - (f) items regarded as equity injections and loans; and
 - (g) existing asset replacement (which is to be regarded as depreciation),

are not appropriations for the ordinary annual services of the Government and that proposed laws for the appropriation of revenue or moneys for expenditure on the said matters shall be presented to the Senate in a separate appropriation bill subject to amendment by the Senate.

- (3) That, in respect of payments to international organisations:
 - (a) the initial payment in effect represents a new policy decision and therefore should be in Appropriation Bill (No. 2); and
 - (b) subsequent payments represent a continuing government activity of supporting the international organisation and therefore represent an ordinary annual service and should be in Appropriation Bill (No. 1).
- (4) That all appropriation items for continuing activities for which appropriations have been made in the past be regarded as part of ordinary annual services.

(J.3642-43).

While the then Finance minister indicated that the government saw no reason to change its position, agreements made between the minority government and independent and minor party members following the 2010 election noted the Senate's resolution and included commitments from all parties to work towards implementing it (Finance minister's response tabled 28/9/2010, J.41; 'Agreement for a better parliament – parliamentary reform' tabled in the House of Representatives 20/10/2010, V&P.99).

p. 295 paragraph 2

Government amendments to the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Bill 2008 were also moved as amendments on this principle (1/12/2008, J.1349-50, 1362).

p. 295 paragraph 4, end

Statements by Chair of Committees when requests dealt with as amendments: Crimes Legislation Amendment (Serious and Organised Crime) Bill (No. 2) 2009, SD, 4/2/2010, p. 459.

p. 303 paragraph 1, end

These bills were eventually rejected, after the taxes had been collected for almost a year (18/3/2009, J.1761-3, 1774-6). Bills to validate the collection of the taxes during their first year were subsequently passed, but the government continued to collect the taxes thereafter (13/5/2009, J.1925-6).

p. 308 paragraph 1, end

For an example of this, see customs and excise bills, 18/3/2009, J.1761-3, 1774-6.

p. 312 paragraph 3, end

In 2008 the Community Affairs Committee was directed to hold “cross-portfolio” estimates hearings on Indigenous affairs (26/8/2008, J.683), a practice which has subsequently been followed.

CHAPTER 15

DELEGATED LEGISLATION AND DISALLOWANCE

- | | | |
|--------|-----------|--------------------------|
| p. 327 | Year | Disallowable Instruments |
| | 2008-2009 | 3404 |
| | 2009-2010 | 2468 |
- p. 330 paragraph 6
- On 24 June 2009, an Opposition senator tabled by leave ministerial directions under the *Building and Construction Industry Improvement Act 2005*, and then gave notice of motion to disallow the directions, which were subsequently disallowed (24/6/2009, J.2169, 2171; 25/6/2009, J.2202).
- p. 338 paragraph 1, end
- For a fresh notice to disallow an instrument in its entirety given in place of a notice to disallow part of the instrument, see Notice Papers 22/6/2010, p. 2; 23/6/2010 pp. 2 and 4.
- p. 339 paragraph 1
- Senators taking over disallowance motions: 8/9/2009, J.2413.
- p. 339 paragraph 1, end
- For a senator taking over a disallowance motion from another senator, see 15/9/2009, J.2491.
- p. 339 paragraph 2, end
- For an example of a notice sought to be withdrawn on the last day by leave and then taken over by another senator, see 26/11/2010, J.482.
- p. 339 after paragraph 2
- For notice of a disallowance motion brought on early by leave and then withdrawn pursuant to notice of intention, see 15/9/2008, J.833; 16/9/2008, J.848.
- p. 339 paragraph 3, end
- (24/11/2009, J.2834)

p. 341 paragraph 4

Disallowance withdrawn on the basis of ministerial undertaking: 26/11/2010, J.482, SD, pp. 2413-4.

p. 342 paragraph 3, end

proposed rescission of disallowance motion: also 16/9/2008, J.857

p. 342 after paragraph 3

On 9 March 2010 the government withdrew a notice of motion to permit the remaking of Aviation Transport Security Amendment Regulations which the Senate disallowed on 10 September 2009, the six month moratorium on remaking regulations the same in substance having expired. The regulations were remade and subsequently disallowed again on 24/6/2010 (J.3772).

p. 343 after paragraph 1

In 2009 the effect of disallowing an item in the table of Medicare rebates was the subject of Senate consideration. Disallowance of an individual item does not revive the preceding item unless the whole of the regulations are disallowed. This is because the regulations repeal the previous regulations and disallowance of this provision is necessary to trigger the revival. In any case, as these particular regulations expire annually by force of statute, disallowance of the whole regulation would result in temporary revival only. If an item is disallowed then, without any other action, a gap is left in the rebate tables in respect of the item. The non-government parties sought to address the problem with a bill to provide that the disallowance of any item would revive the previous item (Health Insurance Amendment (Revival of Table Items) Bill 2009) (28/10/2009, J.2654-6). Although the bill was passed by the Senate, debate on it was suppressed in the House of Representatives, the government claiming it had legal advice that the bill was 'unconstitutional'. Neither the advice nor the grounds for this view have been disclosed.

CHAPTER 16

COMMITTEES

p. 357 after paragraph 1

An unusual order passed by the Senate on 14 May 2009, in referring legislation to committees before its introduction into either House, empowered the Selection of Bills Committee to vary the references (14/5/2009, J.1957-8; 15/6/2009, J.1989-90). A further refinement to the order, agreed to on 13 May 2010 (J.3485-86), removed the Selection of Bills Committee from the process and left it to

individual committees to determine, by unanimous resolution, which bills did not require examination because they raised no substantive issues. For examples of reports to this effect see 15/6/2010, J.3530-33, 3557-59.

pp 360-2 The Senate on 13 May 2009, on the recommendation of the Procedure Committee, restructured the legislative and general purpose standing committees to return to the system of dual committees which was in operation from 1994 to 2006. As under that previous structure, each of the standing committees have two versions in their subject area, with a legislation committee with a government party majority and a government party chair, and a references committee with a non-government majority and a non-government chair. The legislation committees inquire into bills, conduct the estimates hearings and carry out the continuing oversight of government departments and agencies, while the references committees inquire into other matters referred to them by the Senate. (13/5/2009, J.1942-6)

p. 366 after paragraph 1

Since the restructuring of the committee system in 1994, there has been an unofficial agreement about the number of select committees in operation at any one time. Though non-binding, the agreement was reiterated in 2009 when the committee structure returned to the 1994 arrangements. (See reports of the Procedure Committee: First report of 1994, PP No. 146/1994; Second report of 2009, PP No. 62/2009).

In acknowledgement of this informal understanding, the Select Committee on the Reform of the Australian Federation was established on 17 March 2010 (J.3362-63) to be appointed at the conclusion of the Select Committee on the National Broadband Network (which presented its final report on 17 June 2010 (J.3593)), (but see remarks by Senator Milne regarding the pressure of committee work in relation to a motion extending the reporting date of the former committee, SD, 17/11/2010, p. 1512).

p. 367 paragraph 3, end

In 2008 the Community Affairs Committee was directed to hold “cross-portfolio” estimates hearings on Indigenous affairs (26/8/2008, J.683). Such hearings are now a regular feature of the estimates cycle.

p. 370 paragraph 3, end

Similarly, standing order 25(13) which discourages legislative and general purpose standing committees from inquiring into matters being examined by select committees cannot prevent questions being asked at estimates hearings about such matters because such questions are not, in themselves, inquiries and the estimates hearings are intended to cover “particulars of proposed expenditure”, subject only to the test of relevance.

p. 372 list of joint statutory committees
Replace Australian Crime Commission with Law Enforcement

list of joint standing committees
Add Parliamentary Library

p. 375 paragraph 5

temporary substitute members of committees: this procedure was put into standing order 25 in 2009 (adopted 10/3/2009, J.1657-8).

p. 380 paragraph 1

Witnesses ordered to appear before committees: 28/10/2009, J.2661-62; 13/5/2010, J.3494).

p. 380 paragraph 5, end

For example, on two occasions, in 1985 and 2009, when questions were asked at estimates about the salaries of ABC television presenters, this information, regarded as commercially sensitive, was subsequently provided as in camera evidence in the course of other inquiries. See ABC Employment Contracts and their Confidentiality, PP No. 432/1986.

p. 383 paragraph 4

directions to committees: also 26/8/2008, J.683; 28/10/2009, J.2661-62; 13/5/2010, J.3494.

p. 385 after paragraph 5

In 2009, the Senate tried an unusual method of referring bills before their introduction in either House (see under 'Selection of Bills Committee') to provide for adequate consideration of bills introduced in the House of Representatives during the Budget estimates hearings that were required to come into operation on or before 1 July. A modified arrangement was tried in 2010 with individual committees able to determine unanimously which bills did not warrant inquiry. While unusual, these orders allowed legislation committees to maximise the opportunities for consideration of time critical bills.

p. 393 second last paragraph

(Also see Committee of Privileges, 142nd report, PP No. 396/2009, pp. 29-34).

p. 405 after paragraph 1

In 2010, unusual proceedings occurred during consideration by the Foreign Affairs, Defence and Trade Legislation Committee of the Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 [No. 2]. The committee did not hold public hearings, claiming that the topic had been under debate for several decades and submissions to the inquiry raised no new issues. The bill's

proponent, a member of the committee, took the unusual step of convening a private forum on the bill and inviting experts (some of whom had made submissions to the inquiry) to present their views on the bill. Participants were warned that the forum was not part of official proceedings and may not attract parliamentary privilege at the time but a transcript was taken and included in the senator's dissenting report, meaning that subsequent publication of it in that form does attract privilege. (For other examples of "private inquiries", see Procedural Information Bulletin No. 216, 21/9/2007).

p. 406 paragraphs 2-5

Questions to chairs of committees were abolished in 2009 (adopted 10/3/2009, J.1657-8).

CHAPTER 17

WITNESSES

p. 416 after paragraph 3

On 28 October 2009 the Senate agreed to an instruction that the President of Fair Work Australia appear at the next round of estimates hearings and at all future hearings where estimates for Fair Work Australia are involved. This followed the President effectively declining to appear on the basis of his status as a judge of the Federal Court. It was pointed out in advice from the Clerk that the President is not a judicial officer when performing his functions as head of Fair Work Australia and, in any event, there is no rule that judges could not be required to appear where appropriate (28/10/2009, J.2661-2). An attempt to relax the order on 23 June 2010 was unsuccessful (J.3684-85).

p. 425 second last paragraph

Witnesses ordered to appear before committees: 28/10/2009, J.2661-2; 13/5/2010, J.3494.

p. 426 paragraph 1, after first sentence

(See the case of the President of Fair Work Australia, also a judge of the Federal Court, p. 416).

p. 426 paragraph 3, end

For an example of a committee reporting on a refusal by a senator to appear, see report of the Environment, Communications and the Arts References Committee, *Energy Efficient Homes Package (ceiling insulation)*, dated July 2010, p. 4 (PP No. 174/2010).

p. 431 after paragraph 6

In 2010, following a recommendation of the Foreign Affairs, Defence and Trade References Committee, the Senate referred to the Privileges Committee the adequacy of advice contained in the guidelines for officials considering participating in a parliamentary committee, whether in a personal capacity or otherwise (23/6/2010, J.3687).

p. 432 paragraph 2, end

(See the case of the President of Fair Work Australia, also a judge of the Federal Court, p. 416).

CHAPTER 18

DOCUMENTS TABLED IN THE SENATE

p. 440 paragraph 7, end

In 2010, DVDs with footage of the sinking of SIEV 36 were tabled pursuant to a ministerial undertaking (25/2/2010, J.3227) while maps showing forest cover were also provided on DVD in response to an order for production of documents because it was not possible to print the maps at the required high resolution (18/3/2010, J.3401).

p. 441 paragraph 8, end

and images of tabled documents are published on the internet.

p. 442 paragraph 3

Orders for production of documents:

Parliament of 2004-07* 21 agreed to, 7 not complied with

Parliament of 2008-10 63 agreed to, 33 not yet complied with

* includes a period when the government had a majority in the Senate

p. 443 second last paragraph

list of orders for production of answers to questions on notice: 26/10/2009, J.2564-5.

p. 444 paragraph 5

reports by the Australian Competition and Consumer Commission in response to orders: 11/2/2009, J.1594; report and documents by the Productivity Commission in response to order 11/8/2009, J.2235).

For a request (rather than an order) directed to a joint committee to produce a document in the possession of the committee, see 20/8/2009, J.2362-3. The resolution took the form of a request because an instruction to a joint committee would otherwise require the agreement of both Houses.

p. 444 after paragraph 5

An order passed on 25 June 2009 requested the government to commission the Productivity Commission to produce a report on some aspects of the government's carbon pollution reduction scheme legislation, and ordered that information already in the possession of the Commission be produced (25/6/2009, J.2192-3). The information was produced, although the government did not make the reference.

In 2010 a further order directed to the Productivity Commission required it to produce a report on default superannuation funds for the purpose of industrial awards or agreements (16/11/2010, J.301-2). Orders were also directed to the newly established Information Commissioner for the production of assessments of the adequacy of the government's reasons for not complying with orders on aspects of the proposed mining tax and variations to the GST agreements with the states. When, in relation to the mining tax orders, the Information Commissioner indicated his view that he was not empowered by his statute to perform the function asked of him by the Senate (or by the agreements on parliamentary reform), the Senate passed a declaratory resolution on 22 November 2010 drawing attention to its powers under the Constitution and the lack of any legislative constraint on those powers in the Information Commissioner's enabling statute (for orders, see 26/10/2010, J.206-8, 23/11/2010, J.395-6; for Information Commissioner's response, see 15/11/2010, J.280; declaratory resolution 22/11/2010, J.367). The matter remains unresolved.

p. 445 paragraph 2, end

In 2009 correspondence tabled from ministers in the Health and Ageing portfolio indicated a misconception about this provision by claiming that it effectively grants a 30 day extension on every order for documents (20/8/2009, J.2372; 23/11/2009, J.2816). Repetition of the claim suggested the misconception would continue to be used as an excuse for non-compliance and when this occurred again in 2010, the President wrote to the minister concerned correcting the misinterpretation. The correspondence was tabled in the Senate (17/6/2010, J.3607).

p. 448 paragraph 6, end

In 2010, the Joint Committee on Publications presented a report recommending that the parliamentary departments develop a digital repository for the

Parliamentary Papers Series to address concerns about wider and long-term access (PP No. 160/2010). A response from the Presiding Officers agreeing to the recommendations in principle was tabled in the House of Representatives on 25/11/2010, V&P.260 (not yet tabled in the Senate).

CHAPTER 19

RELATIONS WITH THE EXECUTIVE GOVERNMENT

p. 467 after fifth dot point

- 23/2/2010, J.3179-81. The government was censured for systematic failures in the delivery of climate change programs, including home insulation, green loans, solar rebates, renewable remote power generation and renewable energy targets.

p. 469 after paragraph 4

The Senate passed on 13 May 2009 an order setting out the process to be followed by public sector witnesses who believe that they have grounds for withholding information from Senate committees. In essence, the order requires that witnesses state recognised public interest grounds for withholding information and, at the request of a committee or any senator, refer the matter to the responsible minister, who is also required to state recognised public interest grounds for any claim to withhold the information (13/5/2009, J.1941-2). The Procedure Committee reviewed the operation of the order, suggesting there was evidence of a lack of acquaintance with it during the 2009 Budget estimates hearings and indicating that further steps would be taken to bring it to the attention of departments and agencies. (Procedure Committee, Third report of 2009, PP No. 168/2009). A subsequent report indicated there was still a lack of understanding of the order (Procedure Committee, Fourth report of 2009, PP No. 320/2009). On 16 November 2009, following the tabling of documents relating to the National Broadband Network and the withholding of many on various grounds of public interest immunity, the Senate referred to the Finance and Public Administration References Committee a process for determining such claims (16/11/2009, J.2709-10). The committee's report did not at this time support the proposed process for third party arbitration. Subsequently, however, this mechanism received renewed support in the various agreements on parliamentary reform, entered into after the 2010 election, but is yet to be implemented.

p. 487 after paragraph 5

The persistence of ministers and officers in declining to answer questions at estimates hearings without properly raising recognised public interest grounds led to the resolution of the Senate of 13 May 2009 prescribing the process to be followed by public sector witnesses who believe they have grounds for

withholding information (13/5/2009, J.1941-2, see Claims by the executive of public interest immunity above). Observation of the resolution was not achieved at the subsequent estimates hearings, indicating a lack of understanding of the principle involved, that claims to withhold information from Senate committees require a statement of public interest grounds that can be considered by the committee and the Senate.

p. 488 paragraph 1

For an example of questions in a committee about the content of legal advice, and answers provided, see Environment, Communications and the Arts Committee, estimates hearing, 23/2/2009, transcript, pp 149-53.

p. 488 paragraph 1, end

One reason sometimes advanced for not disclosing legal advice is that disclosure of the advice may prejudice the Commonwealth's position in future legal proceedings. Such a claim was made in respect of the legal advice relating to the Health Insurance Amendment (Revival of Table Items) Bill 2009 and its alleged unconstitutionality, apparently on the basis of its contravention of section 53 (see Chapter 15, Delegated legislation and disallowance under Disallowance of a repealing instrument). As section 53 of the Constitution is not justiciable, the claim clearly has no foundation in this case as there cannot be any legal proceedings on the matter (18/11/2009, J.2768; SD, pp 8255-60).

p. 488 after paragraph 1

The claim that documents could not be produced to a committee because they were not published, a vacuous claim, as committees would not be likely to seek information already published, was repudiated in a resolution passed in February 2009 (4/2/2009, J.1541-2).

p. 488 paragraph 2, end

In 2010, correspondence which had been "declassified" (by having the cabinet-in-confidence security marking ruled through) was tabled in the Senate in response to an order for documents relating to the problematic home insulation scheme. It was stated that the documents were being released because their contents were now largely in the public domain.

p. 489 after paragraph 4

On 13 May 2009 government legislation to establish the National Broadband Network was postponed until the government produced information required by an order of the Senate (13/5/2009, J.1934; 25/6/2009, J.2194). The bill was subsequently discharged from the Notice Paper but a second bill was introduced and also postponed in accordance with the same order (15/9/2009, J.2486; 2490-1).

A resolution passed by the Senate on 17 June 2009 set out the history of attempts by the Select Committee on Fuel and Energy, supported by orders for documents passed by the Senate, to extract from the government information on computer modelling on climate change (J.2090-2). A further resolution on 25 June 2009 declared the government contemptuous for failing to produce this information (J.2189). This action coincided with the postponement of the government's carbon pollution reduction scheme legislation.

pp 490 paragraph 3, ff

Question time: in November 2008 the Senate adopted, on a trial basis, new procedures for question time, involving a two minute time limit on answers to primary questions, two supplementary questions allowed to the questioner, and a requirement for direct relevance in the answers (Procedure Committee, Third report of 2008, PP No. 500/2008; 13/11/2008, J.1206; 4/12/2008, J.1421). The trial was further modified on 25 November 2009 by the adoption of a 30 second time limit on the asking of supplementary questions (Procedure Committee, Fourth report of 2009, PP No. 320/2009, 25/11/2009, J.2872. See also Procedure Committee, Third report of 2010, PP No. 203/2010, adopted 28/10/2010, J.246). For debate on the application of the requirement for answers to be directly relevant, see SD, 17/11/2010, pp 1409, 1487-1501.

p. 490 paragraph 3

Questions to chairs of committees and other senators who are not ministers were abolished in 2009 (adopted 10/3/2009, J.1657-8).

APPENDIX 3

COMMITTEE OF PRIVILEGES REPORTS

p. 648

REPORT	DATE MATTER REFERRED	REFERRED BY	DATE REPORT TABLED	FINDINGS/ RECOMMENDATIONS	ACTION BY SENATE
Persons referred to in the Senate – Certain persons on behalf of the Exclusive Brethren Christian Fellowship (No.135) PP No. 338/2008	17/09/2008	President	24/09/2008 (J.940)	Recommendation That the response by certain persons on behalf of the Exclusive Brethren be incorporated in <i>Hansard</i>	Report adopted 24/09/2008 (J.940)

Persons referred to in the Senate – Mr Barry Williams, President of the Lone Fathers Association of Australia Inc. (No. 136) PP No. 4/2009	3/02/2009	President	10/02/2009 (J.1579)	Recommendation ▪ That the response by Mr Barry Williams be incorporated in <i>Hansard</i>	Report adopted 10/02/2009 (J.1579)
Persons referred to in the Senate – Mr Anthony and Mrs Brenda Bird, members of the Exclusive Brethren (No. 137) PP No. 5/2009	17/09/2008	President	10/02/2009 (J.1579)	Recommendation ▪ That the response by Mr and Mrs Bird be incorporated in <i>Hansard</i>	Report adopted 10/02/2009 (J.1579)
Persons referred to in the Senate – The Medical Council of Tasmania (No.138) PP No. 176/2009	26/8/2009	President	14/09/2009 (J.2467)	Recommendation ▪ That response be incorporated in <i>Hansard</i>	Report adopted 14/09/2009 (J.2467)
Persons referred to in the Senate – Mr Alan Cummine (No.139) PP No. 192/2009	16/10/2009	President	26/10/2009 (J.2579)	Recommendation ▪ That response be incorporated in <i>Hansard</i>	Report adopted 26/10/2009 (J.2579)
Persons referred to in the Senate – Mr Richard Stanton (No.140) PP No. 301/2009	16/10/2009	President	29/10/2009 (J.2693)	Recommendation ▪ That response be incorporated in <i>Hansard</i>	Report adopted 29/10/2009 (J.2693)
Possible interference with, or imposition of a penalty on, a witness before the Legal and Constitutional Affairs References Committee (No.141) PP No. 318/2009	10/09/2009	Senate: President determined precedence 9/09/2009 (J.2419). Motion moved by Senator Barnett and agreed to	23/11/2009 (J.2817)	No contempt should be found but Chairs' Committee to consider adequacy of information provided to witnesses	Motion relating to findings and recommendation still before Senate
Matters arising from the Economics Legislation Committee hearing on 19 June 2009 (referred 24 June and 12 August 2009) (No.142) PP No. 396/2009	24/06/2009 and 12/08/2009	Senate: President determined precedence 23/06/2009 (J.2161-2) and 11/08/2009 (J.2221-2). Motions moved by Senator Heffernan and Senator Evans and agreed to	25/11/2009 (J.2873)	Extensive findings on two references including that Mr Grech's state of health prevented an assessment of his culpability, necessary for a finding of contempt. Matters arising to be considered by the President and the Chairs' Committee	Motion relating to findings and recommendations still before Senate

Persons referred to in the Senate – Vicki Dunstan on behalf of the Church of Scientology (No.143) PP No. 9/2010	11/01/2010	President	4/2/2010 (J.3147)	Recommendation That the response be incorporated in <i>Hansard</i>	Report adopted 4/2/2010 (J.3147-48)
Statutory secrecy provisions and parliamentary privilege – an examination of certain provisions of the Tax Laws Amendment (Confidentiality of Taxpayer Information) Bill 2009 (No.144) PP No. 127/2010	18/3/2010	Senate: Motion moved by Senator Brandis (Chair) and agreed to	4/6/2010 out of session, 15/6/2010 (J.3532)	Recommendation - That the bill be amended to remove provisions limiting parliamentary privilege - That the Procedure Committee consider adequacy of existing procedural safeguards - That the Clerk offer parliamentary training to Tax Office staff	Government amendments to bill implementing recommendations still before the Senate
Persons referred to in the Senate – Mr Geordie Guy on behalf of Electronic Frontiers Australia Inc. (No.145) PP No. 133/2010	7/04/2010	President	22/6/2010 (J.3663)	Recommendation That the response be incorporated in <i>Hansard</i>	Report adopted 22/6/2010 (J.3663)
Persons referred to in the Senate – Ms Vicki Dunstan on behalf of the Church of Scientology Australia (No.146) PP No. 134/2010	11/05/2010	President	22/6/2010 (J.3663)	Recommendation That the response be incorporated in <i>Hansard</i>	Report adopted 22/6/2010 (J.3663)
The adequacy of advice contained in the Government Guidelines for Official Witnesses before Parliamentary Committees and Related Matters for officials considering participating in a parliamentary committee whether in a personal capacity or otherwise	23/6/2010	Senate	28/9/2010 (J.37) (interim)		

APPENDIX 4
MATTERS OF PRIVILEGE RAISED AND RULINGS OF THE PRESIDENT

p. 656

DATE AND JOURNAL REFERENCE	SENATOR	SUBJECT	RULING RE DETERMINATION OF PRECEDENCE
23/6/2009 J.2161-2	Heffernan	Whether any adverse action was taken against Mr Godwin Grech in consequence of his evidence before the Economics Legislation Committee on 19 June 2009	Given
24/6/2009 J.2181	Ludwig	Whether any false or misleading evidence was given to the Economics Legislation Committee on 19 June 2009 and whether there was any improper interference with the proceedings of the committee, or misleading of the committee, by use of a false document	Given, but motion to refer matter to committee rejected (25/6/2009, J.2194-5)
11/8/2009 J.2221-22	Evans	Whether false or misleading evidence was given to the Economics Legislation Committee on 19 June 2009 and whether there was any improper interference with the proceedings of the committee or misleading of the committee by use of a false document	Given
11/8/2009 J.2221-2	Fielding	Whether there was manipulation of evidence to the Economics Legislation Committee on 19 June 2009 or to the Standing Committee on Economics on 22 October 2008 by pre-arrangement of questions and answers	Given, but motion to refer matter to committee rejected (12/8/2009, J.2279-80)
7/9/2009 J.2381	Milne	Whether false or misleading evidence had been given to the committees examining the Carbon Pollution Reduction Scheme legislation by corporations who gave different assessments to their shareholders and the market	Not given

DATE AND JOURNAL REFERENCE	SENATOR	SUBJECT	RULING RE DETERMINATION OF PRECEDENCE
9/9/2009 J.2419	Senator Barnett, Chair of the Legal and Constitutional Affairs References Committee	Whether there was any improper interference with or imposition of a penalty on a witness before the Legal and Constitutional Affairs References Committee	Given

APPENDIX 5

PRIVATE SENATORS' BILLS WHICH HAVE PASSED THE SENATE SINCE 1901

p. 667

Urgent Relief for Single Age Pensioners Bill 2008

Introduced by: Senator Coonan
Date passed by Senate: 22 September 2008

Independent Reviewer of Terrorism Laws Bill 2008 [No. 2]

Introduced by: Senators Troeth and Humphries
Date passed by Senate: 13 November 2008

Health Insurance Amendment (Revival of Table Items) Bill 2009

Introduced by: Senators Cormann, Fielding and Xenophon
Date passed by Senate: 28 October 2009

Food Importation (Bovine Meat Standards) Bill 2010

Introduced by: Senators Colbeck and Joyce
Date passed by Senate: 15 March 2010

Wild Rivers (Environmental Management) Bill 2010 [No. 2]

Introduced by: Senator Scullion
Date passed by Senate: 22 June 2010

APPENDIX 6

LIST OF BILLS IN WHICH THE SENATE HAS MADE REQUESTS FOR AMENDMENTS AND RESULTS OF SUCH REQUESTS

p. 708

HRD page(s) on which Senate requests appear	Date	Title of Bill and Nature of Request	How Disposed Of
8404-8407	24.9.08	Tax Laws Amendment (Luxury Car Tax) Bill 2008 — One requested amendment to reduce the luxury car tax applicable to fuel-efficient cars; one requested amendment to provide for a four-year sunset clause in relation to the indexation method; one requested amendment to specify that the tax does not apply retrospectively to contracts entered into before 7.30pm on 13 May 2008; and one requested amendment to provide exemptions for primary producers and tourism operators from the tax	Requested amendments made
8698-8699	25.9.08	Excise Legislation Amendment (Condensate) Bill 2008 — One requested amendment to change the commencement clause; three requested amendments to provide for the determination of VOLWARE prices for condensate; three requested amendments to implement transitional arrangements for the setting of VOLWARE prices; one requested amendment to extend the period of grace applicable to licensed producers of condensate; and one requested amendment to provide a transitional period for licensing purposes	Requested amendments made
8700-8701	25.9.08	Excise Tariff Amendment (Condensate) Bill 2008 — One requested amendment to change the commencement clause; one requested amendment to remove condensate from the definition of relevant accumulation; and one requested amendment to extend the period of grace applicable to licensed producers of condensate	Requested amendments made

HRD page(s) on which Senate requests appear	Date	Title of Bill and Nature of Request	How Disposed Of
9487-9493	20.10.08	Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 — Eight requested amendments to increase the number of individuals eligible to access the de facto property settlement and spouse maintenance regime; and 12 consequential requested amendments (both requests and amendments were made to this bill)	Requested amendments made
11050-11055	24.11.08	Same-Sex Relationships (Equal Treatment in Commonwealth Laws— Superannuation) Bill 2008 — Two requested amendments to increase the number of individuals eligible to access reversionary superannuation benefits (both requests and amendments were made to this bill)	Requested amendments made
11250-11259	25.11.08	Same-Sex Relationships (Equal Treatment in Commonwealth Laws— General Law Reform) Bill 2008 — Two requested amendments to increase the number of individuals eligible to access child support (both requests and amendments were made to this bill)	Requested amendments made
12690-12691	4.12.08	Road Charges Legislation Repeal and Amendment Bill 2008 — Eight requested amendments relating to the determination of the rate of road user charge; one requested amendment to specify that the road charge is not indexed by regulation; one requested amendment to provide that the road charge is determined only once each financial year; and one requested amendment to provide for a review of the Heavy Vehicle Safety and Productivity Program	Requested amendments made
12716-12717	4.12.08	Temporary Residents' Superannuation Legislation Amendment Bill 2008 — Three requested amendments to make interest payable by the Commissioner of Taxation for certain unclaimed superannuation	Requested amendments made
2911-2914	17.3.09	Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 — 18 requested amendments to validate the customs duty collected on 'alcopops' between 27 April 2008 and royal assent	Requested amendments not made. Senate did not press requests

HRD page(s) on which Senate requests appear	Date	Title of Bill and Nature of Request	How Disposed Of
2918	17.3.09	Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 — Two requested amendments to validate the excise duty collected on ‘alcopops’ between 27 April 2008 and royal assent	Requested amendments not made. Senate did not press requests
3960	14.5.09	Employment and Workplace Relations Amendment Bill 2008 — Three requested amendments to make death benefits retrospectively payable to dependent children in the event of a work-related death (both requests and amendments were made to this bill)	Requested amendments made
13268-13269	2.12.09	Carbon Pollution Reduction Scheme (CPRS Fuel Credits) Bill 2009 [No. 2] — Six requested amendments to extend eligibility for the CPRS fuel credits program to the forestry industry; and seven consequential requested amendments	Requested amendments made
13269-13270	2.12.09	Carbon Pollution Reduction Scheme Amendment (Household Assistance) Bill 2009 [No. 2] — Two requested amendments to lower the income threshold to extend eligibility to the FTB combined supplement (both requests and amendments were made to this bill)	Requested amendments made
2854-2855	17.3.10	Social Security and Family Assistance Legislation Amendment (Weekly Payments) Bill 2010 — One requested amendment to delay the start date of education participation requirements for family tax benefit; and one consequential requested amendment	Requested amendments made
2777-2778	17.3.10	Social Security and Other Legislation Amendment (Income Support for Students) Bill 2009 [No. 2] — One requested amendment to extend eligibility for student start-up scholarship and relocation scholarship payments; and one requested amendment to provide higher education assistance to certain rural and regional students (both requests and amendments were made to this bill)	Requested amendments made

HRD page(s) on which Senate requests appear	Date	Title of Bill and Nature of Request	How Disposed Of
5755	17.6.10	Paid Parental Leave Bill 2010 — Two requested amendments to expand the eligibility criteria for parental leave pay; and two consequential requested amendments (both requests and amendments were made to this bill)	Requested amendments made

APPENDIX 7
CASUAL VACANCIES IN THE SENATE

p. 711

Senator	VACANCY		Senator	APPOINTMENT	
	Reason for Vacancy	Date		How Appointed	Date
Ellison, C.M.	Resignation	30.01.09	Back, C.J.	WA Parliament	11.03.09

APPENDIX 8
COMMITTEES ON WHICH SENATORS SERVED 1970-2010

p. 714

Year	Domestic	Estimates	Legislative Scrutiny	Legislative & General Purpose	Select	Joint	Total
2009⁽⁴⁾	8	0	2	16	6	13	45
2010	8	0	2	16	6	16	48

⁽⁴⁾ From and including 14 May 2009

APPENDIX 9

SELECT COMMITTEES 1985–

p. 717

Senate Select Committees:

Agricultural and Related Industries (Reports – PP 549/2008, 119/2009, 170/2009, 422/2009, 423/2009, 178/2010, 180/2010)

State Government Financial Management (Report – PP 336/2008)

Regional and Remote Indigenous Communities (Reports – PP 351/2008, 153/2009, 420/2009, 111/2010, 181/2010)

Fuel and Energy (Report – PP 66/2009, 176/2010, 177/2010)

National Broadband Network (Reports – PP 546/2008, 67/2009, 419/2009, 126/2010, 130/2010)

Men's Health (Report – PP 114/2009)

Climate Policy (Report – PP 116/2009)

Reform of the Australian Federation

Scrutiny of New Taxes

Joint Select Committees:

Cyber Safety

Gambling Reform

Parliamentary Budget Office

APPENDIX 10

A CHRONOLOGY OF THE SENATE 1901 – 2010

p. 727

10 March 2009	Provision for questions to chairs of committees and private Senators abolished but practice formalised in respect of questions to the President.
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13 May 2009	2006 changes to standing committee structure reversed.
22 June 2010	Resolution agreed to consolidating and reaffirming the Senate's views on ordinary annual services of the government.
23 June 2010	Resolution agreed to supporting an Indigenous "Welcome to Country" ceremony before openings of Parliament.
26 October 2010	Standing order 50 amended to include an acknowledgement to country at the commencement of each day's proceedings.
22 November 2010	Resolution affirming the power of the Senate to order the production of documents.

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