

Procedural Information Bulletin No. 11

For the sitting period 11 to 21 February

INTRODUCTION

On the first day of the sittings senators welcomed Senator Coleman, who has returned after her long absence due to illness. Senators also paid tribute to former Senator Peter Rae, who resigned to contest the State election in Tasmania and has since been appointed a Minister. Senator Rae entered the Senate in 1968 and his distinguished career as a senator was notable for his support of the Senate committee system and of the legislative role of the Senate.

A LEGISLATIVE HOUSE

In the first two weeks of the sittings for 1986 the Senate launched itself into its legislative role with a will. Three Bills have been amended so far.

The Commonwealth Tertiary Education Commission Amendment Bill was amended on 12 February to provide that the new advisory councils established by the Bill will be able to inquire into matters of their own volition. The Federal Airports Corporation Bill was amended on 14 February to provide that the new corporation established under the Bill is to conform to local government planning laws as far as practicable and to be a "good neighbour".

Much of the two weeks was taken up by the second reading debate on the Australian Bill of Rights Bill 1985 and associated Bills. A total of 35 speakers, including the Minister, spoke to the second reading, making it one of the longest second reading debates on record. A large number of proposed amendments to the Bills has been circulated, and although the committee stage has barely commenced, two amendments, moved by the Opposition and accepted by the Government, have already been made to one of the Bills. These amendments removed provisions to the effect that a person would not be excused from answering questions before, or providing information to the Human Rights and Equal Opportunity Commission on the ground of self-incrimination. Proceedings on the Bills were also marked by the moving of the previous question, a matter further referred to below.

On 11 February the House of Representatives agreed to amendments made by the Senate in the last period of sittings to the Judiciary Amendment Bill 1985 and the

Broadcasting and Television Amendment Bill 1985. These amendments were referred to in Bulletin No. 10, and included the removal of the statutory prohibition on the dramatisation of political matter on television.

On both Thursdays, at the time for general business, the Senate debated Senator Durack's Family Law Amendment Bill, which is designed to place a greater responsibility on parents and spouses for the financial effect of dissolution of marriages. An unusual second reading amendment has been moved by Senator Missen, in the following terms —

Leave out all words after "That", insert: "debate on this Bill be deferred to enable consideration of the reference to the Standing Committee on Constitutional and Legal Affairs, or such other standing or select committee that is able to handle the inquiry, of the provisions of the Bill and other proposals already made or subsequently brought forward to provide a scheme for the effective assessment, collection and enforcement of maintenance payments (whether by order of a court, agreement or otherwise), so that both parents and spouses will pay adequate maintenance from their own resources before reliance is made on pensions or other payments by the Government".

This amendment would have the effect of denying the Bill a second reading. It is to be noted that it does not actually refer the Bill to a committee but is intended to allow consideration to be given to a committee reference covering matters raised by the Bill.

END OF THE END-OF-SESSION RUSH?

For many years, and probably since 1901, senators have complained of the end-of-session rush, when the Senate finds itself with a large number of Bills to be passed before the end of the sittings and only one or two weeks remaining to deal with them, the House of Representatives having risen after passing many Bills in its last days of sitting.

Various remedies have been suggested for this situation. One such remedy which has been proposed is the setting of a "cut-off date" for the receipt of Government Bills by the Senate.

On the first day of the sittings, Senator Macklin gave notice of a motion in the following terms —

- (1) That, where a Bill is introduced by a Minister, or is received from the House of Representatives, after 30 May 1986, and a motion is moved for the second reading of the Bill, debate on that motion shall

be taken to be adjourned upon the conclusion of the speech of the Senator moving the motion, and the resumption of the debate shall be made an Order of the Day for the first day of sitting in August 1986, without any question being put.

- (2) That this Order cease to have effect at the commencement of the first day of sitting in August 1986.

This motion would not prevent the receipt of Bills from the House of Representatives in the last two weeks of the sittings, but would have the effect of automatically adjourning them until the budget sittings. The motion is yet to be considered.

AMENDMENT TO URGENCY MOTION

Previous bulletins have referred to attempts to get around the prohibition on the amendment of an urgency motion and to ensure that a vote is taken when the time has expired for discussion of such a motion.

On 13 February Senator Chipp gave a contingent notice of motion in the following terms —

To move (contingent on the moving of a motion to debate a matter of urgency under Standing Order 64) — That so much of the Standing Orders be suspended as would prevent Senator Chipp moving an amendment to the motion.

On the following day Senators Chaney and Grimes gave similar notices. The first use of these notices occurred on 17 February, when Senator Durack succeeded in amending an urgency motion moved by Senator Siddons. Any amendment to an urgency motion has to be relevant to the subject matter of the motion.

All parties already have contingent notices to allow them to move for the suspension of Standing Orders to enable a vote to take place when the time for the debate has expired. The restrictions in the Standing Order have thereby been circumvented.

THE PREVIOUS QUESTION

On 19 February, for only the second time since 1901, the previous question was moved in the Senate, on this occasion by Senator Harradine in relation to the second reading of the Australian Bill of Rights Bill and associated Bills.

The obscure procedure of moving the previous question, which remained unused until a few years ago, has a separate chapter of the Standing Orders devoted to it

(Standing Orders 152 to 157). The motion takes the form: "That this question be not now put". It supersedes the original question, and it may be debated with reference to the original question. If it is resolved in the affirmative it disposes of the business before the Senate; if resolved in the negative it has the same effect as the closure and requires that the original question and any amendment be put forthwith. It is more frequently used in other Parliaments, mainly as a device for avoiding a vote on a question. On this occasion it was employed by Senator Harradine to extend the debate after the Minister had spoken in reply on the second reading so that the Minister could respond to some questions. The question was resolved in the negative and the question for the second reading was then put.