

Procedural Information Bulletin No. 16

For the sitting period 19 to 22 August 1986

DEMOCRATS CHANGE

Senator Chipp handed to Mr President his resignation from the Senate on Monday 18 August, and on the following day it was announced that Senator Haines had been elected Leader of the Australian Democrats and Senator Siddons Deputy-Leader.

PARLIAMENTARY COMMISSION OF INQUIRY

The Presiding Officers presented to both Houses on 19 August a special report from the Commission indicating that the Commission would need considerable time to complete its examination of the matters before it, and that Mr Justice Murphy's health is such that he is unlikely to be able to be present at the hearings or to give evidence.

The Government then introduced into the House of Representatives a Bill to repeal the Act under which the Commission was established. The Bill was debated by the Senate on 21 August, and Government and Opposition amendments, concerned with mitigating the absolute prohibition on the disclosure of material before the Commission, were made to it. The House of Representatives has disagreed with the amendment made to the Bill on the motion of the Opposition, and proposed a substitute amendment, but the House's message had not been considered by the Senate at the end of the week, with the result that the Commission will remain in existence at least until after the Houses meet again in three weeks time.

The Presiding Officers also tabled on 21 August a further report from the Commission, containing the opinions of the three Commissioners on the question of the meaning of "misbehaviour" in section 72 of the Constitution. All of the opinions disagree with that of the Solicitor-General, which was presented in 1984, and which contended that that misbehaviour has a technical legal meaning, being confined to misconduct in the performance of the duties of judicial office or conviction for a criminal offence. All of the Commissioners reach conclusions similar to those of the counsel to the Senate Select Committee on the Conduct of a Judge, and hold that misbehaviour is conduct regarded by the Parliament as indicating unfitness for judicial office.

OTHER LEGISLATION

Urgent consideration was given to the Remuneration and Allowances Bill 1986, which is intended to alter the determinations of the Remuneration Tribunal in relation to allowances of members of the Parliament, so as not to extend to members the increase in allowances determined by the Tribunal.

The Bill was considered by the Senate on 20 August and amended on the motion of the Opposition to remove provisions for ministerial salaries to be amended by regulation. Senator Harradine moved an amendment to insert a new clause to alter the determination of the Tribunal relating to overseas travel entitlements in respect of nominees of members. On the motion of the Opposition, Senator Harradine's proposed new clause was amended so as to provide consistency between overseas and domestic travel entitlements in relation to nominees of members. The House of Representatives returned the Bill on 22 August, disagreeing with Senator Harradine's amendment as amended. The House's message was not considered before the end of the week, and one effect of this is that members will continue to be paid at the higher rate of salary determined by the Tribunal and will have to make further repayments when the Bill eventually passes.

The Senate sat late on 22 August to pass the Affirmative Action (Equal Opportunity for Women) Bill 1986. The Opposition moved a large number of amendments to the Bill, but the Leader of the Australian Democrats, Senator Haines, who had also circulated some amendments, announced that the Democrats would not agree to any amendments because they wanted the Bill to pass.

Senator Vigor introduced on 22 August his Bill to provide a system of self-government for the Australian Capital Territory. The Bill, consisting of 118 typescript pages, is one of the most complex private senator's Bills ever introduced. It provides for a local assembly, elected by a system of proportional representation, with extensive legislative powers.

BILL OF RIGHTS PACKAGE

Following the announcement by the Government that it does not intend to proceed with the Australian Bill of Rights Bill 1985 and associated Bills, Senator Macklin on 21 August gave an unusual contingent notice of motion, which is designed to get one of the Bills, the Human Rights and Equal Opportunity Commission Bill 1985, reported separately out of committee with amendments and read a third time.

REFERENCES OF BILLS TO COMMITTEES

Senator Hamer continued his campaign to introduce a system of referring Bills to committees by giving, on 21 August, a contingent notice of motion designed to allow him to move for the referral of a Bill where it is indicated that it is not intended to proceed with the Bill during the current period of sittings. This is designed to overcome the argument that reference to committees would unduly delay the passage of Bills.

APPROPRIATIONS AND STAFFING

On 19 August Mr President presented the annual reports of the Department of the Senate and of the Appropriations and Staffing Committee, the latter referring to the determination by the Committee of the annual estimates for the Department of the Senate. On 22 August a further report from the Committee was presented, indicating that the Committee had agreed to further cuts proposed by Mr President in the estimates of the Department of the Senate in response to a request by the Government to further reduce the parliamentary estimates. The Committee noted that since February it has reduced the initial proposed expenditure of the Senate by a total of \$963,000, or 9.4 percent. The Committee also supported the President in regarding as inappropriate the use by the Government of aggregated figures for the expenditure of the Parliamentary Departments. The Committee also reported on cost-saving changes proposed to the Senate Notice Paper, subject to the agreement of the Senate.

COMMITTEES

The Constitutional and Legal Affairs Committee presented a report on 22 August on the annual report of the Commonwealth Ombudsman, and on the same day the Senate passed, on the motion of the Chairman of the Committee, a motion referring to the Committee two special reports of the Ombudsman and all future reports. In his speech on the motion, Senator Tate referred to the danger of the Ombudsman's reports being ignored in the Parliament notwithstanding that they contain matters of considerable moment.

The Industry and Trade Committee presented on 20 August a further report on closer economic relations with New Zealand.