

Procedural Information Bulletin No. 19

For the sitting period 11 to 20 November 1986

WITNESSES BEFORE COMMITTEES

On 19 November the Senate passed, by way of an amendment, an important resolution concerning witnesses before Senate committees. On the motion of Senator Teague, an amendment was made to the motion to take note of the seventh report of the Standing Committee on Education and Arts relating to annual reports to assert the Senate's view that the approach of the Australian Broadcasting Corporation to the Committee's inquiry was incorrect, that ABC witnesses should have answered questions put to them in the Committee, and that witnesses before a Senate committee have an obligation to answer questions within the terms of reference of the committee. Officers of the ABC had declined to answer questions put to them in the Committee because they claimed the questions related to programming decisions.

This is not the first time that a disinclination on the part of ABC officers to answer questions before Senate committees has been the subject of Senate resolutions. In 1971 the Senate had occasion to remind the ABC and other statutory corporations of their obligation to co-operate with Senate committees, and that resolution was reaffirmed on a number of occasions, each occasion following difficulties with witnesses from the ABC.

On this occasion the resolution requested the Education and Arts Committee to consider whether further investigations are required in the light of the Committee's evidence and answers given by ABC witness before Estimates Committees. This is a reference to the fact that questions similar to those asked in the Education and Arts Committee were answered in Estimates Committee proceedings.

DISALLOWANCE MOTIONS

A motion to disallow a plan of management of the Kakadu National Park under the National Parks and Wildlife Conservation Act was negatived on 11 November. The disallowance provisions contained in that Act are different from the usual provisions contained in the Acts Interpretation Act. The motion to disallow a plan of management must be passed within 20 sitting days after tabling, and the plan does

not come into operation until the time for disallowance has passed. Thus the Houses are without the safeguard of automatic disallowance if a notice of motion is not resolved.

The procedure provided by Standing Order 109A, for the transfer of a notice of motion for disallowance from one senator to another where the senator who has given notice indicates an intention to withdraw it, was employed on 14 November. Senator Cooney, on behalf of the Regulations and Ordinances Committee, indicated his intention to withdraw a notice of motion for the disallowance of the ACT Children's Services Ordinance, on the basis of an undertaking given to the Committee by the responsible Minister. Senator Lewis indicated that the Opposition was still not content with the Ordinance, and took over Senator Cooney's motion. The motion was subsequently debated and negatived.

An Opposition motion to disallow one regulation of the Companies Regulations was also negatived on 14 November. The regulation in question contained a very long schedule, and the Opposition objected only to some provisions of the schedule, but it was necessary to move for the disallowance of the whole regulation, because the Acts Interpretation Act allows the disallowance only of a regulation and not the disallowance of something contained in a regulation.

This is one of a number of defects in the statutory schemes for disallowance pointed out by the Regulations and Ordinances Committee in its Eightieth Report. On 19 November Senator Vigor introduced a Bill which would amend the Acts Interpretation Act and a number of other acts to rectify those defects.

MATTERS OF PUBLIC IMPORTANCE

Two proposals for matters of public importance were lodged simultaneously on 12 November, and the matter to be submitted to the Senate was determined by lot. The result of that proceeding was that a proposal by Senator Harradine was reported. The four Senators rising in support of the proposal, required for it to proceed, were provided by the Opposition, notwithstanding that it was the Opposition who had submitted the other proposal. Senator Harradine was thereby able to have his proposal discussed.

CUT-OFF DATE FOR BILLS

A motion, similar in terms to that passed in the previous period of sittings, was agreed to on 14 November, and provided that Government Bills introduced after 19 November would be automatically adjourned until the first sitting day in 1987. Senator Macklin, who was also responsible for the earlier motion, originally proposed in his notice of motion that 14 November be the cut-off date, but when another date was negotiated he gave a fresh notice, withdrew his earlier notice, and had his new motion dealt with as a formal motion.

BILLS AMENDED

The Nursing Homes and Hostels Legislation Amendment Bill was amended on 13 November to provide for either House to be able to disallow certain determinations under the Bill. The amendments were Government amendments, but took up matters originally raised in Opposition amendments.

The Disability Services Bill was amended on 20 November to extend the category of persons to whom benefits may be granted under the Bill. Identical amendments to achieve this purpose were circulated by the Opposition and the Democrats and were agreed to by the Government. At the beginning of the Committee of the Whole debate Senator Macklin pointed out that the Democrats had first circulated the amendments, but the Opposition speaker would normally be called first. He suggested that the person who had first circulated the amendments should be given the first call, to avoid the situation of the party with the greater numbers always having the advantage of moving any amendments even though it had not initiated them. By agreement, Senator Powell was called and moved the amendments.

PARLIAMENTARY PRIVILEGES BILL

Mr President made a statement on 17 November referring to an editorial which had been published in *The Canberra Times* and which related to his Parliamentary Privileges Bill 1986. Mr President stated that the editorial contained a number of misconceptions about the Bill, and that a letter to the editor of the newspaper had been sent by the Clerk. The letter was published some days later but with editorial changes which altered its substance in some respects, so Mr President tabled a copy of the original text of the letter, which was also incorporated in Hansard.

SITTINGS AND HOURS EXTENDED

Motions were passed on 18 and 20 November to extend the sittings and the hours of sitting to deal with the business in hand before the end of the Budget sittings. It now appears that the Senate will sit an additional two weeks, not one as previously understood.

COMMITTEE MATTERS

The Standing Orders Committee presented a report on 20 November, recommending for consideration a number of procedural changes designed to expedite the proceedings of the Senate. The Committee also indicated that it is examining other

suggestions to allow the Senate to deal more efficiently with the required business in the time available.

Other committee reports were presented as follows:

- Finance and Government Operations: ACT Gaming and Liquor Authority
- Education and the Arts: Gifted and Talented Children
- National Resources: Quarantine.

The Chairman of the Regulations and Ordinances Committee, Senator Cooney, withdrew a large number of notices of motion for disallowance on 14 and 18 November, and made statements indicating that the responsible Ministers had given undertakings to amend the delegated legislation concerned.

An attempt by Senator Messner on 20 November, to refer to the Standing Committee on Finance and Government Operations matters relating to the procedures of the Commissioner of Taxation and the Administrative Appeals Tribunal, was not successful.