

Procedural Information Bulletin No. 35

For the sitting period 27 to 30 September 1988

ORDER FOR RETURN

On 27 September Senator Macklin moved a motion, which was agreed to unanimously and without debate, that there be laid on the table of the Senate, on or before 25 November 1988, details of all provisions of Acts which come into effect on proclamation and which have not been proclaimed, together with a statement of reasons for their non-proclamation and a timetable for their operation. In accordance with Standing Order 358 the Clerk has advised the Leader of the Government in the Senate of the order made by the Senate.

The matter of the commencement of Acts by proclamation was the subject of an article in Papers on Parliament No. 2, published by the Department of the Senate. Copies of the paper are available from the Senate Library.

ANSWERS TO QUESTIONS ON NOTICE

On 28 September 1988 Senator Macklin moved a further motion, which also was agreed to without debate, but on a division, with government senators voting against the motion. The purpose of the motion is to provide that when a senator has not received a response from a Senate Minister within 30 days to a question on notice, and the Minister has not given to the senator asking the question an explanation satisfactory to the senator of why an answer has not been provided, the senator concerned may move a motion without notice concerning the Minister's failure to provide an answer or an explanation. The motion replaced a notice which Senator Macklin had given on 16 February and which he withdrew when giving fresh notice on 27 September.

TABLING OF DOCUMENTS DURING QUESTION TIME

Frequently during question time Ministers are asked to table documents from which they have quoted. Under Standing Order 363, a Minister must table the document called for unless the Minister states it to be of a confidential nature. As the President reminded the Senate after question time on 27 September, however, the terms of the Standing Order clearly indicate that it is intended to apply only to a document which is actually quoted by the Minister in the course of the Minister's remarks and has no application to speech notes used by a Minister. The Standing Orders Committee so recommended in 1985, but Ministers continue to table speech notes in response to requests.

DISALLOWANCE OF INSTRUMENTS

Pharmaceutical Benefits Declaration

Bulletin No. 34 indicated that Senator Puplick had given notice of a motion of disallowance of a Pharmaceutical Benefits Declaration. As expected, the motion came up for debate on 28 September. Because of the lengthy list of speakers, the debate was carried forward to 29 September. The motion for disallowance was negatived, on division, by 29 to 33.

Notice of Motion of Disallowance of Casino Control Ordinance

On 29 September, Senator Jenkins gave notice of a motion of disallowance of the Casino Control Ordinance 1988. It is expected that this notice will be dealt with in the first week of the October Sittings.

Regulations and Ordinances Committee

The Chairman of the Regulations and Ordinances Committee withdrew, on behalf of the Committee, notice of a motion of disallowance of the Pharmaceutical Benefits Information Provision Rules, and incorporated in Hansard the Committee's correspondence with the Minister on the matter.

Statutory Instruments (Tabling and Disallowance) Legislation Amendment Bill 1988

This Bill was received from the House of Representatives on 27 September. The Minister for Justice (Senator Tate) indicated in his second reading speech that the amendments to the Acts Interpretation Act contained in the Bill arose out of suggestions by the Senate Standing Committee on Regulations and Ordinances. As the Minister indicated, the purpose of the amendments is to fill two possible gaps in the system of scrutiny and disallowance of subordinate legislation. He stated that the Government is concerned that the ability of the Parliament to scrutinise the actions of the executive be maintained, and for this reason is proposing the amendments.

ESTIMATES COMMITTEES AND EXPLANATORY NOTES

As mentioned in Bulletin No. 34, some explanatory notes of departments and authorities did not meet the extended deadline for tabling of the notes for consideration by Estimates Committees. Notes for one authority, which were not available for tabling on the last sitting day of the first fortnight of sittings, were finally tabled on 27 September.

Membership of the Committees, to take account of revised ministerial arrangements, was finalised on 29 September. A feature of the membership changes is that in relation to two of the Committees provision is made, by the order of the Senate, for certain senators to replace other senators when Estimates Committees are considering certain departments. Thus Senator Hamer is a member of Estimates Committee B when it considers the Department of Foreign Affairs and Trade, while Senator Alston will replace him when the Committee is considering the Department of Transport and Communications. Similarly, Senators MacGibbon and Newman will replace Senators Puplick and Reid when Estimates Committee D is considering the estimates of the Departments of Defence and Veterans' Affairs.

All senators are, of course, entitled to attend all meetings of Estimates Committees, both public and deliberative, and may question Ministers and officers unless the Committee orders otherwise.

REFERENDUM

On 28 September Opposition senators from all States and Territories gave notices of motion relating to the referendum results of 3 September. The notices are of interest because they provide a percentage breakdown of Australia-wide, State, Territory and, in some cases, regional results.

COMMITTEES

Appropriations and Staffing Committee

Debate resumed on the motion for the adoption of the Appropriations and Staffing Committee Report, the recommendation contained in which was outlined in Bulletin No. 34. After a further contribution from Senator Crichton-Browne, the mover of the motion, and Senator Harradine, the Senate adopted the Report.

Industry, Science and Technology Committee

On 29 September, the Chairman of the Committee, Senator Childs, tabled the Committee's Report on Manufacturing Industry Revitalisation. The debate on the report is likely to be resumed on Wednesday, 12 October.

Other reports debated during the time for consideration of committee reports were the report of the Joint Select Committee on Video Material (motion to take note of the report agreed to), and the Privileges Committee report on the circulation of petitions (debate adjourned).

References to Committees

The following matters were referred by the Senate to committees:

- a) to the Senate Standing Committee on Foreign Affairs, Defence and Trade: Australia's relations with India (referred after debate); and
- b) to the Joint Committee of Public Accounts: management and administration of the Defence Department's computer redevelopment program (referred without debate). Under the provisions of the Public Accounts Committee Act

either House of Parliament may refer a matter to the Committee without the concurrence of the other House.

INDUSTRIAL RELATIONS LEGISLATION

Further detailed committee consideration of the Industrial Relations Bill was undertaken during the sitting week. Several Government amendments have already been agreed to, together with Democrat amendments, which the Government opposed but which won the support of the Opposition and independent senators. The Opposition also has moved several amendments to the Bill but these have not been successful.

CHAMBER DIFFICULTIES

While the transition to the new building has been relatively smooth, difficulties have arisen in some areas. On 29 September, for example, Senator Macklin drew attention to the inadequacies of the sound system. In reply on 30 September the President advised that the problems had been apparent since the two trial sittings held before the inaugural sittings and that steps were being taken to rectify the problems.

For one senator the unreliability of the lifts caused acute concern. As she put it in a personal explanation, she committed the "unpardonable sin of missing a division" because she was stranded in a malfunctioning lift for 25 minutes. In response, the President advised that there would be maintenance work carried out on the lifts this week.

COMMONWEALTH PARLIAMENTARY ASSOCIATION CONFERENCE

As President of the Commonwealth Parliamentary Association, the President reported to the Senate that a successful conference had been held in Canberra from 18 to 25 September. Senators Teague, Harradine, Reid and Coates joined with him in acknowledging the success of the Conference.

Officers of the Senate participated in meetings of the Association of Clerks at the Table, which were held in conjunction with the CPA Conference.