

Procedural Information Bulletin No.40

Relating to sitting weeks 4 April to 13 April 1989

LEGISLATION: GOVERNMENT BILLS

During the sitting period, the Senate continued to consider, and substantially amend, a number of government bills.

Lands Acquisition Bill 1988

On 5 April, the Senate completed its consideration of this bill. Several government amendments were moved and agreed to. The companion bill, Lands Acquisition (Repeal and Consequential Provisions Bill) 1988, was agreed to without amendment.

Customs and Excise Legislation

The first of this package of three bills, the Customs and Excise Legislation Amendment Bill (No.2) 1987 had been deferred by the Senate in December 1987, to enable further consultations to occur. The Bill was restored to the notice paper, and when it was called on for consideration on 6 April the Minister moved its second reading. This process was necessary because the method of deferring the bill used in 1987 entailed leaving out all words after "that" from the motion "that this bill be now read a second time". It was therefore necessary for the second reading to be moved afresh. The bill was debated cognately with the Customs and Excise Legislation Amendment Bill 1988 and the Customs Tariff Amendment Bill (No. 3) 1988.

The 1987 bill was opposed by the Opposition at the second reading stage, but passed with the support of the Democrats. During committee consideration on 7 April, substantial amendments were agreed to, on the initiative of the government.

The two 1988 bills had been taken together at second reading stage. In the committee stage the bills were taken separately. On the motion of the government, amendments were made to the first bill. An amendment to one of the amendments, proposed by the Opposition, was defeated. In relation to the Customs Tariff Bill, the House of Representatives was requested, on motion by the government, to make

certain amendments in the bill. A further request for amendment, moved on behalf of the Democrats, was negatived. The House of Representatives made the requested amendments, and agreed to all the other amendments, on 13 April. The Customs Tariff Bill (No.3) 1988 still awaits a third reading in the Senate.

International Arbitration Amendment Bill 1988

The Senate amended this bill, after debate. One amendment was made on motion by the Democrats, while a second was made on motion by the government.

The Senate also debated the Copyright Amendment Bill 1988 and the Circuit Layouts Bill 1988. Substantial amendments have been foreshadowed to this legislation, to be moved by the Government, Opposition and Democrats.

PRIVATE SENATORS' BILLS

On 6 April, two private Senators' bills were debated during the time for consideration of general business.

Australian Bureau of Statistics Amendment Bill 1988

In Bulletin No. 38 (p. 15), reference was made to the introduction of this bill by Senator Sheil on 6 December. When the bill was called on for debate, it passed through all stages in the Senate without further debate. It was introduced into the House of Representatives on 10 April.

Regulation of Video Materials Bill 1988

Reference was made to proceedings on this bill in Bulletins Nos 38 (p. 15 and 16) and 39 (p. 5). The bill was again debated in the Senate on 6 April. When the time for consideration of general business expired on that day, Senator Walters, who had introduced the bill, was speaking in reply on the second reading of the bill.

The following private Senators' bills were introduced:

- Constitution Alteration (Electors' Initiative) 1989
- Legislative Initiative Bill 1989

On 11 April, Senator Macklin gave notice that he would introduce the above bills together. They were introduced on 12 April, and debate was adjourned after Senator Macklin's second reading speech.

NOTICE OF MOTION

Income Tax Assessment (Tax Agents' Fees) Amendment Bill 1989

On 12 April, Senator Watson gave notice, by leave because the notice was given after the time for giving notices, that he would introduce the above bill. Because the Senate adjourned on the next day to enable Estimates Committees to meet, the bill has not yet been introduced.

COMMITTEES

Much of the Senate's proceedings during the fortnight was taken up with committee matters. In addition to the considerable time taken by Estimates Committees to examine proposed additional expenditure of departments and authorities, reports were tabled from a variety of committees, references were given to committees, a government response was tabled, and debate ensued on a number of committee reports.

SENATE COMMITTEES

Administration of Aboriginal Affairs

On 11 April, the Minister representing the Minister for Aboriginal Affairs (Senator Tate) made the government's response to the Select Committee's report, which had been presented on 28 February (see Bulletin No. 39, p.6). At the same time, reports from the Public Service Commission and the Department of Finance, and an interim report by Mr Andrew Menzies, were tabled by the Leader of the Government in the Senate, and a further ministerial statement was made by Senator Tate relating to the proposed Aboriginal and Torres Strait Islanders Commission. The Auditor-General's special audit report on the Aboriginal Development Commission and the Department of Aboriginal Affairs had been tabled on 9 March (see Bulletin No. 39, pages 11 to 12).

After some debate on the government's response to the Select Committee report, debate was adjourned.

Community Affairs

Debate on the report of the Committee on income support for the retired and the aged continued on both 5 and 12 April. (See also Bulletin No. 39, p. 6).

The Senate appointed Senator Faulkner to be a member of the Committee.

Employment, Education and Training

Debate on the report of the Committee on education for active citizenship in Australian schools and youth organisations continued on 5 April.

Finance and Public Administration

On 12 April, the Chair of the Committee (Senator Coates) tabled a report on the Committee's review of the Efficiency Scrutiny Program. The report also included a dissenting report. Debate on the motion to take note of the report proceeded immediately, and the question was put and passed on that day.

Industry, Science and Technology

On 12 April, on the motion of the Chairman of the Committee (Senator Childs), the Senate extended the time for presentation of the report of the Committee on the Sugar Industry to 8 May. The Committee's inquiry on this question was the subject of debate during the passage of the Customs legislation.

Legislation Procedures

In Bulletin No. 39 (p. 7) reference was made to the postponement of consideration of the Legislation Procedures Committee report until the first sitting day in April. When the report was called on for consideration on 4 April, the Manager of Government Business in the Senate (Senator Ray) moved a motion the effect of which was to endorse, in principle, the recommendations of the Committee, but to postpone detailed consideration of the recommendations until late May. Following considerable debate, the Minister for Justice (Senator Tate), by leave and at the request of Senator Ray, amended the motion to take out reference to the endorsement, in principle, of the recommendations. The amended motion was agreed to after

further debate, and the recommendations contained in the report are set down for consideration on 25 May.

Privileges

Debate on the Fifteenth Report of the Committee of Privileges resumed on 12 April and the question that the Senate take note of the Report was agreed to on that day. The question that the Senate take note of the Fourteenth Report was also put and passed on 12 April.

Regulations and Ordinances

On 7 April, the Chairman (Senator Collins) gave two protective notices of motion for disallowance, to enable the Committee to continue its deliberations on wool marketing regulations and Australian National Railways Commission bylaws. On 13 April the Deputy Chairman (Senator Bishop) gave notice of the Committee's intention to withdraw these notices, and also a notice relating to the disallowance of Industrial Relations Regulations. It would appear that the Committee's concerns in relation to all matters have been satisfactorily resolved.

Transport, Communications and Infrastructure

On 12 April, the Committee presented its Fourth Report on proposals for variation of the plan of layout of the City of Canberra and its Environs. For earlier discussion on this matter, see Bulletin No. 34, p. 10.

Senators Burns and Faulkner were appointed to the Committee in place of Senator Collins and former Senator Gietzelt.

Estimates Committees

As mentioned above, Senate Committees have examined in considerable detail the estimates of all departments and authorities. On Monday, 3 April, the President of the Senate and officers of the Senate and the three joint Parliamentary Departments appeared before Estimates Committee A.

An interesting feature of the proceedings of Estimates Committee E was the consideration by the Committee, at a private meeting held in the course of its consideration of the Estimates of the Department of Aboriginal Affairs and the Aboriginal Development Commission, whether to request that the Chairman of the

Commission attend the hearing, and that officers from the Auditor-General's office be available for questioning.

On resumption of the public hearing on 14 April, the Chairman announced that the Committee would request the attendance of the Chairman of the ADC on that day, and that the Auditor-General would be consulted by the Committee at a later time, in accordance with guidelines of November 1986, agreed to between the Auditor-General and Chairmen of Estimates Committees (the guidelines are set out, as an appendix, in the report of Estimates Committee A, tabled in the Senate on 7 May 1987). The Chairman of the ADC duly appeared before the Committee on 14 April.

Senator Faulkner was appointed to Estimates Committee D, for Friday, 14 April only, in place of Senator Cooney.

Problems relating to the tabling of explanatory notes, referred to in previous Bulletins, have not as yet been satisfactorily resolved. For example, the final set of explanatory notes for Estimates Committees was not tabled in the Senate until 4 April, after the estimates for the particular organisation had been dealt with by the responsible committee. In addition, explanatory notes of one department were substantially revised between their tabling in the Senate and the Committee's consideration of them. No indication was given to the members of the Committee as to where the revisions had been made. It is expected that the revised explanatory notes will be tabled when the Senate next meets.

Proposed Select Committee on Paper Pulp Mills in Australia

On 4 April, Senator Sanders gave notice of motion for three sitting days after that day for the establishment of a select committee. Senator Sanders had previously given notice to establish a similar committee, but withdrew that notice by notification to the Clerk.

On 10 April, the day for which Senator Sanders had given the notice, he moved, pursuant to contingent notice, a motion for the suspension of standing orders to enable the notice of motion to establish the committee to be called on and determined. Following his speech, the Manager of Government Business in the Senate (Senator Ray) successfully moved the adjournment of the debate. Senator Ray then moved that the resumption of the debate be an order of the day for eleven sitting days after that day. This motion was agreed to.

JOINT COMMITTEES

Corporations Legislation

On 13 April, the Deputy Chairman of the Committee (Senator Short) presented its report on the Corporations legislation (the Committee had been granted an extension of time to that day for the presentation of the report - see Bulletin No. 39, p. 8). The report included a dissenting report. Considerable debate occurred on the day of its presentation, and more debate on matters raised in the report can be expected during the consideration of the bills constituting the Corporations legislation package, which became an order of the day for the next day of sitting automatically on presentation of the Committee's report.

Foreign Affairs, Defence and Trade

On 5 April, the report of the Committee on the Australian International Development Assistance Bureau and Australia's Overseas Aid Program was debated. The question was put and passed on that day.

On 13 April, the Committee presented a report on Australia's relations with the South Pacific.

On 7 April, the Leader of the Opposition in the Senate (Senator Chaney) gave a notice of motion to refer the operations and financial management of the National Safety Council (Victorian Division) to the Joint Committee. On 12 April, Senator Newman, by leave and at Senator Chaney's request, moved a motion to refer the matter. The motion had been amended by Senator Chaney by notice in writing to the Clerk pursuant to standing order 109. The amended motion was agreed to after debate.

PUBLIC ACCOUNTS

On 6 April, the Public Accounts Committee presented a report on the Auditor-General, Ally of the People and Parliament.

OTHER MATTERS

NEW SENATOR SWORN

On 6 April, Senator Faulkner, having been appointed by a joint sitting of the New South Wales Parliament to fill the casual vacancy resulting from the resignation of Senator Gietzelt, was sworn in by the President, and took his seat in the Senate.

CENSURE MOTION

On 7 April, the Minister for Resources (Senator Cook), by leave, made a statement relating to the alteration of the text in the Senate *Hansard* of an answer he had given in response to a question without notice asked by Senator Reid in October 1988. The Leader of the Opposition in the Senate (Senator Chaney) successfully moved for the suspension of standing orders to enable him to move a motion relating to the matter. He thereupon moved that the Senate censure Senator Cook for the improper alteration of his answer to the question, and call on the President to enforce strictly the rule that Senators' corrections of *Hansard* must not have the effect of deleting from the record words spoken in debate so as to alter the sense of the words spoken. The motion was divided. The first part of the motion — the censure of Senator Cook — was agreed to after division, while the second part was agreed to on the voices. Later that day, the President made a statement relating to the procedure for requesting alterations in Senate *Hansard*.

FORM OF APPROPRIATION BILLS — CONSTITUTION, SECTION 53

On 4 April, the Acting Deputy President (Senator Zakharov), on behalf of the President, tabled correspondence between the President and the Minister for Finance concerning matters to be included in the appropriation bills and the interpretation of section 53 of the Constitution relating to ordinary annual services of the government. As indicated in Bulletin No. 37 (p.17), papers on the same matter were tabled in the Senate on 3 November 1988.

TABLING OF PAPERS

On 7 April, during debate, Senator Tambling moved, pursuant to standing order 364, that a paper quoted from by a private Senator during debate be tabled in the Senate. The motion was agreed to, and the paper was tabled.

PROCLAMATIONS OF ACTS

In Bulletin No. 38, pp. 1-2, reference was made to a return to order in response to a motion agreed to by the Senate for details of all acts and provisions thereof which had not been proclaimed since their passage. The Bulletin also referred to a permanent order of the Senate requiring the same information to be laid before the Senate on or before 31 May and 30 November each year.

On 12 April, the first return under the permanent order was tabled in the Senate by the Clerk. In the course of debate on the motion that the Senate take note of the paper, mention was made of legislation instructions emanating from the Department of Prime Minister and Cabinet to ensure that a limitation was imposed on proclamations coming into effect, and Parliamentary Counsel's drafting instructions on the same subject were incorporated in *Hansard*.

CONTINGENT NOTICE OF MOTION

On 4 April, Senator Vanstone gave a contingent notice of motion which would enable her, contingent on a certain Minister failing properly to respond to a question asked during question time, to move a motion relating to such failure.

AGREEMENT BETWEEN OMBUDSMAN AND MINISTER

On 7 April, the Minister for Immigration, Local Government and Ethnic Affairs (Senator Ray) made a statement, responding to a question asked by Senator Puplick at Question Time earlier that day, concerning agreement reached between the Ombudsman and the Minister relating to the refunding of certain immigration fees collected without legislative backing.

If such an agreement had not been arrived at, the Ombudsman might have reported on the matters to the Prime Minister and ultimately to Parliament. The Senate Standing Committee on Legal and Constitutional Affairs has a standing reference to examine the Ombudsman's reports under these circumstances.

CUT-OFF DATE FOR GOVERNMENT BILLS

On 10 April, the cut-off date for Senate consideration of government bills was set as Friday, 26 May 1989, on the motion of Senator Macklin.

URGENCY MOTIONS

On two occasions in the second week of sittings, more than one urgency motion or matter of public importance was submitted to the President.

On 10 April, 25 Opposition Senators submitted letters in accordance with standing order 64, each proposing, in identical terms, a motion of urgency. Senator Dunn also submitted a letter proposing a motion of urgency. The President advised the Senate that the matter was determined by lot. He indicated that he had considered whether only one of the proposals by opposition Senators should be included in the ballot, but had decided to follow strictly the established rules. In accordance with the result of the procedure, the President informed the Senate that Senator Alston had proposed the motion of urgency.

Senator Reid, by leave, moved a motion to enable the debate on the motion of urgency to extend from two hours to three hours, and to ensure that no senator should speak for more than fifteen minutes. This motion was agreed to. The motion of urgency was passed when debate had concluded.

On 12 April, the President advised the Senate that two Senators had submitted matters pursuant to standing order 64, Senator Puplick having proposed a matter of public importance and Senator Vallentine a motion to debate a matter of urgency. Again the matter was determined by lot, and Senator Vallentine was successful. Senator Vallentine having moving the motion, Senator Puplick, pursuant to contingent notice of motion, moved the suspension of standing orders to enable him to move an amendment to the motion. The motion was agreed to, and Senator Puplick thereupon moved the amendment. The amendment was agreed to, after division, and the motion, as amended, was also agreed to.