

Procedural Information Bulletin No. 43

For the sitting period 15 August to 18 August 1989

PRIVILEGE: ALLEGED DISCLOSURE OF COMMITTEE REPORT

On 17 August the President advised the Senate that Senator Teague and two other Opposition members of the Standing Committee on Foreign Affairs, Defence and Trade had written to him raising a question of privilege in relation to the alleged unauthorised disclosure of the report of the Committee on visiting nuclear-powered or nuclear-armed vessels to Australian ports. The President, having considered the matters raised in the letter, determined that a notice of motion to refer the matter to the Privileges Committee should have precedence over all other business on the day for which it was given.

Senator Teague then gave a notice to refer to the Committee the following matter:

Whether there was an unauthorised disclosure of the report of the Standing Committee on Foreign Affairs, Defence and Trade on visiting nuclear-powered or armed vessels, and whether a contempt was committed by a person who made such an unauthorised disclosure.

The matter was referred to the Committee on the motion of Senator Hamer, at the request of Senator Teague, on 18 August as a formal motion.

COMMITTEE ACTIVITIES

A feature of the first week of sittings was the number of matters connected with committees of the Senate and Joint Committees. The following reports were tabled:

FINANCE AND PUBLIC ADMINISTRATION COMMITTEE — Reports on the timeliness and quality of annual reports and the Administration of the Tax File Numbers System

These reports, which were presented to the Deputy-President as authorised by resolution of the Senate of 14 June (see Bulletin No. 42, p. 14), were tabled by the

President on 15 August. The President also tabled a paper responding to certain recommendations contained in the report on annual reports, which were within the area of his responsibility.

FOREIGN AFFAIRS, DEFENCE AND TRADE COMMITTEE — Report on visits to Australia by nuclear-powered and nuclear-armed vessels

The Chairman of the Committee, by leave, tabled this report during debate on the annual report of the Department of the Senate (the circumstances of this debate are described below). Leave was given for the Chairman to do this because of certain newspaper reports which appeared to disclose the contents of the report. As indicated above, the matter of the alleged unauthorised disclosure was referred to the Privileges Committee.

APPROPRIATIONS AND STAFFING COMMITTEE

The President, as Chairman of the Committee, tabled the annual report 1988-1989 of the Committee on 16 August. On 17 August, Senator Crichton-Browne, by leave, moved that the Senate take note of the report and referred to matters concerning the financial independence of the Senate.

HEALTH LEGISLATION AND HEALTH INSURANCE COMMITTEE

The Committee was required to report on the first part of its terms of reference, dealing with section 10 of the *Community Services and Health Legislation Amendment Act 1989*, by the first sitting day in August (see Bulletin No. 42, page 5; section 10 cannot come into operation until approved by a resolution of the Senate). The Chairman of the Committee (Senator Crowley) moved, by leave, on the first sitting day that the order be postponed till the next day of sitting. This motion was agreed to without debate. On 16 August, Senator Crowley tabled the report in accordance with the order, and the report was the subject of immediate debate. The Committee's unanimous recommendations will now be the subject of government consideration before a decision is taken on section 10.

ELECTORAL MATTERS COMMITTEE

The President also tabled a report of the Electoral Matters Committee on funding political campaigns. This report was presented to the Deputy-President on 4 August, pursuant to resolution of the Senate of 15 June. The report was the subject of debate on 15 and 16 August.

REFERENCE TO A COMMITTEE MOVED BY MINISTER

On 16 August, the Minister for Immigration, Local Government and Ethnic Affairs (Senator Ray) gave notice of a proposed reference of the very fast train project to the Standing Committee on Transport, Communications and Infrastructure. Senator Ray moved the motion on the following day; it was agreed to without amendment or debate.

EXTENSION OF TIME FOR COMMITTEES TO REPORT

On 15 August, the Chairman of the Finance and Public Administration Committee (Senator Coates) moved a motion, by leave, for an extension of time for the Committee to present its report on the Aboriginal Development Commission Annual Report 1987-88 to 29 September 1989 (see Bulletin No. 42, p. 11). The original reference to the Committee had specified the first sitting day in August as the day on which the Committee was required to report on the reference. The Senate agreed to the extension sought.

On 17 August, the Deputy Chairman of the Joint Select Committee on Tenure of Appointees to Commonwealth Tribunals (Senator Durack) gave a notice of motion for the extension of time for that Committee to report, from 31 August to 31 October. The motion was agreed to by the Senate on 18 August, without debate, and a Message has been sent to the House of Representatives requesting its concurrence in the resolution.

GOVERNMENT RESPONSES TO COMMITTEE REPORTS

Bulletin No. 42, pp. 16 and 17, reported a notice of motion given by Senator Macklin relating to responses to reports of Senate and joint committees. The motion would enable Senators to move motions relating to failure by government to respond within the 90 days after the day on which a report is presented.

On 18 August, Senator Macklin gave notice that 7 sitting days after that day he would move a motion in identical terms to paragraphs 2 and 3 of his earlier notice of motion.

LEGISLATION PROCEDURES AND PROCEDURE COMMITTEE REPORTS

The reports of these Committees were listed on the notice paper as Business of the Senate orders of the day for the first sitting day of the Budget sittings, in accordance with previous orders of the Senate. On that day, however, no orders of the day on the notice paper were reached. When the order of the day for consideration of the recommendations of the Legislation Procedures Committee was called on, the Minister for Justice (Senator Tate) moved, by leave, that the Senate take note of both the recommendations of that Committee, and of the Third and Fourth Reports of the Procedures Committee. He also moved that further consideration of the recommendations and the reports be an order of the day for the first sitting day in December. This was done so that there would be a general debate on the reports, and consideration of the specific recommendations would then be postponed. Debate ensued on this motion, but consideration was interrupted by the suspension of the sitting of the Senate for lunch on that day.

When the order of the day was called on the following day, the question was put and passed without further debate, and thus further consideration of the reports has been postponed till December.

ESTIMATES COMMITTEES

On 17 August, the Minister for Immigration, Local Government and Ethnic Affairs (Senator Ray) gave notice of the reference of the proposed expenditure by parliamentary and government departments, together with expenditure under the advance to the Minister for Finance 1988-89, to Estimates Committees. The motion was agreed to as a formal motion on 18 August. The Committees are required to report to the Senate on or before 1 November. Explanatory notes for three of the four parliamentary departments were tabled by the President on 18 August, while the Minister for the Arts, Sport, the Environment, Tourism and Territories (Senator Richardson) tabled on the same day explanatory notes of some of the executive departments.

The Chairman of Estimates Committee C (Senator Crowley) tabled a third volume of additional information received by the Committee since its last hearings, on 17 August.

REPORTS BY CHAIRMEN FROM COMMITTEE OF THE WHOLE

On 17 August, the Deputy-President tabled in the Senate a submission by the Clerk of the Senate, approved by the President, relating to the process by which a report is made during the committee of the whole. The paper may be obtained from the Senate Table Office. The Deputy-President also tabled Business of the Senate

1 January to 30 June 1989 and a summary of questions on notice for the period 14 September 1987 to 30 June 1989.

PRIVATE SENATORS' BILL

On 15 August the Leader of the Opposition in the Senate (Senator Chaney) gave notice that he proposed to introduce the Industrial Relations (Directions to Stop Industrial Action) Amendment Bill 1989. Senator Chaney introduced the Bill on 16 August.

On 17 August, the Bill was debated during the consideration of general business, and was negatived at second reading stage.

ABORIGINAL AFFAIRS AND THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION LEGISLATION

On 15 August the Minister for Local Government (Senator Reynolds) made a statement, by leave, on behalf of the Prime Minister, relating to the administration of Aboriginal Affairs, and tabled the final report by Mr A.C.C. Menzies on his inquiry into allegations as to the administration of Aboriginal Affairs.

Debate on the Aboriginal and Torres Strait Islander Commission Bill, and two associated bills, began in the Senate on 17 August. Prior to the debate having resumed, the Minister for Justice (Senator Tate), on 16 August, gave a notice of motion relating to the order of the consideration of the stages of the three bills. On 17 August, the Minister for Immigration, Local Government and Ethnic Affairs (Senator Ray) moved, at Senator Tate's request, a more detailed motion which Senator Tate had amended pursuant to standing order 109. This motion was agreed to as a formal motion.

On 15 August Senator Peter Baume, who is leading the debate for the Opposition, gave a contingent notice of motion to enable him to move a motion relating to the order of the consideration of the stages of the three bills.

On 16 August Senator Coulter also gave a contingent notice to enable him to move, during the committee stages of the ATSIC Bill, a motion for a resolution incorporating matters similar to those which appear in the preamble of the Bill.

It is expected that debate on the legislation will continue when the Senate resumes next week.

SENATE ANNUAL REPORT AND POSTAGE ALLOWANCE

The President tabled the annual report of the Department of the Senate on 16 August. When the Minister moved a motion that the report be printed, debate immediately ensued, on that motion, on a letter circulated by the Minister for Administrative Services (Mr West) advising that postage allowances of members of the House of Representatives had been raised to a level more than three times the level of the allowance available to Senators. As this matter was the responsibility of the Department of Administrative Services, and not the Senate, the Leader of the Opposition in the Senate (Senator Chaney) moved a motion for the suspension of standing orders to enable Senators to refer to this question during debate on the Senate's Annual Report. The question for the suspension of the standing orders was not resolved when the Senate adjourned on that day.

On 17 August Senator Lewis gave a notice of motion to the effect that members of the House of Representatives not be allowed to spend on postage any funds additional to the \$9,000 limit determined by the Remuneration Tribunal in its 1988 Review until appropriations for the purpose had been passed by the Parliament. Shortly thereafter, Senator Lewis moved for the suspension of standing orders, pursuant to contingent notice and at the request of Senator Chaney, to enable the moving of a motion relating to the postage allowances for Senators and Members. The suspension of standing orders was agreed to without debate. Senator Lewis, at Senator Chaney's request, then moved a motion for an order for a return, requiring the tabling, not later than 2 p.m. on 29 August, of a written statement by the Manager of Government Business in the Senate (Senator Ray) explaining the reasoning behind the government's decision to increase the postage entitlement, indicating why the government ignored the recommendation of the Remuneration Tribunal in its 1988 Review, and giving reasons for the differential rate between the House of Representatives and the Senate. This motion was agreed to after debate. Senator Lewis' other notice relating to this matter is yet to be determined.

When the order of the day relating to the motion to print the Annual Report of the Department of the Senate and the proposed suspension of standing orders was called on on 18 August, Senator Lewis, at the request of Senator Chaney and by leave, withdrew the motion for suspension of standing orders, and the motion that the report be printed was agreed to without further debate.

DAYS AND HOURS OF MEETING AND ROUTINE OF BUSINESS

On 16 August, the Manager of Government Business in the Senate (Senator Ray), having amended the notice which he gave on 15 August to accommodate requests by other Senators, moved the by now customary motion setting out the days and times of meeting of the Senate, and the routine of business, for the Budget sittings. The

motion includes provision for the routine of business on the days on which Estimates Committees are sitting. The motion was agreed to as a formal motion.