

Procedural Information Bulletin No. 47

For sitting period 21 to 30 November 1989

APPROPRIATION BILLS

Estimates Committee A, having been granted an extension of time to report, presented a substantial report on 21 November, drawing the attention of the Senate to a number of significant matters, particularly the transactions between the Appropriations and Staffing Committee and the Minister for Finance in the determination of the proposed appropriations for the Senate. The other Estimates Committees presented their additional information on the same day.

The Senate then began the lengthy consideration of the Appropriation Bills in committee of the whole. The appropriations for the departments reported on by Estimates Committee A, including the parliamentary departments, were postponed. Consideration of the bills was the main business during the two sitting weeks.

The Appropriation (Parliamentary Departments) Bill was finally passed on 29 November, after a significant debate on the determination of the appropriations for the Senate. The bill was passed with a resolution reaffirming the resolution of 2 December 1985 which laid down procedures for the determination of the Senate's appropriations, procedures which, the Appropriations and Staffing Committee reported, had been ignored by the Minister for Finance. The Senate called on the President and the government to comply with the procedures. Another resolution referred to the Public Accounts Committee the matter of an unofficial account kept by the Parliamentary Information Systems Office, which was a subject of the report of Estimates Committee A and of an Auditor-General's report presented on 29 November.

The other appropriation bills were finally passed on 30 November, with three resolutions:

- referring to instructions given by a minister as to the answering of questions before Estimates Committee D;
- referring to the Finance and Public Administration Committee matters relating to departmental explanatory notes and the scrutiny of trust accounts and special appropriations; and

- referring to the Legal and Constitutional Affairs Committee legal expenses incurred by the Aboriginal Development Commission in respect of a Senate Privileges Committee inquiry.

UNPROCLAIMED LEGISLATION

Another list of unproclaimed legislation was presented on 27 November, in accordance with the order of the Senate of 29 November 1988 requiring that such a list be presented twice a year. The list was immediately debated, indicating the continuing interest of senators in this matter and their continuing scrutiny of legislation not proclaimed.

REVISED STANDING ORDERS

The revised standing orders, which were tabled in draft form on 17 May 1988 and tabled in revised form on 1 November 1989 after extensive consideration by senators, were adopted on 21 November. They come into effect on the first day of sitting in 1990.

DELEGATED LEGISLATION

An unusual statement was made by Senator Puplick on 28 November, indicating the reasons for the Opposition not moving to disallow regulations relating to the vocational registration of general practitioners. The responsible Senate minister also made a statement and subsequently tabled documents relating to the regulations.

A bill was introduced by Senator Sanders on 24 November to amend the Acts Interpretation Act to ensure that undertakings given by ministers to the Regulations and Ordinances Committee to amend delegated legislation are promptly carried out.

PROPOSED ETHICS COMMITTEE

An attempt by Senator Macklin to establish a select committee on the ethical behaviour of members of Parliament failed on 22 November.

REFLECTION ON A MEMBER OF THE HOUSE OF REPRESENTATIVES

An interesting exchange between the Deputy-President and a senator relating to reflections in debate on a member of the House of Representatives took place on 23 November. A senator was restrained from making an allegation against a member which he said was contained in a statutory declaration in his possession. The ruling of the Deputy-President provides a significant interpretation of the relevant standing order.

BILLS INTRODUCED TOGETHER, THEN DIVIDED

A new procedure was adopted on 21 November for introducing a number of bills received from the House of Representatives. Taking advantage of the new procedures for expediting the introduction of bills, the minister had the bills taken together to the stage of the second reading being moved, with an indication that he would then move that the bills be taken separately through their remaining stages. The motion for the second reading having been adjourned, the motion to divide the bills for their remaining stages was then passed, and they were then listed separately on the Notice Paper. The advantage of this procedure is that it avoids the separate reporting of a number of messages and the moving of a number of motions in relation to each bill to take them to the second reading stage.

BILLS AMENDED

Messages were received from the House of Representatives on 21 November indicating that the House had agreed to the large number of amendments made to the Aboriginal and Torres Strait Islander Commission Bill and related bills.

The Industry, Technology and Commerce Legislation Amendment Bill (No. 2) 1989 was amended on the motion of the Opposition on 30 November in relation to a prohibition on the commercial use of certain names.

The Senate considered on 30 November the message of the House of Representatives disagreeing to the amendment made by the Senate to the Income Tax Assessment Amendment Bill, and resolved to insist upon its amendment. The amendment relates to the exemption of certain bodies from certain income tax assessment requirements.

The Senate agreed on 29 November 1989 to amendments made by the House of Representatives to the Australian Federal Police Legislation Amendment Bill (No.2) 1989.

MOTION ON EASTERN EUROPE

A special order was passed on 21 November to bring on for debate a notice of motion given by Senator Hill on the same day and relating to events in Eastern Europe. The motion was then debated and passed.

PRIVATE SENATORS' BILL

Senator Dunn, having introduced and taken to the second reading stage on 22 November a bill relating to the protection of the national estate, failed in an attempt to bring the bill on for debate on the same day.

COMMITTEE MATTERS

Guidelines for official witnesses

The revised Government Guidelines for Official Witnesses Appearing before Parliamentary Committees were tabled on 30 November. The guidelines were examined in draft form by the Department of the Senate, and all of the amendments suggested by the Clerk of the Senate have been incorporated. The guidelines are generally favourable to cooperation by official witnesses with parliamentary inquiries.

The guidelines were immediately debated, and senators made some interesting observations on their perceptions of the relationship between government officials and parliamentary inquiries.

Leave to meet during sittings

Proposals for permission for committees to meet during sittings of the Senate caused some debate.

On 21 November a motion to allow the Joint Select Committee on Migration Regulations to meet during the sittings on two days was opposed and rejected, with the ayes and noes being equal. After discussion amongst senators, a motion to allow the same committee to meet after 10 p.m. on that day was passed on 23 November. In debate on the motion, Senator Chaney indicated that the Opposition is generally opposed to allowing committees to meet during sittings, but would agree to proposals to allow such meetings where the particular circumstances were thought to justify the request.

Later on the same day the Committee on the National Crime Authority and the Public Accounts Committee were given permission to meet at restricted times and for particular purposes during the sittings.

The Privileges Committee was granted leave to meet after 8 p.m. on 29 November, in case the Senate was still sitting at that time.

Extensions of time to report

The Select Committee on Certain Aspects of the Airline Pilots' Dispute and the Finance and Public Administration Committee, the latter in relation to its inquiry into the Aboriginal Development Commission's annual report, were given extensions of time to report, on 28 and 29 November, respectively.

COMMITTEE REPORTS

The Legal and Constitutional Affairs Committee presented its report on the duties of company directors on 22 November. The report was immediately debated.

The Joint Select Committee on the Tenure of Appointees to Commonwealth Tribunals presented its report on 30 November. In his tabling statement, Senator Durack referred to an apparent disclosure of the draft report of the Committee to former justice Mr J F Staples, whose circumstances and petition to both Houses led to the appointment of the Committee. The Committee did not recommend any action in relation to that matter. The report was immediately debated, and in the course of the debate some interesting observations were made about the difficult issues involved in the Committee's inquiry.

The Public Accounts Committee presented a number of reports, including, on 30 November, a very significant report on guidelines for departmental annual reports.

The Joint Foreign Affairs, Defence and Trade Committee presented on 23 November its report on third world debt.

The National Crime Authority Committee presented its third report on 30 November.