

Procedural Information Bulletin No. 102

For the sitting period 13 November to 1 December 1995

ORDERS FOR PRODUCTION OF DOCUMENTS

The documents relating to the appointment of the Director of the National Gallery required by the earlier order of the Senate (see Bulletin 101, p. 1) were produced on the first day of the sittings in accordance with the order, but the government announced that it had withheld one cabinet document.

Interest in an accident involving an oil tanker called the *Griffin Venture* led to two orders for documents, on 15 and 29 November. Each of the orders required that the documents be produced later on the same day, and the required documents were tabled accordingly.

DELEGATED LEGISLATION

The chair of the Regulations and Ordinances Committee, Senator Colston, made a statement on 21 November concerning difficulties with a proposed government amendment to the Legislative Instruments Bill and an amendment which he intends to move on behalf of the Committee. The bill, which is designed to overhaul the system for the making and registration of instruments of delegated legislation, remained to be considered at the end of the period of sittings.

An example occurred on 30 November of the narrowing of the scope of a disallowance motion. Senator Lees amended her disallowance motion by leave to confine it to a subparagraph of a set of guidelines concerning child care. The relevant statute allows the disallowance of a "provision" of the guidelines, and it was considered that the subparagraph qualified as a provision. The motion was not passed after the minister gave undertakings concerning the guidelines.

PARLIAMENTARY PRIVILEGE

The President tabled on 29 November three advices from the Clerk concerning the proceedings and report of the Western Australian Royal Commission into the Use of Executive Power (the Marks commission) as they related to parliamentary privilege. The advices suggest that the commission misunderstood the issues of parliamentary privilege involved in its inquiry, particularly the question of whether any dealings with a petition prior to its presentation are covered by parliamentary privilege.

GOVERNMENT BUSINESS REARRANGED BY NON-GOVERNMENT SENATORS

Three instances occurred during the period of the consideration of government business being determined by non-government senators not willing to leave the government a free hand to determine the order of consideration of its business.

The Public Service (Parliamentary Departments) Amendment Bill 1993 was discharged from the Notice Paper on the motion of the Greens. The bill, to amalgamate two of the joint parliamentary departments, had met with resistance in the Senate, and the government had showed no inclination to bring it on since its receipt from the House of Representatives.

Senator Harradine successfully moved on 30 November to rearrange government business to give a higher priority to the Therapeutic Goods Amendment Bill, to which he was anxious to move amendments. This was one of the bills resulting from the division of a bill on Senator Harradine's motion in June (see Bulletin No. 97, p. 2; 101, p. 2). The other bill resulting from the division of the original bill was passed on the last day of sitting.

Also on that day the Leader of the Opposition in the Senate, Senator Hill, successfully moved to rearrange the order of government bills to be considered before the Senate rose.

LEGISLATION AMENDED

These sittings being the last for 1995, there was a concentration on legislation, and a considerable volume of bills was passed.

The government presented an extensive list of bills proposed for exemption from the Senate's deadline for receipt of bills, but was compelled to reduce the list to a more modest number on 20 November. Even so, not all of the bills exempted were passed by the end of the sittings.

Many bills were extensively amended in the Senate. The government did not actively reject in the House of Representatives any of the Senate's amendments except those made to the Higher Education Funding Bill (No. 2) 1995, having to do with student debt. Several of the Senate's amendments were rejected by the government in the House, but the Senate insisted on them. The government then accepted all but one of the amendments, to which it insisted on disagreeing, and

at the very end of the sittings the Senate decided not to insist again on this remaining amendment in order to allow the bill to pass.

In relation to two packages of tax bills, the Chair of Committees, Senator Reid, made statements on 22 November and 1 December directing that amendments circulated by the government drafters as requests be treated as amendments. The government drafters had framed the amendments as requests pursuant to a notion about section 53 of the Constitution which has not been accepted by the Senate. Both packages of bills were extensively amended.

One of the additional appropriation bills was amended on 30 November in relation to the controversial proposed appropriation to cover the legal costs of the Minister for Health, Dr Lawrence, in respect of her dealings with, and challenges to, the Marks royal commission. Anticipating that the Senate would reduce the sum proposed for this purpose, the government had the bill amended in the House of Representatives. The Senate, however, at the instigation of the Opposition and the Democrats, made a further amendment to the bill to restrict the expenditure of the reduced amount of money to be appropriated. This is the first occasion for many years on which an appropriation bill has been amended.

There were examples during the period of amendments being framed and made to bills as a result of discussion in the Senate, particularly in relation to the Family Law Reform Bill 1994 on 14 November and the Taxation Laws Amendment Bill (No. 2) 1995 on 1 December. Both bills were heavily amended.

An unusual amendment was made on 21 November to the Airports Bill 1995 and an associated bill, in effect to provide that the Sydney airports are not to be sold until steps are taken to alleviate the aircraft noise problem, which has been the cause of great controversy and the subject of a Senate select committee. The government chose not to consider the Senate's amendments in the House of Representatives, so the bills remained unresolved at the end of the period.

The difficult subject of fuel taxes was revisited by the Senate on 27 November, when customs tariff and excise tariff bills were extensively amended.

Many bills are amended in the Senate by amendments moved by the government. In many cases, however, the amendments are not initiated by the government but are designed to overcome problems raised by senators or to provide substitutes for non-government amendments. An example of the latter occurred in relation to a package of social security bills on 28 November.

Many other bills were extensively debated and amended in the Senate during the period.

VACANCY AND APPOINTMENT OF SENATOR

Another case of rapid filling of a vacancy occurred during the period. Senator Coulter (Australian Democrat, SA) resigned on 20 November and his replacement, appointed by the South Australian Parliament, Senator Natasha Stott Despoja, was sworn in on 30 November.

COMMITTEE REPORTS

A resolution was passed on 22 November on the motion of Senator Margetts asserting the right of senators who add dissenting or minority reports to committee reports not to disclose their reports to committee majorities until the reports have been printed. This motion arose out of past difficulties with committees, particularly the Joint Foreign Affairs, Defence and Trade Committee, with complaints by those submitting dissenting or minority reports that majority reports were subsequently rewritten to respond to dissenting or minority reports.

The following committee reports were presented during the period:

Date tabled	Committee	Title
15.11.95	Scrutiny of Bills	17th Report and Alert Digest No. 17 of 1995
16.11.95	Finance and Public Administration References	Proposed Sale of the Australian National Line
20.11.95	Rural and Regional Affairs and Transport Legislation	Report on Annual Reports
20.11.95	National Crime Authority	Organised Criminal Paedophile Activity
20.11.95	Corporations and Securities	Report on Derivatives
21.11.95	Procedure	Third Report of 1995
22.11.95	Scrutiny of Bills	18th Report of 1995
27.11.95	Corporations and Securities	Section 1316 of the Corporations Law
27.11.95	Native Title and the Aboriginal and Torres Strait Islander Land Fund	Third Report, Committee Exchange with New Zealand
27.11.95	Community Affairs Legislation	Social Security and Veterans' Affairs Legislation Amendment Bill 1995
28.11.95	Superannuation	Seventeenth Report, Adequacy of Current Retirement Incomes Policy Arrangements
28.11.95	Economics Legislation	Additional Estimates 1995-96
28.11.95	Community Affairs Legislation	Additional Estimates 1995-96
28.11.95	Foreign Affairs, Defence and Trade Legislation	Additional Estimates 1995-96

Date tabled	Committee	Title
28.11.95	Environment, Recreation, Communications and the Arts Legislation	Additional Estimates 1995-96
28.11.95	Finance and Public Administration Legislation	Additional Estimates 1995-96
28.11.95	Legal and Constitutional Legislation	Additional Estimates 1995-96
28.11.96	Rural and Regional Affairs and Transport Legislation	Additional Estimates 1995-96
28.11.95	Employment, Education and Training Legislation	Additional Estimates 1995-96, Reports and Additional Information
29.11.95	Employment, Education and Training References	Report on sale of Bond University
29.11.95	Economics Legislation	Report on Agencies Failing to Report to the Parliament for the 1993/94 Financial Year
29.11.95	Economics References	Report on Telecommunications Developments
29.11.95	Legal and Constitutional References	Section 51(xxix) of the Constitution
29.11.95	Scrutiny of Bills	19th Report and Alert Digest No. 18 of 1995
30.11.95	Community Affairs Legislation	Tobacco Advertising Prohibition (Broadcasting and Tobacco Advertising Legislation) Amendment Bill 1994
30.11.95	Employment, Education and Training References	Vocational Education and Training
30.11.95	Environment, Recreation, Communications and the Arts Legislation	Examination of the Annual Reports of Telstra Corporation and the Australian Postal Corporation 1994-95
30.11.95	Regulations and Ordinances	102nd Report, Annual Report 1994-95
30.11.95	Certain Land Fund Matters	Certain Land Fund Matters
30.11.95	Community Standards Relevant to the Supply of Services Utilising Electronic Technologies	Regulation of Computer On-line Services Part 2
30.11.95	Aircraft Noise in Sydney	Aircraft Noise in Sydney

Date tabled	Committee	Title
1.12.95	Privileges	59th Report: person referred to in the Senate