

No. 130

for the sitting period 22-31 March 1999

1 April 1999

ORDER FOR PRODUCTION OF DOCUMENTS: CENSURE OF MINISTER

The Leader of the Government in the Senate and Minister for the Environment and Heritage, Senator Hill, was censured by the Senate on 24 March for not properly responding to the order of the Senate for documents relating to Jabiluka uranium mine (see Bulletin No. 129, pp 1-2). In response to the order, Senator Hill tabled some documents and indicated that other documents had been withheld on stated grounds, but subsequently said that only “key documents” had been produced. There were indications that the documents not so far produced would be further pursued.

Throughout the period departments produced statements of their compliance with the continuing order of the Senate for indexed lists of their files be placed on the Internet.

LEGISLATION

Two of the government’s bills associated with its proposed new tax system, relating to fringe benefits tax, were withdrawn on 23 March from the committees to which they had been referred, and were considered on 29 and 30 March and passed with a combination of government and non-government amendments.

The Health Legislation Amendment Bill (No. 2) 1999 was extensively amended on 24 and 25 March in relation to health insurance and benefits. One of the amendments took the form of a request because it would have increased expenditure under the bill. This request was rejected by the government in the House of Representatives, but on 30 March the bill was finally passed with amendments substituted for the request, including the excision of a part of the bill, with the agreement of the government.

The Airports Amendment Bill 1999 was significantly amended on 25 March in relation to airport leases.

A further batch of bills relating to the proposed new tax system was received on 31 March and was immediately referred to the Select Committee on a New Tax System. A provision in the resolution referring the bills to the committee provided for the bills to be taken together with the other batch of bills, but for their committee stages to be deferred until 30 April when the committee reports on them.

DELEGATED LEGISLATION

The Senate disallowed on 30 March a social security determination dealing with seasonal workers. During debate on the disallowance motion it was noted that disallowance was a “blunt instrument” and that the perceived defects of the determination could better be corrected by way of amendment.

Another batch of migration regulations was disallowed on 31 March, the Senate objecting to provisions relating to family reunions.

An attempt to disallow rules relating to elections for regional councils of the Aboriginal and Torres Strait Islander Commission was unsuccessful on 31 March.

PARLIAMENTARY PRIVILEGE

The Privileges Committee presented its 75th report on 22 March relating to the execution of search warrants in senators’ offices. The committee made some observations on the question of whether parliamentary privilege provides an immunity from legal processes for compulsory production of documents, and on the significance of search warrants in the context of this question, but the committee has not concluded its examination of that matter. The committee recommended that steps be taken to have procedures for the execution of search warrants in senators’ offices agreed to by the President and the Australian Federal Police. The committee noted that the police had voluntarily adhered to such procedures in recent times.

PROCEDURE COMMITTEE REPORT

The Procedure Committee presented a report on 24 March recommending some changes to the procedures for the use of unpublished committee documents in dissenting reports and the giving of notices and postponing business.

The committee also condemned the practice, resorted to by a department in a recent incident, of private witnesses accompanying departmental officers, without the explicit approval of the committees concerned, to give evidence before committees about bills.

PARLIAMENTARY APPROPRIATIONS

The Appropriations and Staffing Committee presented a report on 25 March recommending that the Senate approve an adjustment to the allocation of items between the annual appropriation bill containing the ordinary annual services of the government and the other appropriation bill in consequence of accrual budgeting. The allocation of items between the two bills is the subject of an agreement between the Senate and the government known as the Compact of 1965 (see *Odgers' Australian Senate Practice*, 8th ed, electronic update, pp 288-290).

COMMITTEES

For the reference of bills to committees and withdrawal of bills from committees, see under Legislation, above.

The Select Committee on Information Technologies was re-established on 25 March. The government proposed that the committee be established only to consider matters referred to it by the Senate in the future, but an amendment to the motion provided the committee with several matters to examine.

A ballot had to be held on 30 March for the membership of this select committee, when both Senators Harradine and Brown nominated for the position on the committee reserved for Greens or independent senators. Senator Harradine was elected.

The following committee reports were presented during the period:

Date tabled	Committee	Title
22.3	Privileges	75 th Report—Execution of search warrants in Senators' offices
23.3	Employment, Workplace Relations, Small Business and Education Legislation	Examination of annual reports: No. 1 of 1999
“	Environment, Communications, Information Technology and the Arts Legislation	Review of annual reports: 1997-98 annual reports tabled in the Senate to 31 October 1998

Date tabled	Committee	Title
23.3	Finance and Public Administration Legislation	1997-98 annual reports: Report one
“	Foreign Affairs, Defence and Trade Legislation	Scrutiny of annual reports: No. 1 of 1999
“	Legal and Constitutional Legislation	Examination of annual reports: No. 1 of 1999
“	Rural and Regional Affairs and Transport Legislation	Examination of annual reports: No. 2 of 1998
“	Economics Legislation	Examination of annual reports: No. 1 of 1999
24.3	Procedure	1 st Report of 1999
25.3	Appropriations and Staffing	30 th Report
“	Scrutiny of Bills	4 th Report and Alert Digest No. 4 of 1999
“	Legal and Constitutional References	Report—Privacy Issues
29.3	Rural and Regional Affairs and Transport Legislation	Additional Information—Additional Estimates 1998-99
“	Environment, Communications, Information Technology and the Arts References	Report—GST and a New Tax System
“	Legal and Constitutional Legislation	Interim Report—Classification (Publications, Films and Computer Games) Bills
30.3	Community Affairs References	Report—GST and a New Tax System
31.3	Scrutiny of Bills	5 th Report and Alert Digest No. 5 of 1999
“	Rural and Regional Affairs and Transport References	Report—Pricing and Slot Management Arrangements at Kingsford Smith Airport
“	Employment, Education and Training References	Report—GST and a New Tax System
“	Legal and Constitutional Legislation	Report—Aboriginal and Torres Strait Islander Heritage Protection Bill 1998
“	Rural and Regional Affairs and Transport Legislation	Report—Quarantine Amendment Bill 1998
“	Legal and Constitutional Legislation	Report—Genetic Privacy and Non-discrimination Bill 1998

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