

No. 131

for the sitting period 19-30 April 1999

3 May 1999

WITNESSES: RESPONSE TO DEPARTMENTAL DOCUMENT

The Community Affairs References Committee took an unusual step on 29 April by tabling in the Senate a document prepared by the Department of Health and Aged Care and responses by persons aggrieved by statements made in the document.

When the committee presented its report on the Creutzfeldt Jakob disease settlement offer in 1997 it recommended that further research be conducted on a particular matter. The research was arranged by the department and a paper, known as the Allars report after its compiler, was composed and provided to the committee. The committee did not publish the document, but the department apparently published it to some interested persons. Other persons, who were witnesses before the committee, and who were aggrieved by statements made about them in the document, asked the committee to consider their responses. Although the committee had not published the paper, it agreed to have it tabled in the Senate together with the responses and thereby published. It was pointed out in an advice to the committee, which was tabled with the documents, that, although the Health Department was probably protected by parliamentary privilege in the compilation of the Allars report and its presentation to the committee, the department was not so protected in its separate publications of the paper.

ESTIMATES HEARINGS, ANSWERS TO QUESTIONS ON NOTICE

A motion initiated by the opposition was passed on 29 April criticising the government for delay in answering questions on notice arising from estimates hearings, and particularly condemning “the contemptuous attitude of the Minister for Education, Training and Youth Affairs (Dr Kemp)”.

Although the legislation committees are required to set deadlines for the production of answers to questions on notice arising from their estimates hearings, there is currently no sanction for late production of answers, except further proceedings in the committees and in the Senate. Passage of the motion indicates that the supplementary estimates hearings beginning on 4 May and the main estimates hearings beginning on 31 May may be attended by some difficulties.

COMMITTEE INQUIRIES

The government unsuccessfully resisted a motion on 27 April for a general inquiry by the Environment, Communications, Information Technology and the Arts References Committee into the Jabiluka uranium mine. The motion requires the committee to report by 30 May, an extremely constrained timetable considering the scope of the inquiry.

Reference of the government's controversial Broadcasting Services Amendment (Online Services) Bill 1999, which is designed to regulate material on the Internet, to the Select Committee on Information Technologies, was initiated by the government on 23 April. An attempt by the opposition to extend the reporting date from 11 May to 25 May was not successful.

LEGISLATION

The period was dominated by consideration of the government's legislation for a new tax system. The Select Committee on a New Tax System reported on 19 April, and consideration of the bills, which is obviously going to be very lengthy, commenced on the same day. Another related package of bills concerning family assistance was referred to the Community Affairs Legislation Committee on the initiative of the government on 29 April, and that committee is required to report by 25 May. The select committee presented its second report on 30 April on another package of related bills which were introduced after the first package. By the end of the sitting period the Senate had completed the first page of the 12-page list of amendments (the "running sheet") relating to the first of the package of 27 bills.

The Migration Legislation Amendment (Temporary Safe Haven Visas) Bill 1999, which is to cater for the situation of the Kosovo refugees, was speedily passed on 30 April with amendments moved by the Greens relating to the criteria for returning the refugees.

PROCEDURAL CHANGES

The Senate adopted on 29 April the First Report of 1999 of the Procedure Committee, thereby endorsing the committee's condemnation of departmental officers "smuggling" private witnesses into committee hearings on bills. The recommendation of the report that

committees be told of any payment of witnesses' expenses by others is now a rule of the Senate. Three procedural changes were also made as a result of the adoption of the report:

- standing order 37(2) was amended to cover unpublished committee documents as well as in camera evidence in relation to the quotation of such documents in dissenting reports
- senators giving notice are to have the option of handing in notices (a temporary order)
- postponements of business are to occur by handing in notices rather than by motions (also a temporary order).

COMMITTEES

The following committee reports were presented during the period:

Date tabled	Committee	Title
19.4	Foreign Affairs, Defence and Trade Legislation	Additional Information—Additional Estimates 1998-99
“	Legal and Constitutional Legislation	Report—Classification (Publications, Films and Computer Games) Amendment Bill 1998 and the Classification (Publications, Films and Computer Games) Charges Bill 1998
“	New Tax System	Main Report
20.4	Finance and Public Administration Legislation	Additional Information—Additional Estimates 1998-99
“	Community Affairs Legislation	Additional Information—Estimates 1998-99
21.4	Legal and Constitutional Legislation	Report—Migration Legislation Amendment Bill (No. 2) 1998 and Migration (Visa Application) Charge Amendment Bill 1998
“	Scrutiny of Bills	6 th Report and Alert Digest No. 6 of 1999
“	Legal and Constitutional Legislation	Report—Migration Legislation Amendment (Judicial Review) Bill 1998 [1999]
22.4	New Tax System	Main Report—Document
27.4	Environment, Communications, Information Technology and the Arts Legislation	Report—Environment Protection and Biodiversity Conservation Bill 1998 and Environmental Reform (Consequential Provisions) Bill 1998

Date tabled	Committee	Title
28.4	Scrutiny of Bills	7 th Report and Alert Digest No. 7 of 1999
“	Legal and Constitutional Legislation	Additional Information—Additional Estimates 1998-99
29.4	Environment, Communications, Information Technology and the Arts Legislation	Report—Telecommunications Laws Amendment (Universal Service Cap) Bill 1999
“	Employment, Workplace Relations, Small Business and Education Legislation	Additional Information—Additional Estimates 1998-99
30.4	Community Affairs Legislation	Report—Health Legislation Amendment Bill (No. 3) 1999
“	New Tax System	Report—Commonwealth-State Financial Arrangements Bills, Luxury Car Tax Bills and Wine Equalisation Tax Bills

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