

No. 133

for the sitting period 21-30 June 1999

2 July 1999

LEGISLATION

There was a concentration during this sitting period on passing major packages of government legislation.

The telecommunications package, including the bill to authorise the sale of a further 16 per cent of Telstra, was finally passed on 21 June with amendments, reflecting the fact that the government had secured a majority for that further sell-off.

The New Tax System package was finally passed on 28 June with extensive amendments reflecting the agreement between the government and the Australian Democrats on the modified version of the government's scheme, although some other non-government amendments were also agreed to.

The Environment Protection and Biodiversity Conservation Bill 1999, which is designed to consolidate and overhaul federal environmental law, was not only a voluminous bill but gave rise to perhaps the largest volume of amendments made by the Senate to a single bill, mainly reflecting agreements reached between the government and the Australian Democrats. The bill was passed on 23 June.

A large number of non-controversial bills was passed, some of which were subjected to significant amendment. For example, the Criminal Code Amendment (Slavery and Sexual Servitude) Bill 1999 was amended on the motion of Senator Margetts (Greens, Western Australia), one of her last contributions to legislation before she retired from the Senate.

The annual appropriation bills were also passed, but not without some controversy about the responsiveness to questions of the Minister for Regional Services, Territories and Local

Government, Senator Ian Macdonald (see also below, under Estimates: supplementary report).

The Chair of Committees was obliged to make several statements drawing attention to amendments improperly framed as requests by the government drafters. Some genuine requests, however, remained to some bills. All of the Senate's amendments were accepted by the government in the House of Representatives.

The major bills were the subject of "civilised guillotines", with arrangements made to ensure that non-government amendments were dealt with when allocated times had expired. The resolutions allotting times were complex, employing a combination of quantum of time and fixed starting and conclusion times. This was largely influenced by the desire of all senators to ensure that the Senate adjourned before midnight on 30 June when the retiring senators' terms ended and the terms of newly-elected senators began.

ESTIMATES: SUPPLEMENTARY REPORT

The Rural and Regional Affairs and Transport Legislation Committee took the unusual step of tabling on 30 June a supplementary report on its examination of the annual estimates. The report deals with the refusal by the Minister for Regional Services, Territories and Local Government, Senator Ian Macdonald, to answer certain questions during the hearings. The report recommends a reference to the Procedure Committee on the scope of questions in estimates hearings, while an addendum by the Labor Party senators severely criticises the minister. The report includes advice provided by the Clerk suggesting that all questions relating to the expenditure and activities of departments and agencies are relevant questions in estimates hearings, and that ministers do not have a discretion to refuse to answer questions but do so only in the context of properly raised claims of public interest immunity on stated grounds. The report was not considered by the Senate.

QUALIFICATION OF SENATOR

The President tabled on 24 June the judgment of the High Court sitting as the Court of Disputed Returns on the matter of the qualification of Senator elect Heather Hill. The court found that Senator elect Hill had not been validly elected because her unrenounced British nationality amounted to acknowledgment of allegiance to a foreign power within the meaning of section 44 of the Constitution. The Court ordered a recount of ballot papers to determine who was validly elected in her place. The Court, by a majority, rejected an argument that the petitioning process for disputing returns under section 353 of the Commonwealth Electoral Act does not confer jurisdiction on the Court to determine constitutional qualifications.

PARLIAMENTARY PRIVILEGE

The Privileges Committee presented on 22 June its 76th report. This is a general report on the activities of the committee with a summary of its findings in earlier cases and a compendium of relevant documentation. It is accompanied by a volume of advices provided to the committee by the Clerk.

The Committee tabled on 28 June responses by persons referred to in the Senate which were significant in that the persons concerned were foreigners, academics of the controversial Greenwich University.

LEGISLATIVE SCRUTINY COMMITTEES

The Regulations and Ordinances Committee presented on 28 and 30 June a special report on its scrutiny of Great Barrier Reef Zoning Plans, a form of instrument which has presented particular difficulties, a report on ministerial undertakings in relation to delegated legislation, a report on regulation impact statements and its regular end-of-sittings report on its activities.

The Scrutiny of Bills Committee presented on 30 June its regular report on its work.

DIVIDING THE QUESTION

The President made a ruling on 23 June on the provision in standing order 84 whereby the Chair may divide a question. The President ruled that, while a question is normally divided at the request of any senator, the Chair has a discretion to refuse to divide a question and may so refuse if not satisfied that it is necessary for the purpose of allowing senators to vote differently on different parts of a question. There was an apprehension that requests for questions to be divided could be used to delay proceedings on bills where there are many amendments and therefore potentially many questions to be put.

REPUBLIC BILL

Senator Murray introduced on 30 June a bill to provide that, at the same time as the government's Constitution Alteration (Establishment of Republic) Bill 1999 is put to a referendum, the electors would be asked whether they would prefer to have an elected head of state. He also gave notice of a motion to have his bill dealt with at the same time as the government bill. It is expected that the republic legislation will be considered by the Senate in the first week of the next sittings beginning on 9 August.

COMMITTEES

The following committee reports were presented during the period:

Date tabled	Committee	Title
22.6	Privileges	76 th Report—Precedents, Procedures and Practice in the Australian Senate 1966-1999
“	Environment, Communications, Information Technology and the Arts Legislation	Additional Information—Additional Estimates 1998-99
“	Economics Legislation	Report—Superannuation Legislation Amendment Bill (No. 3) 1999
“	Community Affairs Legislation	Report of the committee on its 1999-2000 estimates hearings
“	Employment, Workplace Relations, Small Business and Education Legislation	Report of the committee on its 1999-2000 estimates hearings
“	Environment, Communications, Information Technology and the Arts Legislation	Report of the committee on its 1999-2000 estimates hearings
“	Finance and Public Administration Legislation	Report of the committee on its 1999-2000 estimates hearings
“	Foreign Affairs, Defence and Trade Legislation	Report of the committee on its 1999-2000 estimates hearings
“	Legal and Constitutional Legislation	Report of the committee on its 1999-2000 estimates hearings
28.6	Economics Legislation	Report—Estimates 1999-2000
“	Scrutiny of Bills	10 th Report and Alert Digest No. 9 of 1999
“	Economics Legislation	Report—Textile, Clothing and Footwear Strategic Investment Program Bill 1999
“	Regulations and Ordinances	Scrutiny of Great Barrier Reef Zoning Plans
“	Regulations and Ordinances	Ministerial Undertakings
“	Regulations and Ordinances	Regulation Impact Statements
“	Rural and Regional Affairs and Transport Legislation	Report—Estimates 1999-2000
“	Privileges	77 th Report—Persons referred to in the Senate
“	Employment, Education and Training Legislation	Additional Information—Additional Estimates 1997-98
“	Employment, Workplace Relations, Small Business and Education Legislation	Additional Information—Estimates 1998-99

Date tabled	Committee	Title
28.6	Employment, Workplace Relations, Small Business and Education Legislation	Additional Information—Additional Estimates 1998-99
“	Finance and Public Administration Legislation	Additional Information—Additional Estimates 1998-99
“	Foreign Affairs, Defence and Trade Legislation	Additional Information—Additional Estimates 1998-99
“	Legal and Constitutional Legislation	Additional Information—Additional Estimates 1998-99
30.6	Rural and Regional Affairs and Transport Legislation	Supplementary Report—Estimates 1999-2000
“	Rural and Regional Affairs and Transport Legislation	Report—Petroleum Retail Legislation Repeal Bill 1998
“	Foreign Affairs, Defence and Trade References	Report—Indian and Pakistani Nuclear Tests
“	Regulations and Ordinances	Work of the Committee during the Autumn and Winter Sittings
“	Scrutiny of Bills	11 th Report and Alert Digest No. 10 of 1999
“	Scrutiny of Bills	Report—Work of Committee May 1996-August 1998
“	Environment, Communications, Information Technology and the Arts References	Report—Jabiluka Uranium Mine Proposal

Inquiries: Clerk's Office

☎ (02) 6277 3364