

**No. 149**

**for the sitting period 27 November—7 December 2000**

**11 December 2000**

**ESTIMATES HEARINGS EXTENDED — WITNESSES ORDERED TO APPEAR**

Four motions were passed on 28 November to provide for the continuation of estimates hearings which were not concluded during the scheduled hearings period.

In the case of the Employment, Workplace Relations, Small Business and Education Legislation Committee, the Employment Advocate, the officer who had been acting Employment Advocate and the Secretary of the Department of Workplace Relations and Small Business were ordered to appear before the committee to answer further questions. This order resulted from their not having appeared together at previous hearings and the desire of senators to explore their previous answers. The hearing duly occurred with all three officers present on 7 December. There are precedents for the Senate ordering particular witnesses to appear at committee hearings.

**PUBLICATION OF IN CAMERA EVIDENCE**

The Rural and Regional Affairs and Transport Legislation Committee on 30 November took the unusual step of asking the Senate to publish evidence taken in camera before the committee in relation to the Wool Services Privatisation Bill. The Senate's order was necessary because the committee had completed its inquiry and the evidence was therefore in the custody of the Senate. The committee considered that the Senate should have the evidence available to it to assist in an understanding of the legislation.

**PRIVILEGE — DOCUMENTS SEIZED UNDER SEARCH WARRANT**

The matter of the documents seized under search warrant in the offices of Senator Crane (see Bulletin No. 147, p. 3) was resolved on 5 December when the Senate appointed a person to receive the documents, to divide them into documents immune from seizure and documents not immune from seizure, and to return the former to Senator Crane and provide the latter to

the police who obtained the search warrants. The person named in the resolution for this task was Mr Stephen Skehill, a former Secretary of the Attorney-General's Department and Australian Government Solicitor.

#### **ORDERS FOR PRODUCTION OF DOCUMENTS**

The Senate's interest in the safety requirements of heavy trucks, expressed in repeated orders for documents, was further rewarded with the tabling of five volumes of documents on 27 November.

The order passed on 4 October relating to taxation documents was answered by a government statement on 1 December indicating that the government was going through documents to select those which should be tabled in response to the order.

In response to an order passed on 4 December for documents relating to GST polling, two government statements were made on 7 December, partially responding to the order and promising further responses.

Another example occurred on 6 December of the government responding to a Senate resolution calling for the production of a report. Resolutions which 'call for' documents are not technically orders for the production of documents, but are frequently answered.

The government produced on 7 December the consultant's report on the tidal energy project required by the order of the Senate of 4 October (see Bulletin No. 147, p. 1). Having at first declined to produce the report on the ground of commercial confidentiality, the government tabled it after the consultant withdrew an objection to its disclosure.

#### **DISALLOWANCE MOTIONS TAKEN TOGETHER**

A special order was made on 27 November to provide for a series of motions for disallowance of statutory instruments to be moved together but voted on separately. The instruments were all made under the Environment Protection and Biodiversity Conservation Act.

#### **SELECT COMMITTEE — FINAL REPORT**

One of the longest running select committees, the Select Committee on Information Technologies, concluded on 7 December with the presentation of its final report. The committee had been reappointed under different names at various times, and its origins go back to June 1991.

## **BILL REVIVED**

Another example of the revival of a bill previously rejected at the third reading occurred on 5 December. The Interactive Gambling (Moratorium) Bill 2000 was revived at the committee stage. As it had not been amended in committee on its previous consideration, it was not necessary for the revival motion to specify whether it was the bill before or after amendment which was revived. The bill was then amended and passed on the following day.

## **OTHER LEGISLATION: COMPLEX TRANSACTIONS**

Several bills considered during the final sittings for 2000 were the subject of complex transactions and multiple journeys between the Houses.

The Renewable Energy (Electricity) Bill 2000 was finally resolved on 7 December with a resolution whereby the Senate insisted on some of its amendments to which the government in the House had disagreed, did not insist on some other amendments but agreed to substitute amendments, and did not agree to a substitute amendment but made another substitute amendment in its place. In order to put in place the agreement on this bill, it was necessary to immediately introduce another bill to amend a tax imposition bill which had accompanied the original bill. The new bill was able to be introduced into the Senate because it did not impose tax, and it was passed immediately after introduction. The new bill, in its turn, had to come back to the Senate when the government in the House disagreed to an amendment made to it in the Senate.

The government took the unusual step of moving that the Senate insist on its amendments disagreed to in the House in relation to the Financial Sector Legislation Amendment Bill (No. 1) 2000 on 30 November. The government had decided to accept some amendments, to which it had at first disagreed, as part of an agreement to pass the bill.

An example of amendments generated by the Scrutiny of Bills Committee occurred on 30 November when a package of horticulture bills was passed with extensive amendments following discussion of points raised by the committee.

The States Grants (Primary and Secondary Education Assistance) Bill 2000 (see Bulletin No. 148, p. 3) was, as expected, finally passed on 7 December, but not before it was repeatedly returned to the House of Representatives to emphasise the Senate's disagreement with the government's policy on grants to schools. The Opposition had indicated that it would eventually allow the bill to pass so as not to deprive all schools of grants. Other non-government senators, however, voted to continue the dispute, even at that stage.

Most of the legislative time of the sittings was devoted to the Gene Technology Bill 2000, to regulate genetic technologies. The bill was the subject of many complex amendments, about half of which were agreed to in the Senate.

A literally last minute amendment allowed the Taxation Laws Amendment Bill (No. 8) 2000 to pass at the very end of the sittings. An agreement between the government and the Australian Democrats in relation to GST exemption for water survival courses was reflected in the Senate's agreement to an amendment in substitution for a Senate amendment.

### **PROCEDURE COMMITTEE REPORT**

The Procedure Committee presented a report on 6 December recommending two procedural changes:

- the abolition of supplementary hearings on additional estimates, with effect from the beginning of 2001 (due to budgetary and sittings timetables, these hearings this year were separated by only two weeks from the main annual estimates hearings)
- allowing Senate parliamentary secretaries to represent House of Representatives ministers (but not Senate ministers) at estimates hearings, with effect from the beginning of 2002.

### ***SENATE DAILY SUMMARY***

This bulletin provides Senate staff and others with a summary of procedurally significant occurrences in the Senate. The *Senate Daily Summary* provides more detailed information on Senate proceedings, including progress of legislation, committee reports and other documents tabled and major actions by the Senate. Like this bulletin, *Senate Daily Summary* may be reached through the Senate home page at [www.aph.gov.au/senate](http://www.aph.gov.au/senate)

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