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for the sitting period 17—27 September 2001

28 September 2001

ORDER FOR LISTING OF CONTRACTS

The Senate's order requiring government departments and agencies to publish lists of their contracts (see Bulletin No. 154, p. 1) was the subject of a report by the Finance and Public Administration References Committee on 26 September. The committee strongly supported the order as an accountability measure, but recommended some amendments of the order by way of clarification, which were agreed to by the Senate on 27 September.

The committee's report includes an advice by the Clerk on claims by the government's advisers that the order is beyond the powers of the Senate (see Bulletin No.156, pp 1-2). The committee still has not obtained a copy of the government's advice.

OTHER ORDERS FOR DOCUMENTS

The order for documents from Telstra (see Bulletin No. 156, p 2) was answered by the production of a very large volume of documents on 18 September.

The collapse of Ansett Australia led to two orders for documents on 19 and 20 September relating to the government's approval of the takeover of Ansett by Air New Zealand. The government refused to produce the documents on 24 September on various grounds, including confidentiality of advice and a claim that producing the documents would distract departmental officers from the task of attempting to save Ansett, but it was indicated that the orders would be attended to later. The mover of the motions, Senator O'Brien, indicated that the matter would be pursued by way of hearings of the Rural and Regional Affairs and Transport References Committee, which was given a reference on the Ansett collapse on 19 September. In accordance with an authorisation of the Senate, the committee held hearings accordingly on 27 September. Departmental officers were then questioned, without the government attempting to prevent the hearing.

Two orders for documents on 20 September, relating to drilling on the Great Barrier Reef and seismic explorations, were answered by the production of documents on 27 September.

An order passed on 24 September was directed to the Australian Competition and Consumer Commission (ACCC) to find out what information the ACCC may have about alleged deceptions by tobacco companies. This is one of a series of orders directed to the ACCC in recent times.

PRIVILEGE

The 99th report of the Privileges Committee declaring a publisher guilty of contempt for publishing a confidential committee submission (see Bulletin No. 156, p 3) was adopted by the Senate on 19 September, thereby imposing the penalty recommended by the committee and agreeing with the committee that more stringent action should be taken in the event of further offences.

The 100th report of the committee, presented on 19 September, found that the same publisher was guilty of another offence in disclosing a draft report of a committee, and the Senate adopted this report on 26 September. No penalty was imposed, however, because this matter had been referred to the committee before the 99th report, which made it clear that matters referred before that report were not subject to the warning of heavier penalties.

The Privileges Committee received a reference on 19 September on whether misleading evidence was given to the Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund. The committee had presented a report referring to contradictory evidence and indicating that it may have been misled by the evidence of a particular person.

LEGISLATION

The most contentious bills during the period were the migration package, tightening the provisions relating to asylum seekers and illegal immigrants, which the Opposition supported but which other non-government senators were determined to resist. The bills were eventually passed on 26 September under a guillotine. By the time the guillotine was agreed to, the deadline for passing the bills had expired, and the bills were then passed with amendments.

Two statements by the Chair of Committees were made on 27 September relating to amendments and requests. In respect of the New Business Tax System (Thin Capitalisation) Bill 2001, a claim by the government's advisers that the government's amendments should be moved as requests, because they might increase amounts of tax payable, was rejected in accordance with the Senate's established view of those kinds of amendments. In relation to

the Taxation Laws Amendment (Research and Development) Bill 2000, the government had mistakenly circulated the government's amendments as amendments when they should have been requests.

Many bills were passed at the end of the period in a rush by the government to pass legislation in the expectation of a general election before the Senate meets again. Bills significantly amended may be located in the Bills List issued by the Table Office.

REGULATIONS DISALLOWED

Regulations under the Health Insurance Act were disallowed on 26 September. These regulations were stated to be the last manifestation of the magnetic resonance imaging machines matter (see *Odgers' Australian Senate Practice*, 10th ed., p.458).

ALTERATION OF TIME OF MEETING

The Senate normally meets in accordance with its resolution setting sitting days, unless called to meet by the President at the direction of an absolute majority of senators under standing order 55. In exceptional circumstances, however, the President may alter the time of meeting after consulting senators (see *Odgers*, p. 174). On 17 September the President altered the time of meeting from 12.30 pm to 2 pm to allow senators to attend a memorial service for the victims of the terrorist attacks in the United States.

ODGERS' AUSTRALIAN SENATE PRACTICE

The tenth edition of *Odgers' Australian Senate Practice* has been published and tabled in the Senate. The text is available on the Internet through the Senate Departments' home page.

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

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