



DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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MEETING OF SENATE POSTPONED

In highly unusual circumstances on 27 February the meeting time for the Senate was postponed from 10 am till 12 noon. On receipt of a request from all party leaders in the Senate and the two independent senators, the President agreed to postpone the scheduled meeting for two hours while the leadership spill in the ALP was proceeding. What distinguished this occasion from previous occasions on which the President has exercised discretion to alter the time of meeting was that the cause related solely to the internal party affairs of the government. In tabling the letter, the President indicated that the decision to postpone the meeting clearly respected the principle that the Senate controls its own meetings.

MILITARY JUSTICE – HMAS SUCCESS

For many years, the Senate and its Foreign Affairs, Defence and Trade committees have demonstrated an ongoing interest in the system of military justice. Seminal inquiries into sexual harassment in the Australian Defence Force in 1994, the [effectiveness of Australia's military justice system](#) (2004-5) and [reforms to Australia's military justice system](#) (2006-8) were followed by inquiries (including at estimates) regarding events on the [HMAS Success](#), which in turn led to several administrative inquiries. The third and final part of the Gyles Commission of Inquiry was [tabled](#) on 27 February in a redacted form, together with a ministerial statement listing ameliorative action taken to date. Because the report and statement were tabled in the House of Representatives on 9 February, these matters have already been the subject of follow-up questioning at estimates.

ORDER FOR PRODUCTION OF DOCUMENTS DEFEATED

Another matter of ongoing interest has been the role played by Australian agencies in relation to former Guantanamo Bay inmate, Mamdouh Habib. Evidence given by certain agencies to estimates committees was the subject of a Privileges Committee [inquiry](#) in 2008 into possible false or misleading evidence. Despite this longstanding interest, an order for production of the report by the Inspector-General of Intelligence and Security into actions of the relevant agencies, moved by the Leader of the Australian Greens, Senator Bob Brown, failed to attract the necessary support on 28 February.

CORRECTION OF ANSWERS

During the recent additional estimates hearings an officer was criticised for not correcting answers given in a previous round of estimates. She defended her actions by stating her belief that the correct information would come out in further questioning (see [Bulletin No. 259](#)). Fortunately, ministers have a more finely tuned appreciation of the gravity of misleading the Senate or its committees, and longstanding practice is for corrections to be made at the earliest opportunity. On two occasions during the week, ministers corrected answers given on behalf of ministers in the House of Representatives. On 28 February, Senator Ludwig corrected further information he had given on behalf of the Attorney-General which had been wrong. On the same day, Senator Carr, representing the Minister for Defence, returned to the chamber shortly after question time to correct an answer given earlier in the day. He was commended by the questioner, Senator Johnston, for his action.

LEGISLATION

The bills to remove the 30 percent subsidy for private health cover and related measures were introduced on 27 February. Immediately afterwards, the Opposition moved to suspend standing orders in order to move a motion to defer consideration of the bills. The motion was unsuccessful.

A bill to restrict access by members of Parliament to the Life Gold Pass scheme was passed without amendment, after the [report](#) of the Finance and Public Administration Legislation Committee on the bill was tabled. The bill was a response to recommendations in the Belcher review of parliamentary entitlements. Amendments moved by Senator Xenophon to require the Remuneration Tribunal to take public submissions and hold public hearings before making determinations about salaries for members of parliament were unsuccessful, the government arguing that the tribunal could do so in any case but that a requirement for it to take public evidence in all cases could hamper its independence.

Committees reported on numerous bills during the period, including the contentious bill to [modify the powers of the Australian Building and Construction Commission](#). The bill was amended in the House of Representatives and the Opposition sought to refer the bill again to the Education, Employment and Workplace Relations Legislation Committee to consider it in its amended form. Motions to refer bills to committees are subject to the same time limits that apply to the adoption of a Selection of Bills Committee report, with a total time of 30 minutes. The motion was defeated.

A package of bills to further protect the rights of [overseas students](#) enrolled in courses in Australia was passed with amendments, including amendments moved by the Australian Greens to strengthen procedural fairness and provide more guidance on the composition of the relevant board.

ADJOURNMENT DEBATE

This item is for those who collect statistics. The adjournment debate on Tuesdays is normally unlimited, in contrast to the 40 minute limit that applies on other days. Since 2008, the average time spent on the open-ended adjournment debate has been approximately 85 minutes. A record was set on 28 February with an adjournment debate lasting 202 minutes (just over 3 hours and 20 minutes). The previous high in recent times was in March 2010 when the debate ran for 3 hours.

FREEDOM OF SPEECH AND THE RIGHTS OF SENATORS

Since the Senate referred to the [Privileges Committee](#) the question of whether there had been any improper influence in relation to political donations to the Australian Greens, the allegations have been referred to on several occasions and the chair has cautioned senators against canvassing the issues that are before the Privileges Committee. When Senator Macdonald mentioned the matter again during the adjournment debate on 27 February, Senator Bob Brown took a point of order urging the President to rule the comments out of order. The President undertook to consider the matter and made a statement to the Senate on 29 February confirming that there was no point of order. This was on the basis that there is no rule against mentioning, or even canvassing, matters that are before committees. However, the President drew senators' attention to [Privilege Resolution 9](#) which enjoins senators to exercise their great privilege of freedom of speech responsibly, having regard to a number of matters including the damage that can be done by allegations made in Parliament and the need for senators to have regard to the rights of others. The President encouraged senators to leave the matter alone until the committee reported, in the interests of fairness to all concerned.

CASUAL VACANCY FORESHADOWED

After the resolution of the leadership question within the ALP, Senator Arbib announced that he would be resigning from the ministry and from the Senate. This will mean that there will be another casual vacancy in New South Wales to be filled by the Parliament of that state, following the vacancy created last year by the resignation of Senator Coonan (filled by Senator Sinodinos). A resignation has immediate effect. Senator Arbib is expected to submit his resignation to the President under [section 19](#) of the Constitution next week.

COMMITTEE REPORTS

Among the committee reports presented during the week was the report of the Community Affairs References Committee on the tragic issue of [forced adoptions](#). Many of those people who had been associated with the inquiry filled the public galleries, indicating their appreciation of the process and the committee's recommendations.

The value of such inquiries in highlighting societal injustices is unarguable, despite the emotional toll that the process takes on committee members, secretariat staff and witnesses alike. At the conclusion of debate, the Acting Deputy President (Senator Crossin) explained to the gallery that the time available for debating the report on its presentation had expired but that it would remain on the Senate's agenda for senators to debate again on a future day. It was a helpful explanation for a lay audience of procedures that can be mystifying to the uninitiated.

A review of the operation of the [lobbying code of conduct](#) and the lobbyist register by the Finance and Public Administration References Committee concluded that the system was working effectively and was meeting its aim of allowing ministers and other government representatives to identify the interests being represented to them. In a [dissenting report](#), the Australian Greens called for stronger regulation.

The Scrutiny of Bills Committee's [second report](#) for the year highlighted numerous issues of concern in such bills as the Stronger Futures in the Northern Territory Bill 2011 and the Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011 (the latter subsequently passed without amendments although the committee made three attempts to extract an explanation from the relevant minister on an issue of concern). The committee's comments in [Alert Digest No. 2](#) on the Aviation Transport Security Amendment (Screening) Bill 2012, which implements the new body scanning regime at airports, demonstrate why it performs such a crucial role in the legislative process. The bill has now been referred to the Rural and Regional Affairs and Transport Legislation Committee.

For other committee reports and new inquiries see the [Senate Daily Summary](#).

RELATED RESOURCES

The [Dynamic Red](#) records proceedings in the Senate as they happen each day.

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, these documents may be reached through the Senate home page at [http://www.aph.gov.au/About Parliament/Senate](http://www.aph.gov.au/About_Parliament/Senate).

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