

**SENATE ECONOMICS
LEGISLATION COMMITTEE**

Budget estimates 2005–06

TABLED DOCUMENTS

Document: Letter from Clerk of the Senate, Mr Harry Evans – Advice on Committee proceedings

Tabled by: Senator Conroy

Date: Thursday, 2 June 2005



AUSTRALIAN SENATE

CLERK OF THE SENATE

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2 June 2005

Senator Stephen Conroy
The Senate
Parliament House
CANBERRA ACT 2600

Dear Senator Conroy

**ECONOMICS COMMITTEE ESTIMATES HEARING – REFERENCE TO DOCUMENT –
RULING BY CHAIR**

You asked for a note on the ruling by the chair of the Economics Legislation Committee at today's estimates hearing to the effect that you were not permitted to continue to ask questions based on a document unless you presented the document (to the committee or to the witness; it is not entirely clear to whom).

There is no rule of the Senate which requires a senator asking questions based on a document to present the document to anyone. There is therefore no basis on which a chair of a committee can make such a ruling.

As has repeatedly been advised to chairs, going back to a letter to chairs from President Sibraa in 1988, chairs' rulings must be based on some known rule of the Senate. Chairs cannot invent new rules of their own.

It is open to a committee to order, by resolution, the production to the committee of a document which is referred to or quoted by a senator. This is not, however, a matter for the chair to rule on, but a decision for a committee to make by resolution.

Please let me know if I can be of any further assistance in relation to this matter.

Yours sincerely

(Harry Evans)