

Recommendations

Recommendation 1

2.33 The committee recommends that the Senate should:

- use the political and procedural remedies outlined in paragraphs 2.15 and 2.16 as possible means to resolve non-compliance with the orders for production of documents and the related disputed claim of public interest immunity made by the Minister representing the Minister for Immigration and Border Protection (Senator Cash) on 4 December 2013; and
- insist that the Minister representing the Minister for Immigration and Border Protection (Senator Cash) be required to explain the process by which the Minister representing the Minister for Immigration and Border Protection considered the documents and reached a decision to claim public interest immunity over them.

Recommendation 2

3.27 The committee recommends that the Senate refer the following matter to the Procedure Committee for inquiry and report, as a matter of urgency:

- the process for independent arbitration in the NSW Legislative Council, including that House's standing order 52;
- the applicability of the NSW Legislative Council's model of independent arbitration to the Senate;
- any adaptations or amendments needed to the NSW Legislative Council's model in order to implement a similar model of independent arbitration in the Senate;
- any amendments to Senate practice and procedure required to implement a model of independent arbitration;
- suitable candidates for and / or qualifications required of an independent arbiter;
- in respect of accessing and inspecting documents subject to a disputed claim for public interest immunity, the proposal in the 52nd Report of the Committee of Privileges whereby disputed documents are provided directly to an independent arbiter for evaluation; and

in respect of any such inquiry, the Procedure Committee have power to send for persons and documents, to move from place to place, and to meet and transact business in public or private session.

