

No. 147

for the sitting period 3—12 October 2000

13 October 2000

UNANSWERED QUESTIONS ON NOTICE

The procedure in standing order 74 whereby a senator may ask for an explanation of failure to answer within 30 days a question on notice and then debate the explanation was again employed to draw attention to the government's tardiness in answering questions. On 3 October an explanation was sought in relation to two questions. On the following day a list of 127 unanswered questions was presented, and on 9 October a list of 92 was referred to. Ministers were put on notice that poor performance in answering questions would not go unheeded.

ORDERS FOR PRODUCTION OF DOCUMENTS

The orders for documents relating to SES ratings of schools (see Bulletin No. 146, pp 1-2) was finally answered by the production of the relevant information on 3 October. There ensued a vigorous debate in the Senate and in the media about the treatment of different categories of schools under the government scheme for allocating grants, thereby demonstrating again that the Senate's ability to require documents may have a significant effect on public debate.

An order passed on 4 October contained a long list of required documents relating to tax administration. The order also gave the government an unusually long time to respond: 19 sitting days, which should get to early December and near the end of this year's sittings.

An order also passed on 4 October relating to a tidal energy project produced a government refusal to respond on the following day, on the now familiar ground of commercial confidentiality. This matter remained unresolved at the end of the period.

A further order on 5 October for more information about the regulation of heavy trucks resulted from a notice which had been on the Notice Paper for some time and which contained a deadline already passed. In this circumstance, the order is interpreted as requiring

the documents on the next day of sitting. On the following sitting day the government made a statement indicating that more time was required to respond to the order, and that some documents might be withheld on various grounds. This matter also remains unresolved.

LEGISLATION: BILLS AMENDED, REJECTED

The Interactive Gambling (Moratorium) Bill 2000, which was to provide a temporary prohibition on Internet gambling, was rejected at the third reading by equally divided votes, 33 to 33, on 9 October. Some of the Democrats voted against the bill after their amendments were not accepted in committee, and the Opposition opposed the bill outright.

Another bill, rejected on 11 October, was one of a package relating to migration. The rejected bill was to alter the visa application charge, but the parts of the accompanying bill relating to the charge were struck out by way of amendment, together with other parts of the bill, leaving only a small part of the bill to pass. The government eventually accepted this treatment of the legislation.

The renewable energy package of bills, after extensive consideration, was finally passed on 9 October with many amendments. The government in the House disagreed with some of the amendments, and the Senate commenced consideration of the disagreement, but the matter was not concluded.

A package of electoral bills, passed on 12 October and relating to the registration of political parties, was the occasion of extensive multi-party deliberation and amendment in committee.

DELEGATED LEGISLATION

A senator withdrew a disallowance motion on the last day for resolving the motion on 11 October, after receiving government undertakings that the instruments in question would be amended. Normally this process of withdrawing disallowance notices after receipt of ministerial undertakings occurs with the Regulations and Ordinances Committee. On this occasion the notice of motion had to be withdrawn by leave, because there was not time to give notice of intention to withdraw under standing order 78. To conform with the intention of the standing order, the Chair pointed out that the notice could not be withdrawn without opportunity for any other senator to take over the notice, so that any senator wishing to proceed with the disallowance motion would not be deprived of the ability to do so.

The Regulations and Ordinances Committee presented its annual report on 12 October. The Chair's statement accompanying the report wryly observed that the committee aimed to put itself out of business by eliminating all faults in delegated legislation, but the report disclosed a need for increased activity by the committee in the period covered.

PARLIAMENTARY PRIVILEGE: SEARCH WARRANTS

It was reported on 3 October that documents seized in the premises of Senator Crane under search warrant and the subject of a claim of parliamentary privilege had been delivered to the Senate in accordance with the judgment of French J of the Federal Court (see Bulletin No. 140, p. 3), following the failure of an appeal against one aspect of the judgment. The Senate must now decide how to determine whether any of the documents are protected from seizure under search warrant by parliamentary privilege, French J having determined that that question is not justiciable and is for the Senate to determine. The Chair of the Privileges Committee, Senator Ray, in a statement noting the receipt of the documents, asked that the President recommend in consultation with senior senators and the Clerk a method for making the decision.

COMMITTEE REPORTS: AIRCRAFT SAFETY

The concern of the Rural and Regional Affairs and Transport Committee with aircraft safety was indicated by the presentation of two unusual reports. A report presented on 11 October recommended that the Director of Public Prosecutions consider whether the principals of a regional airline had deliberately ignored air safety regulations, and that the conduct of a named officer in the Civil Aviation Safety Authority (CASA) be considered. The Senate was later told that the CASA board had accepted all of the recommendations of the committee 24 hours after the report was presented. A report presented on 12 October analysed an unsolved mystery about a particular kind of aircraft. The matters within the charter of this committee frequently involve it in very practical issues.

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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