

# DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

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**No. 190**

**for the sitting period 10—12 May 2005**

**13 May 2005**

## **ESTIMATES HEARINGS**

In addition to the annual estimates for 2005-2006, referred to the legislation committees on 10 May for the estimates hearings, two additional appropriation bills for 2004-2005 were referred. Supplementary Portfolio Budget Statements of the departments and agencies include these appropriations. The committees therefore theoretically will have a wider range of appropriations open for examination, although in practice they are able to inquire into all expenditure in any event, and this is reflected in the Portfolio Budget Statements.

The estimates hearings will be held in the two weeks beginning on 23 May.

Answers to questions on notice are still coming in from the main round of estimates hearings one year ago, in relation to the supplementary hearings for which the Senate substituted a special questions on notice procedure (see Bulletin No. 186, p. 4), and the additional estimates hearings in February. It is expected that departments and agencies will be asked to explain any tardiness in answering these questions.

On 10 May Senator Bishop took the unusual step of asking in the Senate for an explanation of delays in answering estimates questions on notice. The procedure under standing order 74(5) applies only to questions on notice in the Senate, so leave was necessary for him to do this.

## **ANNUAL REPORTS**

In its report on annual reports of departments and agencies, tabled on 10 May, the Finance and Public Administration Legislation Committee concluded that the guidelines for reporting consultancy services are inadequate, and recommended changes to ensure more informative reporting.

## ORDERS FOR PRODUCTION OF DOCUMENTS

The period was productive of orders for production of documents and responses to such orders, as shown by the following list:

Australian Competition and Consumer Commission — action taken in relation to Telstra — order of 10 March — document produced 11 May (see Bulletin No. 189, p. 2).

ANZAC Cove roadworks — order made 11 May — ministerial statement 12 May: documents could not be produced in time but would be compiled (this highly controversial matter was also the subject of a reference to the Finance and Public Administration References Committee on 11 May).

Employment and Workplace Relations Department — submissions received in response to community development employment discussion paper — order made 11 May — ministerial statement 12 May: documents not produced on the basis that they contain confidential and personal information, but will be released in consultation with the authors. This statement was debated, and it was pointed out that the authors of the submissions were invited to attach confidentiality to them. This draws attention to a frequently-used explanation for not producing documents in recent times, that the information has been provided on a confidential basis. It was also pointed out that some of the authors of the submissions had published their submissions separately.

Report of the Breaching Review Task Force (relating to unemployment) — order made 11 May — report tabled 12 May.

Housing assistance agreements with the states — order made 12 May (this order included a continuing order for future reports to be provided) — ministerial statement 12 May: the agreements cannot be produced as the information belongs to the states as well as the Commonwealth (another frequently-used reason in recent times), but information will be in an annual report.

Pregnancy support services — order made 12 May — ministerial statement 12 May: documents could not be produced in time but would be compiled.

Gene technology — documents held by the Pesticides and Veterinary Medicines Authority and Office of the Gene Technology Regulator — order made 16 March — documents tabled 12 May.

Proposed Tasmanian pulp mill — order made 12 May — returnable on 16 June.

#### **PRIVILEGE: DECLARATION OF INTERESTS**

A reference to the Privileges Committee on a failure by a senator to register a pecuniary interest was avoided on 12 May. In his statement to the Senate on 17 March about his peregrinations in Iraq, a matter of some publicity, Senator Lightfoot revealed that he had made a sponsored trip to that country which he had not registered. This was raised as a matter of privilege, and on 10 May the President gave the matter precedence under standing order 81, observing that his decision under that standing order was virtually made for him by the Senate's declaration that any knowing failure to register an interest would be a serious contempt. Senator Lightfoot, however, apologised for his failure on 12 May, and the motion to refer the matter to the committee was withdrawn.

#### **MINISTER CENSURED**

The Minister for Immigration and Multicultural and Indigenous Affairs, Senator Vanstone, was censured on 11 May, as the culmination of the controversy about the incidents in the detention of asylum seekers, and the treatment of two Australian citizens who were mistakenly held in detention, one of whom was mistakenly deported.

#### **VACANCY FILLED**

Senator Concetta Fierravanti-Wells, who was elected to a term beginning on 1 July, began her term early when she was appointed by the New South Wales Parliament to a vacancy created by the resignation of Senator Tierney whose term was due to end on 30 June. The new senator was sworn in on 10 May, and will have to be sworn in again after 1 July when her own term begins.

#### **ACCOUNTABILITY REPORT**

The responses to the orders for documents were on the whole positive, in that documents were tabled and there was no response which amounted to a flat refusal to produce information.

#### ***SENATE DAILY SUMMARY***

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](http://www.aph.gov.au/senate)

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