

# DEPARTMENT OF THE SENATE PROCEDURAL INFORMATION BULLETIN

hl.pro.prob.15872

**No. 219**

**for the sitting period 11—20 March 2008**

**25 March 2008**

## **EXTRA ESTIMATES HEARING**

The Economics Committee gained approval of the Senate on 11 March to hold an extension of its estimates hearings during the sitting of the Senate to take evidence from the Chief Scientist, whom the previous government had refused to make available. The main subject of the hearing was the Chief Scientist's report on the proposed Gunns pulp mill in Tasmania.

## **REFERRAL OF BILLS TO COMMITTEES**

There was something of a bursting of the dam on referral of bills to committees.

As a result of the Selection of Bills Committee report on 12 March, several private senators bills were referred, a return to a practice common a few years ago. By a government motion on the same day, exposure drafts of the government's wheat marketing legislation were referred, with the expectation that this contentious subject will require extensive examination. In debate on the next Selection of Bills Committee report on 19 March, Senator Bartlett referred to relatively minor amendments to the Northern Territory emergency response legislation being referred for a four-week inquiry, whereas the previous government had severely restricted the inquiry into the original legislation; he made the same point when supporting the appointment of a select committee on the subject (see below). The government moved to refer on the last day of the sittings its legislation on the national broadband network, and also accepted the reference of its Telecommunications (Interception and Access) Amendment Bill 2008, which was originally said to be urgently required by the law enforcement and intelligence agencies, partly because it extends a sunset clause in the principal legislation.

The standing committees will be conducting inquiries into all of these bills over the Easter adjournment.

#### **ANOTHER SELECT COMMITTEE**

The Opposition and the minor parties joined forces on 19 March to establish another select committee, on regional and remote indigenous communities, reflecting concerns about the implementation of the Northern Territory emergency response legislation. Unlike a normal select committee, this one will not cease when it presents its report, but will last for the whole parliamentary term, and present six-monthly reports.

This means that there are now four select committees in operation, already above the average number for the period of the previous government.

#### **OTHER COMMITTEE REFERENCES**

The standing committees also received several major references for special inquiries.

The Opposition and the Democrats combined on 13 March for a reference on the use of children in advertising. The Economics Committee received three references on the same day, on 19 March, on space science, housing and builders' warranties. The Rural and Regional Affairs and Transport Committee was given a reference, also on 19 March, on the meat industry. On the last day of the sittings the Environment, Communications and the Arts Committee was given two references, on television codes of practice and waste management.

The Community Affairs Committee presented a major report on 20 March on living standards of older Australians, following an eight-month inquiry.

#### **ESTIMATES REPORTS**

The standing committees presented their reports on their additional estimates hearings on 18 March. Highlights of the reports included:

- The Finance and Public Administration Committee reported on the matter of the ordinary annual services of the government, and provided a list of items arguably wrongly included in the appropriation bill for the ordinary annual services (see below); on the discussion at a hearing about quorums in the chamber, with reference to the now abandoned Friday sittings of the House of Representatives; on the Audit report on the regional partnerships program and its presentation just before the election; and on the somewhat strange reluctance to provide the contract of engagement of Professor Ross Garnaut as the government's adviser on climate

change, in spite of the long-established principle that the Senate is entitled to information about payments of public money to consultants.

- The Legal and Constitutional Affairs Committee reported on the claim by the Secretary of the Attorney-General's Department that advice to the government is not disclosed.
- The Community Affairs Committee reported on the failure of the Department of Health and Ageing to inform the committee of its alteration of the status of "protected information".
- The Rural and Regional Affairs and Transport Committee referred to the review by the incoming government of the answers to questions on notice from the 2007 hearings.

Most outstanding questions on notice were answered either before or after the change of government, with the conspicuous exception of the Department of Employment and Workplace Relations, which failed to answer a considerable number of questions.

#### **WORKPLACE RELATIONS LEGISLATION**

During the sittings attention was focussed on whether the government would succeed in passing the first instalment of its workplace relations legislation to dismantle the previous government's WorkChoices regime. The Education, Employment and Workplace Relations Committee reported early on the bill on 17 March by its own decision, thereby frustrating the original intention of the Opposition that the inquiry into the bill should extend into May. A government motion to bring on the bill, which otherwise stood deferred until the due reporting date of the committee, was passed on the same day, with the Opposition apparently accepting that the bill would pass. On the presentation of the report Senator Murray observed that, the original legislation having been passed by force of party discipline in the ranks of the then government, the same party discipline prevented the senators of the now government party on the committee recommending changes to the bill, although the committee's inquiry strongly suggested that changes should be made. When the bill was dealt with in the chamber 37 government amendments were made to it, some arising from the committee's hearings.

#### **OTHER LEGISLATION: BILLS REJECTED**

Two interstate road transport bills were negatived at the second reading on 19 March, with the Opposition objecting to potential increases in charges involved in the

legislation, although the concept of the bills originated under the previous government. It is expected that the government will present the bills again at some stage.

The Infrastructure Australia Bill 2008 was passed with amendments moved by the Opposition and the Democrats on 19 March, but the amendments were not insisted on when they were returned with the government's disagreement on the following day.

#### **ORDINARY ANNUAL SERVICES OF THE GOVERNMENT**

The Appropriations and Staffing Committee presented a report on 20 March again rejecting the claim by the Department of Finance and Deregulation that any expenditure under an existing outcome in the appropriation bills falls within the ordinary annual services of the government, contrary to the longstanding determination of the committee and the Senate that new policies and projects should not be included in the bill for the ordinary annual services.

When the appropriation bills were passed on the same day, an amendment moved by Senator Murray was agreed to, without opposition, calling on the government to respond to the report of the Finance and Public Administration Committee in March 2007 on *Transparency and accountability of Commonwealth public funding and expenditure*, and to resolve the question of the ordinary annual services under negotiation between the Appropriations and Staffing Committee and the government.

The government subsequently confirmed the appointment of Senator Murray as an adviser to assist it to carry out its undertaking to introduce greater transparency and accountability into public finance.

Senator Murray's amendment also called on the government to resolve these issues before the 2008-09 budget, but it is not clear whether it is the intention of the government to make any reforms before the next set of appropriation bills are presented.

#### **SCRUTINY OF BILLS COMMITTEE**

In its first report for the current Parliament on 12 March the Scrutiny of Bills Committee referred to its past complaints about inadequate explanatory memoranda accompanying government bills, and indicated that there are still problems with these memoranda. The committee particularly referred to the failure to explain strict liability provisions, for which the committee requires explanation in each particular case. The committee pointed out that inadequate explanatory memoranda simply result in the committee requiring the responsible ministers to provide adequate explanations, so that

the departments are not spared the work which they seem to attempt to avoid. The second report of the committee on 19 March repeated its complaints on these subjects.

#### **REGULATIONS AND ORDINANCES COMMITTEE**

The Regulations and Ordinances Committee continued on 20 March its practice of tabling its correspondence with ministers about delegated legislation, indicating that that committee also spends a good deal of its time requiring ministers to provide further explanations of delegated legislation.

#### **ORDERS FOR PRODUCTION OF DOCUMENTS**

The Australian Competition and Consumer Commission is still faithfully adhering to an order passed by the Senate in 1999, requiring it to report regularly on anti-competitive practices of health funds. Another such report was presented on 13 March.

#### **COMMITTEE REPORTS ON ANNUAL REPORTS**

The standing committees presented their reports on departmental and agency annual reports on 20 March. The Finance and Public Administration Committee included in its report a list of recommendations, including recommendations that the government comply with the committee's 2005 recommendation for a separate annual report on government advertising and also comply with the Senate's order of 2003 for listing all government advertising and public relations projects. The previous government had declined to comply with these accountability measures.

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

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