

Procedural Information Bulletin No. 1

18 February 1985

A NEW PUBLICATION

The publication of this bulletin represents a new effort by the Department to disseminate to Senate staff information about procedural developments in the Senate and in committees. The need for such dissemination has long been recognised. When procedural innovations and interesting occurrences take place in the Senate or a committee, only a few officers are aware of the background to them and the significance of them. Often other staff do not even hear of them. In the past an attempt has been made to overcome this problem through staff seminars. These suffer the disadvantage of requiring staff to be present at a particular time and place. With the growth in the size of the Department and the increased workload it has been decided that a bulletin, which may be retained and read when the opportunity arises, would be a more effective method of keeping staff informed of procedural developments.

The bulletin will be produced by the Procedure Office, using material supplied by senior officers and staff in all offices of the Department.

Comments and contributions are invited and should be sent to Harry Evans in Room L26.

COMMITTEE MEETINGS AFTER THE DISSOLUTION

The question of whether the Senate and its committees may meet after the dissolution of the House of Representatives has long been discussed and has brought forth differing opinions. Attached to this bulletin is a list of opinions and other papers which have been presented to the Senate over a number of years on this and related questions.

On 22 October 1984 the Senate, on the motion of Senator Durack, passed the following resolution:

That the Senate declares that where the Senate, or a committee of the Senate which is empowered to do so, meets following a dissolution of the House of Representatives and prior to the next meeting of that House, the powers, privileges and immunities of the Senate, of its members and of its committees, as provided by section 49 of the Constitution, are in force in respect of such meeting and all proceedings thereof.

The motion for this resolution was moved because it was known that committees would be meeting after the dissolution of the House of Representatives and would be presenting their reports to the President in accordance with resolutions empowering the publication of reports so presented.

Another resolution was passed to authorise the publication of the Costigan Commission Report when it was presented to the President.

There was an interesting debate on the questions of whether the Senate and its committees could meet after the dissolution and whether the Senate could authorise the publication with absolute privilege of its reports in this way.

Precedents for both of these procedures have now been very firmly set during the summer long adjournment. A number of committees met after the dissolution, and some held public hearings.

The following is a complete list:

Standing Committee on Education and the Arts

17 December 1984 — Canberra — Press Conference

Standing Committee on Science, Technology and the Environment

8 November 1984 — Adelaide — Secretary attended a science seminar with Chairman and Deputy Chairman

Standing Committee on National Resources

From 23 December 1984 to 13 January 1985, the Secretary accompanied two committee members on a trip to the Antarctic in connection with the committee's current inquiry into Australia's Antarctic Territory.

Select Committee on Animal Welfare

28 January 1985 — Tasmania — Inspection

11 February 1985 — Queensland — 3½ days of inspections

14 February 1985 — Brisbane — Private meeting half day

15 February 1985 — Brisbane — Public Hearing all day

Select Committee on Video Material

12 December 1984 — Canberra — Private/Public

23 January 1985 — Canberra — Private/Public

24 January 1985 — Canberra — Private/Public

7 February 1985 — Sydney — Private

Select Committee on Volatile Substance Fumes

13 February 1985 — Canberra — Public Hearing

14 February 1985 — Sydney — Public Hearing

15 February 1985 — Sydney — Public Hearing.

The Video Committee took evidence in public from Attorney-General's Department officers. This may indicate a degree of acceptance of the Senate's resolution.

A number of reports were published pursuant to the authorising resolutions. The following is a complete list:

Select Committee on Allegations Concerning a Judge

Report presented on 31 October 1984

Select Committee on Private Hospitals and Nursing Homes

'Private Nursing Homes in Australia: Their Conduct, Administration and Ownership' presented on 2 November 1984

Standing Committee on Education and the Arts

'A National Language Policy' presented on 11 December 1984

Standing Committee on Science, Technology and the Environment

'Land Use Policy in Australia' presented on 23 January 1985

The reports of the Select Committee on Allegations Concerning a Judge and the Costigan Commission were duly published, and so far no one has taken any action to call into question the absolute privilege of their publication.

OPENING OF PARLIAMENT

The opening of Parliament on 21 February will follow the form of opening for a new session after a general election for the House of Representatives. The only diversion from that form will be the swearing in of the new senators who make up the increased numbers and who take their seats at the first sitting.

The different forms of openings of Parliament are set out in considerable detail in Chapter 1 of the Standing Orders.

THE POWERS OF THE SENATE AS A CONTINUING HOUSE

OPINIONS AND OTHER PAPERS PRESENTED TO THE SENATE

1. Letter from the then Attorney-General, Senator the Hon. I.J. Greenwood, to the then President of the Senate, Senator the Hon. Sir Magnus Cormack, K.B.E., 24 October 1972.
2. Opinion of the then Commonwealth Solicitor-General, Mr R.J. Ellicott, Q.C., 1972.
3. Opinion of Professor C. Howard, University of Melbourne, March 1973.
4. Opinion of Professor G. Sawyer, Australian National University.
5. Opinion of the Commonwealth Solicitor-General, Dr G. Griffith, 9 October 1984.
6. Letter from the then Attorney-General, Senator the Hon. G. Evans, Q.C., to the President of the Senate, Senator the Hon. Douglas McClelland, 16 October 1984, with attached opinion of the Attorney-General's Department, 1981.
7. Paper by the Clerk-Assistant (Committees) of the Senate, Mr H. Evans, 1984.