

Procedural Information Bulletin No. 8

For the sitting period 8 to 17 October

LOAN(S) BILL

Each year the Parliament passes, together with the annual Appropriation Bills, a Loan Bill which authorises the Government to borrow money during the financial year for expenditure on defence and for supplementation of the Consolidated Revenue Fund.

The Bill for the financial year 1985-86 appeared as the Loans Bill, and authorised borrowing not only for that financial year but for all future financial years. When the Bill was considered in the Senate on 17 October, the Opposition and the Democrats moved amendments to restrict the operation of the Bill to the current financial year, on the basis that the Parliament should have the right to decide annually whether it will authorise the Government to borrow in the course of the financial year.

The Government opposed the amendments in the Senate, but when the amendments were made by the Senate they were agreed to in the House of Representatives. During the debate in the Senate, the Minister for Finance argued that the Bill would not affect parliamentary control of expenditure because any expenditure requires authorisation by appropriation, but the Opposition and the Democrats insisted that the authority to borrow should be reviewed annually by Parliament. The Minister also stated that 70% of all Government expenditure is authorised by Acts which provide for unspecified and permanent appropriations for the purposes of the Acts. Senator Peter Rae pointed out that concern had often been expressed about this situation, and contended that it provided a further reason for ensuring that the authority to borrow was not made permanent.

NEW PROCEDURE ON LEGISLATIVE PROPOSALS

On 16 October Senator Siddons attempted to introduce a new procedure whereby private senators might place legislative proposals before the Senate. He sought leave to present a plan for a Bill and to move a motion that a Bill be brought in in accordance with the plan. This would have allowed him to present a legislative proposal without having a long and complex Bill drafted. The standing orders

provide that a Bill may be brought in pursuant to order of the Senate, and if the proposed motion were passed Senator Siddons would then have prepared and brought in a Bill pursuant to order.

Leave to present the plan, however, was refused, the Leaders of the Government and of the Opposition expressing some doubts about the proposed procedure and suggesting that it be further examined. The matter was then referred to the Standing Orders Committee for examination and report as soon as possible.

NEW SELECT COMMITTEE

Senator Harradine's Human Embryo Experimentation Bill was referred to a select committee on the motion of Senator Durack on 17 October. The major parties had agreed to a free vote on the Bill and on the motion to refer it to a committee, but the latter was agreed to without a division.

The resolution appointing the committee requires it to answer a number of questions about the Bill and matters relating to in vitro fertilisation. The resolution is unusual in providing for a non-government majority on the committee, which is to consist of 3 government senators, 2 Opposition senators, 1 Australian Democrat and Senator Harradine.

SUPERANNUATION LEGISLATION AMENDMENT BILL 1985

The previous bulletin noted that the Opposition and the Australian Democrats had circulated different amendments to the Bill, the amendments mainly relating to the composition of the Superannuation Fund Investment Trust, which under the Bill would have had a majority of persons nominated by the Australian Council of Trade Unions.

The Bill was considered on 8 October. The Opposition and the Democrats failed to agree on the amendments, and each group of amendments was negatived. When the Bill came out of committee, Senator Siddons sought leave to move an amendment to the motion for the third reading which would have replaced the motion with a resolution calling for the matter of the composition of the Trust to be further considered. Leave being refused, Senator Siddons then moved the only amendment which is permitted on the third reading by the standing orders, namely an amendment to the effect that the Bill be read a third time "this day six months". Under standing order 217 such an amendment "shall finally dispose of the Bill". This amendment, which is seldom used, was agreed to.

One consequence of the passage of this amendment is that a Bill the same in substance cannot be introduced during the current session without a suspension of standing orders, because of the same question rule contained in standing order 133.

NATIONAL CRIME AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL 1985

On 8 October the Senate agreed to amendments to this Bill made by the House of Representatives in substitution for amendments made by the Senate and disagreed to by the House. This represented a compromise on the question of the National Crime Authority being empowered to coordinate its activities with overseas agencies.

DISALLOWANCE MOTIONS

Senators Coates and Vigor have each given notices of motion for the disallowance of the New South Wales Acts Application Ordinance 1985 of the Australian Capital Territory. (The notice given by Senator Coates is one of a series relating to various pieces of delegated legislation which are under investigation by the Regulations and Ordinances Committee. That of Senator Vigor is for the disallowance of one section of the Ordinance.) The Ordinance in question ceases the operation in the Territory of a number of New South Wales statutes, but provides no indication of the Acts which are "repealed" in their application to the Territory, and it appears that there is some uncertainty as to which Acts have applied. It appears that if the Ordinance were to be disallowed this would have the effect of reviving the various Acts in their application to the Territory, but the matter is not entirely certain because of the wording of the relevant provisions. Future proceedings in relation to the notices therefore promise to be interesting.

PLANT VARIETY RIGHTS BILL

On 10 October Senator Hill's Horticultural-Plant Variety Rights Bill 1984 was debated and read a second time, the government senators voting against the second reading. Senator Vigor indicated on behalf of the Australian Democrats that they were voting for the second reading only because they intended to move amendments in committee to restrict the application of the Bill to ornamental plants.

REFERENCES TO COMMITTEES

Some significant references were made to standing committees during the period under review. The matter of army land acquisitions was referred to the Standing Committee on Foreign Affairs and Defence on the motion of Senator Mason on

9 October. The National Resources Committee and the Education and the Arts Committee were given references on the Kakadu National Park and gifted children, respectively, on the motions of their respective Chairmen.

COMMITTEE REPORTS

The reports of the Estimates Committees were presented on 11 October, and contain some significant comments, reflecting the intensive activities of the committees during their hearings. Of particular importance are the observations by Estimates Committee A on the Parliament's control of its own financial resources. The Committee has set forth a useful summary of the history of this matter and a strong statement on the importance of the independence of the Houses. The Committee recommends a resolution to the effect that the estimates of expenditure for the Senate included in the Appropriation (Parliamentary Departments) Bill should be those determined by the Appropriations and Staffing Committee.

On 15 October the Standing Orders Committee presented a report, the most significant item of which relates to a suggested new procedure for the consideration of recommendations by the Committee. The Committee proposes that its recommendations be given precedence as Business of the Senate.

On 16 October the Finance and Government Operations Committee presented a report updating the list of Commonwealth Statutory Authorities.