

Procedural Information Bulletin No. 12

For the sitting period 11 to 20 March 1986

NEW SENATOR

Senator Jocelyn Newman took her seat in the Senate on 19 March, having been chosen by the Parliament of Tasmania to take the vacancy resulting from the resignation of Senator Peter Rae.

BILLS AMENDED

The lengthy and intensive examination of the Australian Bill of Rights Bill and associated Bills in committee of the whole continued on 11, 12, 18 and 20 March, with a number of amendments being made, including Government and non-government amendments.

Another lengthy committee of the whole examination began on 13 March of the Trade Practices Amendment Bill. Amendments were made to the Bill on that and the following day. The Government decided to divide the Bill to place in a separate Bill the provision relating to company takeovers, and two new Bills were introduced into the House of Representatives on 19 March.

On 20 March the Customs Administration (Transitional Provisions and Consequential Amendments) Bill was amended on the motion of the Opposition to correct errors in the Bill. These errors had been detected when the Bill was being examined for the purpose of preparing amendments for senators.

DISALLOWANCE MOTION

There is now a very large number of statutory instruments apart from regulations and ordinances which are subject to disallowance by either House. These other sorts of instruments seldom attract attention except that of the Regulations and Ordinances Committee (the 77th Report of the Committee, referred to below, contains a list of instruments subject to disallowance).

On 19 March the Senate began debate on motions to disallow two controversial orders made under regulations under the Export Control Act. The orders provide for matters to be considered by the responsible department and by the Minister in determining whether the services of export inspectors are to be made available. The amendments were made after the Federal Court judgment relating to the Mudginberri dispute in which the Court found that there was no discretion in the provision of those services.

The Opposition and the Democrats have indicated that they will vote to disallow the orders, but the debate has been adjourned to allow time for Government consultation with industry. On 20 March the Government moved to postpone the debate until the last available day for resolving the motions, but the postponement motion was amended to bring the matter before the Senate again on the next day of sitting.

ESTIMATES

The estimates of additional expenditure were referred to the estimates committees on 19 March, and the explanatory notes of departments tabled on the following day, setting in train the process of consideration by Estimates Committees of the additional estimates.

RESOLUTIONS CONCERNING COMMITTEES

From time to time motions relating to committees appear, usually to extend the times for committees to report, in the form of amendments to the resolutions appointing the committees or referring the matters in question to the committees. Such motions should not be put in this form, technically it is not possible to amend a resolution, and all that is required is a further resolution, for example, extending the time to report. Resolutions in this correct form were passed on 18 and 19 March.

NOTICES OF MOTION

There has been a significant increase in the number of long notices of motion containing statements, assertions and arguments. The President has already drawn the attention of the Senate to this, and consideration may be given to some restriction to discourage notices which may be considered not to be bona fide notices

COMMITTEE REPORTS

On 20 March the Regulations and Ordinances Committee presented a general report on its recent work. The report records cases in which the Committee brought about

amendments to delegated legislation to correct provisions which it regarded as offending against its principles. The Committee has achieved a large number of these successes in recent months, and in the two weeks under review a number of notices of motion for disallowance were withdrawn by the Chairman of the Committee after undertakings or satisfactory explanations were received from Ministers.

The Education and the Arts Committee presented a report on annual reports on 20 March.

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