

Procedural Information Bulletin No. 15

For the sitting period 27 May to 13 June 1986

NEW SENATOR

Senator Richard Alston was sworn in and took his seat in the Senate on 27 May, having been appointed by the Parliament of Victoria to fill the vacancy caused by the death of Senator Missen.

DRAFT PARLIAMENTARY PRIVILEGES BILL 1986 — STATEMENT BY MR PRESIDENT

On 4 June Mr President presented to the Senate a draft Parliamentary Privileges Bill, which is designed to carry out the principal recommendations of the Joint Select Committee on Parliamentary Privilege and to restore the traditional interpretation of article 9 of the Bill of Rights 1688 in its application to the Houses of the Australian Parliament.

Mr President stated that he had caused the Bill to be prepared in response to suggestions by senators following his statement on 9 April 1986 concerning the judgment of the Supreme Court of New South Wales on the question of the interpretation of article 9. Senators had suggested to him that he should prepare a Bill to overcome the unacceptable interpretation of article 9 by the Court, and should include in the Bill the principal recommendations of the Joint Committee so that those recommendations could be considered in conjunction with the article 9 provision.

Mr President observed that it was unprecedented for a Presiding Officer to initiate legislation, but he was taking this step because of the fundamental importance to both Houses of the matters involved, and he again referred to the serious threat to the freedom of speech in Parliament and the proper protection of witnesses posed by the court judgments.

With the Bill Mr President presented an explanatory memorandum and a critique of the judgment of Mr Justice Hunt. He indicated that he would consider any comments by senators and members on the draft Bill and would then introduce the Bill in the budget sittings.

Madam Speaker presented the Bill to the House of Representatives on the same day and made a statement on the matter.

PARLIAMENTARY COMMISSIONERS APPOINTED

The Senate on 27 May passed a resolution, identical to one already passed by the House of Representatives, appointing the members of the Parliamentary Commission of Inquiry under the Parliamentary Commission of Inquiry Act. Under the Act the Commission is required to report to the Presiding Officers by 30 September 1986, unless that date is extended by a resolution of each House.

SUSPENSION OF CUT-OFF DATE FOR LEGISLATION

On 11 June the Senate agreed to a Government motion to suspend in respect of four Bills the order of the Senate relating to the automatic adjournment of Bills received after 30 May to the August sittings. In the event only one of those Bills, the Fertilisers (Subsidy) Amendment Bill 1986, was dealt with before the Senate rose for the winter long adjournment. The other three Bills, the Inspector-General of Intelligence and Security Bill 1986 and related Bills, remained to be considered in the next period of sittings, it having been indicated that a considerable number of amendments will be moved to those Bills.

PROPOSED REFERENCES OF BILLS TO COMMITTEES

Senator Hamer, on 13 June, the last day of the sittings, failed by one vote to carry a motion to refer a number of Bills to standing committees for consideration during the winter long adjournment. Senator Hamer argued that, since the Bills would not be considered by the Senate until the budget sittings, the proposed references to the committees would not involve any delay in the passage of the Bills. The chairmen of the committees, however, indicated an inability to accept the references. The failure of the motion is a setback to plans by Senator Hamer and the Opposition to refer more Bills to committees.

On the same day Senator Messner moved a motion to refer to the Standing Committee on Finance and Government Operations matters relating to taxation appeals, matters which had arisen during the consideration of the Taxation Boards of Review (Transfer of Jurisdiction) Bill 1986, which Senator Messner had on 4 June unsuccessfully attempted to refer to the Committee. The motion was adjourned until 17 September 1986, at the suggestion of the Chairman of the Committee.

CONTINGENT NOTICES CONCERNING GUILLOTINE

Senator Chaney on 4 June gave a series of unusual contingent notices of motion designed to allow him to move for the suspension of Standing Order 407B to overcome the restrictions imposed by that Standing Order in the process commonly known as a guillotine. The notices were contingent on a Minister moving the various motions to put a guillotine in place and the Chair declaring the expiration of the time allowed by a guillotine. In the event no attempt was made by the Government to impose a guillotine in relation to any Bills, so the notices remained untested.

NOTICE OF MOTION — PROPOSED SUSPENSION OF STANDING ORDERS

On 12 June there occurred one of those procedural coups which occasionally enlivens proceedings in the Senate. A previous bulletin referred to concern about the tendency of some senators to give long notices of motion containing arguments and statements. On the day in question Senator Morris gave notice of a motion to mark the retirement of the Premier of New South Wales and to note his achievements in office. Senator Puplick immediately moved for the suspension of Standing Orders to enable the motion to be moved and debated forthwith, and then used his speech on the proposed suspension of the Standing Orders to convey his own views on the achievements of the Premier. The motion for the suspension of Standing Orders was lost, but Senator Puplick had made his point.

DISORDER

Late in the evening of 12 June, while the Senate was debating the motion for the adjournment, Senator Walters was reported to the Senate by the President for having used objectionable words and having refused to withdraw them. The Minister in attendance, Senator Evans, then moved that Senator Walters be suspended from the sitting of the Senate, a division ensued, and the motion was lost by 18 votes to 20. Senator Walters subsequently apologised to Mr President. This is believed to be the first occasion since 1953 of the Senate failing to carry a motion for the suspension of a senator, and it may be regarded as having occurred by accident, due to the absence of half of the senators.

AMENDMENTS TO BILLS

On 28 May Senator Messner gave an unusual contingent notice of motion which was designed to allow him to move for the suspension of Standing Orders to refer certain clauses of the Tax Laws Amendment Bill 1986 to the Standing Committee on Finance and Government Operations should those clauses be negatived in committee of the whole. The clauses related to the taxation self-assessment system,

and the notice was a device whereby Senator Messner indicated that the Opposition was opposing the clauses for the purpose of allowing further examination of them. The clauses were not negatived, but a Democrat amendment to them was carried on 4 June.

The Fringe Benefits Tax Assessment Bill was amended on 2, 3 and 4 June, amendments moved by the Opposition and the Democrats being agreed to.

Two amendments were made to the Industry Research and Development Bill on 3 June on the motion of Senator Vigor.

The Democrats also succeeded in amending the Income Tax Assessment Amendment (Capital Gains) Bill on 5 June.

On 11 June Senator Durack moved amendments to the Copyright Bill to allow the free use of ABC and SBS material by schools. The amendments were not agreed to, but immediately after the Bill was passed the amendments were referred to the Standing Committee on Education and the Arts.

COMMITTEE REPORTS

Mr President presented to the Senate on 12 June the list of Government responses to the reports of Senate committees, showing responses not made within three months after the reports. The list showed that a minority of reports were responded to within the three month period, and that there remained 8 out of 25 reports not yet responded to. All of the responses included in the list were in the nature of interim responses. On the following day Senator Button presented the Government's response to the list, indicating the Government's consideration of the various reports.

The following Senate Standing Committee reports were presented during the period:

Date tabled	Committee	Title
30.05.86	Foreign Affairs and Defence	Army Land Acquisitions
04.06.86	Science, Technology and the Environment	Annual Reports Relating to Christmas Island
04.06.86	Finance and Government Operations	(Chairman's statement) ACT Annual Reports
06.06.86	National Resources	(Chairman's statement)

		Crown of Thorns Starfish
10.06.86	Constitutional and Legal Affairs	High Court Annual Report
12.06.86	Education and the Arts	Annual Reports

The report of the Constitutional and Legal Affairs Committee is particularly notable for its assertion of the principle that the constitutional independence of the High Court is not affected by the financial and administrative accountability of the Court to the Parliament.

NEW JOINT COMMITTEE

On 13 June the Senate agreed to join with the House of Representatives in the establishment of another joint select committee, the Select Committee on Telecommunications Interceptions, and the members were appointed that day.