

Procedural Information Bulletin No. 23

For the sitting period 28 April to 14 May 1987

PRIVILEGES BILL PASSES HOUSE

The Parliamentary Privileges Bill, which was introduced by Mr President McClelland in October last year and passed by the Senate on 17 March, passed through the House of Representatives after a considerable debate on 5 and 6 May.

During the highly informed debate, several speakers referred to the question of whether parliamentary witnesses should be cross-examined on inconsistencies between their parliamentary and court evidence. The shadow Attorney-General, Mr Spender, indicated that he had considered moving an amendment relating to this matter, but stated that he had come to the same conclusion as Senator Evans, namely that any attempt to make an exception in relation to that question would create anomalies and problems, particularly arising from the need for the opposing party in court proceedings to be able to rebut any submission of inconsistency.

The new Act has some implications for various procedures which are followed by some staff, and advice will be given on these in course.

TASMANIAN VACANCY

The failure of the Tasmanian Parliament to fill the vacancy in the Senate caused by the resignation of Senator Grimes was again debated on 12 and 13 May. A motion moved by Senator Tate was passed calling on the Tasmanian Presiding Officers to reconvene the joint sitting of the Tasmanian Houses to fill the vacancy. Senator Townley exercised his right to record his lone dissent on the motion.

PROCEDURAL CHANGES

Four important changes to Senate procedures were made by sessional orders moved by Senator Evans on 13 May. The first, recommended by the Standing Orders Committee, provides for the automatic listing on the notice paper of government papers not reached during the daily half-hour allowed for debate on such papers. The second, also recommended by the Standing Orders Committee, radically alters the

rules applying to amendments and the method of putting amendments from the Chair, and will avoid the problem, which has been referred to in previous bulletins, of the Senate being left with a meaningless motion. The third motion provides for the streamlining of proceedings for introducing bills. The various motions leading up to the adjournment of the second reading debate are "telescoped" and simplified, but subject to the important safeguard that at the request of any senator the motions are to be divided and put separately, so that if the Senate wishes to impose the normal delays on the passage of a bill it may do so. The fourth motion provides for the automatic listing of adjourned debates for the next day of sitting, thereby avoiding the great majority of resumption motions.

CUT-OFF DATE FOR BILLS

Senator Macklin again had a motion passed, on 29 April, to provide that House of Representatives bills received after a specified date are to be automatically adjourned to the next period of sittings. The cut-off date for this period of sittings is 1 June.

DELEGATED LEGISLATION DISALLOWED

The Senate disallowed two pieces of delegated legislation during the period. Remuneration Tribunal determinations relating to the proposed ACT Advisory Council were disallowed on the motion of Senator Vigor on 28 April, and certain provisions of a northern prawn fisheries plan of management were disallowed on the motion of Senator Boswell on 4 May. Senator Boswell had earlier amended his notice of motion so that it referred to particular provisions rather than the whole plan.

BILL REJECTED

The Broadcasting Amendment Bill 1986 was rejected on 28 April, the motion for the second reading being negatived. A motion to restore the Bill to the notice paper and consider the second reading again was also negatived on 13 May.

PRIVATE SENATORS' BILL PASSED

Senator Durack's Family Law Amendment Bill was passed by the Senate on 14 May. The Bill was amended in Committee of the Whole on the motion of Senator Durack.

STANDING ORDERS COMMITTEE REPORT

The Standing Orders Committee presented a report on 13 May (6th Report of the 62nd Session) responding to an earlier report by the Public Accounts Committee relating to the claimed right of that Committee to meet during sittings of the Senate. The Standing Orders report indicates that the claim by the Public Accounts Committee is based on a number of misconceptions. It also suggests that the Senate determine whether it wishes to maintain the prohibition on committees meeting during sittings of the Senate, and urges that, if the prohibition be relaxed, all committees should have the same rights.

PARLIAMENTARY PRECINCTS

The report of the Standing Committee on the New Parliament House on the parliamentary precincts was debated on 29 April, together with an amendment by Senator Jessop, which is to the effect that the Senate agree with the Committee's recommendations. Senator Jessop indicated that Mr President McClelland had drafted a bill to give effect to the Committee's recommendations relating to the delineation of the precincts of the new building and the statutory recognition of the customary powers of the Presiding Officers in relation to the precincts. He indicated a belief that the consideration of the matter had been unreasonably delayed. The debate was adjourned by Senator Tate, who stated that the government wished to consider the question.

EXTENDED SITTINGS

Senator Evans gave notice of motion on 14 May which would extend the sittings of the Senate well beyond the expected schedule, and would also extend the sitting hours.

COMMITTEE MATTERS

The Constitutional and Legal Affairs Committee presented its report on the national companies scheme on 28 April, and the report was debated on that and the following day. The Administrative Decisions (Judicial Review) Amendment Bill 1986 was referred to the Committee on the motion of Senator Alston on 13 May.

The report on private hospitals of the Select Committee on Private Hospitals and Nursing Homes was presented on 29 April and subsequently keenly debated. On the following day Senator Michael Baume gave notice of a motion rejecting the majority report, indicating the controversial character of the majority recommendations.

The Finance and Government Operations Committee presented its reports on Taxation Laws Amendment Bill (No.5) 1986 and the Sales Tax (Exemptions and Classifications) Amendment Bill (No.2) 1986 on 14 May. The Committee gained a postponement of the order of the day for the presentation of its report on the interest rates briefing note presented to the Senate by Senator Ryan. The Committee also acquired another reference, on the Parliament House Construction Authority's Annual Report, on 30 April.

The Science, Technology and Environment Committee presented its report on technology assessment on 29 April.

A government report on a national languages policy was presented on 4 May. During debate on the report it was suggested that it owed more than was acknowledged to the report by the Education and the Arts Committee on the same subject.

The Estimates Committees presented their reports on the additional estimates on 7 May. All of the reports drew attention to substantial matters. Committees A and F commented on the need for the Department of the Special Minister of State, in installing computers in senators' electorate offices, to have proper regard to the need for compatibility with the equipment already planned by the Senate and House of Representatives Departments for the new Parliament House.

The Appropriations and Staffing Committee reported on 14 May on its determination of estimates for the Department of the Senate.