

Procedural Information Bulletin No. 27

For the sitting period 20 October to 5 November 1987

TAXATION LEGISLATION

The Income Tax Amendment Bill (No.2) 1987 and the Medicare Levy Amendment Bill 1987 were drafted so as to extend into all future financial years the rates of taxation provided by the Bills. Requests for amendments to both bills were passed by the Senate on 4 November to restrict them to the current and the next financial year, as has been the practice in the past, so as to preserve the ability of the Houses to scrutinise annually, through examination of the necessary legislation, the rates of taxation proposed by the government. The House of Representatives has not yet considered the requests.

MIGRATION AMENDMENT BILL 1987

An unusual motion was passed in relation to this Bill on 5 November. Using a contingent notice of motion especially devised for the purpose, the Opposition moved a motion to defer the consideration of the Bill in Committee of the Whole until the government presents to the Senate draft regulations to be made under the Bill. The Scrutiny of Bills Committee drew the attention of the Senate to provisions in the Bill which provide that regulations prescribing fees under the Bill would be retrospective. The Bill will appear on the notice paper as an order of the day for the first sitting day after the draft regulations are tabled.

OTHER LEGISLATION CONSIDERED

Senator Macklin's motion providing a "cut-off date" for consideration of Government legislation, which has become almost an established procedure for every period of sittings, was passed on 21 October. The specified date for this period of sittings is 26 November.

Amendments proposed by the Australian Democrats were made to the Australian Tourist Commission Bill 1987 on 27 October. The amendments related to the charter and composition of the Commission. One of the amendments was proposed by the Opposition but amended on the motion of the Democrats.

The Commonwealth Borrowing Levy Bill 1987 was the subject of a request for an amendment moved by the Government on 2 November. The request is to clarify the provision relating to the rate of the levy.

The National Health Amendment Bill 1987 was amended on 3 November on the motion of the Australian Democrats to clarify a power of the Minister under the Bill and to alter the membership of an advisory committee.

Consideration of the Sales Tax (Exemptions and Classifications) Amendment Bill 1987 in Committee of the Whole was deferred on 4 November to allow the Government time to consider an amendment proposed by the Australian Democrats.

URGENCY MOTIONS

Highly unusual proceedings took place on 21 October in relation to an urgency motion and a matter of public importance. Two proposals under Standing Order 64 were submitted simultaneously to the President on that day, both referring to the Pine Gap joint facility, the demonstrations which had taken place there and the alliance with the United States. In accordance with practice the proposal to be reported to the Senate was determined by lot, with the result that the proposal submitted by Senator Vallentine was reported and received the necessary support for the discussion to proceed.

On the motion of the Leader of the Opposition in the Senate, standing orders were suspended to enable him to move a motion which provided that, at the conclusion of the discussion on the matter of public importance submitted by Senator Vallentine, a vote would take place on that matter as if it were a motion of urgency and on a proposed motion of urgency submitted by the Opposition. For that purpose, the President was required to read to the Senate the matter submitted by the Opposition, and then to put to the Senate a question in respect of Senator Vallentine's proposal and a question in respect of the Opposition proposal. This procedure was then followed, and Government and Opposition senators voted together to negative the question on Senator Vallentine's proposal and to pass the motion submitted by the Opposition, which supported the maintenance of the alliance with the United States and reaffirmed the basis of the operation of the joint defence facilities.

COMMITTEE REFERENCES

The first resolution empowering a Senate standing committee to sit as a joint committee with its House of Representatives equivalent was passed on 3 November. There had earlier been referred to the Standing Committee on Infrastructure all

proposals for variations of the plan of Canberra, which in previous Parliaments have been considered by a joint committee on the Australian Capital Territory. The subsequent resolution empowered the Senate Committee to sit as a joint committee with the House Committee when those matters are under consideration. The resolution specifies the chairmanship and the quorum of the joint committee, and allows subcommittees of the two committees to sit together. There is also a provision for a senator who is not a member of the Senate Committee to attend the joint meetings. The resolution explicitly declares that the Senate Committee is not prevented from separately considering the variations of the plan and still has a duty to report separately to the Senate. The House of Representatives agreed to those parts of the Senate resolution requiring its concurrence.

The question of wastage in the Defence Force was referred to the Foreign Affairs, Defence and Trade Committee on 21 October. The motion for the reference was somewhat unusual, in that the reference to the Committee was appended to an expression of opinion by the Senate on the matter.

Proposals contained in a House of Representatives message for the reestablishment of the Joint Select Committee on Video Materials were substantially amended in the Senate on 23 October. The amendments, to which the House of Representatives agreed, restored the charter of the Committee to the provisions which applied at the end of the last Parliament and also altered the membership.

Senator Macklin's Constitution Alteration (Democratic Elections) Bill was referred to the Joint Committee on Electoral Reform on 28 October.

COMMITTEE REPORTS

The Estimates Committees concluded their deliberations and presented their reports during the period under review. The report of Estimates Committee A refers to significant parliamentary matters.

The Finance and Public Administration Committee reported on 23 October on the proposed amendments to the Audit Act which were omitted from the Statute Law (Miscellaneous Provisions) Bill 1987 on 7 October. The Committee recommends that the Senate agree to the reinsertion in the Bill by the House of Representatives of the provisions in question, if that occurs, and also suggests that the guidelines relating to matters to be included in Statute Law (Miscellaneous Provisions) Bills be reviewed.

The Legal and Constitutional Affairs Committee presented on 29 October its report on the Administrative Decisions (Judicial Review) Amendment Bill 1987. The report is notable for its recommendation that certain provisions of the Bill not be enacted. The Committee presented on 5 November its report on income taxation rulings. The

report recommends, amongst other things, that rulings by the Commissioner of Taxation be accompanied by a statement that they do not have the force of law and that individual decisions in tax matters are made on the merits of the case as well as on previous rulings.

The Procedure Committee presented a report on 2 November in relation to the privilege attaching to the publication of tabled papers. The report recommends an amendment to the standing orders to place beyond doubt the Senate's intention to authorise the publication of tabled documents.

DELEGATED LEGISLATION

The Chairman of the Regulations and Ordinances Committee, Senator Collins, on 22 October gave notice of disallowance motions in respect of 17 pieces of delegated legislation, indicating that the legislation was under examination by the Committee and the notices were intended to preserve the Committee's position. The Chairman indicated that at its first meeting the Committee had 355 separate instruments of legislation before it and, as a result of its examination of that legislation, had sent 40 letters to ministers on various aspects of the legislation. Senator Collins and Senator Lewis made remarks concerning the importance of the work of the Committee and its bipartisan nature.

Senator Harradine on 3 November withdrew a notice of motion for the disallowance of a part of an ACT ordinance, and indicated that he had received an undertaking from the responsible minister to amend the relevant provision and not to apply it until it was amended. The provision had to do with a ministerial power to grant exemptions from the ordinance. It is common for the Regulations and Ordinances Committee to receive undertakings from ministers and to withdraw disallowance notices in consequence, but it is unusual for the same procedure to be adopted in relation to a matter raised by a private senator.

SESSIONAL ORDERS

The sessional order relating to the routine of business on Fridays was altered on 22 October on the motion of the Leader of the Opposition to provide more time for motions of urgency and matters of public importance to be debated, and to bring question time forward to 12 noon for that purpose.

An additional sessional order was agreed to on 3 November to provide for the automatic adjournment of business under consideration when another matter is called on at a specified time under a sessional order.

