

Procedural Information Bulletin No. 28

For the sitting period 17 to 26 November 1987

LEGISLATION CONSIDERED

Not many bills were dealt with during the period because of the time taken by the second reading debate and committee stage on the appropriation bills. Those bills were finally passed on the evening of 26 November after over 40 hours of consideration.

The House of Representatives agreed on 19 November to the Senate's requests for amendments to the Income Tax Amendment Bill and the Medicare Levy Amendment Bill. The amendments prevented the income tax and medicare levy from having indefinite effect and restricted them to annual Operation.

Draft regulations to be made under the Migration Amendment Bill were tabled on 25 November. The Senate had deferred consideration of the bill until the draft regulations were presented.

Opposition amendments to the Crimes Legislation Amendment Bill were accepted by the government on 26 November. The amendments prevent the retrospective operation of some provisions of the bill and alter a provision relating to the admissibility of evidence obtained by illegal telephone interceptions to ensure that information obtained by defective warrants will not necessarily be admissible.

DELEGATED LEGISLATION

The Regulations and Ordinances Committee reported on 25 November on the proposed amendments to the Acts Interpretation Act which were omitted from the Statute Law (Miscellaneous Provisions) Bill and referred to the Committee. The Committee recommended an amendment of the provisions. The report also discussed the possibility of the power of each House to disallow regulations being circumvented by the repeal and remaking of regulations, a device which might be facilitated by the proposed provisions. The Committee sought and obtained from the government an undertaking that the Acts Interpretation Act will be amended to prevent such a circumvention of the disallowance power. The bill was returned from the House of

Representatives on 26 November with the provision omitted by the Senate reinstated and including the amendment recommended by the Committee.

The Chairman of the Committee, Senator Collins, withdrew on 23 and 24 November a large number of notices of motion for the disallowance of delegated legislation. This represented the conclusion of the Committee's consideration of the great volume of delegated legislation that was made during the long winter recess. In all cases the legislation in question was explained to the satisfaction of the Committee or was the subject of undertakings by ministers that it would be amended. On 25 November Senator Lewis made a statement drawing attention to the great significance of the work of the Committee in scrutinising delegated legislation on behalf of the Senate.

MOTION BY SEVERAL SENATORS

The procedure whereby several senators may move a motion, by giving notice together or by attaching their names to it on the notice paper, is nowadays little used. An instance occurred on 23 November when the Leaders of the Opposition and the Australian Democrats and Senators Tambling and Collins gave notice of a motion in relation to Aboriginal deaths in custody. The motion, which was passed the following day, expressed support for the royal commission on that subject and called upon authorities to respond to a call by the commissioner for immediate action.

URGENCY MOTION

Senators Vallentine and Wood wished to raise the matter of the proposed satellite monitoring and communications facility at Geraldton. Senator Vallentine gave notice of a motion, which was considered on 25 November, for matters relating to the cost of the project to be referred to the Standing Committee on Finance and Public Administration. Being a proposed reference to a standing committee, the motion took precedence over other business, thereby enabling Senator Vallentine to move and speak to the motion, but debate was then adjourned, and adjourned debates on such matters go to the general business section of the notice paper, which means that they are unlikely to be reached. Senator Wood then proposed an urgency motion relating to the facility, the motion being sufficiently different from the proposed reference to the committee to avoid offending against the rule relating to anticipation of debate on an order of the day. This provided a second opportunity to debate the general subject matter.

MOTION CONCERNING A MINISTER

Unusual proceedings occurred on 19 November when non-government senators combined to defer consideration of Appropriation Bill (No.1) in committee of the whole, to negative the motion for the adjournment of the Senate, and to pass a motion expressing "profound disapproval of the unparliamentary conduct" of the Minister for Finance, Senator Walsh, during the course of the debate on the appropriation bills.

HOURS EXTENDED

As was to be expected, the hours of sittings of the Senate were extended on 24 November, but not very significantly, to enable remaining business to be dealt with before the summer long adjournment, which is expected to commence on 18 December.

EDUCATION KIT FOR SCHOOLS

The President made a statement on 19 November informing the Senate of the launching of the parliamentary education kit for schools in King's Hall later that day. The kit, which has been compiled by officers of the two Houses and education advisers at a cost of about \$1m, is the most ambitious educational project undertaken by the Houses.

COMMITTEE MATTERS

The government presented on 17 November a response to the report of the Finance and Government Operations Committee on the confidentiality of A.B.C. employment contracts. The response is notably favourable to the views taken by the committee.

Two reports from standing committees were the subject of motions for adoption: the report of the Community Affairs Committee on discretionary surgery on 17 November and the report of the Foreign Affairs and Defence Committee on outstanding references on 19 November. It was necessary to move motions for the adoption of these reports because the committees needed the endorsement of the Senate of their decisions not to pursue certain references.

The Standing Committee on Infrastructure, on the motion of its chairman, had its name changed on 24 November to the Standing Committee on Transport, Communications and Infrastructure.

The Scrutiny of Bills Committee presented on 18 November its annual report on its work during 1986-87. The report shows that the Committee has continued to enjoy considerable success in having bills amended in consequence of matters to which it has drawn attention.

The Procedure Committee received on 17 November a reference on questions on notice before estimates committees, as a result of the report of Estimates Committee D. The Estimates Committee had expressed concern about the practice of senators forwarding written questions to departments and not attending the hearings at which the questions were answered.

The Procedure Committee presented a report on 26 November recommending a sessional order providing special time limits for debates on motions for the suspension of standing orders. The Committee reported that it wished to further consider the matter of written questions on the estimates.