

Procedural Information Bulletin No. 36

For the sitting period 11 to 20 October 1988

PRIVILEGE — PROTECTION OF WITNESSES

On 11 October, Senator Peter Baume asked the President, during question time, a question concerning protection of witnesses in relation to evidence given to a select committee. The question arose from information that a motion of no confidence against the Chairman of the Aboriginal Development Commission, who had appeared before the Senate Select Committee on the Administration of Aboriginal Affairs, had been passed at a Commission meeting. Senator Baume also asked whether any breach of privilege might be involved.

On 12 October, the President advised that the Senate Select Committee on Aboriginal Affairs was investigating the matter and that he would therefore not take any further action until the Committee concluded its investigation. The President pointed out that improper interference with witnesses is declared by the resolution of 25 February 1988 to be a matter which the Senate may treat as contempt and is also a criminal offence under the *Parliamentary Privileges Act 1987*.

On 19 October, Senator Boswell raised with the President a question concerning a motion agreed to by the Aboriginal Development Commission to the effect that papers and statements of whatever kind should not be presented to any Parliamentary committee or any other body without the prior approval of the Commission. Senator Boswell asked whether the resolution was being relied on by the Commission to decline to provide or to delay the provision of information to Senate Estimates Committee E and to the Select Committee on the Administration of Aboriginal Affairs, particularly in relation to that Committee's investigation of the matters raised by Senator Peter Baume. The President, in accordance with his commitment to report back to the Senate as a matter of urgency, made a statement on the same day that he had written to the Chairman of the Commission and received a response confirming that the motion referred to by Senator Boswell had been passed.

On 20 October, the President advised the Senate that he had received a further communication from the Aboriginal Development Commission and tabled the communication. The President also advised the Senate that he had received a letter from the Leader of the Opposition (Senator Chaney), raising a matter of privilege in accordance with the procedures laid down by the resolution of the Senate on 25 February. The President indicated to the Senate that he would make the determination required by the resolution following consideration of the additional material forwarded to him by the Aboriginal Development Commission, and report the determination to the Senate on the next day of sitting. During a debate on the motion moved by Senator Chaney to take note of the President's statement, the Chairman of the Select Committee on the Administration of Aboriginal Affairs (Senator McMullan) advised the Senate that the Committee will report to the Senate on the matter of privilege as soon as possible. Debate on the motion was adjourned.

COMMITTEES

Agricultural and Veterinary Chemicals in Australia — Proposed Select Committee

On 14 October, the Manager of Government Business (Senator Ray) moved a motion to enable the establishment of a proposed select committee to be debated in conjunction with consideration of the Government's Agricultural and Veterinary Chemicals Bill 1988. The Opposition having signified that it did not support the proposal that the two items be debated together, and further indicating that they would be forced to take the motion to a division if it proceeded (informal arrangements having been made that no divisions or quorums to be called on that day, to enable a number of senators to attend a funeral), the Minister withdrew his motion, by leave. Debate on the bill proceeded in the normal way.

On 17 October, the Minister for Resources (Senator Cook) again moved the motion. Debate ensued on 17 and 19 October on this motion, which was finally agreed to after division. The order of the day for the second reading of the Agricultural and Veterinary Chemicals Bill and the notice of motion to establish the Committee were thereupon called on together. A senator who was in continuation on the bill received the first call, and when she had completed her speech, Senator Powell moved the motion for the establishment of the select committee and spoke to that motion and the second reading of the bill. Senators who had previously spoken to the second reading of the bill exercised their right to speak again on the motion to establish the select committee. The debate on both motions is not yet concluded. When debate is completed, the questions on the second reading and Senator Powell's motion will be put separately, in accordance with the resolution moved by Senator Cook for cognate consideration but separate determination.

Corporations Legislation Committee

On 13 October, Senator Macklin gave a notice of motion, contingent on a Minister moving the second reading of any one of a package of 16 corporations and securities bills, that he would move for the suspension of standing orders to enable him to move forthwith a motion to refer the bill to a select committee. All 16 bills, constituting the largest package of related bills ever to be introduced into the Parliament, were introduced together by the Minister on 14 October. Senator Macklin thereupon moved his motion for the suspension of standing orders, which was put and passed without debate. Senator Macklin then moved that a joint select committee on corporations legislation be established, to examine the bills under very specific terms. A feature of the proposal was that the Committee was to consist of 10 members, 5 senators and 5 House of Representatives members.

Senator Hill, on behalf of the Opposition, moved an amendment to the motion, to expand the terms of reference. Debate on the proposal continued on 17 October; the amendment was defeated after division, and Senator Macklin's motion was agreed to. Included in the motion was a provision that the bills be an order of the day for the day on which the Committee reported to the Senate, which was specified in the motion as the first sitting day of each House in 1989. The resolution of the Senate proposing the establishment of the Committee was sent to the House of Representatives, which agreed to the proposal on 19 October. Members were appointed to the Committee on 20 October.

Industry, Science and Technology Committee

An expeditious inquiry was completed by this Committee into proposed changes to the Southern Bluefin Tuna Fishing Management Plan. The matter was referred to the Committee on 25 August (See Bulletin No. 34, p.6) and the Committee received certain undertakings from the Minister. As a consequence, the notices of motion of disallowance of the Management Plan and a Fisheries notice, given by Senator Lewis to protect the rights of the Senate while the Committee was completing its inquiry, were withdrawn, by leave, on 17 October.

The Committee's inquiry is an interesting example of the capacity of a standing committee to examine the substance of delegated legislation at the same time as the Senate was protecting its rights by the use of disallowance procedures under the Acts Interpretation Act.

Legal and Constitutional Affairs Committee

On 20 October, the Senate Standing Committee on Legal and Constitutional Affairs presented its report on the feasibility of a national ID scheme, referred to the

Committee on 8 October 1987, and the Tax File Number, referred to the Committee to be considered in conjunction with its ID inquiry on 1 June 1988. Although the Committee was not required to report until 1 December, the Committee completed its inquiry expeditiously and thus was able to table its report six weeks before the due date. Considerable debate on the motion that the Senate take note of the report proceeded immediately after it was tabled. The report included two addenda: one by Senators Alston and Hill, and the second by Senator Powell.

Treaties — Proposed Standing Committee

On 12 October, Senator Harradine gave a notice of motion, for 5 sitting days after that day, for the establishment of a standing committee on treaties. On 18 October, Senator Harradine amended his notice, to postpone consideration till 5 sitting days after that day. An interesting feature of the proposal is a recognition in the committee membership provision of the States-based nature of the Senate: the Committee is to consist of 8 senators of whom at least one senator for each State must be appointed.

Committee reports debated

On 12 October, the Senate debated the Industry, Science and Technology report on manufacturing industry revitalisation, while on 19 October the same committee's report on the Bluefin Tuna Fishing Management Plan was debated. The question was put and passed on both motions.

On 19 October, the Procedure Committee report on a proposal to limit time on motions for the suspension of standing orders was further debated but the question has not been resolved.

ESTIMATES COMMITTEES

Throughout the fortnight, estimates committees have been examining, often in great depth, proposed expenditure by departments and authorities. Although as at 21 October three committees have completed their consideration, 3 committees are still engaged in their examination, and it is unlikely that all committees will conclude their inquiries before the end of October.

Estimates Committee A examined the estimates of the Parliamentary departments on 10 October. During the course of the examination of the Department of the Senate, the President tabled correspondence between the Presiding Officers, the

Prime Minister and the Minister for Finance relating to difficulties involved in determining Parliamentary Appropriations.

PRIVATE SENATORS' BILLS

Four private senators' bills were introduced during the fortnight's sitting:

- a) on 12 October —
 - Senator Hamer introduced the Navigation Amendment (Deregulation of Coasting Trade) Bill 1988
 - Senator Coulter introduced the Ozone Depleting Substances Regulation Bill 1988 (No.2)
 - Senator Coulter moved, by leave, that the order of the day for consideration of an earlier bill on the same subject be discharged. The motion was agreed to.
 - Senator Sheil introduced the Census and Statistics Amendment (Voluntary Provision of Survey Information) Bill 1988

- b) On 19 October —
 - Senator Newman introduced the Defence (Safe and Unimpeded Access for Visiting Foreign Warships) Bill 1988.

DISALLOWANCE

(and see Industry, Science and Technology Committee, above)

On 12 October, Senator Hill gave a notice of motion for 10 sitting days after that day, to disallow regulation 7 of the Australian Federal Police Regulation (Amendment).

On 14 October, Senator Jenkins moved a motion for the disallowance of the A.C.T. Casino Control Ordinance 1988. On the motion of the Minister for Justice (Senator Tate) debate on the motion was adjourned until 5 sitting days after that day, i.e. to 1 November.

On 19 October, Senator Jenkins gave another notice of motion for the disallowance of a Casino Control Ordinance, this time relating to Christmas Island.

On 17 October, Senator Messner moved to postpone his notice of motion of disallowance of the Trade Practices (Telecommunications Exemptions) Regulations

till 5 sitting days after that day, and pursuant to standing order 107 Senator Lewis' name was added to the notice.

On 20 October the Chairman of the Regulations and Ordinances Committee (Senator Collins) gave two notices of motion for disallowance of telecommunications by-laws, to protect the Committee's rights while examining the question of retrospectivity in the by-laws. Senator Collins also gave notice of his intention to withdraw two notices of motion, relating to a Public Service determination and Navigation Regulations. The Committee received satisfactory explanations which met their concerns about the legislation.

INDUSTRIAL RELATIONS LEGISLATION

The detailed consideration of the Industrial Relations legislation, referred to in Bulletin Nos. 34 and 35, concluded on 12 October. Further Government amendments were agreed to, while certain Opposition amendments were also passed.

Senator Chapman having moved an Opposition amendment relating to resignation of persons from a union, debate in the Chamber indicated that while his amendment in its present form was not acceptable an alternative version might be appropriate. The Committee therefore reported progress, and while negotiations proceeded on an appropriate amendment, two further bills were debated and agreed to. When consideration resumed of the Industrial Relations legislation, Senator Chapman, by leave, withdrew his original amendment and moved an amendment which was agreed to immediately, without debate. A further amendment, to the Industrial Relations (Consequential Provisions) Bill, was moved by Senator Chapman and agreed to and eight amendments moved by Senator Bolkus on behalf of the Government to that bill were also agreed to. The House of Representatives concurred in all amendments made by the Senate.

PARLIAMENTARY EDUCATION KIT — PRESIDENT'S STATEMENT

The President advised the Senate on 12 October that the Parliamentary education kit for primary schools had won an award for the best multi-media educational package of 1988. As the President indicated, the award was especially pleasing given that the Parliamentary schools kit was competing against resource and training material prepared by experienced and well-known media organisations.

RESOLUTION OF WELCOME

On 11 October 1988, the President drew attention to the presence of the President of the Italian Republic, Dr Cossiga and, with the concurrence of honourable senators,

invited him to take a seat in the Chamber. There is precedent for this practice — for example, the President of the European Parliament, Lord Plumb, took a seat on the floor of the Senate earlier this year. An unusual feature of this honour, however, was that a resolution of welcome was moved, by leave, by the Leader of the Government in the Senate; the motion was supported by Senator Panizza, on behalf of the Opposition, and the Leader of the Australian Democrats and agreed to by all senators present.

CHAMBER DIFFICULTIES (CONTINUED)

The sound system continues to present problems. Following particular difficulties on 20 October, the President advised the Senate that while technicians believe they had rectified a faulty amplifier, full testing of the system would take place after the Senate adjourned.

Senator Macklin was forced to make a personal explanation about his missing a division during the Industrial Relations legislation on an amendment moved by one of his colleagues, explaining that the division lights in his room had been reversed and he had thereby been misled into believing that the division for the Senate was for the House of Representatives.